



Legislation Text

File #: Res 1965-2009, Version: *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1965

Resolution approving a full exemption from real property taxes for property located at 555 West 159th Street (Block 2118, Lot 62) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 1095)

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated April 28, 2009 that the Council take the following action regarding a housing project to be located at **555 West 159th Street (Block 2118, Lot 62)** Borough of Manhattan ("Exemption Area"): Approve a full 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 May 6, 2009;

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.

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. "Certificate of Completion" shall mean the document in recordable form issued by HUD or HPD certifying that (i) rehabilitation of the Exemption Area has been substantially completed in accordance with the requirements of HUD or HPD; and (ii) HUD or HPD has made a final inspection of the Exemption Area and has determined that HDFC has fulfilled all of its construction obligations.
 - b. "Completion of Construction" shall mean the date upon which HUD or HPD issues a Certificate of Completion.

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- c. "Effective Date" shall mean September 29, 2006, the date of conveyance of the Exemption Area to the HDFC and the date that HDFC, HUD, and HPD entered into the Interparticipant Agreement.
 - d. "Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
 - e. "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2118, Lot 62 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 thirty years from the Completion of Construction, (ii) a date which is forty years from the Effective Date, (iii) the date of the expiration or termination of the Interparticipant Agreement, or (iv) 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.
 - g. "HDFC" shall mean Dorothy McGowan Housing Development Fund Corporation.
 - h. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. "HUD" shall mean the United States Department of Housing and Urban Development.
 - j. "Interparticipant Agreement" shall mean the regulatory agreement among HDFC, HUD, and HPD, entered into on September 29, 2006, providing that, unless otherwise approved by HPD, the Exemption Area must be used exclusively as housing accommodations for persons of low income, not less than sixty percent of whom shall be formerly homeless tenants, for a term of thirty years.
2. All of the value of the property in the Exemption Area, including both the land and 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, commencing upon the Effective Date and terminating upon the Expiration Date.

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3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines 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 Interparticipant Agreement, (iii) the Exemption Area is not being operated in accordance with 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 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 or an equivalent document satisfactory to HPD recording the occupancy and arrangement of the

building on the Effective Date.

4. In consideration of the Exemption, the HDFC, for itself, its successors and assigns, and for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or real property tax exemption which may be authorized under any existing or future local, state, or federal law, rule or regulation.

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 6, 2009, on file in this office.