

PROPOSED RESOLUTION NO: 36 - 2020

A RESOLUTION to authorize execution of a Tax Exemption and PILOT Agreement (the “Agreement”) between the County of Nassau (the “County”) and Selfhelp Bergen Housing Development Fund Company, Inc. (the “Company”) and acknowledged and agreed to by Bergen Place LLC (the “Developer”).

WHEREAS, the Company, a New York not-for-profit corporation was formed and organized as a Housing Development Fund Company pursuant to Article XI of the New York Private Housing Finance Law (the “PHFL”); and

WHEREAS, the Company owns vacant land consisting of approximately 29,178 square feet located at 81 – 83 Bergen Place, Village of Freeport, Town of Hempstead, County of Nassau known as Section 55, Block 325, Lots 7 & 8 on the Nassau County Land and Tax Map (the “Premises”); and

WHEREAS, the Company intends to enter into a “Nominee Agreement” with the Developer pursuant to which the Developer will own the beneficial and equitable interest in the Premises and the Company will retain the fee interest in the Premises for the purpose of developing forty-four (44) affordable residential rental units for senior housing plus one (1) resident manager’s unit at the Premises (the “Project”); and

WHEREAS, the Company has applied for and secured Low Income Housing Tax Credits, Supportive Housing Opportunity Program Funds and HOME Funds to finance the construction and development of the Project (the “Financing”); and

WHEREAS, in order to be eligible for the Financing the Company must cause the transfer of the beneficial and equitable interest in the Premises to the Developer and must also obtain a Tax Exemption Agreement to run coterminous with the term of the Financing, i.e. a minimum of thirty-two (32) years from the date of closing on the Financing, for the Project to be financially viable and to keep the unit rents affordable; and

WHEREAS, Section 577(1)(a) of the New York Private Housing Finance Law provides that the local legislative body of any municipality in which a project of a housing development fund company is or is to be located may exempt the real property in such project from local and municipal taxes, including school taxes, other than assessments for local improvements; and

WHEREAS, the Company and the Developer have proposed a Tax Exemption and PILOT agreement that will be coterminous with the term of the Financing and which will provide for PILOT payments of \$25,816 in year 1 of the agreement escalating at the rate of 2% annually to the sum of \$47,697 in year 32 of the agreement; and

WHEREAS, the Village of Freeport having reviewed the Company's request on March 25, 2019 adopted a Resolution approving the Company's request for an exemption from Village taxes pursuant to PHFL Section 577(1)(a) for a term of thirty-two (32) years pursuant to the terms of a Village Services Agreement; and

WHEREAS, the County acts on behalf of itself, the Town, Special Districts and the School District in assessing real property for the purposes of taxation within the meaning of and in accordance with Section 577(1)(a) of the PHFL; and, now therefore, be it

RESOLVED, that this Legislature hereby approves and the County Executive be and is hereby authorized to execute the Tax Exemption and PILOT Agreement on behalf of the County with the Company, a copy of which shall be on file in the Office of the Clerk of the County Legislature of Nassau County, and it is further

RESOLVED, that the County Executive is hereby authorized to execute any and all ancillary documents and to take such other action as is necessary to carry out the purposes of the Tax Exemption Agreement, and it is further

RESOLVED, that it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the proposed action has been determined not to have a significant effect on the environment and that no further review is required, and be it further

RESOLVED, that this Resolution shall take effect immediately