

Bi-monthly Enforcement Action Report
(Pursuant to New York City Administrative Code Section 22-824(2)(a))
February 1, 2021 – Updated on February 25, 2021

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 February 25, 2021, there were 448 ongoing projects outstanding.

Percentage of Projects Subject to Enforcement Action

The percentage of projects with respect to which enforcement actions are being undertaken (13) as compared to the ongoing projects outstanding (448) is 3%.

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 an enforcement action is 6.

Amounts Recovered through Enforcement Actions

Since December 1, 2020, there have been no amounts recovered through enforcement actions.

| # | Active Project Name | Default Category | Enforcement Action | Current Status |
|----|--|--|---|--|
| 1 | Bronx Parking Development Company, LLC | Payment Default | 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 | Magen David Yeshivah | Payment Default | Bond Trustee issued Notice of Event of Default on 4/30/2010 | Institution and bondholders are discussing a workout. |
| 3 | La Scuola D'Italia-Guglielmo Marconi | Project was not completed by Project Completion Date 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 Institution to resolve outstanding issues. |
| 4 | Cubit Power One, Inc | Project was not completed by Project Completion Date | Enforcement Action to be determined | NYCIDA is working with Company to resolve outstanding issue. |
| 5 | Gotham Seafood Corp. | Project was not completed by Project Completion Date | Enforcement Action to be determined | NYCIDA is working with Company to resolve outstanding issue. |
| 6 | Java Street Pier | Project missed Commencement Date and was not completed by Project Completion Date | Enforcement Action to be determined | NYCIDA is working with Company to resolve outstanding issue. |
| 7 | Carlton House Restoration, Inc | Project was not completed by Project Completion Date | Enforcement Action to be determined | NYCIDA is working with Company to resolve outstanding issue. |
| 8 | Seaview Senior Living Housing Development Fund Corporation | Payment Default | Bond Trustee issued Notice of Event of Default on 3/2/2017 | Build NYC is working with Bond Trustee and Institution to resolve outstanding issues. |
| 9 | Marathon Energy Corp. | Project was not completed by Project Completion Date | Enforcement action to be determined | NYCIDA is working with Company to resolve outstanding issue. |
| 10 | NBC Universal, Inc | Overuse of Sales Tax Benefit | Notice of Default issued 7/2/2020 | NYCIDA is working with Company to resolve outstanding issue. |
| 11 | The Chapin School, Ltd. (2016) | Project was not completed by Project Completion Date | Enforcement action to be determined | Build NYC is working with Bond Trustee and Institution to resolve outstanding issues. |
| 12 | The Chapin School, Ltd. (2017) | Project was not completed by Project Completion Date | Enforcement action to be determined | Build NYC is working with Bond Trustee and Institution to resolve outstanding issues. |
| 13 | Manhattan College | Project was not completed by Project Completion Date | Enforcement action to be determined | Build NYC is working with Bond Trustee and Institution to resolve outstanding issues. |

| # | Terminated Project Name | Default Category | Enforcement Action | Current Status |
|---|--|--|--|--|
| 1 | Glendale Architectural Wood Products, Inc. | Failed to Make PILOT Payment(s), Sold Project Facility | NYCIDA Issued Notice of Default on 9/10/2014 and terminated project on 6/16/2015. Notice of Demand Issued on 2/2/2018. | NYCIDA terminated PILOT, property placed back on tax rolls. Company owes outstanding payment. Notice of Demand Issued on 2/2/2018. |
| 2 | Surprise Plastics, Inc. | 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 Department is investigating enforcement. |
| 3 | Walsh Electrical Contracting, Inc. | Company failed to pay July 1, 2017 PILOT bill and ceased operations | NYCIDA issued Event of Default on 8/22/2017 and terminated project on 10/26/2017. | NYCIDA terminated PILOT, property placed back on tax rolls. The matter has been referred to NYC Law Department due to outstanding payment. |
| 4 | Time, Inc | Project owes recapture due to reductions in employment | Recapture Payment Demand Notice sent to Company on 2/9/2014, 12/15/2015, & 8/9/2019 | Project terminated on 3/15/2010. Recapture Payment Demand Notice sent to Company on 2/9/2014. On 12/15/2015 an updated Recapture Payment Demand Notice was sent to Company. Recapture request to initiate litigation was sent to NYC Law Department on 4/28/2016.. An updated demand letter was sent on 8/9/2019. A summons and complaint was filed by NYC Law on 10/7/2020 in which IDA is seeking to recover \$7.9 million in recapture. |
| 5 | Smith Electric Vehicles Corp. | Failed to Make PILOT Payment(s), Failed to Complete Project, Failed to Submit Proof of Insurance | NYCIDA Issued a Notice of Event of Default on 2/12/2014 and terminated project on 2/17/2015. | NYCIDA terminated PILOT, property placed back on tax rolls. The matter has been referred to the NYC Law Department. Litigation commenced on 10/31/2016. Default Judgment received on 7/11/2018. NYC Law Department is currently reviewing collection. |
| 6 | Fairway Bakery LLC | PILOT recapture following termination of NYCIDA leases | NYCIDA filed proofs of claim seeking recapture in the Bankruptcy case. | Fairway rejected IDA Leases, which terminated on 5/6/20 and property was placed back on tax rolls on 5/7/20. On 7/8/20, IDA sent a recapture notice and has filed proofs of claim seeking recapture in the bankruptcy proceeding. |