

From: outgoingagency@customerservice.nyc.gov
To: [Deed Restrictions \(DCAS\)](#)
Subject: City of New York - Correspondence #1-1-1365204482 Deed Restriction
Date: Tuesday, February 7, 2017 1:49:27 PM

Your City of New York - CRM Correspondence Number is 1-1-1365204482

DATE RECEIVED: 02/07/2017 13:48:27

DATE DUE: 02/21/2017 13:49:20

SOURCE: eSRM

The e-mail message below was submitted to the City of New York via NYC.gov or the 311 Call Center. It is forwarded to your agency by the 311 Customer Service Center. In accordance with the Citywide Customer Service standard, your response is due in 14 calendar days.

-----Original Message-----

From: PortalAdmin@doitt.nyc.gov
Sent: 02/07/2017 13:47:50
To: <sbladmp@customerservice.nyc.gov>
Subject: < No Subject >

From: maltidor@nixonpeabody.com (Property Owner)
Subject: Deed Restriction

Below is the result of your feedback form. It was submitted by
Property Owner (maltidor@nixonpeabody.com) on Tuesday, February 7, 2017 at 13:47:50

This form resides at
http://www.nyc.gov/html/dcasa/html/contact/deed_restriction.shtml

Please save this for your records:

Instructions: Thank you for your submission. This is to acknowledge that the Department of Citywide Administrative Services (DCAS) has received your request to review a deed restriction modification or removal. You will receive a service request number to the email you provided. Please use that service request number in all subsequent correspondence with DCAS.

Documents to Mail: Please remember to mail to DCAS the completed Disclosure Document package, a copy of the current deed of ownership, any other document containing the deed restriction, and any additional relevant documents.

Mail Documents To: DCAS Asset Management Attention: Deed Restrictions, 1 Centre Street, 20th Floor North New York, NY 10007.

Important Note: Applicants are required to promptly report any changes in the information provided in the intake package that occur after the intake package is submitted while the request is pending.

Questions?: You will be contacted when the request is reviewed by DCAS. Should you have any questions, please contact us by going to <http://www.nyc.gov/html/dcas/html/contact/email.shtml?17>

Property Owner Name: St Vincent de Paul Residence

Contact Name: Meghan C Altidor

Work Phone #: 202-585-8344

Email Address: maltidor@nixonpeabody.com

Property Name: St Vincent de Paul

Property Address: 900 Intervale Avenue

City: Bronx

State: New York

Postal Code: 10459

Block And Lot: Bronx Block 2711, Lot 28

Reason For Request: We are proposing to build 89 units of affordable senior housing on a parcel of land located adjacent to the St. Vincent de Paul Nursing and Rehabilitation Center Residence (the "Residence"). The site for the proposed housing is currently the same block and lot as the Residence and functions as a parking lot, which will be subdivided from the lot of the Residence. The site is currently subject to certain restrictive covenants under the Deed including (1) limiting the use and development of the subject property to a skilled nursing facility and (2) limiting the use and development of the property to a not for profit use. We are requesting a modification of the deed to allow for the division of the lot and construction of the affordable senior housing.

Description Proposed Development: We are proposing to build 89 units of affordable senior housing. The target population will be individuals and couples over the age of 62, with incomes below 60% area median income ("AMI") and who are on the New York City Housing Authority ("NYCHA") waiting list. A few of the 89 units will be set aside for veterans over the age of 62. The development of the proposed affordable senior housing on the site is sponsored by the Archdiocese of New York, through its affiliates ArchCare (owner of the Residence), the NY Institute for Human Development (IHD) and the Association of New York Catholic Homes ("Catholic Homes"). ArchCare is the healthcare ministry of the Archdiocese of New York, and is one of the largest Catholic continuing care systems in the nation. Although the parking lot will be subdivided and sold to a not-for-profit housing company (the "HDFC") that will act as nominee for a limited liability company (the "Company") to be formed in order to raise equity through participation in the Low Income Housing Tax Credit Program, ArchCare and Catholic Homes will be the members of the HDFC and will maintain a 100% interest in the managing member entity of the Company.

Description Use Of Property: The property has been used as a skilled nursing home residence by the owner since the acquisition of the site from the City and subsequent construction of the facility.

Date Of Mod: 06/01/2017

Any Other Actions: No.

Tax ID: [REDACTED]

Twenty Percent: N/A - the owner is a not-for-profit corporation (ownership shares are not applicable).

Comments: The modification of the deed restrictions encumbering Block 2711, Lot 28, will enable the owner to enhance the existing Residence. The affordable housing project has been designed to incorporate the new building and site improvements into the context of the adjacent nursing home residence in the hopes of creating a vibrant community and sustainable and healthy environment for all residents. As a critical health intervention, the proposed housing will enable a number of residents of the Residence to be appropriately and safely discharged into a community setting with coordinated care management and supportive services. It is anticipated that the residents of the project will be dually Medicaid/Medicare eligible, and that all eligible residents of the Project may take advantage of services from the PACE center located at the Residence. The affordable housing development has the support of the New York City Department of Housing Preservation and Development, the Bronx Borough President and the local City Council representative, all of whom are providing capital funding for the construction of the affordable housing. The New York City Housing Authority will be providing rental assistance in the form of Project Based Vouchers to the Property, thereby ensuring its rents are affordable to low income seniors.

REMOTE_HOST: [REDACTED]

HTTP_ADDR: [REDACTED]

HTTP_USER_AGENT: [REDACTED]

From: Altidor, Meghan [<mailto:maltidor@nixonpeabody.com>]
Sent: Thursday, June 22, 2017 3:30 PM
To: Steven Mortman (DCAS) <SMORTMAN@dcas.nyc.gov>
Cc: Suzanne M Lynn (DCAS) <slynn4@dcas.nyc.gov>
Subject: RE: St. Vincent de Paul Residence- Deed Modification Request- Block 2711, Lot 28 a/k/a 900 Intervale Avenue, the Bronx

Steve: I am acknowledging that our request is withdrawn based upon the response from DCAS. Thank you, Meghan

Meghan C. Altidor
T 202-585-8344 | C 917-225-0378 | F 866-570-0819
Nixon Peabody LLP | 799 9th Street NW | Suite 500 | Washington, DC 20001-4501

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From: Steven Mortman (DCAS) [<mailto:SMORTMAN@dcas.nyc.gov>]
Sent: Tuesday, June 20, 2017 9:48 AM
To: Altidor, Meghan
Cc: Suzanne M Lynn (DCAS)
Subject: St. Vincent de Paul Residence- Deed Modification Request- Block 2711, Lot 28 a/k/a 900 Intervale Avenue, the Bronx

Meghan,

Please see the attached letter endeavoring to close out this matter. Please let me know if you have any questions or concerns.

Respectfully, Steve

Steven M. Mortman | Deputy General Counsel- OGC/Real Estate
P: (212)386-6273 | SMortman@dcas.nyc.gov

<<
image002.jpg (2.0KB)
image003.png (5.8KB)
(7.8KB)
>>

Lisette Camilo
Commissioner

June 20, 2017

Suzanne M. Lynn
General Counsel
Deputy Commissioner,
Strategic Initiatives

The David N. Dinkins
Municipal Building
1 Centre Street
New York, NY 10007

212 386 0042 tel
nyc.gov/dcias

BY EMAIL & REGULAR MAIL

Nixon Peabody
799 9th Street NW
Washington, DC 20001-4501
Attn.: Meghan C. Altidor, Esq.

Re: St. Vincent de Paul Residence --- Deed Modification Request
900 Intervale Avenue a/k/a Block 2711, Lot 28, the Bronx
Service Request Number 1-1-1365204482

Dear Ms. Altidor:

Based on our email correspondence in the referenced matter, specifically email dated April 7, June 7th and 10th from you and June 7th and 9th, 2017 from me, copies attached, it is my understanding that the matter has been resolved on behalf of your client, St. Vincent de Paul, without the necessity of a deed modification, and accordingly this agency may consider the request for a deed modification withdrawn and this matter closed.

If my understanding is not correct in this regard, please let me know at your earliest convenience.

Respectfully,



Steven M. Mortman
Deputy General Counsel

Attachments

C: Suzanne M. Lynn
Laura Ringelheim
Randal Fong
Matthew Berk
Carmine Rivetti

Steven Mortman (DCAS)

From: Altidor, Meghan <maltidor@nixonpeabody.com>
Sent: Saturday, June 10, 2017 1:34 PM
To: Steven Mortman (DCAS)
Cc: Suzanne M Lynn (DCAS); Randal Fong (DCAS); Matthew Berk (DCAS); Carmine Rivetti (DCAS)
Subject: RE: St. Vincent de Paul Deed Restriction Request

Steve: Thank you for the confirmation – we will proceed accordingly. Best, Meghan



Meghan C. Altidor
T 202-585-8344 | C 917-225-0378 | F 866-570-0819
Nixon Peabody LLP | 799 9th Street NW | Suite 500 | Washington, DC 20001-4501

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From: Steven Mortman (DCAS) [mailto:SMORTMAN@dcas.nyc.gov]
Sent: Friday, June 09, 2017 10:56 AM
To: Altidor, Meghan
Cc: Suzanne M Lynn (DCAS); Randal Fong (DCAS); Matthew Berk (DCAS); Carmine Rivetti (DCAS)
Subject: St. Vincent de Paul Deed Restriction Request

Meghan,

Thank you for your email immediately below confirming that the affordable housing portion of the parcel will at all times continue to be owned by a 501(c) corporation. (The proposal outlined in your April 7, 2017 email, also below, already makes clear the nursing home portion would continue to be owned by the present 501(c) entity.)

It is DCAS' view that, provided the entirety of the property continues to be owned in fee title by a 501(c) corporation and utilized in conformance with the use descriptions set forth in your April 7th email, such uses are in conformance with the provisions of the deed.

Respectfully, Steve

Steven M. Mortman | Deputy General Counsel- OGC/Real Estate
P: (212)386-6273 | SMortman@dcas.nyc.gov
The logo for NYC Citywide Administrative Services, featuring the letters "NYC" in a large, bold, sans-serif font, with "Citywide Administrative Services" written in a smaller font below it.

From: Altidor, Meghan [mailto:maltidor@nixonpeabody.com]
Sent: Wednesday, June 07, 2017 6:45 PM
To: Steven Mortman (DCAS) <SMORTMAN@dcas.nyc.gov>
Subject: RE: St. Vincent de Paul Deed Restriction Request

Steve: Yes, that is correct. Thanks, Meghan



Meghan C. Altidor

T 202-585-8344 | C 917-225-0378 | F 866-570-0819

Nixon Peabody LLP | 799 9th Street NW | Suite 500 | Washington, DC 20001-4501

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From: Steven Mortman (DCAS) [mailto:SMORTMAN@dcas.nyc.gov]

Sent: Wednesday, June 07, 2017 2:34 PM

To: Altidor, Meghan

Subject: FW: St. Vincent de Paul Deed Restriction Request

Meghan,

We are just about ready to respond to your email below. Before doing so may I ask for a bit more detail as to the financing structure for the affordable housing component pertinent to the subdivided space outlined in your email? Will fee title continue at all times to reside in a not for profit 501(c) entity?

Respectfully, Steve

Steven M. Mortman | Deputy General Counsel- OGC/Real Estate

P: (212)386-8273 | SMortman@dcas.nyc.gov

NYC Citywide Administrative Services | General Counsel

From: Altidor, Meghan [mailto:maltidor@nixonpeabody.com]

Sent: Friday, April 07, 2017 5:00 PM

To: Steven Mortman (DCAS) <SMORTMAN@dcas.nyc.gov>

Subject: St. Vincent de Paul Deed Restriction Request

Steve: Thank you for your time. As discussed, please find below some proposed language for (1) the portion of Lot 28 that will remain owned by the current owner and (2) the portion of Lot 28 that will be transferred to a new owner for affordable housing development. I look forward to your thoughts. Meghan

(1) Nursing Home Site (Lot 28 after subdivision)

Proposed deed amendment language: "use for frail elderly or other vulnerable populations"

This proposal allows St. Vincent de Paul Residence to continue to operate its existing nursing home facility and encompasses any future change in use that will serve ArchCare's target population. There are currently no plans for disposition or change in use of the existing nursing home facility; this is simply an attempt to allow for flexibility in the future to the extent there needs to be a deed restriction in perpetuity (whereas the current "skilled nursing facility" deed restriction is limited in duration to twenty years only).

(2) Affordable Housing Site (to be subdivided from Lot 28)

New deed language: "housing for Persons of Low Income, defined as a household which, on the date of its initial occupancy, has an annual income that does not exceed the lesser of 165% of AMI or such lower income as may be required at any time pursuant to an agreement with any government agency or instrumentality".

This proposal mirrors the language that will restrict the use of the affordable housing site given its proposed fee title ownership by a housing development fund company ("HDFC") entity. Any change in use would already require the consent of the NYC Department of Housing Preservation and Development given the HDFC form of ownership that is proposed.



Meghan C. Altidor
maltidor@nixonpeabody.com
T 202-585-8344 | C 917-225-0378 | F 866-570-0819
Nixon Peabody LLP | 799 9th Street NW | Suite 500 | Washington, DC 20001-4501
nixonpeabody.com | [@NixonPeabodyLLP](https://twitter.com/NixonPeabodyLLP)

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