



Legislation Text

File #: Res 1033-2005, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1033**

Resolution approving a partial exemption from real property taxes for property located at 920 Metcalf Avenue (Block 3659, Lot 1), the Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 507).

By Council Members Weprin and Palma

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 920 Metcalf Avenue (Block 3659, Lot 1), the Borough of the Bronx (the "Exemption Area"):

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

WHEREAS, in 2002, the City sold the Exemption Area to the Cloverleaf Tower Housing Development Fund Corporation (the "Sponsor"), a tenant-owned corporation formed pursuant to Article XI of the Private Housing Finance Law;

WHEREAS, the Council held a hearing on the Tax Exemption on June 20, 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 as follows:

1. The partial tax exemption provided hereunder shall commence on July 1, 2005 ("Effective Date") and shall terminate ("Expiration Date") upon the earlier to occur of the following: (i) a date which is thirty (30) years from the Effective Date, (ii) the date on which the Sponsor is no longer organized as a housing development fund corporation, (iii) the date on which Sponsor is no longer the owner of the Exemption Area, (iv) the date on which the Sponsor is no longer operating the Exemption Area in accordance with the requirements of Article XI of the Private Housing Finance Law, or (v) the date on which the Sponsor is not operating the Exemption Area in accordance with the requirements of a regulatory agreement entered into by the Sponsor and HPD in order to ensure that the Exemption Area remains affordable to low and moderate income families during the partial tax exemption period ("Regulatory Agreement"), and all other agreements made by the Sponsor with, or for the benefit of, the City of New York.

2. All of the value of 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 taxes, other than assessments for local improvements; provided, however, that the Sponsor shall make a partial annual real property tax payment on the Exemption Area based upon an assessed valuation equal to the lesser of (i) an amount equal to the full assessed valuation of the Exemption Area as determined by the New York City Department of Finance, or (ii) an amount calculated by multiplying \$3,500 times the number of residential units

included in the Exemption Area and increasing such product by six percent (6%) on July 1, 2006 and July 1 of each successive year, but not by more than (20%) in any five-year period.

3. In consideration of this partial real property tax exemption, the Sponsor, for itself, its successors and assigns, shall execute and record the Regulatory Agreement that shall commence on the Effective Date and shall terminate on the Expiration Date. Such Regulatory Agreement shall provide that (i) the units in the Exemption Area shall be rented to households earning no more than eighty percent (80%) of the median income for the area as determined by the United States Department of Housing and Urban Development or its successor as adjusted for family size ("Area Median Income"), and (ii) upon conversion to a cooperative, the units in the Exemption Area shall be sold to households earning no more than Area Median Income, and the sales prices for such units shall be set at a level affordable to households earning no more than Area Median Income.

4. In further consideration of this partial tax exemption, the Sponsor for itself, its successors and assigns, shall waive, for as long as this partial tax exemption remains in effect, the benefits, if any, of additional or concurrent real property tax abatement and/or real property tax exemption which may be authorized under 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 June 20, 2005, on file in this office.

City Clerk, Clerk of Council