



Legislation Text

File #: Res 1640-2021, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1640

Resolution approving an amendment to a previously approved Real Property Tax Exemption located at Block 2003, Lot 37, Community District 2, Borough of Brooklyn (Preconsidered L.U. No. 789; 20215023 HAK).

By Council Members Salamanca and Riley

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 26, 2021 its request dated April 26, 2021 that the Council approve an amendment (the "Amended Tax Exemption") to a previously approved real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (City Council Resolution No. 425; L.U. No. 110, approved June 28, 2018, hereinafter, the "Prior Resolution") for property located at Block 2003, Lot 37, Community District 2, Borough of Brooklyn.

WHEREAS, upon due notice, the Council held a public hearing on the Amended Tax Exemption on May 6, 2021; and

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

RESOLVED:

The Council approves the amendment of the Prior Resolution by deleting paragraph 1, paragraph 2, and provision a of paragraph 3 thereof and replacing them with the following:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Community Facility Space" shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. "Company" shall mean South Portland LLC and South Portland LIHTC LLC or any other entities that acquire all or a portion of the beneficial leasehold interests in the Exemption Area with the prior written consent of HPD.
 - c. "Effective Date" shall mean the later of (i) the date of conveyance of the leasehold interest of the Exemption Area to the HDFC, or (ii) the date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
 - d. "Exemption" shall mean the exemption from real property taxation provided hereunder.

- e. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 2003, Lot 37 on the Tax Map of the City of New York.
 - f. “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, leased or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “HDC” shall mean the New York City Housing Development Corporation.
 - h. “HDFC” shall mean Hanson Place Housing Development Fund Corporation or a housing development fund company that acquires the leasehold interest in the Exemption Area with the prior written consent of HPD.
 - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. “Owner” shall mean, collectively, the HDFC and the Company.
 - k. “Regulatory Agreement shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. 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 or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon Expiration Date.
- 3.a. 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) any interest in the Exemption Area or in the leasehold interest of the HDFC 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 Exemption shall prospectively terminate.

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 12, 2021, on file in this office.

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City Clerk, Clerk of The Council