



Legislation Text

File #: Res 1185-2016, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1185**

Resolution approving an exemption from real property taxes for property located at (Block 1037, Lot 1001) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 429).

By Council Member Ferreras-Copeland

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 15, 2016 that the Council take the following action regarding a housing project located (Block 1037, Lot 1001) Manhattan, ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

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

RESOLVED:

The Council hereby grants an exemption from real property taxes provided:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Cure Agreement" shall mean the Amended and Restated Cure Agreement dated June 12, 2013, between Current Owner, HPD and the HDFC, recorded and filed on July 1, 2013, CRFN no. 2013000259973.
 - b. "Current Owner" shall mean 301 West 46th Street Owners, LLC.
 - c. "Effective Date" shall mean the date of conveyance of the Exemption Area to the HDFC.
 - d. "Exemption" shall mean the exemption from real property taxation for the Exemption Area provided hereunder.
 - e. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1037, Lot 1001 on the Tax Map of the City of New York.

- f. “Expiration Date” shall mean 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 Inclusionary Agreement, (iii) the date of the expiration or termination of the Cure Agreement, or (iv) 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.
 - g. “HDFC” shall mean 301 Housing Development Fund Corporation.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “Inclusionary Agreement” shall mean the Regulatory Agreement dated May 20, 2013, between the Current Owner, HPD and the HDFC, recorded and filed on May 28, 2013, CRFN no. 2013000212282.
 - j. “New Owner” shall mean the HDFC or any future owner of the Exemption Area.
2. 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.
3. Notwithstanding any provision hereof to the contrary:
- a. The 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 Cure Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Inclusionary Agreement, (iv) 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, (v) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (vi) 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 New 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 Exemption shall apply to all land in the Exemption Area, but shall only apply to the building in the Exemption Area that had a temporary certificate of occupancy for all of the residential areas on April 22, 2016.
 - c. Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the HDFC, for so long as the 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.

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 August 16, 2016, on file in this office.

City Clerk, Clerk of Council