

Resolution Addressing Governance Matters

A regular meeting of the Nassau County Industrial Development Agency (the “Agency”) was convened in public session, electronically, pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60 and 202.67 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York on October 22, 2020 at 6:00 p.m., local time.

The meeting was called to order by the Chairman, upon roll being called, the following members of the Agency were:

PRESENT:

Richard Kessel	Chairman
Lewis M. Warren	Vice Chairman
Anthony Simon	2nd Vice Chairman
Timothy Williams	Secretary
Amy Flores	Treasurer
John Coumatos	Asst. Treasurer

NOT PRESENT:

Chris Fusco	Asst. Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Harry Coghlan	Chief Executive Officer / Executive Director
Danielle Oglesby	Chief Operating Officer/ Deputy Executive Director
Catherine Fee	Director of Business Development/Chief Marketing Officer
Colleen Pereira	Administrative Director
Carlene Wynter	Compliance Assistant
Nicole Gil	Administrative Assistant
Thomas D. Glascock, Esq.	General Counsel
Andrew D. Komaromi, Esq.	Bond/Transactional Counsel

The attached resolution no. 2020-86 was offered by Anthony Simon, seconded by Amy Flores:

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL
DEVELOPMENT AGENCY (THE “AGENCY”)
ADOPTING AN AMENDED AND RESTATED
POLICY AND RELATED PROCEDURES AND
ADDRESSING OTHER MATTERS
IN CONNECTION WITH GOVERNANCE

WHEREAS, the Nassau County Industrial Development Agency (the “Agency”) is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title 1 of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the “Enabling Act”), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the “Act”) to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Agency’s Strategic Financial Assistance Policy provides, *inter alia*, that the Agency may give special consideration to any project that advances certain public policy goals including “the construction, reconstruction, maintenance and operation of affordable or “workforce” housing”; and

WHEREAS, in furtherance of the Agency’s mission, its powers and purposes and consistently with the Act, the Enabling Act and the Agency’s existing policies, including without limitation, the Agency’s Strategic Financial Assistance Policy, the Agency desires to adopt an amended and restated policy and related procedures authorizing the provision of strategic additional/enhanced financial assistance for qualifying residential rental housing projects of the Agency that commit to increased, additional or improved affordability; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE AGENCY AS FOLLOWS:

Section 1. The Agency hereby adopts as a formal policy of the Agency authorizing the provision of strategic additional/enhanced financial assistance for qualifying residential rental housing projects of the Agency that commit to increased, additional or improved affordability, annexed hereto as Exhibit A (collectively, the “Enhanced Assistance Policy”) as part of the Agency’s Policy Manual as recommended by the Finance and Governance Committee.

Section 2. This Resolution shall not preclude the Agency from adopting other or further policies relating to governance and activities of the Agency as determined from time to time by the members of the Agency.

Section 3. The policy changes adopted pursuant to this Resolution shall take effect as of April 7, 2020 and the members of the Agency hereby ratify and confirm any actions taken by staff of the Agency prior to the adoption of this resolution with respect to the subject matter hereof.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Richard Kessel	VOTING Aye
Lewis M. Warren	VOTING Aye
Anthony Simon	VOTING Aye
Timothy Williams	VOTING Aye
Chris Fusco	VOTING Absent
Amy Flores	VOTING Aye
John Coumatos	VOTING Aye

The foregoing Resolution was thereupon declared duly adopted.

STATE OF NEW YORK

) SS.:

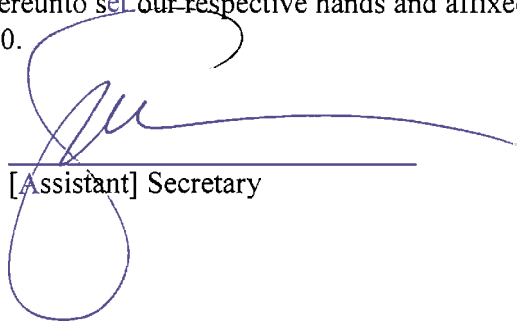
COUNTY OF NASSAU

We, the undersigned [Vice] Chairman and [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on October 22, 2020 with the original thereof on file in our office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

WE FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 5 of the Public Officers Law (the "Open Meetings Law") as modified pursuant to Executive Order No. 202.11, 202.28, 202.48, 202.55, 202.60 and 202.67 - Continuing Temporary Suspension And Modification Of Laws Relating To The Disaster Emergency - by Governor Andrew M. Cuomo of the State of New York, said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

WE FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in full force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, we have hereunto ~~set~~ our respective hands and affixed the seal of the Agency this 22nd day of October, 2020.



[Assistant] Secretary

[Vice] Chairman

(SEAL)

STATE OF NEW YORK

) SS.:

COUNTY OF NASSAU

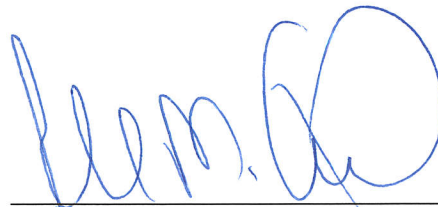
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IN WITNESS WHEREOF, we have hereunto set our respective hands and affixed the seal of the Agency this 22nd day of October, 2020.

[Assistant] Secretary



[Vice] Chairman

(SEAL)

EXHIBIT A

NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY Strategic Additional/Enhanced Financial Assistance for Qualifying Increased Affordability Residential Rental Housing Projects Policy (“Enhanced Assistance Policy”)

The Nassau County Industrial Development Agency (the “Agency”) is charged, pursuant to Article 18-A of the New York State General Municipal Law (as amended from time to time, the “Act”), with the purposes of, among others, promoting, developing, encouraging and assisting in industrial, manufacturing, warehousing, commercial, research and recreational facilities (including educational and cultural facilities among others) and thereby advancing the job opportunities, health, general prosperity and economic welfare of the people of Nassau County and of the State of New York. Toward that end, the Agency has been granted a number of powers under the Act. The purpose of this policy is to enumerate a strategic policy of the Agency, as general guidelines, in awarding additional/enhanced “financial assistance” under the Act.

The Agency desires to encourage any and all “projects” authorized under the Act. However, the Agency may give special consideration to provide additional/enhanced financial assistance to existing or previously approved residential rental projects under development that advance the public policy goal of providing:

- a. Additional affordable housing units, and/or;
- b. Lowered income eligibility thresholds of existing or contemplated affordable units.

Consideration Criteria

In addition to the criteria enumerated in the Agency’s Uniform Criteria for Processing/Evaluation of Projects, in determining eligibility hereunder and whether and to what extent provide additional/enhanced financial assistance under this Enhanced Assistance Policy, the Agency shall consider the following criteria:

- a. Percentage increase of affordable units due to addition of affordable units;
- b. Total percentage of affordable units due to addition of affordable units;
- c. Total number of additional affordable units;
- d. Total number of affordable units due to addition of affordable units;
- e. Total number of units with enhanced income eligibility;
- f. Level of reduction in income eligibility;
- g. Distribution of affordability levels in income bands;
- h. Whether the project includes Long Island Housing Tax Credit, federal HOME or similar financing;
- i. Whether the project is located or to be located in an underdeveloped and highly distressed area or an area which meets certain criteria for consideration as “high-opportunity”;
- j. Whether the project is located or to be located in a transit oriented development;
- k. Whether there is additional investment made in connection with the addition of affordable units or making existing affordable units more affordable;

- l. The extent to which developer evidences a commitment to fair housing goals, such as the establishment of a lottery-program, inclusion of units for households possessing Section 8 vouchers, and other such programs;
- m. Duration of additional affordability commitment;
- n. Fair Housing and Nondiscrimination compliance;
- o. Local/community support.

Procedures under Policy

The Agency shall follow its Uniform Criteria for Processing/Evaluation of Projects in connection with providing any financial assistance pursuant to this Enhanced Assistance Policy, **provided, however,** that the Agency shall adhere to the following procedures:

- a. *Approval after Public Hearing.* All projects considered for additional/enhanced financial assistance hereunder, shall have been theretofore approved by the Agency. Any additional/enhanced financial assistance provided hereunder, may be approved by an approving resolution of the members of the Agency following any public hearing required by the Act and preceded by the adoption of a preliminary inducement resolution (unless determined to be waived by the Agency's).
- b. *Form of Application.* The Agency may accept a formal letter from or on behalf of project applicants for additional/enhanced financial assistance hereunder. Such application letter shall at a minimum set forth:
 - The number and percentage of proposed additional affordable units and/or
 - The number of units affected and percentage change of enhanced income eligibility;
 - The amount of any additional investment;
 - The nature and extent of additional/enhanced financial assistance sought; and
 - A Certification Enclosure reaffirming such applicant's continuing compliance with the Fair Housing and Nondiscrimination Certifications and Acknowledgements made in such applicant's original application to the Agency.
- c. *Additional Documentation.* The Agency's staff shall request and receive any and all documentation from a project applicant applying for additional/enhanced financial assistance hereunder that staff of the agency, in its absolute discretion, determines necessary to review to aid making a recommendation to the members of the Agency.
- d. *Cost Benefit Analysis.* In connection with considering the provision of any additional/enhanced financial assistance hereunder, the Agency shall update or cause to be updated any existing project cost-benefit analysis, at the sole cost of the project applicant.
- e. *Utilization of Additional Consultants.* In connection with considering the provision of any additional/enhanced financial assistance hereunder, the Agency may, at its discretion, utilize the services of third-party consultants, including without limitation, to evaluate any additional real property tax abatement requested, at the sole cost of the project applicant.

- f. *Amendment of Existing Project Documents.* To the extent practicable, the Agency will amend existing straight-lease documentation for any project to implement any additional/enhanced financial assistance provided hereunder.
- g. *Agency Fee.* In connection with the provision of any additional/enhanced financial assistance hereunder, the Agency fee will be the greater of (i) \$10,000 or (ii) the standard Agency project fee, calculated based on the Agency's published fee schedule but treating the aggregate amount of additional/enhanced financial assistance provided hereunder as the "project cost".
- h. *Fair Housing and Nondiscrimination.* In connection with the provision of any additional/enhanced financial assistance hereunder, each applicant shall certify and reaffirm in writing to the Agency its continuing compliance with the Fair Housing and Nondiscrimination Certifications and Acknowledgements made in such applicant's original application. If such Applicant's original application predates such required certifications and acknowledgements, such applicant shall submit a certification in the form attached hereto as Schedule A.

This policy is not intended to exclude any qualified "projects" under the Act, but is intended to enumerate those projects that may receive special consideration

**CERTIFICATIONS AND ACKNOWLEDGMENTS
OF THE APPLICANT**

(i) Does the Project propose the creation of housing?

YES _____ NO _____

If YES, how many units? _____

If YES, the Applicant hereby certifies that:

(a) the Applicant has adopted a Fair Housing/Equal Housing Opportunity Policy substantially in the form of Appendix A to this Certification;

(b) the Project complies with applicable fair housing laws and that eligibility criteria for housing in any part of the Project will not include any residency requirements or preferences, including durational ones, age restrictions (unless for senior housing permitted by law), or other discriminatory criteria;

(c) the Applicant (1) has posted its Fair Housing/Equal Housing Opportunity Policy publicly; and (2) will display fair housing law posters for consumers in its rental or sales office(s), in a form substantially similar to the model fair housing posters attached to this Application as Appendix B (the Agency will provide applicants with fair housing law posters for display upon request by an applicant); and

(d) key employees of the Applicant in charge of marketing and rental of the Project have completed (or will complete within one year of closing) four (4) hours of fair housing training provided by Long Island Housing Services ("LIHS") at a reasonably acceptable time and locations and at no additional cost to the Applicant. In the event LIHS declines to provide or make available reasonably acceptable no-cost fair housing training, the provisions of this Certification shall cease to be of any force and effect.

(ii) The Applicant hereby certifies that the Applicant (1) has adopted a non-discriminatory affirmative marketing plan that meets the criteria set forth in Appendix C to this Certification; and (2) has submitted such marketing plan to the Agency in writing

(a) What portion of the Project would consist of Affordable Housing (e.g., number of units)?

(b) What are the eligibility requirements for the Affordable Housing?

(c) Cite the specific source of such eligibility requirements (e.g., federal, state or local law).

Name of Applicant: _____

Signature: _____

Name: _____

Title: _____

Date: _____

APPENDIX A

Fair Housing/Equal Housing Opportunity Policy to be adopted by Agency Applicants for Housing Projects

As part of our continuing effort to ensure compliance with federal, state, and local anti-discrimination laws, we would like to take this opportunity to remind you of our policies regarding equal housing opportunity. It is important for all employees to review his or her own actions in light of these requirements and for everyone to keep in mind the importance of treating all persons equally.

It is the policy and practice of this company not to engage in or assist the efforts of others to engage in housing discrimination. Consistent with that policy, we remind you that the antidiscrimination laws of the United States, New York State, and local laws are quite specific in the area of housing, and in conformance with those laws, you must not engage in any of the following conduct during the course of your work for this company:

1. Refuse to show, rent, sell, negotiate for the rental or sale of, or otherwise make unavailable or deny, housing to any person because of race, color, religion, creed, sex/gender, familial status (having or expecting a child under 18), national origin, ethnicity, disability, marital status, age, sexual orientation, military status, source of income or status as survivor of domestic violence (each a "prohibited basis");
2. Discriminate against any person in the terms, conditions or privileges of a rental or sale or in the provision of services or facilities in connection therewith because of a prohibited basis;
3. Make any verbal or written statement with respect to the rental or sale of housing that indicates any preference, limitation or discrimination concerning a prohibited basis, or any statement indicating an intention to make any such preference, limitation or discrimination;
4. Represent to any person because of a prohibited basis that any housing or unit is not available for inspection, rental or sale when such apartment is in fact so available;
5. Steer persons into or away from certain areas of a building, development or neighborhood because of a prohibited basis;
6. Refuse to provide a reasonable accommodation in rules, policies, practices or services for tenants, buyers, or applicants with disabilities; and
7. Refuse to allow a reasonable modification to individual units or common areas for tenants, buyers, or applicants with disabilities.

We are firmly committed to the goal of fair housing. You should understand that any violation of this Fair Housing/Equal Housing Opportunity Policy will lead to discipline, up to and including discharge.

APPENDIX B

Sample Fair Housing Posters

U. S. Department of Housing and Urban Development



EQUAL HOUSING
OPPORTUNITY

**We Do Business in Accordance With the Federal Fair
Housing Law**

(The Fair Housing Amendments Act of 1988)

**It is illegal to Discriminate Against Any Person
Because of Race, Color, Religion, Sex,
Handicap, Familial Status, or National Origin**

- | | |
|---|---|
| <input type="checkbox"/> In the sale or rental of housing or residential lots | <input type="checkbox"/> In the provision of real estate brokerage services |
| <input type="checkbox"/> In advertising the sale or rental of housing | <input type="checkbox"/> In the appraisal of housing |
| <input type="checkbox"/> In the financing of housing | <input type="checkbox"/> Blockbusting is also illegal |

Anyone who feels he or she has been
discriminated against may file a complaint of
housing discrimination:

1-800-669-9777 (Toll Free)

1-800-927-9275 (TTY)

www.hud.gov/fairhousing

U.S. Department of Housing and
Urban Development
Assistant Secretary for Fair Housing and
Equal Opportunity
Washington, D.C. 20410

Previous editions are obsolete

Form HUD-928.1 (6/2011)

HOUSING
DISCRIMINATION IS
SOMETIMES **BLATANT**,
SOMETIMES **SUBTLE**,
BUT ALWAYS **UNLAWFUL**.



Do you suspect you have been discriminated against because of your age, race, disability, familial status, or because you are a member of other protected classes? If you witness or experience discrimination, contact the New York State Division of Human Rights at 1-888-392-3644 or WWW.DHR.NY.GOV.

This advertisement was made in collaboration with the NY State Division of Human Rights and U.S. Department of Housing and Urban Development.



APPENDIX C

Requirements for Affirmative Marketing Plans for Housing Projects

Affirmative marketing plans submitted by the Applicant shall be required only for affordable or “workforce” units and shall contain the following information:

1. Street address, village, town, zip code, and census tract number for the Project;
2. Number of affordable units to be marketed and whether they will be available for rent or purchase;
3. The number, if any, and location of market rate units included in the Project;
4. Whether the housing will be “housing for older persons”, defined as at least 80% occupancy of units with at least one person 55 or older or 100% occupancy of persons age 62 or older;
5. A description of how units will be advertised for sale or rental prior to first occupancy, including whether Applicant will utilize its own website, commercial websites, print media outlets, social media outlets such as Facebook, a sign at the project site, mailings, leaflets/flyers, brochures, and other forms of advertising;
6. A statement that the Applicant will use fair housing logo or phrase “Equal Housing Opportunity” on all advertising described above;
7. A statement that the Applicant will distribute written information regarding the availability of affordable units at the project to a list of organizations provided to the Applicant by the Agency, which list may be updated annually;
8. Whether the Applicant will conduct the marketing and initial rent-up or sales itself or contract with a third-party;
9. A statement that an initial application period with a specific start and end date will be utilized for accepting applications for consideration for the initial rental of the units and that the period will last for at least thirty (30) days after the marketing described in this plan is commenced. In addition, a statement that following the initial application period, all the applications submitted during the initial application period will be considered through the use of a lottery and not on a first-come first-served basis, unless the number of applications received during the initial application period is less than the total number of units available for rental.
10. A statement that the Applicant will maintain records of the activities it undertakes to implement its marketing plan.