



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1968

Resolution approving an exemption from real property taxes for property located at 457 East 187th Street (Block 3041, Lot 28), 2825 Webb Avenue (Block 3250, Lot 46) the Bronx, pursuant to Section 577 of the Real Property Tax Law (Preconsidered L.U. No. 1098).

By Council Member Weprin

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated March 11, 2009 that the Council take the following action regarding a housing project to be located at 457 East 187th Street (Block 3041, Lot 28), 2825 Webb Avenue (Block 3250, Lot 46) the Bronx ("Exemption Area "):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Real Property Tax 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.

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:
 - (a) "Amended Regulatory Agreement" shall mean, collectively, the Regulatory Agreement and the Regulatory Agreement Amendment. (b) "Effective Date" shall mean June 25, 2007.
 - (c) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3250, Lot 46 and Block 3041, Lot 28 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 Amended 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 Uptown Bronx Housing Development Fund Corporation.
 - (f) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (g) "J-51 Benefits" shall mean the exemption from and/or abatement of real property taxation pursuant to Section 489 of the Real Property Tax Law currently received by a portion of the Exemption Area.
 - (h) "New Exemption" shall mean the exemption from real property taxes provided hereunder with respect to the Exemption Area.
 - (i) “Regulatory Agreement” shall mean the regulatory agreement, dated June 25, 2007, between HPD and the HDFC, which provides that, for a term of 40 years, 60 of the 95 dwelling units in the Exemption Area must be rented to families whose incomes do not exceed 90% of the area median income, with 19 of those 60 units further restricted to families whose incomes are not less than 61% of area median income.
 - (j) “Regulatory Agreement Amendment” shall mean an amendment to the Regulatory Agreement providing that the 33 dwelling units in the Exemption Area that were not income-restricted pursuant to the Regulatory Agreement and are not occupied by superintendents must be rented upon vacancy to families whose incomes do not exceed 165% of area median income.
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 taxes, 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 New Exemption shall not become effective until both HPD and the HDFC enter into the Regulatory Agreement Amendment.

- b. The amount of the New Exemption shall be reduced by the amount of any concurrent J-51 Benefits.
- c. The New Exemption shall terminate if HPD determines at any time that (i) the housing project is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the housing project is not being operated in accordance with the requirements of the Amended Regulatory Agreement and such non-compliance constitutes an event of default under the Amended Regulatory Agreement, or (iii) the demolition of an existing 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 (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- c. The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- d. 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 date of the Amended Regulatory Agreement.

4. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, 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. Notwithstanding the preceding sentence, the concurrent J-51 Benefits shall remain in effect, but the New Exemption shall be reduced by the amount of such J-51 Benefits as provided herein.

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 6, 2009, on file in this office.

City Clerk, Clerk of Council