

TRANSCRIPT OF THE JULY 14, 2022, BOARD MEETINGS OF THE NEW YORK STATE HOUSING FINANCE AGENCY, THE STATE OF NEW YORK MORTGAGE AGENCY, THE AFFORDABLE HOUSING CORPORATION, THE STATE OF NEW YORK MORTGAGE AGENCY MORTGAGE INSURANCE COMMITTEE, STATE OF NEW YORK MORTGAGE AGENCY FINANCE AND PROGRAM COMMITTEE

Alejandro J. Valella, Vice President and Deputy Counsel to the Agencies stated that he will now open the July 14, 2022 meeting of the Boards of the New York State Housing Finance Agency, the State of New York Mortgage Agency, the Affordable Housing Corporation, the State of New York Mortgage Agency Mortgage Insurance Committee, the State of New York Mortgage Agency Finance and Program Committee and noted that the Governor has by Executive Order extended the exemption to the Open Meetings law that provides that public bodies may meet to take actions without permitting in public in-person access to such meetings and authorizes meetings to be held remotely by conference call, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed. Mr. Valella noted that the exemption lasted through July 14th.

Mr. Valella also stated that the Board meeting would be held by conference call instead of as a public meeting open for the public to attend in person, and that a call-in number was made public for the public to listen to the proceedings.

Mr. Valella noted that because of these special features a change in voting procedures would be put in place for this meeting and he would be asking each Board member to record their votes individually.

Mr. Valella began with a motion to call the meeting of the HFA, HTFC and AHC Boards to order. Chairman Adams made the motion and Ms. McKeown seconded. Ms. Visnauskas voted aye; Mr. Curtis voted aye; Mr. Olczak voted aye; Mr. McIntyre voted aye. Mr. Valella noted the presence of a quorum for these Agencies.

Mr. Valella asked for a motion to call the meeting of the SONYMA Board to order. Mr. Kapell made the motion and Mr. Rodriguez seconded the motion. Mr. Ballan voted aye; Ms. Visnauskas voted aye; Chairman Adams voted aye; Mr. Olczak voted aye. Mr. Valella noted the presence of a quorum for the SONYMA.

Mr. Valella asked for a motion to call the meeting of the SONYMA Mortgage Insurance Committee to order. Mr. Kapell made the motion and Chairman Adams seconded the motion. Mr. Ballan voted aye; Ms. Visnauskas voted aye; Mr. Olczak voted aye. Mr. Valella noted the presence of a quorum for the MIF.

Mr. Valella asked for a motion to call to order the meetings of the State of New York Mortgage Agency Finance and Program Committee. Chairman Adams made the motion and Mr. Olczak seconded. Mr. Valella noted the presence of a quorum for the State of New York Mortgage Agency Finance and Program Committee.

Ms. Visnauskas then made her President's Report.

Chairman Adams then moved to **Item 1 on the agenda: He noted that the transcript of the board, governance and audit committee meetings held on June 23, 2022. The transcript shall be deemed approved, absent corrections from Members and Directors.**

Chairman Adams then moved to the next items on the agenda.

Shared Agenda Item: Approval of resolution adopting written procedures governing Board member participation in Board meetings under certain extraordinary circumstances.

Mr. Valella presented this item. He stated that recent legislation amended the Open Meetings law to permit Board members to participate in board meetings under extraordinary circumstances by video conference without providing members of the public access to the location where the board member is participating. Mr. Valella noted that under the law as it existed prior to the onset of the COVID crisis, board members could participate in meetings in person or via video, as long as the public could join the board members at every location. The new amendments, which will become effective after the COVID executive order permitting video meetings expires, will allow board members to vote, but not to count for quorum, without public access to their locations, as long as the Agencies vote, after a hearing, to approve written procedures governing such participation.

Mr. Valella noted that the Agency had held a public hearing, after public notice, and had prepared written procedures for the extraordinary participation, which procedures are before the Boards for a vote.

Mr. Ballan asked how this is being handled at other authorities. Mr. Valella noted that the same process was being followed at authorities and state agencies, as well as towns and municipalities throughout the State.

Mr. Ballan noted his support for flexibility, particularly as he was participating in this meeting from his home, but he added that he was concerned about possible lack of transparency as important government business is conducted without public access.

Mr. Valella noted that the Open Meetings web site contains Frequently Asked Questions on this topic as well as model procedures and added that this change is not automatic, meaning that any Board member who wishes to take advantage of the exemption will need to contact the Chairman and Counsel in advance and explain how the extraordinary circumstances are included within those categories that the law permits and that the Chair and Counsel have the authority to deny requests which they feel are outside the exemption.

Mr. Valella noted that the fact that a board member participating in this way will be doing so on video and will be seen by the members of the public who are required to be given access to the video feed goes a long way toward ensuring transparency.

Mr. Ballan noted those points but reiterated his belief that in person contact between Board members where they are in the same room is an important part of the work of the Boards and that this would be missed if these exemptions are used.

Ms. Visnauskas noted that assuming the COVID executive order is not extended, starting next board meetings the Boards would be meeting in person or via video where the public has access and that this change would only apply to those board members who could prove they qualified for the exemption granted by statute.

Mr. Ballan proposed adopting the resolution but only for a trial period, to see how it operates in practice once we go back to public meetings. Mr. Kapell agreed with that proposal, as did Chairman Adams, with no objection to the proposal from the rest of the Board.

Mr. Valella moved for adoption of the resolution transmitted in connection with this item, as revised to reflect the Board's determination that the resolution should only be effective for a six (6) month period commencing on the date of the first Board meeting where the Boards are required to meet without benefit of the current COVID open meetings law exemption.

Considering the first and second motion for HTFC, Mr. Valella asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution was adopted.

ITEM 2: Resolution Authorizing Awards under the Community Development Block Grant Economic Development and Microenterprise Program

Ms. Loffler presented this item.

Ms. Eu Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 3: Resolution Authorizing Awards under the Community Development Block Grant CARES Program for COVID-19 Assistance

Ms. Loffler presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 4: Resolution Authorizing Award Increase under the NYS HOME Local Program

Ms. Loffler presented this item.

ITEM 5: Resolution Authorizing Award under the Legacy City ACCESS Program

Mr. Blackman presented this item

Ms. McKeown stated that she would recuse herself from this vote. She stated that CPC is involved in the Legacy City Program and stated for the record that this is a really impactful program and a ton of work and thank the agency for their hard work with this program.

Mr. Valella noted HFA/AHC/HTFC vote requirement is 6 and for today's meeting we only have six members present. Under the Agency's Code of Conduct there was a provision that permitted waiver of a recusal requirement in situations where extenuating circumstances warrant consultation regarding the appropriateness of an exception to full recusal, and specifically this applies in cases where : 1) The Member/Director's vote is required to meet the affirmative vote, and the Member/Director is voting with the majority; and a) All other Members/Directors are voting unanimously (and any Member/Director not present says they would so vote); or b) Without reconstitution, the Member/Directorship would be unable to meet the affirmative vote requirement, and action by the Agencies is required before such time as the Member/Directorship might change.

Mr. Valella noted that this vote satisfied all of these conditions, since without Ms. McKeown's vote the matter could not be voted on as there would only be 5 votes and 6 are required for quorum and voting. He accepted the vote and waived the recusal requirement.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 6: Resolution Authorizing Awards Selected from the Multifamily Finance 9% LIHTC Request for Proposals

Mr. Hebner presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 7: Resolution Authorizing Section 8 Project Based Voucher Awards

Mr. Buyer presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 8: **Resolution Authorizing Awards under the Land Bank Initiative-Phase 1 for Operations**

Ms. Loffler presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 9: **Resolution Designating Agents of the Corporation for Signatory Authority for the Governor’s Office of Storm Recovery**

Ms. Shaw presented this item.

Ms. Ting asked for a motion to call the meeting of the HTFC Governance and Audit Committees to order. Chairman Adams made the motion and Mr. Olczak seconded the motion. Mr. Curtis voted aye. Ms. Ting noted the presence of a quorum for the HTFC Governance and Audit Committees.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith by the HTFC Governance Committee. Considering the first and second motions previously entered for the HTFC Governance Committee, Ms. Ting asked all HTFC Governance Committee members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 10: **Resolution Approving Revision of the Governor’s Office of Storm Recovery Audit Plan**

Mr. Price presented this item

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith by the HTFC Audit Committee. Considering the first and second motions previously entered for the HTFC Audit Committee, Ms. Ting asked all HTFC Audit Committee members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 11: Resolution Approving SEQRA Classifications

Ms. Spitzberg presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

ITEM 12: Resolution Approving a Contract for Case Management Services for the Section 8 Housing Choice Voucher New York City Program.

Mr. Buyer presented this item.

Ms. Ting moved for the adoption of the resolution transmitted in connection therewith. Considering the first and second motions previously entered for the HTFC, Ms. Ting asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

Chairman Adams noted that the remainder of the HTFC items were informational. No presentations were requested. The items included a review of SEQRA concur summaries, a review of Type II SEQRA summaries, and a review of the agency procurements and contracts in the lobbying restricted period.

Chairman Adams noted that there being no further business for the HTFC Boards he would ask Mr. Valella to take the steps to adjourn the meetings. Mr. Valella asked for a motion and a second to adjourn those meetings. The motion was carried. The meetings were adjourned. Mr. Valella noted that the next HTFC Board meeting is scheduled for Thursday, September 8, at 8:30 a.m.