



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 758

Resolution approving an amendment to an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law for property located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1202 Clay Avenue (Block 2426/Lot 59), 1183 Clay Avenue (Block 2430/Lot 37), 1171 Clay Avenue (Block 2430/Lot 43), and 1129 Morris Avenue (Block 2449/Lot 23), Borough of the Bronx (L.U. No. 236; 20155695 HAX).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2015 its request dated May 4, 2015 that the Council take the following actions regarding an amended Urban Development Action Area Project (the "Amended Project") located at 384 Grand Concourse (Block 2341/Lot 55), 1038 Rogers Place (Block 2700/Lot 09), 1202 Clay Avenue (Block 2426/Lot 59), 1183 Clay Avenue (Block 2430/Lot 37), 1171 Clay Avenue (Block 2430/Lot 43), and 1129 Morris Avenue (Block 2449/Lot 23), Community Districts 1, 2 and 4, Borough of the Bronx (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, a portion of the Disposition Area was subject to a prior project approval by the New York

City Council, Resolution No. 1987, adopted October 9, 2013;

WHEREAS, the Amended Project is to be developed on land that is now an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Amended Project on June 2, 2015;

WHEREAS, the Council has considered the land use, environmental and financial implications and other policy issues relating to the Amended Project;

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Amended Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Amended Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Amended Project shall be developed upon the terms and conditions in the Project Summary HPD submitted to the Council on May 18, 2015, a copy of which is attached hereto and made part hereof.

The Council approves the Tax Exemption of the Disposition Area from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the

Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.
- d. The Exemption shall not apply to a building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

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 June 10, 2015, on file in this office.

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City Clerk, Clerk of The Council