



Legislation Text

File #: Res 1331-2008, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1331

Resolution approving a partial exemption from real property taxes for property located at 200 West 147th Street (Block 2032, Lot 34) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 703).

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 3, 2008 that the Council take the following action regarding a housing project to be located at 200 West 147th Street (Block 2032, Lot 34) Borough of Manhattan ("Exemption Area"):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Project on March 26, 2008

WHEREAS, the Council has considered the financial implications relating to the Tax Exemption;

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the meanings set forth below:
 - a. "Bond Regulatory Agreement" shall mean an agreement between HDC and the New Owner providing that, for a term of not less than 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
 - b. "Effective Date" shall mean the later of (i) the date of acquisition of the Exemption Area

by the New Owner, (ii) the date that HDC and the New Owner enter into the Bond Regulatory Agreement, and (iii) the date that HPD and the New Owner enter into the Extended Use Agreement.

- c. "Exemption Area" shall mean the real property located in the County, City, and State of New York and identified as Block 2032, Lot 34 on the Tax Map of the City.

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- d. "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Bond Regulatory Agreement, (iii) the date of the expiration or termination of the Extended Use Agreement, or (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.
- e. "Extended Use Agreement" shall mean an agreement between HPD and the New Owner providing that, for a term of not less than 30 years, all dwelling units in the Exemption Area must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
- f. "HDC" shall mean the New York City Housing Development Corporation.
- g. "Housing Company" shall mean Churchill House Housing Development Fund Company, Inc.
- h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- i. "Maximum Shelter Rent Tax" shall mean \$84,244, 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 the Effective Date.
- j. "New Exemption" shall mean the partial exemption from real property taxation provided hereunder with respect to the Exemption Area.
- k. "New Owner" shall mean, collectively, the Housing Company and the Project Partnership.
- l. "Prior Exemption" shall mean the partial exemption from real property taxation approved by the Board of Estimate on January 14, 1971 (Cal. No. 7B) with respect to the Exemption Area.
- m. "Project Partnership" shall mean Churchill House, L.P.

2. The Prior Exemption shall terminate upon the Effective Date.

3. 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 commercial use), shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date

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4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Housing Company shall make real property tax payments in the sum of the Maximum Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents, or (ii) the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule, or regulation.
5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Bond Regulatory Agreement and such non-compliance constitutes an event of default under the Bond Regulatory Agreement, (iii) the housing project is not being operated in accordance with the requirements of the Extended Use Agreement and such non-compliance constitutes an event of default under the Extended Use Agreement, or (iv) the demolition of an existing 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 record owner of the Exemption 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 therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
6. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, 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.

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 March 26 2008 on file in this office.

City Clerk, Clerk of Council

