



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 354

Resolution approving a new real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law (PHFL), the termination of a prior exemption under PHFL Section 125, and consent to the voluntary dissolution of the prior owner under PHFL Section 123(4) for property located at Block 1904, Lot 61 and Block 1925, Lot 36, Community District 10, Borough of Manhattan, (L.U. No. 67; Non-ULURP No. 20185270 HAM).

By Council Members Salamanca and Kallos

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 4, 2018 its request dated April 3, 2018 that the Council take the following actions regarding a new real property tax exemption for an area located at Block 1904, Lot 61 and Block 1925, Lot 36, Community District 10, Borough of Manhattan, (the "Exemption Area");

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the "Termination");

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section (123(4) (the "Dissolution");

WHEREAS, HPD's request for the Tax Exemption is related to a previously approved real property tax exemption by the Board of Estimate on June 24, 1982 (Cal. No. 5);

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption, Termination and Dissolution on April 17, 2018; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption, Termination and Dissolution;

RESOLVED:

The Council approves the Tax Exemption for the Exemption Area pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) "Company" shall mean 1990 ACP Jr. Blvd., LLC or a limited liability company that acquires the beneficial interest in the Exemption Area with the approval of HPD.
 - (2) "Current Owner" shall mean Paul Robeson Houses Associates.
 - (3) "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 New Owner enter into the Regulatory Agreement.

- (4) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1904, Lot 61 and Block 1925, Lot 36 on the Tax Map of the City of New York.
 - (5) "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, (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.
 - (6) "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).
 - (7) "Gross Rent Tax" shall mean an amount equal to ten percent (10%) of the Gross Rent in the tax year in which such real property tax payment is made.
 - (8) "HDFC" shall mean Robeson Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (9) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (10) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (11) "New Owner" shall mean, collectively, the HDFC and the Company.
 - (12) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on June 24, 1982 (Cal. No. 5).
 - (13) "PHFL" shall mean the Private Housing Finance Law.
 - (14) "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 New 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 as follows: (a) commencing upon the Effective Date and during each year thereafter until April 30, 2033, in the sum of the Gross Rent Tax; and (b) commencing upon May 1, 2033 and during each year thereafter until the Expiration Date, in the sum of (i) an amount equal to the Gross Rent Tax due on April 30, 2033, 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 April 30, 2033. 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 the contract rents, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), in the applicable year.
- d. Notwithstanding any provision hereof to the contrary:
- (1) 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 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 New Exemption shall prospectively terminate.

- (2) 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.
- (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 New Exemption, the owner of the Exemption Area, for so long as the New 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.

- 2. The Council approves, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
- 3. The Council consents, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
- 4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

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 9, 2018, on file in this office.

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City Clerk, Clerk of The Council