

SEP 21 2015

Honorable Melissa Mark-Viverito
Speaker of the Council
City Hall
New York, New York 10007
Attention: Gary Altman

Re: Condominium Unit 2A
Block 2106, Lot 1002
Brooklyn, Community District No. 2
Council District No. 35

Dear Madame Speaker:

The referenced property ("Exemption Area") contains one dwelling unit occupied by a lower income family. Community Access Housing Development Fund Company, Inc. ("HDFC"), a housing development fund corporation organized pursuant to Article XI of the Private Housing Finance Law, and affiliated with Community Access, Inc., acquired title to the Exemption Area on April 15, 2011, from 96 Rockwell LLC and assumed 96 Rockwell LLC's obligation, pursuant to the terms of the November 17, 2006 Lower Income Housing Plan Written Agreement ("Regulatory Agreement") between 96 Rockwell LLC and the City of New York Department of Housing Preservation and Development ("HPD"), to preserve the Exemption Area as lower income housing in accordance with the Inclusionary Housing Program. The Regulatory Agreement establishes certain controls upon the operation of the Exemption Area.

The Exemption Area currently receives an exemption from and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law ("J-51 Benefits"). In order to ensure the continued affordability of the Exemption Area, HPD is requesting an Article XI exemption for the Exemption Area that will be reduced by an amount equal to any concurrent J-51 Benefits.

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) "Effective Date" shall mean April 15, 2011.
 - (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 2106, Lot 1002 on the Tax Map of the City of New York.
 - (d) "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.



- (e) "HDFC" shall mean Community Access Housing Development Fund Company, Inc.
 - (f) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - (h) "Regulatory Agreement" shall mean the Lower Income Housing Plan Written Agreement, dated November 17, 2006, between HPD and 96 Rockwell LLC.
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 Expiration Date.
3. 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 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) the Exemption Area is conveyed to a new owner without the prior written approval of HPD, or (v) 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 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) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid by or on behalf of the HDFC or any other owner of the Exemption Area prior to the Effective Date.
4. In consideration of the Exemption, the HDFC, for so long as the Exemption shall remain in effect, shall 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. Notwithstanding the preceding sentence, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits as provided herein.

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,



Vicki Been

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