



## Legislation Text

File #: Res 0662-2015, Version: \*

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 662

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (PHFL), for the Exemption Area located at 150 Nevins Street (Block 387, Lot 41), 258 Bergen Street (Block 388, Lot 9), 320 Bergen Street (Block 389, Lot 12), 322 Bergen Street (Block 389, Lot 13), 332 Bergen Street (Block 389, Lot 22), 579 Warren Street (Block 395, Lot 48), 445 Baltic Street (Block 399, Lot 1), 190 Butler Street (Block 411, Lot 11), 336 Butler Street (Block 413, Lot 36), 421 Smith Street (Block 468, Lot 2), 76 Fifth Avenue (Block 934, Lot 41), 147 Fifth Avenue (Block 947, Lot 8), 141 Fifth Avenue (Block 947, Lot 11), 172 Fifth Avenue (Block 949, Lot 46), 690 Sackett Street (Block 952, Lot 15), 677 Union Street (Block 952, Lot 67), 680 Union Street (Block 955, Lot 39), 643 President Street (Block 955, Lot 52), 77 Garfield Place (Block 962, Lot 1), 254 6<sup>th</sup> Street (Block 992, Lot 32), and 439 13<sup>th</sup> Street (Block 1098, Lot 52), Community Districts 2 and 6, Borough of Brooklyn (L.U. No. 203; 20155443 HAK).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on March 18, 2015 its request dated March 13, 2015 that the Council take the following actions regarding a tax exemption for real property located at 150 Nevins Street (Block 387, Lot 41), 258 Bergen Street (Block 388, Lot 9), 320 Bergen Street (Block 389, Lot 12), 322 Bergen Street (Block 389, Lot 13), 332 Bergen Street (Block 389, Lot 22), 579 Warren Street (Block 395, Lot 48), 445 Baltic Street (Block 399, Lot 1), 190 Butler Street (Block 411, Lot 11), 336 Butler Street (Block 413, Lot 36), 421 Smith Street (Block 468, Lot 2), 76 Fifth Avenue (Block 934, Lot 41), 147 Fifth Avenue (Block 947, Lot 8), 141 Fifth Avenue (Block 947, Lot 11), 172 Fifth Avenue (Block 949, Lot 46), 690 Sackett Street (Block 952, Lot 15), 677 Union Street (Block 952, Lot 67), 680 Union Street (Block 955, Lot 39), 643 President Street (Block 955, Lot 52), 77 Garfield Place (Block 962, Lot 1), 254 6<sup>th</sup> Street (Block 992, Lot 32), and 439 13<sup>th</sup> Street (Block 1098, Lot 52), Community Districts 2 and 6, Borough of Brooklyn (the "Exemption Area"):

Approve a tax exemption of the Exemption Area from real property taxes pursuant to the Private Housing Finance Law (PHFL) Section 577 (the "Tax Exemption");

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption on April 13, 2015; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption;

RESOLVED:

The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “420-c Benefits” shall mean the tax benefits pursuant to Section 420-c of the Real Property Tax Law which commenced (a) on June 22, 1996 for the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 387, Lot 41, Block 388, Lot 9, Block 399, Lot 1, Block 411, Lot 11, Block 413, Lot 36 and Block 1098, Lot 52, on the Tax Map of the City of New York, and (b) on September 19, 1999, for the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 468, Lot 2, on the Tax Map of the City of New York.
  - b) “DAMP Benefits” shall mean the exemption from real property taxation for a portion of the Exemption Area approved by the City Council pursuant to Section 577 of the Private Housing Finance Law on February 15, 1995 (Cal. No. 824).
  - c) “Effective Date” shall mean the later of (i) the date of conveyance of Parcel A of the Exemption Area to the HDFC, or (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
  - d) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 387, Lot 41, Block 388, Lot 9, Block 389, Lots 12, 13, and 22, Block 395, Lot 48, Block 399, Lot 1, Block 411, Lot 11, Block 413, Lot 36, Block 468, Lot 2, Block 934, Lot 41, Block 947, Lots 8 and 11, Block 949, Lot 46, Block 952, Lots 15 and 67, Block 955, Lots 39 and 52, Block 962, Lot 1, Block 992, Lot 32, and Block 1098, Lot 52 on the Tax Map of the City of New York.
  - e) “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f) “HDFC” shall mean Fifth Avenue Committee Housing Development Fund Company, Inc.
  - g) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
  - h) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
  - i) “Parcel A” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 387, Lot 41, Block 388, Lot 9, Block 389, Lots 12 and 13, Block 395, Lot 48, Block 399, Lot 1, Block 411, Lot 11, Block 413, Lot 36, Block 468, Lot 2, Block 934, Lot 41, Block 947, Lots 8 and 11, Block 949, Lot 46, Block 952, Lots 15 and 67, Block 955, Lots 39 and 52, Block 962, Lot 1, Block 992, Lot 32, and Block 1098, Lot 52 on the Tax Map of the City of New York.
  - j) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - k) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC

establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

2. The DAMP Benefits and the 420-c Benefits shall terminate on the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
  - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) the Exemption Area has been conveyed to a new owner without the prior written approval of HPD, or (v) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
  - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
5. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation. Notwithstanding the foregoing, the J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of the J-51 Benefits.

Adopted.

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 April 16, 2015, on file in this office.

City Clerk, Clerk of The Council