

NEW YORK STATE PUBLIC AUTHORITIES CONTROL BOARD

R E S O L U T I O N No. 24-HF-979

APPROVING A SPECIFIED PROJECT OF THE HOUSING FINANCE AGENCY  
(Personal Income Tax Revenue Bonds - Saratoga Heights)

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 acquisition and rehabilitation of eleven (11) townhouse-style residential buildings and one maintenance/community building on 9.9 acres at 35 Felters Road in the City of Binghamton, expected to preserve 100 revenue-generating housing units along with an upgraded laundry facility, improved children's playgrounds onsite, Wi-Fi throughout, 114 free parking spaces, and 6 EV charging stations, expected to be set aside for households with income at or below 80% of the Area Median Income adjusted for family size for the Binghamton, NY Metropolitan Statistical Area ("AMI"), of which 20 units are expected to be set aside for households with income at or below 30% of AMI, 48 units are expected to be set aside for households with income at or below 50% of AMI, and 21 units are expected to be set aside for households with income at or below 60%

of AMI, known as Saratoga Heights (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 30 years (the "Bonds") in an amount not to exceed \$35,980,000; and

WHEREAS, the Bonds will be issued under the State Personal Income Tax Revenue Bonds (Economic Development and Housing) General Bond Resolution, adopted by the HFA Members on February 6, 2003, as supplemented; and

WHEREAS, the Bonds will be special obligations of HFA secured by, and repaid from, payments to be made under a Financing Agreement between HFA and the State of New York (the "State"), acting through the Director of the Budget, from amounts deposited in the Revenue Bond Tax Fund created under Section 92-z of the State Finance Law; and

WHEREAS, payments of principal of and interest on the Loan (as defined below) are expected to reimburse the State for such Financing Agreement payments; 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 Binghamton Saratoga I Limited Partnership, a single-purpose entity the managing member of which, after permanent conversion, will be Community Potential, Inc., or another entity acceptable to HFA, and the developer is 3D Development Group, LLC, whose principal is Bruce Levine, in the maximum aggregate amount of \$35,980,000, with the Loan amortizing over not more than 50 years; and

WHEREAS, the total estimated development cost of the Project is approximately \$66,159,167 ("Total Development Cost") comprising the requested bond financing, federal and state low-income housing tax credits, an HFA subsidy loan, an award from the Federal Housing Trust Fund, and other sources; and

WHEREAS, the Loan will be secured by supplemental security provided by Bank of America, N.A., during construction and by HUD/Federal Financing Bank Risk Share 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 \$35,980,000; 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:

Project Description

Saratoga Heights

The acquisition and rehabilitation of one hundred (100) units of affordable housing (Broome County)

| <u>Sources of Funds-Construction</u>     | <u>Estimated Amount:</u><br><u>Total Project</u> |
|--|--|
| HFA First Mortgage                       | \$ 7,000,000                                     |
| HFA Construction Loan (Short-Term Bonds) | \$ 25,710,000                                    |
| HFA PHP                                  | \$ 3,319,716                                     |
| HFA Clean Energy Initiative (CEI)        | \$ 3,000,000                                     |
| HCR Accrued Interest during Construction | \$ 663,331                                       |
| Federal Housing Trust Fund               | \$ 6,740,500                                     |
| Federal Low Income Housing Tax Credits   | \$ 10,342,867                                    |
| State Low Income Housing Tax Credits     | \$ 0   |
| City of Binghamton HOME                  | \$ 250,000                                       |
| BHA Purchase Money Mortgage              | \$ 5,590,000                                     |
| BHA Loan                                 | \$ 584,520                                       |
| Federal Energy Tax Credit                | \$ 0   |
| Deferred Developer Fee                   | \$ 2,958,233                                     |
| <b>Total Sources</b>                     | <b>\$ 66,159,167</b>                             |

| <u>Sources of Funds-Permanent</u>        | <u>Estimated Amount:</u><br><u>Total Project</u> |
|--|--|
| HFA First Mortgage                       | \$ 7,000,000                                     |
| HFA PHP                                  | \$ 3,861,520                                     |
| HFA Clean Energy Initiative (CEI)        | \$ 3,000,000                                     |
| HCR Accrued Interest during Construction | \$ 663,331                                       |
| Federal Housing Trust Fund               | \$ 6,741,000                                     |
| Federal Low Income Housing Tax Credits   | \$ 28,810,214                                    |
| State Low Income Housing Tax Credits     | \$ 8,200,000                                     |
| City of Binghamton HOME                  | \$ 250,000                                       |
| BHA Purchase Money Mortgage              | \$ 5,590,000                                     |
| BHA Loan                                 | \$ 584,520                                       |
| Federal Energy Tax Credit                | \$ 164,124                                       |
| Deferred Developer Fee                   | \$ 1,294,458                                     |
| <b>Total Sources</b>                     | <b>\$ 66,159,167</b>                             |

|                   |                      |
|-------------------|----------------------|
| Project Cost      | \$ 65,307,982        |
| Cost of Issuance  | \$ 736,700           |
| Bond Issuance Fee | \$ 114,485           |
| <b>Total Uses</b> | <b>\$ 66,159,167</b> |

Maximum Amount of Bonds to be Issued:  
Not to Exceed \$35,980,000 Outstanding at Any Time

\* \* \* \* \*

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 an initial interest rate not to exceed 7.50%.

  
\_\_\_\_\_  
Blake G. Washington, Chair  
Public Authorities Control Board

  
\_\_\_\_\_  
Steven Otis, Member of the Board

  
\_\_\_\_\_  
Leroy Comrie, Member of the Board

24-HF-979

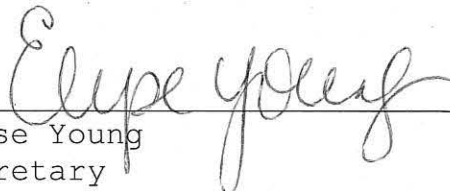
Date: November 20, 2024

CERTIFICATION

STATE OF NEW YORK  
COUNTY OF ALBANY ss.

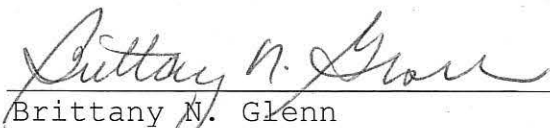
I, Elyse Young, Secretary of the New York State Public Authorities Control Board, do hereby certify that at a meeting of such Board, held on November 20, 2024, the attached resolution was duly adopted by the unanimous vote of the Members of the Board. The resolution attached is a true copy of the resolution 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 20th day of November 2024.

  
\_\_\_\_\_  
Elyse Young  
Secretary

STATE OF NEW YORK  
COUNTY OF ALBANY ss.

On this 20th day of November 2024, 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