

Bi-monthly Enforcement Action Report
(Pursuant to New York City Administrative Code Section 22-824(a)(2))
June 1, 2024

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 June 1, 2024, there were 422 ongoing projects outstanding.

Percentage of Projects Subject to Enforcement Action

The percentage of projects with respect to which enforcement actions are being undertaken (8) as compared to the ongoing projects outstanding 422 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 5.

Amounts Recovered through Enforcement Actions

Since April 1, 2024, there has been \$12,725,499.85 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 and the Project was not completed by the Project Completion Deadline.	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	Transcontinental Ultra Flex LLC (NYCIDA)	The Project was not completed by the Project Completion Deadline.	Notice of Non - Compliance issued 11/11/2021.	NYCIDA is working with the Company to resolve the outstanding issue.
7	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.
8	Fencers Club, Inc. (BNYC)	Institution has not provided sufficient proof of insurance coverage. Bond Purchaser notified the Institution of its 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 regarding Institution's insufficient insurance coverage. At bondholder's request, a successor trustee was appointed on 3/27/24.	Build NYC is working with the Institution to resolve the outstanding issues. Build NYC agreed to accept the resignation of the bond trustee and at the request of the bondholder, appointed a successor bond trustee, bond registrar and paying agent as of 3/27/24.
9	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.
10	Shefa School (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.
11	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 and 10/10/2023.	Build NYC is working with the Institution to resolve the outstanding issues.

#	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.
2	Cubit Power One (NYCIDA)	A mortgage foreclosure action has been initiated by the Project Company's lenders and the Company has ceased project operations. The Company failed to make December 2023 PILOT payment.	NYCIDA issued a Notice of Event of Default on 12/15/2023 for foreclosure action and ceased operations. Agency NYCIDA issued another Notice of Event of Default on 1/3/2024 for missed PILOT payment. NYCIDA terminated the project leases on 3/29/24.	NYCIDA has appeared in the foreclosure proceeding and is consulting with the project company on next steps. NYCIDA is referring the matter to the NYC Law Dep't to review outstanding PILOT issue.