

MEMORANDUM

SEPTEMBER 26, 2013

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PETER MEADE, DIRECTOR

FROM: HEATHER CAMPISANO, DEPUTY DIRECTOR FOR DEVELOPMENT
REVIEW
KEVIN MORRISON, GENERAL COUNSEL

SUBJECT: COMMUNITY HOPE CHAPTER 121A PROJECT
CERTIFICATE OF PROJECT TERMINATION

SUMMARY: This Memorandum requests the termination of the Community Hope Chapter 121A Project, which consists of one, four-story community services center building containing four floors of community and office space, classrooms, a computer lab, training space, and offices for education and job development programs, including day and evening classes in adult education, training for women moving off of welfare to become family child care providers, and scholarships and guidance through a program for low-income women pursuing higher education, and 14 off-street parking spaces located at 550 Dudley Street (formerly 2 East Cottage Street), Roxbury, Massachusetts. Specifically, a request is hereby made for the following: (1) a determination and finding that Community Hope Limited Partnership has carried out the obligations and performed the duties imposed on it by Chapter 121A; and (2) the authorization for the Director to execute and deliver a Certificate of Project Termination with a termination date of June 27, 2013, and to terminate any other related agreements with the Boston Redevelopment Authority, including without limitation, the Regulatory Agreement, and the 6A Contract with the City of Boston regarding the Community Hope Chapter 121A Project.

PROJECT BACKGROUND

On May 19, 2005, the Boston Redevelopment Authority (the "Authority") by vote adopted a Report and Decision (the "Report and Decision") on an application originally dated February 5, 2005, as amended by the submission of additional information and an Amendment and Supplemental Information dated April 5, 2005 and May 10, 2005 (collectively, the "Application"), for a project known as 550 Dudley Street (the "Community Hope 121A Project" or the "Project"), located in the Roxbury

neighborhood of the City of Boston. Such vote was approved by the Mayor of the City of Boston (the "Mayor") on May 24, 2005, and the vote so approved was filed with the Clerk of the City of Boston (the "City Clerk") on May 26, 2005 (the "Original Approval Date"). The Community Hope 121A Project, as more particularly described in the Report and Decision and the Application upon which it was based, consists of one, four-story community services center building containing four floors of community and office space, classrooms, a computer lab, training space, and offices for education and job development programs, including day and evening classes in adult education, training for women moving off of welfare to become family child care providers, and scholarships and guidance through a program for low-income women pursuing higher education, and 14 off-street parking spaces located at 550 Dudley Street (formerly 2 East Cottage Street), Roxbury, Massachusetts. The Chapter 121A entity designated in the Report and Decision to own, operate, and manage the Project was Community Hope Limited Partnership, a Massachusetts limited partnership. Community Hope Limited Partnership was organized under the auspices of Little Sisters of the Assumption Family Health Services of Massachusetts, Inc. (d/b/a Project Hope), a Massachusetts nonprofit corporation exempt from federal taxation under Section 501(c)(3) of the United States Internal Revenue Code ("Project Hope"). Project Hope has leased the Community Hope 121A Project since its development, has operated and provided all services at the Project, and will continue to lease, operate, and provide services there following the termination of the Community Hope 121A Project.

On August 12, 2005, Community Hope Limited Partnership entered into a contract with the City of Boston pursuant to Chapter 121A, section 6A (the "6A Contract").

On August 12, 2005, Community Hope Limited Partnership entered into a Regulatory Agreement with the Authority pursuant to section 18C of Chapter 121A.

CERTIFICATE OF PROJECT TERMINATION

The Project had a term of 15 years from the Original Approval Date; that is, from May 26, 2005 to May 26, 2020. While the 15 year period has not been completed, fee ownership of the Project is being transferred from Community Hope Limited Partnership, a for-profit Massachusetts limited partnership, to Co-Opportunity, Inc., a Massachusetts nonprofit corporation exempt from federal taxation under Section 501(c)(3) of the United States Internal Revenue Code ("Co-Opportunity"). Co-Opportunity is under common control with Project Hope, which has leased the Community Hope 121A Project and provided all services at that location since the development of the Project, and which will continue to lease the Project and provide all services at the Project. Because the Project will now be entirely under nonprofit ownership and control, the parties request a Certificate of Project Termination to terminate the Community Hope 121A Project as of June 27, 2013.

Chapter 121A, Section 18C provides as follows with emphasis added:

“If the persons or organizations described in this section have carried out their obligations and performed the duties as imposed by this chapter ... to the satisfaction ... of the Boston Redevelopment Authority, as evidenced by a certificate issued by said authority ... , they shall thereafter no longer be subject to the obligations of this chapter nor enjoy the rights and privileges hereby granted.”

Thus, after the granting of the Certificate of Project Termination, Community Hope Limited Partnership, as the Chapter 121A entity, shall no longer be subject to, except for any outstanding liabilities or contractual obligations, nor will it enjoy the rights and privileges of Chapter 121A and Chapter 652.

RECOMMENDATION

Staff is not aware of any defaults or violations by Community Hope Limited Partnership of the terms of the Regulatory Agreement of 6A Contract, or other applicable provisions of Chapters 121A and 652.

It is recommended that a determination and finding be made that Community Hope Limited Partnership has satisfied all of the applicable obligations and duties imposed on it under Chapter 121A and therefore a Certificate of Project Termination should be issued. When issued, counterparts of the certificate will be sent to or filed with Community Hope Limited Partnership, the City of Boston, respectively, the City Clerk, the Collector-Treasurer of the Treasury Department and the Commissioner of Assessing of the Assessing Department, and also with the Commonwealth of Massachusetts Department of Revenue.

Appropriate votes follow:

VOTED: That the Boston Redevelopment Authority (the “Authority”) in accordance with G.L. c. 121A, § 18C, hereby determines and finds with regard to the Community Hope Chapter 121A Project, as follows: (1) that Community Hope Limited Partnership has carried out its obligations and performed the duties as imposed by G.L. c. 121A and the St. 1960, c. 652, as amended and applicable (collectively, hereafter “c. 121A”); (2) that the Community Hope Chapter 121A Project is terminated as of June 27, 2013, and thereafter the property which constitutes the Community Hope Chapter 121A Project and Community Hope Limited Partnership shall no longer be subject to the obligations, except for any outstanding liabilities incurred, nor shall they enjoy the rights, benefits, exemptions and privileges conferred or imposed by c. 121A; and (3) notwithstanding the termination under c. 121A, any zoning or other deviations granted in the Report and Decision for the Community

Hope Project shall survive termination and remain in full force and effect, without any limitations; and

FURTHER

VOTED: That the Director of the Authority be, and hereby is, authorized to execute on behalf of the Authority, a Certificate of Project Termination with regard to the Community Hope Chapter 121A Project, and a termination of any other agreements with by the Authority and the City of Boston with respect to the Community Hope Chapter 121A Project. Such Certificate of Project Termination shall be delivered to Community Hope Limited Partnership, the Department of Revenue of the Commonwealth of Massachusetts and the City of Boston, respectively, the City Clerk, the Commissioner of Assessing of the Assessing Department and the Collector-Treasurer of the Treasury Department.