

Congress of the United States
House of Representatives
Washington, DC 20515-3211

January 19, 2024

Reverend Hank O. Tuell, IV
Canterbury House, L.P.
1331 Bay Street
Staten Island, NY 10305

Dear Reverend Tuell,

We the undersigned elected officials of all levels of government who represent 1331 Bay Street, Staten Island, New York 10305, known as Canterbury House, are writing to express our opposition to any plan to house migrants or any other individuals not meeting the criteria set forth by the New York State Division of Housing and Community Renewal (NYSDHCR) and the New York City Department of Building's explicit instructions for Canterbury House, L.P.

Your proposed plan violates Canterbury House's April 18, 2001 Certificate of Occupancy (Certificate of Occupancy), attached as **Exhibit A**, and various legal agreements entered into with government agencies and banks such as NYSDHCR and Citibank, N.A.

The July 10, 2001 Low-Income Housing Credit Regulatory Agreement (Housing Agreement), Attached as **Exhibit B**, between Canterbury House, L.P. and the NYSDHCR permits 85 units according applications these units are exclusively meant for senior citizens aged sixty-two or older with a minimum income of \$33,570¹. The housing agreement (**Exhibit B**) states that the building is to provide "4,000 square feet of civic/communal space. This space will be used as an elderly day-care center which will be open to all tenants and community residents...Special consideration was taken toward tenant safety and to limiting access into the building and promoting defensible space."

The Housing Agreement (**Exhibit B**) enables federal income tax credits for the purpose of facilitating investment in buildings for low-income housing and requires annual certification to ensure that Canterbury House L.P. complies with the provisions of the statute along with DHCR's regulations and policies. Failure to comply with this agreement could result in possible forfeiture of the tax credits as a penalty for non-compliance with IRS requirements.

The Housing Agreement (**Exhibit B**) was signed by Canterbury House, L.P./St. John's Housing, LLC, Rosehill Housing Corp., St. John's Rosehill Housing Development Fund Company, Inc. and the NYSDHCR. Therefore, all four signees of the contract are obligated to uphold all the rights and obligations in this agreement.

The Certificate of Occupancy (**Exhibit A**) for this property permits a six-story building with 14 residential units per floor, each with a maximum capacity of one or two tenants. Using part of the 4,000 square foot cellar space violates the 2001 Housing Agreement and your organization's core mission. The cellar consists of an accessory community room with an adjoining meeting room, a boiler room, storage room, laundry room, mechanical room, compactor room, toilets and a superintendent apartment, all with a classification of F1-b under the New York City Building Code. The adjoining meeting room which you intend to use to house migrants was specifically designated as an elderly day care center and should remain as such.

¹ Canterbury House L.P. "Affordable Senior Apartments for Rent: Wavecrest Rentals," Wavecrest Rentals, accessed January 18, 2024, <https://www.wavecrestrentals.com/files/WavecrestManagement-CanterburyHouse.pdf>.

Furthermore, the F1-b classification is given to the use and occupancy merely for assembly purposes and it would be a fire hazard if used for something other than the intended purpose, especially a dormitory for over 50 individuals. The F1-b classification is also given when there is a sufficient quantity of highly combustible and flammable or explosive materials which, because of their inherent characteristics, constitute a special fire hazard. In this regard, housing anyone in the cellar would be a fire hazard and against public safety.

The Certificate of Occupancy (**Exhibit A**) also states the following and is controlling in determining the occupancy of this property: "Non-profit residence for the elderly as per 12-10 Z.R. A residence occupied at least by elderly families, the head or spouse of which is sixty-two years of age or over, or by a single elderly person who is sixty-two years of age or older and which:

- (a) Contains housing keeping units especially designed for elderly persons or families; and
- (b) Consist of one or more buildings on the same contiguous zoning lots and certain related accessory social and welfare facilities primary for residents and maybe available to the community; and
- (c) Constructed with the assistance of a mortgage by the New York State Housing Trust Fund Corp. and maintained by a non-profit charitable organization."

In accepting funds from the New York State Housing Trust Fund Corp. and entering a lease with the NYSDHCR, Canterbury House has an obligation to uphold the tenet of the agreements.

The debtor on a September 2, 2016 Multifamily Gap Leasehold Mortgage ("mortgage document"), attached as **Exhibit C**, is the Canterbury House, L.P. and the St. John's Rosehill Housing Development Fund Company, Inc. with an address of 1331 Bay Street, Staten Island, New York 10305. This is the same address of the Canterbury House and not the St. John's Episcopal Church, which is located at 1333 Bay Street, Staten Island, New York 10305.

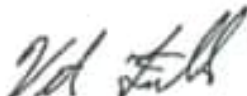
In paragraph 11 of the mortgage document (**Exhibit C**), USE OF PROPERTY, it states in part; "Unless required by applicable law, Mortgagor shall not (a) allow changes in the use for which all or any of the Mortgaged Property is being used at the time this Instrument was executed, except for any change in use approved by Mortgagee, (b) convert any individual dwelling units or common areas for commercial use, (c) initiate a change in the zoning classification of the Mortgaged Property or acquiesce in a change in the zoning classification of the Mortgaged Property."

The proposed plan to house over 50 migrants between the ages of twenty-two and twenty-five is a slap in the face to your senior residents and the community which is entitled to a shared elderly daycare center that is open to all residents. We will use all legal measures at our disposal to ensure that you uphold the contractual agreement and moral obligation made to these seniors and to our community.

Sincerely,



Nicole Malliotakis
Member of Congress



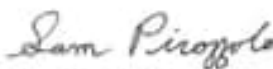
Vito J. Fossella
Staten Island Borough President



Michael E. McMahon
District Attorney, Richmond County



Jessica Scarcella-Spanton
23rd Senate District



Sam Pirozzolo
63rd Assembly District



Kamillah Hanks
City Council District 49

cc: Eric Adams, Mayor, City of New York