

NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD

R E S O L U T I O N No. 25-HF-1021

APPROVING A SPECIFIED PROJECT OF THE HOUSING FINANCE AGENCY
(Affordable Housing Revenue Bonds -
Marine Drive Apartments, Phase I)

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 new construction of four buildings at 90 Erie Street in the City of Buffalo, Erie County, as a first phase of the comprehensive demolition and redevelopment of an existing 7-building, 616-unit public housing complex, which is expected to create 254 revenue-generating affordable residential units, 71 of which are expected to be set aside for households with income at or below 30% of the Area Median Income adjusted for family size for the Buffalo-Cheektowaga-Niagara Falls Metropolitan Statistical Area ("AMI"), 82 of which are expected to be set aside for households with income at or below 50% AMI, 25 of which are expected to be set aside for households with income at or below 60% AMI, 36 of which are expected to be set aside for households with income at or below

80% AMI, 11 of which are expected to be set aside for households with income at or below 90% AMI, and 29 of which are expected to be set aside for households with income at or below 120% AMI, and further, 105 of which are expected to be covered under a Section 8 Project-Based Housing Assistance Payment ("HAP") Contract issued under the guidelines of the U.S. Department of Housing and Urban Development Rental Assistance Demonstration Program to be administered by the Buffalo Municipal Housing Authority ("BMHA") and 36 units are expected to be covered by a separate HAP Contract administered by the New York State Housing Trust Fund Corporation, known as Marine Drive Apartments, Phase I (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 \$129,865,000; 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 Marine Drive Apartments I LLC, a single-purpose entity controlled by The Habitat Company, a not-for-profit entity, whose President is Matthew Fiascone, Bridges Development, Inc., a not-for-profit corporation affiliated with BMHA, whose Interim President is Alex Carducci, and Duvernay + Brooks, LLC, whose Administrative Officer is Emily Allison, or another entity acceptable to HFA, where the legal owner is expected to be Bridges Marine Drive I Housing Development Fund Company, Inc., in the maximum aggregate amount of \$129,865,000, with the Loan amortizing over not more than 50 years; and

WHEREAS, the total estimated development cost of the Project is approximately \$249,518,654 ("Total Development Cost") comprising the requested bond financing, federal and state low-income housing tax credits, HFA subsidy loans, Housing Trust Fund Corporation subsidy loans, BMHA Capital Funds, Brownfield Tax Credits, City of

Buffalo infrastructure funds, deferred reserves and a deferred developer fee; and

WHEREAS, the Loan covers the construction period only and will be secured by supplemental security provided by M&T Bank; 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 \$129,865,000; and

WHEREAS, a copy of the HFA's application has been duly filed with the Comptroller and he has had an opportunity to comment;

NOW, THEREFORE, BE IT RESOLVED, that PACB approves the Project identified below, in accordance with Section 51 of the Public Authorities Law:

(Continued on Next Page)

Project Description

Marine Drive Apartments, Phase I

The new construction of four buildings comprised of two hundred fifty-four (254) residential rental units

(Erie County)

Sources and Uses

<u>Sources of Funds-Construction</u>	<u>Estimated Amount</u>
Tax Exempt Bond Construction Loan	\$108,220,000
HFA PHP	\$25,412,500
HFA MIHP	\$5,700,000
HFA NCP	\$61,773,479
HTFC CIF	\$1,634,000
HTFC HWF	\$3,800,000
HCR Accrued Interest during Construction	\$9,188,002
Federal Low Income Housing Tax Credits	\$12,989,222
State Low Income Housing Tax Credits	\$0
BMHA Capital Funds	\$4,000,000
City Infrastructure Funds	\$0
Brownfield Tax Credits	\$5,095,611
Deferred Reserves	\$1,188,291
Deferred Developer Fee	<u>\$10,517,549</u>
Total Sources	\$249,518,654

<u>Sources of Funds-Permanent</u>	<u>Estimated Amount</u>
HFA PHP	\$26,750,000
HFA MIHP	\$6,000,000
HFA NCP	\$59,624,080
HTFC CIF	\$1,720,000
HTFC HWF	\$4,000,000
HCR Accrued Interest during Construction	\$9,188,002
Brownfield Tax Credits	\$31,847,567
Federal Low Income Housing Tax Credits	\$81,182,639
State Low Income Housing Tax Credits	\$17,798,220
BMHA Capital Funds	\$4,000,000

City Infrastructure Funds	\$900,000
Developer Funded 3-Month Operating Reserve	\$594,146
Deferred Developer Fee	<u>\$5,914,000</u>
Total Sources	\$249,518,654

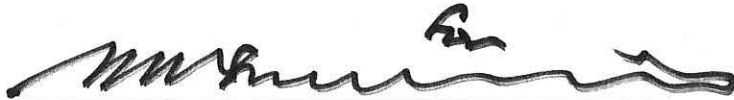
<u>Uses of Funds</u>	<u>Estimated Amount</u>
Project Cost	\$246,975,484
Cost of Issuance	\$2,164,400
Bond Issuance Fee	<u>\$378,770</u>
Total Uses	\$249,518,654

Maximum Amount of Bonds to be Issued:
Not to Exceed \$129,865,000 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-1021

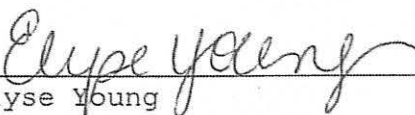
Date: July 23, 2025

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 July 23, 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.

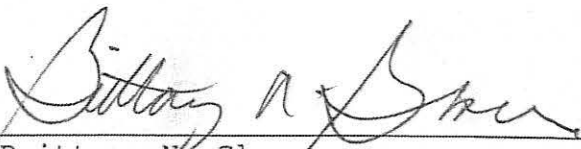
In witness thereof I have hereunto set my hand this 23rd day of July 2025.



Elyse Young
Secretary

STATE OF NEW YORK
COUNTY OF ALBANY ss.

On this 23rd day of July 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