



Legislation Text

File #: Res 1247-2005, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1247

Resolution approving an exemption from real property taxes for property located at 940 - 950 Gates Avenue (Block 1638, Lot 6), Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 623).

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") has requested that the Council take the following action regarding a property located at 940 - 950 Gates Avenue (Block 1638, Lot 6), the Borough of Brooklyn (the "Exemption Area"):

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

WHEREAS, GP-UHAB Housing Development Fund Corporation ("Sponsor") acquired the Exemption Area on July 14, 2005 as a result of a mortgage foreclosure by the United States Department of Housing and Urban Development ("HUD");

WHEREAS, the Sponsor will rehabilitate the multiple dwelling on the Exemption Area with financing from HPD, HUD, and the Community Preservation Corporation;

WHEREAS, when the rehabilitation is completed, the project will convert to a tenant owned limited equity cooperative providing 103 units of rental housing for low-income families, plus one unit for a superintendent;

WHEREAS, the Council held a hearing on the Tax Exemption on November 16, 2005;

WHEREAS, the Council has considered the financial, policy, and community impacts relating to the Tax Exemption.

RESOLVED:

The Council hereby grants an exemption from real property taxes, pursuant to Section 577 of the Private Housing Finance Law, as follows:

1. In consideration of the tax exemption provided hereunder, Sponsor shall enter into a regulatory agreement with or approved by HPD ("Regulatory Agreement") requiring Sponsor to maintain the Exemption Area as affordable housing in accordance with the Use Restrictions enumerated in Riders 2, 3 and 4 (collectively, "Low Income Obligation") of the Quitclaim Deed, dated July 14, 2005,

conveying title to the Exemption Area from the New York City Housing Authority to Sponsor ("Deed"). The Regulatory Agreement shall require that, notwithstanding any provision to the contrary in the Deed, the Low Income Obligation shall remain in effect until July 14, 2045.

2. All of the value of the property in the Exemption Area, including both the land and improvements, shall be exempt from real property taxes, other than assessments for local improvements, commencing upon July 14, 2005 ("Effective Date") and terminating upon

the earlier to occur of (i) the expiration or termination of the Regulatory Agreement, (ii) the fortieth anniversary of the Effective Date, or (iii) the date of reconveyance of the Exemption Area to an owner which is not a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").

3. Notwithstanding any provision hereof to the contrary, (i) the tax exemption provided hereunder shall not become effective until Sponsor enters into the Regulatory Agreement, and (ii) the tax exemption provided hereunder shall terminate if HPD determines, subject to any cure provisions in the Regulatory Agreement, that Sponsor has violated the Low Income Obligation.
4. In consideration of such tax exemption, the owner of the Exemption Area shall, for so long as the tax exemption provided hereunder shall remain in effect, shall 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 November 16, 2005, on file in this office.

City Clerk, Clerk of Council