

Honorable Corey Johnson
Speaker of the Council
City Hall
New York, New York 10007
Attention: Jonathan Etricks

June 11, 2021

Re: Habitat Net Zero Homes
Block 10841, Lot 1
Block 10868, Lot 26
Block 11055, Lot 21
Block 11070, Lot 147
Block 11074, Lot 54
Block 11099, Lots 62 and 76
Block 11127, Lot 44
Block 11656, Lot 67
Block 11670, Lot 40
Block 11795, Lot 68
Block 12014, Lot 3
Block 12017, Lot 49
Queens, Community District No. 10, 12, and 13
Council District No. 27 and 28

Dear Mr. Speaker:

The referenced property ("Exemption Area") will contain 16 single-family dwellings known as Habitat Net Zero Homes which will provide homeownership housing for low income families.

Under the proposed project, Habitat Net Zero Homes Housing Development Fund Corporation ("HDFC") will acquire the Exemption Area and Habitat Net Zero LLC ("Company") will be the beneficial owner and will operate the Exemption Area. The HDFC and the Company (collectively, "Owner") will finance the acquisition and construction of the Exemption Area with loans from HPD and a private lending institution. Upon the completion of construction and sale of each home, CLT Interboro CLT Housing Development Fund Corporation, a community land trust housing development fund company ("CLT HDFC"), will acquire the portion of the Exemption Area containing such home. The nominee agreement between the HDFC and the Company will be partially released upon the sale of each home. Each home purchaser will acquire the improvements associated with their home and the long-term leasehold interest in the land portion in the Exemption Area in accordance with a lease between such home purchaser, as lessee, and CLT HDFC, as lessor. The Owner and HPD will enter into a regulatory agreement, establishing certain controls upon the operation of the Exemption Area, followed by one or more regulatory agreements with the CLT HDFC and HPD covering all or a portion of the Exemption Area.

As NYCHA-owned property, the Exemption Area is not currently subject to real property taxation. This tax exempt status will terminate upon NYCHA's conveyance of the project to the HDFC. In order to facilitate the project, the Exemption Area needs an exemption from real property taxation.

HPD respectfully requests that the Council approve, pursuant to Section 577 of the Private Housing Finance Law, an exemption from real property taxation as follows:

1. For the purposes hereof, the following terms shall have the following meanings:



- a. "Company" shall mean Habitat Net Zero LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. "CLT HDFC" shall mean CLT Interboro CLT Housing Development Fund Corporation or a community land trust housing development fund company that acquires all or a portion of 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 Exemption Area to the HDFC, or (ii) the date that HPD 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 Queens, City and State of New York, identified as Block 10841, Lot 1, Block 10868, Lot 26, Block 11055, Lot 21, Block 11070, Lot 147, Block 11074, Lot 54, Block 11099, Lots 62 and 76, Block 11127, Lot 44, Block 11656, Lot 67, Block 11670, Lot 40, Block 11795, Lot 68, Block 12014, Lot 3, and Block 12017, Lot 49 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. "HDFC" shall mean Habitat Net Zero Homes Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. "Owner" shall mean either (i) the HDFC and the Company, or (ii) the CLT HDFC.
 - j. "Regulatory Agreement" shall mean the regulatory agreement(s) between HPD and 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, commercial, or community facility 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. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate with respect to all or any portion of the Exemption Area 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 fee interest in the land in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (v) any interest in the buildings in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD that is required pursuant to the Regulatory Agreement(s), or (vi) 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.

- b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, CLT HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive 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.

HPD recommends approval of this matter and requests that it be referred to the appropriate committee at the next scheduled meeting of the Council.

Sincerely,



Louise Carroll

