



Legislation Text

File #: Res 1147-2019, Version: *

THE COUNCIL OF THE CITY OF NEW YORK

RES. NO. 1147

Resolution approving an exemption from real property taxes for property located at (Block 253, Lot 1) Manhattan, pursuant to Section 93 of the Private Housing Finance Law (Preconsidered L.U. No. 568).

By Council Member Dromm

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 9, 2019 that the Council take the following action regarding a housing project located at (Block 253, Lot 1) Manhattan (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 93 of the Private Housing Finance Law (the “Tax Exemption”);

WHEREAS, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) is a duly organized limited dividend housing company under Article IV 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 as follows:

1. (a) All of the value of the property in the Project, including both the land and the improvements (excluding those portions, if any, devoted to business or commercial use) shall be exempt from real property taxes, other than assessments for local improvements, commencing on January 1, 2019 (“Commencement Date”) and such exemption shall continue so long as the Housing Company continues to operate the Project as a limited dividend rental housing company development pursuant to the provisions of Article IV of the PHFL or until a date fifty years from the Commencement Date, whichever is sooner (“Expiration Date”).
- (b) Commencing on the Commencement Date and during each year thereafter until the Expiration Date, the Housing Company shall make real property tax payments in the sum of two and five-tenths percent (2.5%) of the Project's annual Shelter Rent; provided, however, that no refunds or credits shall be available for any period in which the Housing Company paid full real property taxes for the Project.
- (c) For purposes of this paragraph, “Shelter Rent” shall mean the total rents received from the occupants of the Project less the cost of providing to the occupants electricity, gas, heat and other utilities. Total rents shall include rent supplements and subsidies from the federal government, the state

or the City on behalf of such occupants, but shall not include interest reduction payments pursuant to subdivision (a) of § 201 of the Federal Housing and Urban Development Act of 1968.

2. The tax exemption granted herein shall be limited by the provisions of PHFL § 93(4) in that such exemption shall not exceed one hundred percent (100%) of the value of property included in the Project representing an increase over the assessed valuation of the real property, both land and improvements, acquired for the Project at the time of its acquisition by the Housing Company.
3. Such tax exemption is further subject to and conditioned upon compliance with the requirements of the PHFL and the applicable rules and regulations promulgated thereunder.
4. If the Housing Company fails to comply with the requirements of the PHFL and the applicable rules and regulations promulgated thereunder, including, but not limited to, reviews of its financial condition and the requirements governing billing, collection, and remittance of surcharges, then HPD may terminate the tax exemption approved herein for the Housing Company.
5. In consideration of the tax exemption provided for hereunder, the Housing Company 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, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

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 October 30, 2019, on file in this office.

City Clerk, Clerk of Council