



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1174**

**Resolution approving a partial exemption from real property taxes for properties known as West Village Houses in Manhattan Community District No. 2 pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 589).**

**By Council Members Weprin and Quinn**

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") has requested that the Council take the following action regarding properties known as West Village Houses in Manhattan Community District No. 2 as detailed on the attached Site Data Sheet (the "Exemption Area"):

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

**WHEREAS**, the current owner of West Village Houses WVH Holdings, LLC has entered into an agreement to sell the Exemption Area to WVH Housing Development Fund Corporation ("Sponsor");

**WHEREAS**, WVHT Corp., an affiliate of the Sponsor shall be filing a cooperative conversion plan with the New York State Attorney General and the Sponsor will enter into a Regulatory Agreement with HPD governing the resale prices of individual dwelling units in the Exemption Area and the incomes of purchasers;

**WHEREAS**, the Council held a hearing on the Tax Exemption on September 28, 2005;

**WHEREAS**, the Council has considered the financial, policy, and community impacts relating to the Tax Exemption.

**RESOLVED:**

The Council hereby grants an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law, as follows:

1. All of the value of the property in the Exemption Area, including both the land and improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Exemption Area to the Sponsor ("Effective Date") and terminating upon a date which is twelve (12) years from the Effective Date ("Expiration Date"); provided, however, that the Sponsor shall make an annual real property tax payment commencing upon the Effective Date and terminating upon the Expiration Date.

2. Commencing upon the Effective Date and during each year thereafter until the Expiration Date, the Sponsor shall make real property tax payments with respect to the portion of the Exemption Area devoted to residential use in the total sum of \$496,134 per year, allocated in equal amounts of \$70,877 per year to each of the seven tax lots comprising the residential portion of the Exemption Area. Commencing upon the Effective Date and during each year thereafter until June 30, 2007, the Sponsor shall make real property tax payments with respect to the portion of the Exemption Area devoted to commercial parking garage use in the sum of \$45,000 per year. Commencing upon July 1, 2007 and during each year thereafter until the Expiration Date, the Sponsor shall make real property tax payments with respect to the portion of the Exemption Area devoted to commercial parking garage use in the sum of the greater of (i) \$45,000, or (ii) ten percent (10%) of the gross rental revenue due to sponsor for the applicable period pursuant to a commercial lease between the Sponsor and a garage operator.
3. In consideration of the tax exemption provided hereunder ("Exemption"), the Sponsor shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation for so long as the Exemption shall remain in effect; provided, however, that the Sponsor may receive real property tax annual abatements pursuant to Section 489 of the Real Property Tax Law which were granted prior to the Effective Date in an amount not to exceed \$38,275 per year in total.
4. Notwithstanding any provision hereof to the contrary:
  - a. No Exemption shall be provided hereunder unless both Department of Housing Preservation and Development ("HPD") and the Sponsor, in their respective sole discretion, enter into a regulatory agreement ("Regulatory Agreement") after the date hereof.
  - b. The Exemption shall terminate if HPD determines that (i) Sponsor is not organized as a housing development fund corporation, (ii) Sponsor is no longer the owner of the Exemption Area, (iii) Sponsor is not operating the housing project in accordance with the requirements of Article XI of the Private Housing Finance Law, or (iv) Sponsor is not operating the housing project in accordance with the requirements of the Regulatory Agreement and all other agreements made by the Sponsor with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the Sponsor and all mortgagees of record, which notice shall provide for an opportunity to cure in no less than sixty (60) days. If the noncompliance specified in such notice is not cured within the specified time period, the Exemption shall prospectively terminate.
  - c. The provisions of the Exemption shall apply separately to each individual tax lot comprising the Exemption Area, and a sale or other event which would cause the expiration, termination, or revocation of the Exemption with respect to one tax lot in the Exemption Area shall not affect the continued validity of the Exemption with respect to other tax lots in the Exemption Area.

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 September 28, 2005, on file in this office.

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City Clerk, Clerk of Council