



Legislation Text

File #: Res 1833-2009, Version: \*

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1833

Resolution approving an amendment to a previously approved tax exemption for property in an Urban Development Action Area Project located at 295 Jefferson Street (Block 3166/Lots 51 and 52), Borough of Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 851; 20095009 HAK).

By Council Members Katz and Garodnick

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on July 3, 2008 its request dated June 16, 2008 that the Council take the following action regarding the following property (the "Project") located at 295 Jefferson Street (Block 3166, New Tax Lot 52), Community District 4, Borough of Brooklyn (the "Exemption Area"):

Approve, pursuant to Section 577 of the Private Housing Finance Law a partial tax exemption;

WHEREAS, the Exemption Area is contained in an Urban Development Action Area Project (20035006 HAK) that was approved by the Council on September 12, 2002 (L.U. 256, Res 484 of 2002);

WHEREAS, upon due notice, the Council held a public hearing on the Project on February 23, 2009;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project;

RESOLVED:

The Council approves the partial tax exemption as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
  - (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC and (ii) the date that HPD and Owner enter into the Regulatory Agreement.
  - (b) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, currently identified as Block 3166, Lots 51 and 52 on the Tax Map of the City of New York.
  - (c) "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 by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (d) "HDFC" shall mean Jefferson SPI Housing Development Fund Corporation.
  - (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (f) "HTF" shall mean the New York State Housing Trust Fund.
  - (g) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.

- (h) "Owner" shall mean the HDFC.
- (i) "Prior Exemptions" shall mean the exemption from real property taxation pursuant to Article XI of the Private Housing Finance Law for Lot 51 approved by the City Council on September 12, 2002 (Reso. No. 484) and the exemption from real property taxation for Lot 52 as property owned by the City.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner providing that, for a term of 40 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.

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

3. All of the value of the property in the Exemption Area, including both the land and 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, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Notwithstanding any provision hereof to the contrary, 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, or (ii) the housing project is not being operated in accordance with the requirements of the Regulatory Agreement and such non-compliance constitutes an event of default under the Regulatory Agreement. 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 (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

5. 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 February 26, 2009, on file in this office.

.....  
City Clerk, Clerk of The Council