



Legislation Text

File #: Res 0643-2015, Version: \*

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 643

Resolution approving an amendment to a previously approved real property tax exemption pursuant to subdivision 1(a) of Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law for property located at (Block 2744, Lots 55 and 63) the Bronx (Preconsidered L.U. No. 193).

By Council Member Ferreras

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated February 16, 2015 that the Council amend a previously approved tax exemption for real property located at (Block 2744, Lots 55 and 63), the Bronx (the “Exemption Area”) pursuant to subdivision 1(a) of Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law;

**WHEREAS**, HPD’s request for amendments is related to a previously approved Board of Estimate Resolution adopted on May 21, 1987 (Cal. No. 22) (the “Prior Resolution”), attached hereto as Exhibit A, granting the Exemption Area a real property tax exemption pursuant to subdivision 1(a) of Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to subdivision 1(a) of Section 422 of the Real Property Tax Law and Section 577 of the Private Housing Finance Law as follows:

The ninth and tenth “Resolved” clauses of the Prior Resolution are deleted and replaced with the following:

9. That the Board of Estimate, pursuant to subdivision 1 (a) of Section 422 of the RPTL and Section 577 of Article XI of the PHFL, does hereby approve an exemption from local and municipal taxes, other than assessments for local improvements, of all of the value of the property included in the Housing Project (excluding those portions, if any, devoted to business or commercial use), provided that the Housing Company make annual real estate tax payments commencing upon the Effective Date as hereinafter defined. Commencing upon the Effective Date and during each year thereafter, real estate tax payments shall be made as follows: (i) commencing upon the Effective Date and during each year thereafter until December 31, 2006, real estate tax payments shall consist of (a) ten (10%) percent of the annual shelter rent or carrying charges for the Housing Project, plus (b) an additional amount equal to twenty-five

percent (25%) of the amount by which the total contract rents applicable to the Housing Project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date; (ii) commencing upon January 1, 2007 and during each year thereafter until December 31, 2015, real estate tax payments shall consist of \$0; and (iii) commencing upon January 1, 2016 and during each year thereafter until the Expiration Date as hereinafter defined, real estate tax payments shall consist of (a) \$15,662, plus (b) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Housing Project for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of December 31, 2015. In any year in which a real estate tax payment must be made by the Housing Company, the total annual real estate tax payment in such year shall not exceed the lesser of either seventeen (17%) percent of contract rents, or the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided for by existing or future local law or state legislation for such year.

10. That the required partial real estate tax payment shall first become payable and effective upon the date of issuance ( "Effective Date" ) of the Certificate of Occupancy, temporary or permanent, whichever occurs first, for the Housing Project, or, if the Housing Project is constructed in stages, the required partial real estate tax payment applicable to each stage shall become payable and effective from the date of issuance of the Certificate of Occupancy, temporary or permanent, whichever first occurs, for each such stage. Furthermore, (i) the tax exemption approved herein shall operate and continue for so long as the HUD mortgage is outstanding, but in no event for a period of more than forty (40) years, commencing upon the Effective Date ("Expiration Date") and (ii) nothing herein shall entitle the Housing Company to a refund of any real property taxes which accrued and were paid with respect to the Housing Project prior to January 1, 2016.

Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

Office of the City Clerk,     }  
The City of New York        } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of the City of New York on March 31, 2015, on file in this office.

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City Clerk, Clerk of Council