



Legislation Text

File #: Res 1087-2016, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1087

Resolution approving a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law for an Exemption Area located at Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block 1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838, Lot 22), Borough of Brooklyn (L.U. No. 357; 20165533 HAK).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on April 19, 2016 its request dated April 12, 2016 that the Council take the following actions regarding a tax exemption for real property located at Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block 1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838, Lot 22), Community District 3, Borough of Brooklyn (the "Exemption Area"):

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

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 17, 2016; and

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

RESOLVED:

The Council approves the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law 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 or (ii) the date that HPD and the HDFC enter into the Regulatory Agreement.
 - (b) "Exemption" shall mean the exemption from real property taxation provided hereunder.
 - (c) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1820, Lot 32, Block 1823, Lots 27 and 81, Block 1824, Lots 49 and 56, Block 1825, Lot 42, Block 1826, Lots 18, 20, 21, 23, and 29, Block 1829, Lots 4 and 78, Block 1833, Lot 79, Block 1834, Lots 39 and 42, Block 1835, Lot 4, and Block 1838,

Lot 22 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 thirty-five (35) years from the Effective Date, (ii) the date of 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 EDJ Apartments Housing Development Fund Corporation.
 - (f) “HPD” shall mean the City of New York Department of Housing Preservation and Development.
 - (g) “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law for the Exemption Area which are in effect on the Effective Date.
 - (h) “Owner” shall mean the HDFC or any future owner of the Exemption Area.
 - (i) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the HDFC 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 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. 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 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 exist 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.
4. In consideration of the Exemption, the owner of the Exemption Area, 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 foregoing, the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of the J-51 Benefits.

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 May 25, 2016, on file in this office.

City Clerk, Clerk of The Council