



Legislation Text

File #: Res 1034-2019, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1034**

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (Preconsidered L.U. No. 478; Non-ULURP No. 20195731 HAM).

By Council Members Salamanca and Adams

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on June 25, 2019 its request dated June 24, 2019 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 201-207 7th Avenue (Block 797, Lots 80, 81, 82, and 83), Community District No. 4, Borough of Manhattan, Council District No. 3 (the “Exemption Area”);

WHEREAS, the Tax Exemption Request is related to application C 190253 HAM (Pre. L.U. No. 477), an Urban Development Action Area (UDAA) and Urban Development Area Action Project (UDAAP) designation and project approval and disposition of City-owned property (the “Disposition Area”) to be conveyed to a project sponsor (the “Sponsor”);

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on July 16, 2019; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

RESOLVED:

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

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon 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 between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“Exemption”) shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition 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 August 14, 2019, on file in this office.

City Clerk, Clerk of The Council