

NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD

R E S O L U T I O N No. 25-HF-1009

APPROVING A SPECIFIED PROJECT OF THE HOUSING FINANCE AGENCY
(Affordable Housing Revenue Bonds - Emerson Davis Apartments)

WHEREAS, the New York State Public Authorities Control Board ("PACB"), created pursuant to Chapter 38, Laws of 1976, as amended, is empowered by Section 51 of the Public Authorities Law to receive applications from designated public benefit corporations, including the Housing Finance Agency ("HFA"), for approval of the acquisition, rehabilitation, construction or financing of any project proposed by any such public benefit corporation; and

WHEREAS, PACB has duly received an application from HFA for approval of the site acquisition, demolition of an obsolete building and new construction of a 12-story building in the Clinton Hill neighborhood of Brooklyn (Kings County), expected to create 102 revenue-generating affordable residential units, 69 of which are expected to be set aside for households with income at or below 50% of the Area Median Income adjusted for family size for the New York, NY FMR Metropolitan Statistical Area ("AMI") (with 61 of these units expected to be supportive housing units supported by an Empire State Supportive Housing Initiative ("ESSHI") award for certain homeless single parents living with serious mental illness and/or substance use disorders) and the remaining 33 of which are expected to be set aside for households with income at or below 60% of AMI, known as

Emerson Davis Apartments (the "Project"), to be partially financed through the issuance of one or more series of fixed-rate or variable-rate, taxable or tax-exempt bonds in accordance with applicable provisions of the Internal Revenue Code of 1986, as amended, with a final maturity of not more than 50 years (the "Bonds") in an amount not to exceed \$45,550,000; and

WHEREAS, the Bonds will be issued under the Affordable Housing Revenue Bonds Bond Resolution, adopted by the HFA Members on August 22, 2007, as supplemented (the "Affordable Housing Resolution"); and

WHEREAS, the Loan (as defined below) and other collateral for the Bonds, and the loans and collateral financed or refinanced with proceeds of additional bonds, if any, issued under the Affordable Housing Resolution, may be pledged to secure all bonds outstanding from time to time under the Affordable Housing Resolution; and

WHEREAS, to the extent the Bonds are issued as tax-exempt bonds, such Bonds may require an allocation of the State's Private Activity Bond Cap; and

WHEREAS, HFA intends to award the Bonds by either a negotiated sale or a private placement; and

WHEREAS, HFA expects to finance the Project through a mortgage loan (the "Loan") to ICL Emerson Place LP, a single-purpose entity controlled by the Institute for Community Living, Inc., a non-profit

organization, whose principal is Jody Rudin, or another entity acceptable to HFA, and where the legal owner is expected to be ICL Emerson Place Housing Development Fund Corporation, in the maximum aggregate amount of \$45,550,000, with the Loan amortizing over not more than 50 years; and

WHEREAS, the total estimated development cost of the Project is \$79,466,155 ("Total Development Cost") comprising the requested bond financing, federal low-income housing tax credits, an HFA subsidy loan, a subsidy loan from the New York City Department of Housing Preservation and Development, New York City Reso A funds, New York State Office of Mental Health project development grant funds, a seller's note, deferred reserves and a deferred developer fee; and

WHEREAS, the Loan will be secured by supplemental security provided by TD Bank, N.A., during construction and by the SONYMA Mortgage Insurance Fund during the permanent loan period; and

WHEREAS, if upon final certification of costs of the Project it is determined that the costs of the Project that are eligible for tax-exempt reimbursement are lower than anticipated, requiring the redemption of tax-exempt Bonds previously issued, then HFA may redeem said amount of the tax-exempt Bonds and issue a like amount of taxable Bonds provided that the aggregate amount of Bonds outstanding at any time does not exceed \$45,550,000; and

Project Description

Emerson Davis Apartments

The demolition of an obsolete building and new construction of a 12-story building to create a total of one hundred and three (103) affordable and supportive residential rental units

(Kings County)

SOURCES AND USES

Sources of Funds - Construction

	<u>Estimated Amount</u>	
	<u>Total Project</u>	
HFA First Mortgage	\$	3,000,000
HFA Construction Loan	\$	32,045,000
HFA SHOP-NC	\$	8,120,189
HFA CEI	\$	2,640,000
HCR Accrued Interest during Construction	\$	542,023
Federal Low Income Housing Tax Credits	\$	4,965,372
State Low Income Housing Tax Credits	\$	414,959
Federal Historic Tax Credits	\$	2,338,421
State Historic Tax Credits	\$	1,717,328
HHAP	\$	6,160,000
Restore New York- Monroe County	\$	1,500,000
Housing Revolving Loan Funds- City of Rochester	\$	2,250,000
Deferred Reserves	\$	353,253
Deferred Developer Fee	\$	6,390,373
Total Sources	\$	72,436,917

Sources of Funds - Permanent

	<u>Estimated Amount</u>	
	<u>Total Project</u>	
HFA First Mortgage	\$	3,000,000
HFA SHOP-NC	\$	8,531,769
HFA CEI	\$	2,640,000
HCR Accrued Interest during Construction	\$	542,023
Federal Low Income Housing Tax Credits	\$	21,682,845
State Low Income Housing Tax Credits	\$	4,149,585
Federal Historic Tax Credits	\$	10,211,445
State Historic Tax Credits	\$	7,499,250
HHAP	\$	6,160,000
Restore New York- Monroe County	\$	1,500,000
Housing Revolving Loan Funds- City of Rochester	\$	2,500,000
Deferred Developer Fee	\$	4,020,000
Total Sources	\$	72,436,917

Uses of Funds

Project Cost	\$	71,496,019
Cost of Issuance	\$	818,118
Bond Issuance Fee	\$	122,780
Total Uses	\$	72,436,917

Maximum Amount of Bonds to be Issued:
Not to Exceed \$45,550,000 Outstanding at Any Time

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The resolution shall become effective upon:

1. A determination by the HFA of the availability of Total Development Cost;
2. Receipt of a rating on the Bonds of not less than "A" from any nationally recognized rating agency from which a rating is requested; and
3. The award of Bonds at negotiated sale or private placement at a net interest cost not to exceed 7.50% in the case of fixed-rate Bonds or an initial interest rate not to exceed 7.50% in the case of variable-rate Bonds.



Blake G. Washington, Chair
Public Authorities Control Board



Steven Otis, Member of the Board



Leroy Comrie, Member of the Board

25-HF-1009


Date: May 28, 2025

CERTIFICATION

STATE OF NEW YORK
COUNTY OF ALBANY ss.

I, Elyse Young, Secretary of the New York State Public Authorities Control Board, do hereby certify that at a meeting of such Board, held on May 28, 2025, the attached resolution was duly adopted by the unanimous vote of the Members of the Board. The resolution attached is a true copy of the resolution and the certification of the determination made by such resolution and of the signatures thereto of each of the Members of the Board or their duly appointed representatives, the original of which is on file in my office. As of the date of this certification, such resolution has not been modified, superseded, amended or repealed and remains in full force and effect.


In witness thereof I have hereunto set my hand this 28th day of May 2025.



Elyse Young
Secretary

STATE OF NEW YORK
COUNTY OF ALBANY ss.

On this 28th day of May 2025, before me personally came Elyse Young to me known, who, being by me duly sworn, did depose and say that she is the Secretary of the New York State Public Authorities Control Board, that she executed the foregoing certification and that the contents thereof are true.



Brittany N. Glenn
Notary Public, State of New York
No. 01GL6253075
Qualified in Rensselaer County
Commission Expires: 12/19/2027