



Legislation Text

File #: Res 1506-2017, Version: *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1506

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1610, Lots 9 and 13; Block 1625, Lot 71; Block 1627, Lots 21 and 22; Block 1628, Lots 2, 4, 6, 10, 49 and 103; Block 1629, Lots 30, 64 and 65; Block 1655, Lots 23 and 29; Block 1677, Lot 38; Block 1710, Lots 19 and 21; and Block 1711, Lot 121; Borough of Manhattan, (L.U. No. 638; Non-ULURP No. 20175417 HAM).

By Council Members Greenfield and Salamanca

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 2, 2017 its request dated April 24, 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 for property located at Block 1610, Lots 9 and 13; Block 1625, Lot 71; Block 1627, Lots 21 and 22; Block 1628, Lots 2, 4, 6, 10, 49 and 103; Block 1629, Lots 30, 64 and 65; Block 1655, Lots 23 and 29; Block 1677, Lot 38; Block 1710, Lots 19 and 21; and Block 1711, Lot 121; in Community District No. 11, Borough of Manhattan, Council Districts Nos. 5 and 8 (the "Exemption Area");

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 16, 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:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "420-c Exemptions" shall mean the exemptions 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 1610, Lots 9 and 13, Block 1625, Lot 71, Block 1627, Lots 21 and 22, Block 1628, Lots 2, 10, and 49, Block 1629, Lots 30, 64, and 65, Block 1710, Lots 19 and 21, and Block 1711, Lot 121.
 - b. "Company" shall mean Lott Legacy LLC.
 - c. "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 the Regulatory Agreement.
 - d. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1610, Lots 9 and 13, Block 1625, Lot 71, Block 1627, Lots 21 and 22, Block 1628, Lots 2, 4, 6, 10, 49, and 103, Block 1629, Lots 30, 64, and 65, Block 1655, Lots 23 and 29, Block 1677, Lot 38, Block 1710, Lots 19 and 21, and Block 1711, Lot 121 on the Tax Map of the City of New York.
 - e. "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 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. "HDFC" shall mean Lott Legacy Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- h. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
- i. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- j. "Owner" shall mean, collectively, the HDFC and the Company.
- k. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.

2. The 420-c Exemptions shall terminate upon 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, 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.

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) 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 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, the 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.

5. 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 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 such 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 May 24, 2017, on file in this office.

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City Clerk, Clerk of The Council