



Legislation Text

File #: Res 1150-2016, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1150

Resolution to approve an extension of a previously approved real property tax exemption pursuant to Section 125(1)(a-3) of the Private Housing Finance Law, and approve a new real property tax exemption pursuant to Section 577 of the Private Housing Finance Law, for property located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; and Block 3140, Lot 7; Community District 6, Borough of the Bronx (L.U. No. 388; 20165592 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, 2016 its request dated May 16, 2016 that the Council approve an extension of a previously approved tax exemption pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the "Article V Exemption"), and approve a new tax exemption pursuant to Section 577 of the Private Housing Finance Law (the "Article XI Exemption") for properties located at Block 3132, Lot 1; Block 3138, Lot 1; Block 3139, Lots 1 and 19; and Block 3140, Lot 7; Community District 6, Borough of the Bronx (the "Exemption Area"):

WHEREAS, the original project was approved by the Board of Estimate on December 3, 1970 (Cal. No. 10), (the "Original Exemption");

WHEREAS, HPD submitted to the Council on May 18, 2016 its request dated May 16, 2016 relating to the tax exemption for the Exemption Area;

WHEREAS, upon due notice, the Council held a public hearing on the Article V Exemption and the Article XI Exemption on June 15, 2016;

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

RESOLVED:

The Council approves the Article V Exemption and the Article XI Exemption pursuant to Section 125(1)(a-3) and Section 577 of the Private Housing Finance Law as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Article V Effective Date" shall mean December 9, 2011.
 - (b) "Article V Expiration Date" shall mean December 29, 2015.
 - (c) "Article V Exemption" shall mean the exemption from real property taxation pursuant to Section 125(1) (a-3) for the Exemption Area provided hereunder.
 - (d) "Article XI Effective Date" shall mean December 29, 2015.
 - (e) "Article XI Expiration Date" shall mean the earlier to occur of (i) a date which is twenty (20) years from the Article

XI Effective Date, (ii) the date of the 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) “Article XI Exemption” shall mean the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law for the Exemption Area provided hereunder.
- (g) “Company” shall mean Lambert Houses Redevelopment Company.
- (h) “Current Owner” shall mean Boston Tremont LLC.
- (h) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3132, Lot 1, Block 3138, Lot 1, Block 3139, Lots 1 & 19, and Block 3140, Lot 7 on the Tax Map of the City of New York.
- (j) “HDFC” shall mean Boston Tremont Housing Development Fund Corporation.
- (k) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (l) “Regulatory Agreement” shall mean the regulatory agreement between the HDFC and HPD entered into on or after the Article XI Effective Date establishing certain controls upon the operation of the Exemption Area on and after the date of its execution.

2. Pursuant to Section 125(1)(a-3) of the Private Housing Finance Law, all of the value of the real property in the completed project in the Exemption Area that represented an increase over the assessed valuation of the real property, both land and improvements, at the time of its acquisition by the Company, shall be exempt from taxation for a period commencing upon the Article V Effective Date and terminating upon the Article V Expiration Date.

3. Pursuant to Section 577 of the Private Housing Finance Law, 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 Article XI Effective Date and terminating upon the Article XI Expiration Date.

4. Notwithstanding any provision hereof to the contrary:

(a) The Article XI 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 construction or 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 Exemption shall prospectively terminate.

(b) The Article XI Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Article XI 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 Article XI Effective Date.

5. In consideration of the Article V Exemption and the Article XI Exemption provided hereunder, (a) the Current Owner must convey the Exemption Area to the HDFC on or before December 29, 2016, (b) the HDFC must execute the Regulatory Agreement on or before December 29, 2016, and (c) the Current Owner must dissolve on or before December 30, 2016. If (a) the conveyance of the Exemption Area from the Current Owner to the HDFC does not occur on or before December 29, 2016, (b) the HDFC does not execute the Regulatory Agreement on or before December 29, 2016, or (c) the Current Owner does not dissolve on or before December 30, 2016, then all of the approvals and consents set forth above shall be null and

void.

6. In consideration of the Article XI Exemption, the owner of the Exemption Area, for so long as the Article XI 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.

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 21, 2016, on file in this office.

.....
City Clerk, Clerk of The Council