



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 655

Resolution approving an exemption from real property taxes for property located at (Block 1824, Lot 70) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 306).

By Council Members Recchia and Vann

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 6, 2010 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 1824, Lot 70) Brooklyn ("Exemption Area"):

Approve an 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 February 2, 2011;

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 following meanings:
 - (a) "Effective Date" shall mean July 1, 2005.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1824, Lot 70 on the Tax Map of the City of New York.

- (d) "Expiration Date" shall mean the earlier to occur of (i) October 1, 2024, (ii) the date of the expiration or termination of the HUD Regulatory Agreement, or (iii)

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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) "HDFC" shall mean Concord Senior Citizens Housing Development Fund Company, Inc.
- (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (g) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (h) "HUD Mortgage" shall mean the loan made by HUD to the HDFC in connection with the Section 202 Supportive Housing Program for the Elderly, which loan was secured by a mortgage on the Exemption Area.
- (i) "HUD Regulatory Agreement" shall mean a regulatory agreement by and between the HDFC and HUD which requires, *inter alia*, that until October 1, 2024, public occupancy of the Exemption Area be limited to elderly and handicapped persons and families as defined in Section 202 of the Housing Act of 1959 and HUD regulations, and that the criteria governing eligibility of tenants for admission to Section 8 units and the conditions of continued occupancy be in accordance with the housing assistance payments contract.
- (j) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
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), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of (i) \$41,872, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the housing project 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. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real property taxes that would otherwise be

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due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule or regulation.

4. Notwithstanding any provision hereof to the contrary:
- (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 HUD 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, or (iv) the 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 the HDFC 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.
- (b) The 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.

- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

5. In consideration of the Exemption, the HDFC shall waive, for so long as the Exemption shall remain in effect, 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.

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 2, 2011, on file in this office.

City Clerk, Clerk of Council