



Legislation Text

File #: Res 1557-2017, Version: \*

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1557**

**Resolution approving a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 792, Lot 24; and Block 821, Lots 71 and 72), Borough of Brooklyn (L.U. No. 671; Non-ULURP No. 20175425 HAK).**

By Council Members Greenfield and Salamanca

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 17, 2017 its request dated May 15, 2017 that the Council approve an exemption of the Project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law (the "Tax Exemption") for property located at Block 792, Lot 24; and Block 821, Lots 71 and 72), Community District 7, Borough of Brooklyn, Council District No. 38 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 30, 2017;

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

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law the Council approves the exemption of the Exemption Area from real property taxes as follows:

- a) For the purposes hereof, the following terms shall have the following meanings:
  - (i) "Company" shall mean Sunset Park Owner IV LLC.
  - (ii) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into a regulatory agreement
  - (iii) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - (iv) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 792, Lot 24 and Block 821, Lots 71, 72 on the Tax Map of the City of New York.
  - (v) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the 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.
  - (vi) "Gross Rent" shall mean the gross potential rents from all residential units (both occupied and vacant) of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance).
  - (vii) "Gross Rent Tax" shall mean an amount equal to ten percent (10%) of Gross Rent for the tax year 2018.

- (viii) "HDFC" shall mean HP Sunset Park IV Housing Development Fund Company, Inc. or a housing development company that acquires the Exemption Area with the prior written consent of HPD.
  - (ix) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (x) "New Owner" shall mean, collectively, the HDFC and the Company.
  - (xi) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b) 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, commercial or community facility 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.
- c) Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of (i) the Gross Rent Tax, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area for that year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (a) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation, or (b) seventeen percent (17%) of Gross Rent.
- d) Notwithstanding any provision hereof to the contrary:
- (1) 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 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) except as otherwise provided in the Regulatory Agreement, any interest in the Exemption Area is conveyed or transferred 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 the 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.
  - (2) The 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.
  - (3) Nothing herein shall entitle the HDFC, the New Owner or any past owner to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e) In consideration of the Exemption, the owner of the Exemption 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.

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 6, 2017, on file in this office.

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City Clerk, Clerk of The Council