

Bi-monthly Enforcement Action Report
(Pursuant to New York City Administrative Code Section 22-824(a)(2))
October 1, 2023

Description of Enforcement Actions and Entities

The enclosed report (beginning on page 2) provides a description of enforcement actions and names of entities against which enforcement actions have been taken.

Number of Ongoing Projects Outstanding

As of September 25, 2023 there were 430 ongoing projects outstanding.

Percentage of Projects Subject to Enforcement Action

The percentage of projects with respect to which enforcement actions are being undertaken (10) as compared to the ongoing projects outstanding 430 is 2%.

Defaulted Projects Not Currently Subject to an Enforcement Action

The number of projects for which events of default under program agreements have taken place and which are not currently subject to enforcement action is 7.

Amounts Recovered through Enforcement Actions

Since August 1, 2023, there has been \$6,160.00 recovered through enforcement actions.

#	Active Project Name	Default Category	Enforcement Action	Current Status
1	Bronx Parking Development Company, LLC (NYCIDA)	Payment Default (bonds)	Enforcement Action to be determined	The Company is in negotiations with representatives of the holders of the majority of bonds on the terms of a restructuring agreement.
2	La Scuola D'Italia-Guglielmo Marconi (BNYC)	The Project was not completed by the Project Completion Deadline and defaulted by the Bond Trustee	Bond Trustee issued Notice of Event of Default on 2/27/2017	Build NYC is working with the Bond Trustee and the Institution to resolve outstanding issues.
3	Java Street Pier (NYCIDA)	The Developer missed the Commencement Construction Date	The Agency issued a Notice of Default on 3/10/2023.	The matter has been referred to the NYC Law Department to commence reverter litigation.
4	Seaview Senior Living Housing Development Fund Corporation (BNYC)	Payment Default	Bond Trustee issued Notice of Event of Default on 3/2/2017	Build NYC is working with Bond Trustee and the Institution to resolve outstanding issues.
5	Brooklyn Union Gas Company d/b/a National Grid NY (NYCIDA)	The Project was not completed by the Project Completion Deadline.	Enforcement action to be determined	NYCIDA is working with the Company to resolve the outstanding issue.
6	5 Bay Street Phase 1 LLC (NYCIDA)	The Project was not completed by the Project Completion Deadline.	Enforcement action to be determined	NYCIDA is working with the Company to resolve the outstanding issue.
7	Transcontinental Ultra Flex LLC (NYCIDA)	The Project was not completed by the Project Completion Deadline.	Enforcement action to be determined	NYCIDA is working with the Company to resolve the outstanding issue.
8	C. Kenneth Imports (NYCIDA)	The Project was not completed by Project Completion Deadline.	Enforcement action to be determined	NYCIDA is working with the Company to resolve the outstanding issue.
9	Fencers Club, Inc. (BNYC)	Institution has not provided sufficient proof of insurance coverage. Trustee issued Notice of Default due to Institution's failure to comply with the Debt Service Coverage Ratio; failure to comply with liquidity covenants; Failure to timely deliver financial reports; incurring additional debt; a mechanic's lien; and failure to fund the Interest Account.	Notice of Non- Compliance issued 8/30/2022 Bond Trustee issued Notice of Default on 10/10/2022	Build NYC is working with the Institution to resolve the outstanding issues.
10	AMDA, Inc. (BNYC)	Trustee issued Notice of Default due to Institution's failure to maintain required debt service ratio and required liquidity ratio.	Bond Trustee issued Notice of Default on 10/10/2022	The bondholders of 100% of the aggregate principal amount outstanding on the bonds entered into a forbearance agreement on March 21, 2023 agreeing to forbear in excising their rights and remedies until July 3, 2023 (subject to the terms of the forbearance agreement). The forbearance agreement was extended to October 31, 2023.
11	AMDA, Inc #2 (BNYC)	Trustee issued Notice of Default due to Institution's failure to maintain required debt service ratio and required liquidity ratio.	Bond Trustee issued Notice of Default on 10/10/2022	The bondholders of 100% of the aggregate principal amount outstanding on the bonds entered into a forbearance agreement on March 21, 2023 agreeing to forbear in excising their rights and remedies until July 3, 2023 (subject to the terms of the forbearance agreement). The forbearance agreement was extended to October 31, 2023.
12	Congregation Machna Shalva, 1462 CMSLLC & 5815 CMS (BNYC)	Institution has not fulfilled its annual reporting obligations and owes overdue fees to the Corporation.	Notice of Non - Compliance issued 10/14/2022	Build NYC is working with the Institution to resolve the outstanding issues.
13	Richmond Medical Center (BNYC)	The Project was not completed by the Project Completion Deadline.	Notice of Non-Compliance issued 01/23/2023	Build NYC is working with the Institution to resolve the outstanding issue.
14	New York Post (NYCIDA)	The Project Company has vacated the facility.	Enforcement action to be determined	NYCIDA is working with the Company to resolve the outstanding issue.
15	Friends of Hellenic Classical Charter Schools (BNYC)	The Project was not completed by the Project Completion Deadline.	Enforcement action to be determined	Build NYC is working with the Institution to resolve the outstanding issue.
16	J & J Farms Creamery, Inc. and Fisher Foods of Queens Corp. (NYCIDA)	The Project Company entered into a mortgage on its Facility without Agency consent, in violation of its NYCIDA Agreement	Agency issued a Notice of Non-compliance on 5/4/2023. Agency issued a Notice of Event of Default on 6/5/2023. On 6/9/2023 Agency issued a Memo to the Dep't of Finance to have PILOT increased to Full Tax Equivalent effective as of 3/9/2023.	NYCIDA is working with the Company to resolve the outstanding issue.

#	Terminated Project Name	Default Category	Enforcement Action	Current Status
1	Surprise Plastics, Inc. (NYCIDA)	Ceased Operations, Failed to Make PILOT Payment(s), Failed to Pay Annual Administrative Fee, Failed to Submit Proof of Insurance	NYCIDA issued Notice of Event of Default on 8/20/2010 and terminated project on 3/31/2014.	NYCIDA terminated PILOT, property placed back on tax rolls. Recapture of \$873,755.70 was collected at termination. As to the collection of the remaining recapture owed, the matter has been referred to the NYC Law Department; litigation commenced on 3/6/2015. A judgment was entered on 7/10/19. NYC Law Dep't referred enforcement to collections firm.