



Legislation Text

---

File #: Res 0948-2015, Version: \*

---

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 948

Resolution to approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, for the Exemption Area located on Block 2394, Lots 23, 26, 29 and 31; Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44; Community Districts 2, 3, 5, and 9; Borough of the Bronx (L.U. No. 303; 20165204 HAX).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 29, 2015 its request dated October 26, 2015 that the Council approve a tax exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "New Exemption"), for real property located on Block 2394, Lots 23, 26, 29 and 31; Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18; Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44; Community Districts 2, 3, 5 and 9; Borough of the Bronx (the "Exemption Area"):

WHEREAS, upon due notice, the Council held a public hearing on the New Exemption on December 1, 2015; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the New 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) "Company" shall mean CPE Equities LLC.
  - (b) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2394, Lots 23, 26, 29 and 31; Block 2662, Lot 10; Block 2668, Lots 30 and 33; Block 2669, Lots 6 and 47; Block 2685, Lot 48; Block 2799, Lot 18;

Block 2869, Lot 142; Block 2877, Lot 268; Block 2879, Lots 68 and 69; Block 2890, Lot 17; Block 2892, Lot 38; Block 2903, Lots 3, 41, 43 and 44; Block 2971, Lots 10, 12 and 14; and Block 3776, Lot 44 on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) 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.
  - (e) "HDFC" shall mean CPE Housing Development Fund Company, Inc.
  - (f) "HPD" shall mean the City of New York Department of Housing Preservation and Development.
  - (g) "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.
  - (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (i) "Owner" shall mean, collectively, the HDFC and the Company.
  - (j) "Prior Exemption" shall mean (a) the exemption from real property taxation pursuant to Section 420-c of the Real Property Tax Law for that portion of the Exemption Area located at Block 2903, Lots 3, 41, 43 and 44, and Block 2394, Lots 23, 26, 29 and 31, and (b) the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law for that portion of the Exemption Area located at Block 2685, Lot 48, and Block 3776, Lot 44, approved by the City Council, respectively, on June 7, 1999 (Res. No. 852) and May 16, 1995 (Res. No. 982).
  - (k) "Regulatory Agreement" shall mean a regulatory agreement executed on the Effective Date, between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption 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 is 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 Owner 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.

6. 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, other than the J-51 Benefits, 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 December 16, 2015, on file in this office.

City Clerk, Clerk of The Council