



**Homes and
Community Renewal**

HOUSING TRUST FUND CORPORATION

**38-40 STATE STREET, ALBANY, NY 12207
(212) 688-4000 – FAX (212) 872-0789**

**MEETINGS OF THE BOARD
AND GOVERNANCE COMMITTEE**

**THURSDAY, JANUARY 26, 2023
9:00 A.M.**



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 19, 2023

To: Housing Trust Fund Corporation Members
Housing Trust Fund Corporation Governance Committee Members

From: Secretary of the Board

Subject: Housing Trust Fund Corporation Board and Governance Committee
Meetings

Please find enclosed the agenda materials for the Housing Trust Fund Corporation Board and Governance Committee meetings on Thursday, January 26, 2023 at 9:00 a.m.

We look forward to seeing you.



**Homes and
Community Renewal**

**Housing
Trust Fund
Corporation**

KATHY HOCHUL
Governor

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Commissioner/CEO

BOARD OF DIRECTORS

HTFC MEMBERS

Kenneth G. Adams, Chairman
RuthAnne Visnauskas, Vice Chair
Amanda Hiller
James McIntyre
Joyce L. Miller
Sandra L Beattie
Sadie McKeown
Bethaida Gonzalez
Hon. Rose H. Sconiers

HTFC AUDIT COMMITTEE MEMBERS

Kenneth G. Adams
Amanda Hiller
Sandra L. Beattie

HTFC GOVERNANCE COMMITTEE MEMBERS

Kenneth G. Adams
Amanda Hiller
Sandra L. Beattie

AGENDA FOR THE MEMBERS' MEETING OF THE
HOUSING TRUST FUND CORPORATION
JANUARY 26, 2023

Action Items:

1. Approval of the Minutes of the Meeting Held on December 15, 2022
2. Resolution Authorizing Community Development Block Grant CARES Act Awards
3. Resolution Authorizing Community Development Block Grant Economic Development Awards
4. Resolution Authorizing Downtown Revitalization Initiative Awards
5. Resolution Authorizing Plus One Accessory Dwelling Unit Program Awards
6. Resolution Authorizing the Creation of the Bipartisan Infrastructure Law Weatherization Program
7. Resolution Authorizing Amendments to the Procurement and Contract Guidelines
(Governance Committee Item)
8. Resolution Adopting a Salary Range for Housing Trust Fund Corporation Senior Officers
(Governance Committee Item)

Informational Items:

9. Review of SEQRA Concur Actions
10. Review of SEQRA Type II Actions
11. Review of Amendments to the Project Descriptions for Public Housing Modernization Program Awards for the Greenburgh Housing Authority and the Village of Nyack Housing Authority
12. Review of Current Agency Procurements/Contracts in the Lobbying Restricted Period

**MINUTES OF THE GOVERNANCE COMMITTEE,
AUDIT COMMITTEE, AND MEMBERS MEETING OF THE
NEW YORK STATE HOUSING TRUST FUND CORPORATION**

**HELD ON THURSDAY, DECEMBER 15, 2022, AT 9:00 A.M.
38-40 STATE STREET
ALBANY, NEW YORK 12207
AND
641 LEXINGTON AVENUE
NEW YORK, NEW YORK 10004**

DIRECTORS AND DESIGNEES

PRESENT:

Kenneth G. Adams	Chairman
Joyce Miller	Member
Sadie McKeown	Member
James McIntyre	Member, representing the Temporary President of the State Senate
Jesse Olczak	New York State Division of the Budget, representing Robert Mujica, Director (via video conference)
Chris Curtis	New York State Division of the Taxation & Finance, representing Robert Mujica, Budget Director, Member (via video conference)

Chairman Kenneth G. Adams presided over the meeting. Diana Villarnovo Lopez, Senior Vice President and Counsel formally opened the meetings and acted as secretary.

Ms. Lopez noted that Mr. Jesse Olczak, representing Mr. Robert Mujica, Director of the Division of the Budget and Mr. Christopher Curtis, representing the Commissioner of Taxation and Finance are participating in the meeting via video conference from the New York State Division of Budget conference center at the Capitol Building Room 131 in Albany, and that Andy San Filippo is participating from the Agencies' Buffalo regional Office at Electric Tower, 535 Washington Street, Suite 105.

A public notice was given of the time and location of the venues in accordance with the New York State Open Meetings Law.

Ms. Lopez also noted that Commissioner Visnauskas is participating in today's meeting

under Section 103-a of the Open Meetings Law, under the “extraordinary circumstances” exception. She is on via video, and members of the public have been provided with the link so they can view her participation. Under the law, Commissioner Visnauskas can participate in the meeting and vote, but she does not count for quorum and as such she is not listed as Member in the Member listing.

Ms. Lopez asked for motions and seconds to call to order the Members’ and Directors’ meetings of the New York State Housing Finance Agency (“HFA”), the New York State Affordable Housing Corporation (“AHC”), the New York State Housing Trust Fund Corporation (the “HTFC”), the State of New York Mortgage Agency (“SONYMA”), the State of New York Mortgage Agency Mortgage Insurance Committee (“MIC”), the State of New York Municipal Bond Bank Agency (“MBBA”), and the Tobacco Settlement Financing Corporation (“TSFC”).

Chairman Adams moved to call the HFA, HTFC and AHC meetings to order and Mr. McIntyre seconded the motion. Mr. Freeman moved to call the SONYMA meeting to order, and Chairman Adams seconded the motion. Chairman Adams moved to call the MIC meeting to order, and Mr. Kapell seconded the motion. Chairman Adams moved to call the MBBA and TSFC meetings to order, and Mr. SanFilippo seconded the motion.

Ms. Lopez asked for motions and seconds to call to order the meeting of the HTFC Governance Committee. Mr. Olczak moved to call the HTFC Governance Committee meeting to order and Mr. Curtis seconded the motion.

Ms. Lopez asked for motions and seconds to call to order the meeting of the HTFC Audit Committee. Mr. Olczak moved to call the HTFC Audit Committee meeting to order and Chairman Adams seconded the motion.

Ms. Lopez stated that as items were presented to each Board and Committee throughout the meetings, these motions and seconds would be used, unless specific items called for a different vote, or unless any Board Director wished to record his or her vote differently.

These minutes reflect only those items being considered by the HTFC Board, the HTFC Governance Committee, and the HTFC Audit Committee. A record of items considered by the other Agencies is contained in the minutes of each of the Agencies.

Chairman Adams wished all present a Happy Holiday and congratulated staff on the production of the voluminous set of materials found in the respective Board books provided to the Board members. On his own, and on behalf of the Board, he expressed his appreciation for all the hard work that goes into the production of the board books for the monthly board meetings.

Ms. Visnauskas then made her President’s report.

Ms. Visnauskas noted the reason for her participation via remote access, noting that she was on her way to a Cabinet meeting scheduled in Albany where the Governor would be present. She then introduced Carrie Torres to the Boards, noting that she has taken over for Wanda

Graham in leading the Agencies' MWBE efforts. She added that later in the agenda Carrie would be presenting the goal plans for the upcoming year for both the MWBE and Service-Disabled programs. The plans outline our strategy to make sure that we are identifying opportunities to procure goods and services from as many MWBE and Service-Disabled partners as possible. But it also includes evidence of our efforts ensure that our development partners include these companies in the construction and professional services portions of their projects. She also noted that our agenda would include a presentation from our Fair Housing department seeking authorization for fair housing outreach and testing services. She stated that this work is done in conjunction with our non-profit partners and provided a quick summary of the work involved. She stated that the Agencies dispatch trained, fair housing testers, who act as potential renters or home seekers to uncover unlawful, discriminatory treatment by sellers, brokers, landlords, appraisers, and lenders. Ms. Visnauskas added that this past year the Legislature appropriated \$2 Million for fair housing testing services. She then noted that agenda would also include requests for approval for various grant awards under HTFC's Office of Community Renewal.

Ms. Visnauskas then highlighted the efforts of the Agencies and the Governor's office to get legislation passed at the federal level to revise the "50 percent test" which would allow us to expand our bond issuing authority. She noted that the New York delegation and California Governor Gavin Newsom sent a joint letter to Majority Leader Schumer in support of a small tweak that would make a huge difference to our programs: we are advocating for the threshold rather than being 50% of the costs funded by bonds to be changed to 25%. This minor change has the potential to allow us to double our production of affordable housing.

Ms. Visnauskas closed her remarks by providing a quick summary of the Agencies' efforts during the last year, noting that the year was significant in that it marked the end of the first five (5) year plan, where all the goals were met. She also noted that it marked the beginning of the next plan with the goal of providing an additional 100,000 units of affordable housing. She then noted the recent efforts to pass flexible rules around converting under-utilized hotels with commercial spaces in New York City into permanent housing. She noted that the Governor spoke yesterday on the importance of conversions of commercial buildings into housing as a way to increase the supply of housing in New York City.

Ms. Visnauskas also mentioned the Governor's remarks in her speech before the NYSFAFH housing conference two weeks ago, as well as yesterday, on the need for approximately 800,000 new homes over the next to 10 years to make up for decades of under production. She added that while we lead the nation in funding for affordable housing, and you all see that each month, we also lead the nation in barriers that limit housing. As a result, the Agencies are shifting our focus from just funding housing to trying to remove obstacles that restrict supply. This means focusing on developments that focus on commercial conversions as well as legalizing basement apartments in New York. This will not be easy, but the Agencies are excited to be able to play a role in these changes, which will make New York a place where families have more access to affordable housing. She thanked the boards and staff for the hours and the time and the commitment and the dedication to everything we do.

Ms. McKeown and Ms. Miller thanked Ms. Visnauskas for her work and leadership, noting the extraordinary work done by the Agencies under her leadership.

The first item on the agenda was the adoption of the minutes of the HTFC Board meetings held on November 10, 2022. There being no objections or corrections from the Members, the minutes were deemed approved.

The next items on the agenda were resolutions recommending approval of the MWBE and SDVOB Goal Plans. Chairman Adams led the Board in a discussion of the MWBE Goal Plan, as well as of the SDVOB Goal Plan. Both plans were considered as one item. During the discussion, staff summarized the salient parts of the Goal Plans and fielded questions from the Board members.

Ms. Torres presented the plans, noting that she was new to the position and that she looked forward to leading the Agencies' MWBE efforts with guidance from senior staff and the Boards. She noted that MWBE utilization across the Agencies, spanning the three major "spend" categories—procurement, indirect spends and bond issuances—exceed the State's overall goal when measured during the last year. She provided a summary of the results over the last three years, showing how the numbers showed the Agencies consistently exceeding the 30% MWBE goals throughout the period.

Professor Ford, a SONYMA Board member, requested interim reports, either monthly or quarterly, to be sent to the Boards detailing performance under the Plans. Ms. Torres noted that the reports were prepared during said time frames and agreed to look into which approach would work best.

Professor Ford noted that he had some very preliminary discussions with the President and the Chair with respect to a range of areas that we as public benefit corporations can assess in terms of utilizing attorneys or banking firms and other service providers as well as when we bring in contractors to do work here at the agency, as in temporary work.

He also focused on outreach: he noted that a number of the activities the Agencies are involved in are not a matter of common knowledge for people who are not attorneys or bankers, and he asked about efforts in other areas of outreach. Ms. Torres noted that, in the short term, she and her staff have attended some conferences to enhance outreach and noted for the Boards that her experience has been just in this kind of engagement with the business community to ensure that they are aware of the opportunities that exist for work in the government sector.

Mr. Freeman, a SONYMA Board member, asked about the website where his understanding from prior Board meetings is that there has not been any tracking as far as being able to actually see who is receiving Agency funds, in the way of mortgages or rental housing opportunities, particularly based on categories such as union activity or individuals of color. He also asked whether, in the budget, funds are allocated for this, because a number of these contractors are not registered or licensed through the State. How would we be able to increase the activity with these individuals as far as getting them registered and licensed to be able to

work with the Agencies. Ms. Torres noted that she has been speaking with the data evaluation team on different processes that we could use to collect more detailed data.

Mr. Freeman then referred to one of the Agency projects in Long Island where he has actual knowledge that they do not have union support or outreach to individuals of color. He asked whether there were repercussions for any Agency that does not meet the required standards. Ms. Torres noted that she would need to review the case and get back to the Board.

Chairman Adams noted that this is a project previously discussed at the Board level and noted that his understanding was that the failure to meet our standards had serious repercussions for our project partners, particularly in terms of liquidated damages. Chairman Adams then led the Board through a detailed discussion of a hypothetical project to show how the Agencies use their existing procedures to monitor the use of contractors at the project to ensure that MWBE participation, as set forth in the specific goals for such a project, would be monitored and if not met, how sanctions, for example in the form of liquidated damages, would be levied. He summarized the two main categories of work where the goals are not applied: those areas that are deemed as “exempted” from the goals and those where there are findings of “exclusions”.

Mr. McIntyre, an HFA Board member, highlighted one area where the Agencies, in his view, played an extraordinary role and were leaders in the industry. He focused on the “fellows” program that the Agencies have been running for many years to provide opportunities to recent college graduates who are members of the minority community to work in the finance activities of the Agencies. He noted that these programs provide that the fellows work at the Agencies and then at major banks for the second part of the internship. He added that many of the graduates of the program are now working on Wall Street and have been for many years. Ms. Hiwot and Mr. Valella took the opportunity to list a number of current and former fellows, all of whom have passed through or are in the program.

The discussion then moved to the topic of how to increase the pool of minority developers. Ms. Hiwot noted that the Agencies have updated two of our term sheets for New York City, where the Agencies typically limit our investments to supportive housing and senior housing, to provide incentives for the use of minority contractors.

Mr. Freeman stressed that even though 31% participation numbers for MWBEs is a good number, the harsh reality is that this means that 69% of the work is not going to MWBEs and that therefore there is much work to be done. Professor Ford asked whether when the Agencies issue RFPs for banking or legal services they have included in their outreach organizations such as the National Association of Securities professionals and the Metropolitan Black Bar Association.

Ms. Lopez moved for adoption of the resolution transmitted in connection therewith. Considering the first and second previously entered for the HTFC Governance Committee, the motions were carried and the following resolution was adopted unanimously:

A RESOLUTION OF THE GOVERNANCE COMMITTEE OF THE HOUSING TRUST FUND CORPORATION APPROVING THE MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM MASTER GOAL PLAN.

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

A RESOLUTION OF THE GOVERNANCE COMMITTEE OF THE HOUSING TRUST FUND CORPORATION APPROVING THE SERVICE-DISABLED VETERAN-OWNED BUSINESS PROGRAM MASTER GOAL PLAN.

The next item on the agenda was a resolution authorizing an increase for a Housing Trust Fund Award for the Reynolds Way Apartments project.

Mr. Hebner presented.

Mr. Hebner began by stating that he was requesting the Board’s approval to increase a Housing Trust Fund award by approximately \$1.8 million for the Arbor Housing project known as the Reynolds Way Apartments. This is a 41-unit development in Chemung County that encountered delays. Mr. Hebner explained that due to the project’s complexity and HTFC’s inability to add LIHTC to the project due to its combination with historic tax credits, the project is seeking additional Housing Trust Fund funding to cover the gap in financing created by cost increases.

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

The next item on the agenda was a resolution authorizing Community Development Block Grant CARES Act awards.

Ms. Loffler presented.

Ms. Loffler began by stating that the HTFC Office of Community Renewal (OCR) was advancing one new CARES award and amendments for two existing CARES awards. The new project is to purchase vans for transportation for individuals with disabilities and the award amendments are to support a cost increase for a construction project and to expand a small business assistance program that is oversubscribed. Ms. Loffler stated that OCR is requesting awards totaling just over \$1.5 million in CDBG CARES Act funding for these projects.

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

The next item on the agenda was a resolution authorizing Community Development Block Grant Imminent Threat award.

Ms. Loffler presented.

Ms. Loffler stated that HTFC makes CDBG funding available on an open round basis to address urgent needs or issues that present an imminent threat to a community's public health and safety. The Village of Ilion in Herkimer County requested funding to assist with the demolition of a storm-damaged building that became unstable and presented a threat to neighboring properties and pedestrians. OCR is requesting board approval to award \$49,775 and enter into a grant agreement with the Village of Ilion to support this imminent threat demolition project. Ms. Loffler explained that while this is a very small award, it is very important and meaningful to a small village that does not have extra cash on hand to address an issue like this.

Chairman Adams thanked Ms. Loffler for her presentation and advised the Members that the Village of Ilion had been badly flooded a number of years ago with Hurricanes Irene, Lee, and Sandy due to its close proximity to the Mohawk River.

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

The next item on the agenda was a resolution authorizing New York State HOME Local program awards.

Ms. Loffler presented.

Ms. Loffler began her presentation by stating that HCR makes its Federal HOME funding available for a variety of uses including an annual competitive funding round for activities including homeowner-occupied rehab, down payment assistance, manufactured housing replacement, and tenant-based rental assistance. Applications were received from eligible nonprofits and municipalities, and Ms. Loffler explained that if applicants receive awards, they become HCR subrecipients called Local Program Administrators. This year, OCR is requesting approval to award funds to and enter into grant agreements with twenty organizations for awards totaling just over \$11.6 million.

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

The sixth item on the agenda was a resolution authorizing New York State Housing Program awards.

Ms. Loffler presented.

Ms. Loffler first stated that OCR releases an annual competitive funding round to offer a group of state-funded programs to eligible applicants. These programs include Access to Home and the related Access to Home for Medicaid Recipients and Access to Home for Heroes programs which provide grants for accessibility modifications; the Manufactured and Mobile Home Replacement Program; and the RESTORE Program which funds emergency repairs for elderly homeowners. This year, OCR is requesting board approval to award and enter into grant agreements for 86 awards totaling just over \$15.7 million.

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

The next item on the agenda was a resolution approving the SEQRA documentation and classification of the Boone Avenue Apartments.

Ms. Spitzberg presented.

Ms. Spitzberg stated that she was recommending a SEQRA classification for the Boone Avenue Apartment project located at 1559 Boone Avenue in the Bronx. This is a new construction project of an eight-story, sixty-six unit building funded with Federal Housing Trust Fund and SHOP awards. No unmitigated environmental impacts were found during the environmental review. Ms. Spitzberg stated that she was recommending the Board classify the project under SEQRA as an unlisted action and that a negative declaration be made.

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

The eighth item on the agenda was a resolution approving the HTFC budget.

Chairman Adams noted that this was an Audit Committee item.

Ms. Mickle presented.

Ms. Mickle began her presentation by stating that her presentation was the required Authorities Budget Office submission of the financial plan and budget for HTFC for fiscal year 2023-24. She stated that this is an awkward presentation and is somewhat difficult to review. It includes HTFC's figures from the last fiscal year that ended March 31, 2022 and lines out and ties into HTFC's financial statements from the last fiscal year. There is also a column that identifies our current year or estimated expenditures through the end of the current fiscal year that goes through March 31, 2023. Finally, there is an estimate of next year's adopted budget. Ms. Mickle stated that this estimate is a "best guess" because as the Board is aware, most of HTFC's budget is based on Federal and State resources, and at this time, we do not have insight into what might be presented for the budget for the upcoming State fiscal year. Additionally, Ms. Mickle stated that there are very rough estimates for the outlying years of 2025, 2026, and 2027.

Ms. Mickle explained that the format of the budget is required by the Authorities Budget Office, so there is very limited flexibility in how it can be presented. It includes not only HTFC's estimates for administrative expenditures, but estimates for project and program expenditures and revenue HTFC may receive. It also includes the Governor's Office of Storm Recovery (GOSR), now named the Office of Resilient Homes and Communities, which until recently HTFC did not have a lot of information about or insight into. For these reasons, Ms. Mickle explained that this budget is a little cumbersome to present, but it is a requirement that it be submitted by December 31, 2022. She also stated that in March 2023, there will be a much more detailed presentation of the budget for the administrative expenses that are anticipated for next fiscal year.

Chairman Adams thanked Ms. Mickle for her presentation and for explaining the challenges of putting together a budget without all necessary information from HTFC's partners.

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

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

The ninth item on the agenda was a resolution authorizing contracts for fair housing testing and outreach services contracts.

Ms. Salcedo presented.

Ms. Salcedo stated that Commissioner Visnauskas had walked through the salient points of this item during her President's report. Ms. Salcedo then explained that HTFC is seeking approval for contracts totaling \$2,204,024 of state legislative appropriations for fair housing testing and fair chance housing reforms outreach and education. Ms. Salcedo stated that this is an exciting action by HTFC to provide funding to six fair housing organizations throughout the state. This will continue a pilot program that HCR started last year and that the Office of the Attorney General also funded. The program involves outreach, education, landlord education, and networking amongst the fair housing organizations. Ms. Salcedo stated that these organizations would reach into fair housing deserts such as Albany that do not have a local fair housing organization to increase capacity in such areas. Services will include boots on the ground testing of housing transactions whether buying, renting, or appraising. Ms. Salcedo reiterated her excitement to present this item and what she considered to be a strong collaboration and partnership between the fair housing organizations.

Mr. McIntyre asked Ms. Salcedo if this was enough money for such an endeavor and cited the damage that the penal system has done to human beings and the lack of resources individuals have coming out of the penal system. He went on to state that we often address homelessness and other problems when many of these issues could be solved by bigger interventions. He reiterated his question of whether this program is big enough given the challenge and the secondary and tertiary consequences of not funding such a program.

Ms. Salcedo responded that no, this is not enough funding given how endemic housing discrimination is, but that is why there is a large outreach, training, and social media component to this program. Not only are there boots on the ground, there is also a "shot across the bow" by the fair housing organizations to say that housing discrimination is happening. Ms. Salcedo also stated that they would like to see expansion of protections for individuals with justice-involvement histories, but that there are New York State laws providing protections that many people do not know about. For example, she stated that a landlord cannot ask about adjournments in contemplation of dismissal. If a landlord asks about this, a prospective tenant can respond no as if it never happened. Ms. Salcedo stated that these are things people may not know about and that the funding will go towards shedding light on.

Mr. Kappell stated that early in his career as a real estate broker, his first practical experience in real estate came when he was living on 78th Street and First Avenue and went to work for an apartment broker on his block. The first and only instructions he got from this broker was how to respond to people who called in on ads that he had placed in local papers for the apartments they had available to rent. He stated that the instructions were that for anyone who called, the first answer about an apartment's availability was that the apartment was rented. He was also instructed not to show an apartment until both the husband and wife of a married couple presented themselves at the office so they could see who they were dealing with. He stated this was absolutely unbelievable.

Ms. Salcedo responded that these are the kinds of things that would not be known unless you had a tester that walked in as a married couple and not a married couple and as a person of color and not as a person of color. She went on to state that the funding provided is much more than previously provided and that the fair housing organizations are impressed by the commitment of the state on the issue.

Mr. Freeman asked who puts in the requests for the tests. Ms. Salcedo responded that the organizations are long existing and have many mechanisms to do the intakes including complaint lines and even some of HCR's housing may be tested. There are no restrictions on where testing can occur, so if the organizations hear whispers in the community or hear from local elected officials about potential problems, they can do testing.

Chairman Adams thanked Ms. Salcedo for her presentation and for the important work and congratulated her for the increase in funding.

Ms. Lopez moved for adoption of the resolution transmitted in connection therewith. Considering the first and second previously entered for the HTFC Members, Ms. Lopez 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 next two items on the agenda are consent items, and that there would be no discussion on these items unless the Members so requested. He noted that both items had been discussed at the Governance Committee meetings held earlier in the day.

The items involve a resolution approving Minority and Women-Owned Business Enterprise Annual Goal Plan for Fiscal Year 2023-2024 and a resolution approving Service-Disabled Veteran-Owned Business Program Annual Plan for Fiscal Year 2023-2024.

Considering the first and second motions previously entered, the motions were carried, and the following resolutions were adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION APPROVING THE MINORITY AND WOMEN BUSINESS ENTERPRISE PROGRAM MASTER GOAL PLAN.

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION APPROVING THE SERVICE-DISABLED VETERAN-OWNED BUSINESS PROGRAM MASTER GOAL PLAN.

The next item on the agenda was a resolution providing affirmative concurrence to extend the contract with Horne, LLP without a new competitive award process.

Ms. Ward and Mr. Lozito presented.

Ms. Ward introduced herself as a member of the legal department at the Governor's Office of Storm Recovery (GOSR)/the Office of Resilient Homes and Communities. She stated that she was seeking a one-year extension without a competitive award process for the contract with Horne, LLP. Horne, LLP was selected by GOSR to provide professional services related to tenant relocation through an RFP where Horne, LLP was the sole respondent. They were selected for the contract based on a variety of criteria, and GOSR feels that Horne, LLP has provided adequate services in support of GOSR's compliance with Federal and State uniform relocation requirements. Horne, LLP has also been successful in providing closeout documentation related to those relocation requirements across all housing programs. Ms. Ward stated she believed that Horne, LLP has also provided tenant relocation services for GOSR infrastructure program projects. Those infrastructure program projects are nearing closure, and Ms. Ward stated she believed GOSR only has a limited number of housing projects that still need relocation services. In light of those reasons, GOSR feels that the contract extension is appropriate because the cost and the time it would take to do another solicitation and potentially onboard another vendor outweighs the efficiencies of continuing the contract for a short, defined period of time to close out what still needs to be closed out.

Mr. Lozito added that it is less than fifteen homes that need relocation services and the contract is associated with some complexities of facilitating a buyout in Sydney, NY. Additionally, Horne, LLP, amongst other firms, was prequalified with a current procurement to provide case management services as of 2019. He stated that while this contract dates to 2017, Horne, LLP was prequalified to provide similar services in 2019.

Professor Ford asked how long of an extension was being requested. Ms. Ward responded one year, although they do not necessarily think it's going to take a year. Professor Ford responded that he heard them state a "limited period of time" and asked whether one year is what the current contract is for. Ms. Ward stated that she believes this is the standard extension time for GOSR contracts and that rather than committing to a date and possibly having delays, it might be a strategic choice to extend for one year. Mr. Lozito stated that GOSR was seeking a one-year extension to be conservative as tenant relocation is particularly hard and there is a limited tenant market in Sydney, NY. He stated that GOSR wants to make sure they have the capacity to provide those services to those tenants. Additionally, after the relocation is complete there are rigorous Federal requirements that need to be documented to close out the program. He believes that one year will be a sufficient time frame to complete these requirements. He expanded that as it is the holiday season, relocations probably would not occur until February or March, but they will try to move as quickly as possible.

Professor Ford asked if it would be fair to say that regardless of the circumstances, at the end of this next one-year contract, GOSR would put this back out for competitive bid again. Mr. Lozito responded yes, and Professor Ford asked if this could be put into the resolution. Professor Ford stated that otherwise, this could be a slippery slope, and ten years from now GOSR could

be working with the same group on this. Ms. Ward stated that she also oversees procurement for GOSR and that she will also make a note to address this as they approach the one-year mark.

Mr. Lozito further stated that this was a point well taken as the new Office of Resilient Homes and Communities office is being created and that they are reviewing what procurements need to be developed in the future. Ms. Ward expanded that they are being mindful of keeping procurements open and competitive and reaching out to a variety of firms. Ms. Lopez asked that when GOSR advises Horne, LLP of the extension, they tell them that the HTFC Board has specifically requested that if the work under the contract is not completed in one year, it has to be rebid. Professor Ford stated that Horne, LLP could be told they received an extension for one year, but that GOSR would be beginning the process to rebid earlier on, and Horne, LLP could reapply if they wanted to. Chairman Adams agreed and stated that they should be told that if the work is not completed in one year, they would have to come back for approval in a year and the Board would not be likely to give that approval. Ms. Ward agreed and stated they could build in controls earlier on like Professor Ford suggested, and have dates to review this three or six months in advance.

Ms. McKeown stated that knowing how tricky tenant relocation is, whether this was an issue with Horne, LLP or an issue due to the nature of tenant relocation. Mr. Lozito stated that it is the nature of tenant relocation and explained that in the Village of Sydney GOSR is demolishing homes in a certain area because it is no longer safe to live there. Once the homes are demolished it decreases the overall rental market, and because Sydney is isolated, identifying where to relocate people is challenging. Furthermore, it is disruptive to families that may include school children that need to be relocated to an adjacent community. These on the ground, situational circumstances inform some of the timeline issues, not the vendor per se.

Ms. Lopez moved for adoption of the resolution transmitted in connection therewith, providing that if the contract is not completed within this one-year extension, the contract will be rebid; further, the applicant would be advised of this in connection with the one-year extension. Considering the first and second previously entered for the HTFC Members, Ms. Lopez asked all HTFC members voting to approve to signify by saying aye. The motion was carried, and the resolution adopted.

In regard to Mr. Lozito's previous statement about the possibility of school children being relocated to adjacent communities, Mr. Kappell asked whether there were district requirements that students live within the school district. Mr. Lozito stated that this varies by community but could be an issue. Mr. Kappell stated that this might be something that we recommend the legislature look at to provide flexibility for children to remain in their original school during the period of relocation. Chairman Adams responded that Sydney is a town of 3500 people in Delaware County and that a move could be very disruptive if this is where you grew up and you had to move outside of the district.

The next item on the agenda was a resolution designating agents and authorized signatories.

Ms. Ward presented.

Ms. Ward stated that GOSR/ORHC was requesting the addition of Krishna O'Neal (GOSR/ORHC General Counsel), Eileen Meus (GOSR/ORHC Deputy Executive Director for Community Reconstruction and Infrastructure), and Paul Onyx Lozito (GOSR/ORHC Chief Strategy and Program Officer) as agents and authorized signatories. This would be in addition to Katie Brenna, Robert Miller, and Kim Hettinger.

Ms. Lopez moved for adoption of the resolution transmitted in connection therewith. Considering the first and second previously entered for the HTFC Members, Ms. Lopez 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 next items on the agenda are informational items, and that there would be no discussion on these items unless the Members so requested.

ITEM 14. Review of SEQRA Concur Actions

ITEM 15. Review of SEQRA Type II Actions

ITEM 16. Review of the Contract with Emphasys Computer Solutions, Inc. for Section 8 Housing Choice Voucher Technology Services

ITEM 17. Review of the Contract with Elation Systems Inc. for the Provision of Davis-Bacon Labor Standards Compliance Monitoring and Reporting Services

ITEM 18. Review of the Independent Auditor Services Agreement with Lumsden & McCormick, LLP (*Audit Committee Item*)

ITEM 19. Review of Current Agency Procurements/Contracts in the Lobbying Restricted Period

There being no unfinished business, Ms. Lopez asked for a motion to adjourn the HTFC Board, Governance Committee, and Audit Committee meetings. Considering the first and second motions previously entered, the motions were carried, and the meetings were adjourned.

Ms. Lopez informed the Members that the next HTFC Board meeting is scheduled for Thursday, January 26, 2023, at 9:00 a.m.

Diana Villarnovo Lopez, Secretary

DRAFT



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

MEMORANDUM

To: Housing Trust Fund Corporation Board Members

From: Crystal Loffler, President, Office of Community Renewal
Charlie Phillion, Program Director, CDBG Community Development
Scott LaMountain, Program Director, CDBG Economic Development

Date: January 19, 2023

Subject: NYS CDBG CV (CARES) Awards

NYS Homes & Community Renewal made approximately \$127 million in Community Development Block Grant CARES (CDBG-CV) funding available in an open round application beginning in March 2021 and amended December 2021. The CDBG-CV program was made available to provide resources to communities to prevent, prepare for, and respond to COVID-19. Review criteria for projects include, but are not limited to:

- Compliance with HUD's National Objectives
- Connection to preventing, preparing for and/or responding to Coronavirus
- Ability to be completed within 12 months of award.
- Need for proposed project
- Impact of proposed activities
- Administrative and financial capacity of community
- Project readiness, i.e., administrative structure, financing commitments in place

The two (2) applicants identified below have submitted requests for additional CDBG-CV funds. The requests are related to increased project costs identified during the bid phase. Once complete, the projects will allow elderly persons to recreate and persons to access food services in a COVID resilient manner. The projects present various goals and projected accomplishments depending on the CDBG project type and are expected to benefit 3,000 elderly persons and 7,800 low-to-moderate income persons. Total investments equal \$1,653,755 with \$1,653,755 in CDBG-CV funds.

Recommendation:

A resolution authorizing HTFC to increase existing NYS CDBG CARES awards to amend grant agreements with the Town of Tonawanda and Village of Waterloo.

Type	Recipient	Project Name	County	Region	Applicant Type	Amendment Request	Total Grant Amount	Accomplishments (LMI)
Award Increase & Amendment to Grant Agreement								
Public Facility	Town of Tonawanda	Town of Tonawanda Senior Center Upgrades	Erie County	Western NY	Entitlement	\$250,000	\$1,075,755	3,000 elderly persons
Public Facility	Village of Waterloo	Village of Waterloo Addressing Food Insecurity During COVID	Seneca County	Finger Lakes	Non-Entitlement	\$78,000	\$578,000	7,800 persons (7,800 LMI)

NYS CDBG CARES Act – Project Briefing Sheet

**Town of Tonawanda – Town of Tonawanda Senior Center Upgrades
January 26, 2023 Board Meeting**

Applicant: Town of Tonawanda
Project Name: Town of Tonawanda Senior Center Upgrades
Public Benefit: Limited Clientele: 3,000 elderly persons

Project Description and Public Purpose

The Town of Tonawanda has requested an additional \$250,000 in NYS CDBG CARES Act funds to cover increased roofing costs.

The Town was originally awarded \$825,755 on December 9, 2021 to make physical improvements to the Town’s Senior Center and purchase two (2) passenger vans for Senior Center use. The original scope involved replacing amenities with automatic touchless versions, installing a new generator, reconstructing the main entrance to be ADA accessible, installing parking lot lighting, and repairing the roof. The Town received bids that were significantly over the anticipated budget. The price of the roof, which the Town has identified as the most critical component of the project, has increased dramatically since the application. The Town will reduce the scope of the project to the repair of the roof solely. The Town would not be able to pay for the repair if additional funds are not awarded. This repair will allow the Town to continue to provide critical services for immunocompromised and vulnerable populations in the event of an emergency.

Following the amendment, the total project cost will be \$1,075,755 and the project will benefit 3,000 elderly persons.

Regions & Districts

County: Erie
REDC Region: Western NY
Chief Elected: Joseph Emminger, Mayor
NYS Assembly: William Conrad
NYS Senate: Sean Ryan
US Congressional: Brian Higgins

Financing Structure:

Source of Funds:

CDBG CV	\$1,075,755
Total	\$1,075,755

Use of Funds:

Facility Improvements	\$1,075,755
Total	\$1,075,755

NYS CDBG CARES Act – Project Briefing Sheet

**Village of Waterloo – Village of Waterloo Addressing Food Insecurity During COVID
January 26, 2023 Board Meeting**

Applicant: Village of Waterloo
Project Name: Addressing Food Insecurity During COVID
Public Benefit: Area Benefit – 7,800 persons

Project Description and Public Purpose

The Village of Waterloo has requested an additional \$78,000 in NYS CDBG CARES Act funds to cover increased construction costs.

The Village was originally awarded \$500,000 on October 14, 2021, to assist House of Concern of Seneca County, a food pantry and meal services provider, to install a new roof, replace the HVAC system, repair the loading dock, and complete minor interior and exterior renovations. In addition, the Village will assist the organization in purchasing a box truck to deliver food. The Village completed some site work but, construction bids were higher than anticipated. The additional CDBG CARES funding will enable the Village to complete the project as originally planned. If funds are not awarded, several work items will need to be eliminated. The project will improve air quality, health, safety, and emergency preparedness in response to the COVID-19 pandemic.

Following the amendment, the proposed total project cost will be \$578,000 and the project will benefit 3,000 households with 7,800 persons of whom 5,460 persons or 70% will be determined to be low-to-moderate income.

Regions & Districts

County: Seneca
REDC Region: Finger Lakes
Chief Elected: John O'Connor, Mayor
NYS Assembly: Jeff Gallahan
NYS Senate: Pamela Helming
US Congressional: Nickolas Langworthy

Financing Structure:

Source of Funds:

CDBG CV \$578,000

Total \$578,000

Use of Funds:

Facility Improvements \$525,000
Engineering \$33,000
Grant Administration \$20,000

Total \$578,000

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AWARDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, funding has been made available through the Community Development Block Grant Program (“CDBG Program”) to prevent, prepare for, and respond to coronavirus under the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act (“CDBG-CV Funding”); and

WHEREAS, HTFC is designated to administer the CDBG Program, including \$127 million in CDBG-CV Funding and began accepting applications for CDBG-CV Funding through an open round application process in March 2021, amended in December 2021; and

WHEREAS, the Office of Community Renewal staff has reviewed the applications and is recommending the awards identified in the accompanying supporting memorandum to be funded under the CDBG Program including CDBG-CV Funding or any legally available source; and

WHEREAS, the Members previously awarded the Town of Tonawanda \$825,755 in CDBG-CV Funding to make critical improvements to the Town’s Senior Center and purchase two passenger vans for use by the Senior Center; and

WHEREAS, the Town of Tonawanda submitted a request to the Office of Community Renewal to increase the original award amount by \$250,000 to cover increased costs for improvements to the Town’s Senior Center; and

WHEREAS, subject to the availability of funds, staff recommends an increase of the previously identified award to the Town of Tonawanda of \$250,000 resulting in an aggregate award of \$1,075,755; and

WHEREAS, the Members previously awarded the Village of Waterloo \$500,000 in CDBG-CV Funding to assist House of Concern of Seneca County, a food pantry and meal services provider, to make critical repairs and purchase one box truck to deliver food; and

WHEREAS, the Village of Waterloo submitted a request to the Office of Community Renewal to increase the award amount by \$78,000 to cover increased costs; and

WHEREAS, subject to the availability of funds, staff recommends an increase of the previously identified award to the Village of Waterloo of \$78,000 resulting in an aggregate award of \$578,000; now, therefore, be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby approve the following awards under the CDBG-CV Program, or any legally available source, to the recipients in the amounts not to exceed those

identified below.

Type	Recipient	Project Name	County	Region	Applicant Type	Amendment Request	Total Grant Amount	Accomplishments (LMI)
Award Increase & Amendment to Grant Agreement								
Public Facility	Town of Tonawanda	Town of Tonawanda Senior Center Upgrades	Erie County	Western NY	Entitlement	\$250,000	\$1,075,755	3,000 elderly persons
Public Facility	Village of Waterloo	Village of Waterloo Addressing Food Insecurity During COVID	Seneca County	Finger Lakes	Non-Entitlement	\$78,000	\$578,000	7,800 persons (7,800 LMI)

Section 2. The Members hereby authorize an increase of CDBG-CV Program funds to the Town of Tonawanda in an amount not to exceed \$250,000 resulting in an aggregate award not to exceed \$1,075,755.

Section 3. The Members hereby authorize an increase of CDBG-CV Program funds to the Village of Waterloo in an amount not to exceed \$78,000 resulting in an aggregate award not to exceed \$578,000.

Section 4. The Members hereby authorize the entering into or amendment of grant and regulatory agreements with the applicants, upon the satisfactory compliance with any pre-contract conditions as required by statute or regulation, and upon such terms and conditions as set forth in the CDBG Program guidelines.

Section 5. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, to enter into agreements and execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 6. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

MEMORANDUM

To: Housing Trust Fund Corporation Board Members

From: Crystal Loffler, President, Office of Community Renewal
Scott LaMountain, Program Director, CDBG Economic Development

Date: January 19, 2023

Subject: NYS CDBG Economic Development Program Awards

The Office of Community Renewal makes approximately \$10 million in Community Development Block Grant (CDBG) funds available on an open-round basis, awarding funds throughout the year to units of local government to assist businesses that propose the creation and/or retention of jobs for low- and moderate-income individuals. Review criteria for projects include, but are not limited to:

- Need for proposed project
- Impact, i.e. cost per job created
- Consistency with HUD underwriting criteria
- Project readiness, i.e. site control, financing commitments in place
- Administrative and financial capacity of unit of local government
- Status of current open projects

The six (6) applicants listed below have submitted applications for CDBG economic development funding. Combined, these projects are expected to create or retain one hundred and forty-one (141) full-time equivalent jobs that benefit low- and moderate-income individuals and assist seventeen (17) businesses. The \$2,284,000 in CDBG funding is expected to leverage \$10,185,799 in private investment.

Project ID	Recipient	Project Name	County	Region	Grant Amount	Total Project Cost	Jobs/Businesses
1057ME525-23	Town of Seneca Falls	Town of Seneca Falls Microenterprise Program	Seneca	Finger Lakes	\$210,000	\$227,850	3 Jobs
							6 Businesses
552ED519-22	City of Hornell	Indus 36, LLC (Hampton Inn)	Steuben	Southern Tier	\$615,000	\$1,600,000	41 Jobs
							1 Business
430ME521-23	City of Fulton	City of Fulton Microenterprise Program	Oswego	Central NY	\$198,000	\$215,500	3 Jobs
							7 Businesses
719ED522-23	Village of Medina	Quorum Group, LLC d/b/a Takeform	Orleans	Finger Lakes	\$465,000	\$1,181,000	31 Jobs
							1 Business
422ED523-23	Village of Fredonia	The White Inn, LLC	Chautauqua	Western NY	\$180,000	\$4,114,849	12 Jobs
							1 Business

632ED524-23	Town of Lenox	Merlin Mold & Manufacturing, Inc.	Madison	Central NY	\$616,000	\$5,130,600	51 Jobs
							1 Business

Recommendation:

A resolution authorizing HTFC to award NYS CDBG Economic Development funds and enter into grant agreements with the Town of Seneca Falls, City of Hornell, City of Fulton, Village of Medina, Village of Fredonia, and the Town of Lenox.

CDBG Economic Development Program – Project Briefing Sheet

Town of Seneca Falls – Town of Seneca Falls Microenterprise Assistance Program January 26, 2023 Board Meeting

Applicant: Town of Seneca Falls

Project Name: Town of Seneca Falls Microenterprise Assistance Program

Public Benefit: Job Creation: 3 FTE

Project Description and Public Purpose

The Town of Seneca Falls has requested \$210,000 in NYS CDBG Economic Development funds to assist in the establishment of the Town of Seneca Falls Microenterprise Assistance Program.

The Downtown Seneca Falls Microenterprise Program (DSFMP) will support the development and growth of microenterprise businesses that will advance or support the downtown area which struggles with high levels of poverty and commercial vacancy. The program will assist businesses that are currently located downtown, or that will choose to locate downtown as a result of the funding. Priority will be placed on funding small local businesses that fit the existing and desired community character, support the tourism industry, and enhance quality of life for local and regional residents.

The estimated total project cost is \$227,850 and the project is expected to assist 6 microenterprises, 3 owned by LMI owners, and will create 3 full-time equivalent jobs over two years.

Regions & Districts

County: Seneca
REDC Region: Finger Lakes
Chief Elected: Michael Ferrara, Supervisor
NYS Assembly: Jeff Gallahan
NYS Senate: Pamela Helming
US Congressional: Joe Sempolinski

Financing Structure:

Source of Funds:

CDBG	\$210,000
Equity	\$17,850
Total	\$227,850

Use of Funds:

Microenterprise Assistance	\$196,350
Administration/Delivery	\$31,500
Total	\$227,850

NYS CDBG Economic Development Program – Project Briefing Sheet

**City of Hornell – Indus 36, LLC (Hampton Inn)
January 26, 2023 Board Meeting**

Applicant: City of Hornell
Project Name: Indus 36, LLC (Hampton Inn)
Public Benefit: Job Creation: 41 FTE

Project Description and Public Purpose

The City of Hornell has requested \$615,000 in NYS CDBG Economic Development funds to assist Indus 36, LLC (Hampton Inn) with furniture, fixtures, equipment, and administrative expenses required to furnish the newly constructed Hampton Inn within the City.

The newly constructed Hampton Inn is located just off NYS Route 36 in the northern portion of the City. The City of Hornell is a hub for the surrounding area and includes several manufacturing facilities, hospitals, and both Alfred University and Alfred State College. Currently, the existing hotels in the area operate at full capacity year-round, and many visitors are forced to stay in either Rochester or Corning. The new hotel will help to meet the current demands for hospitality services within the City.

The estimated total project cost is \$1,600,000 and the project is expected to create 41 full-time equivalent jobs over two years, with 40 (98%) to benefit low- and moderate-income persons. The full project will assist Indus 36, LLC (Hampton Inn) with furniture, fixtures, equipment, and administrative expenses and NYS CDBG funds will be allocated to a portion of those costs. The NYS CDBG cost per job is \$15,000. Each dollar in NYS CDBG funds provided is expected to leverage \$1.60 in private investment. Without CDBG funds, the resulting gap in financing will prevent the business from making the total planned investment and the new positions will not be created.

Regions & Districts

County: Steuben
REDC Region: Southern Tier
Chief Elected: John Buckley
NYS Assembly: Marjorie Byrnes
NYS Senate: Thomas O’Mara
US Congressional: Joe Sempolinski

Financing Structure:

<u>Source of Funds:</u>		<u>Use of Funds:</u>	
CDBG	\$615,000	FF&E	\$1,584,000
Bank	\$985,000	Admin/Delivery	\$16,000
Total	\$1,600,000	Total	\$1,600,000

CDBG Economic Development Program – Project Briefing Sheet

City of Fulton – City of Fulton Microenterprise Assistance Program January 26, 2023 Board Meeting

Applicant: City of Fulton

Project Name: City of Fulton Microenterprise Assistance Program

Public Benefit: Job Creation: 3 FTE

Project Description and Public Purpose

The City of Fulton has requested \$198,000 in NYS CDBG Economic Development funds to assist in the establishment of the City of Fulton Microenterprise Assistance Program.

The City of Fulton proposes to create a new two-year Microenterprise Revitalization Initiative (MRI) to build upon the success of the City's prior business assistance programs. While the proposed program will consider COVID-19 impacts and provide assistance to help microenterprises adjust to post-pandemic business conditions, the initiative is intended to assist start-up and expansion projects that need new equipment and machinery to expand a business in ways that will survive and grow in a future pandemic situation.

The estimated total project cost is \$215,500 and the project is expected to assist 7 microenterprises, 4 owned by LMI owners, and will create 3 full-time equivalent jobs over two years.

Regions & Districts

County: Oswego
REDC Region: Central New York
Chief Elected: Deana Michaels, Mayor
NYS Assembly: William A. Barclay
NYS Senate: Patty Ritchie
US Congressional: John Katko

Financing Structure:

Source of Funds:

CDBG	\$198,000
Equity	\$17,500
Total	\$215,500

Use of Funds:

Microenterprise Assistance	\$192,500
Administration/Delivery	\$23,000
Total	\$215,500

NYS CDBG Economic Development Program – Project Briefing Sheet

Village of Medina – Quorum Group, LLC d/b/a Takeform January 26, 2023 Board Meeting

Applicant: Village of Medina
Project Name: Quorum Group, LLC d/b/a Takeform
Public Benefit: Job Creation: 31 FTE

Project Description and Public Purpose

The Village of Medina has requested \$465,000 in NYS CDBG Economic Development funds to assist Quorum Group, LLC d/b/a Takeform with the purchase of a new operating system to meet the needs of the business's growth in recent years.

The Quorum Group, LLC d/b/a Takeform is a full-service graphic design, fabricator, and installer of signage and provides other "wayfinding" services. The business has been the recipient of previous CDBG economic development grants and has successfully grown beyond its current software system. It therefore proposes to invest in a new ERP (Enterprise Resource Planning) system to handle this growth. The new ERP system will allow Takeform to more efficiently manage all aspects of its business, including finance, human resources, manufacturing and logistics, supply chain, and customer relationships.

The estimated total project cost is \$1,181,000 and the project is expected to create 31 full-time equivalent jobs over two years, with 24 (77%) to benefit low- and moderate-income persons. The full project will assist Takeform with the equipment and administrative expenses, and NYS CDBG funds will be allocated to a portion of those costs. The NYS CDBG cost per job is \$15,000. Each dollar in NYS CDBG funds provided is expected to leverage \$1.54 in private investment. Without CDBG funds, the resulting gap in financing will prevent the business from making the total planned investment and the new positions will not be created.

Regions & Districts

County: Orleans
REDC Region: Finger Lakes
Chief Elected: Michael Sidari, Mayor
NYS Assembly: Michael J. Norris
NYS Senate: Robert G. Ort
US Congressional: Chris Jacobs

Financing Structure:

<u>Source of Funds:</u>		<u>Use of Funds:</u>	
CDBG	\$465,000	Equipment	\$1,165,000
Bank	\$466,000	Admin/Delivery	\$16,000
Equity	\$250,000		
Total	\$1,181,000	Total	\$1,181,000

NYS CDBG Economic Development Program – Project Briefing Sheet

Village of Fredonia – The White Inn, LLC January 26, 2023 Board Meeting

Applicant: Village of Fredonia
Project Name: The White Inn, LLC
Public Benefit: Job Creation: 12 FTE

Project Description and Public Purpose

The Village of Fredonia has requested \$180,000 in NYS CDBG Economic Development funds to assist The White Inn, LLC with the purchase of equipment needed complete the development of a hotel, restaurant, and banquet facility.

The former hotel and restaurant property located in Fredonia, NY has been vacant and in a state of decline since 2017. The developer intends to renovate and reopen a 25-room hotel including a restaurant and banquet services, under the ownership of The White Inn, LLC. The Inn requires extensive renovation; however, once completed, it is expected to provide visitors to the region with a new and unique lodging experience. This project is an important part of the Village's strategy to revitalize its downtown.

The estimated total project cost is \$4,114,849 and the project is expected to create 12 full-time equivalent jobs over two years, with 9 (75%) to benefit low- and moderate-income persons. The full project will assist The White Inn, LLC with the building renovations, furniture, fixtures, and equipment, and working capital, and administrative expenses and NYS CDBG funds will be allocated to a portion of those costs. The NYS CDBG cost per job is \$15,000. Each dollar in NYS CDBG funds provided is expected to leverage over \$21 dollars in private investment. Without CDBG funds, the resulting gap in financing will prevent the business from making the total planned investment and the new positions will not be created.

Regions & Districts

County: Chautauqua
REDC Region: Western NY
Chief Elected: Bryan Dahlberg, Mayor
NYS Assembly: Andy Goodell
NYS Senate: George M. Borrello
US Congressional: Joe Sempolinski

Financing Structure:

Source of Funds:

CDBG	\$180,000
Equity	\$3,934,849
Total	\$4,114,849

Use of Funds:

FF&E	\$655,127
Working Capital	\$209,667
Renovations	\$3,234,055
Admin/Delivery	\$16,000
Total	\$4,114,849

NYS CDBG Economic Development Program – Project Briefing Sheet

**Town of Lenox – Merlin Mold & Manufacturing, Inc.
January 26, 2023 Board Meeting**

Applicant: Town of Lenox
Project Name: Merlin Mold & Manufacturing, Inc.
Public Benefit: Job Creation: 51 FTE

Project Description and Public Purpose

The Town of Lenox has requested \$616,000 in NYS CDBG Economic Development funds to assist Merlin Mold & Manufacturing, Inc. in the acquisition of assets and ongoing business operations of Can Tech Precision Manufacturing, Inc.

Can Tech Precision Manufacturing, Inc. designs and manufactures injection molded plastic parts for customers in a broad range of industries but has encountered financial and operating difficulties. Merlin Mold & Manufacturing, Inc. has entered into a letter of intent to acquire the business assets and operations. If the sale to Merlin Mold & Manufacturing, Inc. is not completed, Can Tech Precision Manufacturing, Inc. will either be liquidated or moved another location resulting in the loss of jobs and a long-time business in the Town of Lenox.

The estimated total project cost is \$5,130,600 and the project is expected to create or retain 51 full-time equivalent jobs over two years, with 36 (71%) to benefit low- and moderate-income persons. The full project will assist Merlin Mold & Manufacturing, Inc. with the purchase of equipment, inventory, and other assets, working capital, and administrative expenses and NYS CDBG funds will be allocated to a portion of those costs. The NYS CDBG cost per job is \$12,078. Each dollar in NYS CDBG funds provided is expected to leverage over \$7 dollars in private investment. Without CDBG funds, the resulting gap in financing will prevent the business from making the total planned investment and the new positions will not be created.

Regions & Districts

County: Madison
REDC Region: Central NY
Chief Elected: Joseph Pinard, Supervisor
NYS Assembly: John Salka
NYS Senate: Rachel May
US Congressional: Claudia Tenney

Financing Structure:

Source of Funds:

CDBG	\$616,000
Equity	\$237,500
Bank	\$4,277,100
Total	\$5,130,600

Use of Funds:

Equipment	\$2,100,000
Working Capital	\$3,014,600
Admin/Delivery	\$16,000
Total	\$5,130,600

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING
AWARDS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT
ECONOMIC DEVELOPMENT PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, the HTFC is authorized to administer the Community Development Block Grant Economic Development Program (“CDBG Program”); and

WHEREAS, the Office of Community Renewal staff makes approximately \$10 million in CDBG Program funds available on an open-round basis, awarding funds throughout the year to units of local government to assist businesses that propose the creation and/or retention of jobs for low- and moderate-income individuals; and

WHEREAS, the Office of Community Renewal staff recommends awards to the projects described in the related memo and identified below; now, therefore, be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby approve the following awards in an aggregate amount not to exceed \$2,284,000 under the CDBG Program to the recipients identified below.

Project ID	Recipient	Project Name	County	Region	Grant Amount	Total Project Cost	Jobs/Businesses
1057ME525-23	Town of Seneca Falls	Town of Seneca Falls Microenterprise Program	Seneca	Finger Lakes	\$210,000	\$227,850	3 Jobs
							6 Businesses
552ED519-22	City of Hornell	Indus 36, LLC (Hampton Inn)	Steuben	Southern Tier	\$615,000	\$1,600,000	41 Jobs
							1 Business
430ME521-23	City of Fulton	City of Fulton Microenterprise Program	Oswego	Central NY	\$198,000	\$215,500	3 Jobs
							7 Businesses
719ED522-23	Village of Medina	Quorum Group, LLC d/b/a Takeform	Orleans	Finger Lakes	\$465,000	\$1,181,000	31 Jobs
							1 Business
422ED523-23	Village of Fredonia	The White Inn, LLC	Chautauqua	Western NY	\$180,000	\$4,114,849	12 Jobs
							1 Business
632ED524-23	Town of Lenox	Merlin Mold & Manufacturing, Inc.	Madison	Central NY	\$616,000	\$5,130,600	51 Jobs
							1 Business

Section 2. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, to enter into agreements and execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

Housing
Trust Fund
Corporation

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

To: Housing Trust Fund Corporation Members

From: Crystal Loffler, President, Office of Community Renewal
Patricia O'Reilly, Program Director, Office of Community Renewal

Date: January 19, 2023

Subject: Downtown Revitalization Initiative (DRI)
Round V Project Awards & Grant Agreements

Reason Before the Members

The Office of Community Renewal (OCR) is presenting \$14,233,600 in Downtown Revitalization Initiative (DRI) project awards for review and action. With HTFC Board approval, OCR will execute grant agreements with the awardees and administer the projects in coordination with the Department of State (DOS).

Downtown Revitalization Initiative (DRI) Background

On January 10, 2016, the Downtown Revitalization Initiative (DRI) was announced as a new statewide initiative. The DRI process allows the ten Regional Economic Development Councils (REDCs) to nominate one community annually based on its potential for transformation. The selected DRI communities are awarded \$10 million for planning and project implementation. Of the \$10 million, \$300,000 is used for each community to work with a team of professionals and a local planning committee to develop a Strategic Investment Plan and list of priority projects for consideration by the State. The DOS Office of Planning and Development serves as the lead administrator for DRI activities statewide. OCR and Empire State Development (ESD) staff participate in the planning and project development process in the DRI communities in consultation with DOS representatives.

The fifth round of the DRI began in the Spring of 2021. For Round 5, up to two communities could be selected in each region with a total of \$200 million made available. The selected DRI Five communities included: Tannersville and Troy (Capital Region), Gloversville and Little Falls (Mohawk Valley), Oneida and Southwest Syracuse (Central New York), Amityville and Riverhead (Long Island), Chinatown (New York City), Tonawanda and Buffalo's Broadway-Fillmore Neighborhood (Western New York), Haverstraw and Ossining (Mid-Hudson), Endicott and Norwich (Southern Tier), Newark and Rochester's Center City (Finger Lakes) and Tupper Lake and Massena (North Country).

During the Winter of 2022, the state has selected projects for award based on the priorities outlined in each DRI community's Strategic Investment Plan. Statewide, 178 projects totaling \$194,200,000 have been awarded among the 19 DRI communities. These projects have been assigned to participating agencies with appropriate expertise and related project portfolios. These include Empire State Development, Department of State and NYS Homes & Community Renewal/Housing Trust Fund Corporation. Through HTFC, OCR will administer \$14,233,600 in DRI funds for 23 projects.

Recommendation and Request for Authorization

A resolution authorizing HTFC to execute grant agreements under the DRI program with the awardees and in the amounts listed on the enclosed project list is attached for your consideration.

Community	Contracting Entity	Project Name	Project Description	DRI Award
Chinatown	Hamilton-Madison House	Reopen the Childcare and Family Support Center at 10 Catherine Slip	Repair the 4,700-square-foot childcare and family support center at NYCHA's Alfred E. Smith Houses to provide daycare and other supportive services.	\$ 550,000
Chinatown	NYCHA	Open a Community Health and Wellness Center	Establish a new community health and wellness center at 60 Madison Street, which would offer high-quality and culturally accessible health and mental health services.	\$ 1,000,000
Chinatown	Chinatown Partnership, Inc.	Create a Building Upgrades Fund	Establish a grant program to help existing small businesses and building owners make improvements to the local building stock.	\$ 1,000,000
Endicott	Village of Endicott	Implement a Downtown Revitalization Fund	Create a fund to help small businesses and property owners make capital improvements.	\$ 600,000
Gloversville	Gloversville Theatre Corp.	Renovate Glove Theatre	The Glove Theatre will implement much-needed physical improvements across the Glove's 40,000 sq. ft. complex to enable continued restoration of the historic theatre.	\$ 1,993,600
Gloversville	City of Gloversville	Enrich Schine Memorial Hall Arts Initiative	Renovation of the third floor (~3,400 square feet) of Schine Memorial Hall to create coworking space for artists. The project will require rehabilitation of the interior space, new restrooms, offices, and new windows.	\$ 346,000
Gloversville	City of Gloversville	Downtown Business Fund	The Downtown Business Fund will provide small businesses and organizations in the DRI area with the financial support needed to bridge the funding gap for expansion and improvement projects.	\$ 600,000
Little Falls	City of Little Falls	Establish a Downtown Little Falls Fund	Funds for smaller scale projects, including façade improvements, signage, lighting, murals, and energy efficiency upgrades	\$ 600,000
North Tonawanda	Lumber City Local Development Corporation	Commercial Property Improvement Grant	A New York Main Street style program to address small scale projects and underutilized buildings within the DRI area	\$ 630,000.00
North Tonawanda	Lumber City Local Development Corporation	Upgrade the Apartment Building at 235/239 Oliver	Upgrades to eight low income apartment units including installation of a new roof on 239 Oliver Street, new windows installed in both 235 and 239 Oliver, new facades for both properties and installation of new concrete driveways for both properties.	\$ 100,000.00
Norwich	Development Chenango Corporation (DCC)	Downtown Norwich Small Project Grant Fund	A matching grant fund to help property owners improve their buildings or beautify the public realm.	\$ 600,000
Norwich	Chenango Arts Council (CAC)	Upgrade the Chenango Arts Council's Martin Kappel Theater	Upgrades to the seating, lighting, and audio-visual equipment in the Martin Kappel Theater for a better all-around experience.	\$ 570,000
Oneida	City of Oneida	Downtown Business Assistance Fund	A matching grant fund for façade improvements and interior improvements including heavy equipment and permanent installations.	\$ 600,000
Syracuse	HomeHeadquarters, Inc.	Redevelop Former B&B Lounge	The project will restore a former bar and restaurant into a 1,500-square-foot lounge space for a fish fry restaurant with two housing units above the restaurant.	\$ 300,000
Syracuse	City of Syracuse	Fund & Implement Façade Improvements	Creation of a grant fund for local business owners to restore their building facades, beautify ground-level interior commercial spaces, and retrofit building entrances.	\$ 600,000
Tannersville	Village of Tannersville	Create a Downtown Improvement Fund	Creation of a fund to support small businesses and property owners in improving their properties. F	\$ 600,000
Troy	The Commission on Economic Opportunity for the Greater Capital Region (CEO)	Create New Public Outdoor Space at the CEO Community Resource Center	Build a safe outdoor area for community events and services including a covered public pavilion and restroom at 2350 Fifth Avenue. This project adds to a currently underway project that will transform a vacant parking lot into a community center with childcare and other family support services.	\$ 262,000
Amityville	Village of Amityville	Commercial Storefront Revitalization Fund	Improvement fund for retail storefronts for properties located within the DRI boundary. Applicants may be private or non-profit entities and will be required to provide minimum 20% of total project costs. Funds must be used for renovation of building exteriors in line with Village character and may include: upgrading entrances, windows, doors, steps, lighting, signage, awnings, and related masonry, electrical and carpentry work.	\$ 600,000
Haverstraw	Haverstraw River Arts Fund, Inc.	Enhance Main Street Through Installation of Four Murals	Create four murals in downtown Haverstraw at 2, 21, and 45 Main Street and 10 Rockland Street.	\$ 180,000
Haverstraw	Village of Haverstraw	Downtown Façade Restoration Fund	Establish a downtown façade restoration fund to preserve and restore commercial and mixed-use buildings the downtown.	\$ 577,000
Massena	Village of Massena	Launch CORE of the Community Fund	A matching grant fund to help property owners improve their buildings or beautify the public realm.	\$ 600,000
Tupper Lake	Northern Forest Center	Improve Multi-Family Housing in Tupper Lake	Renovation and rehabilitation of three high-visibility, multi-unit residential properties within the DRI boundary to create high-quality workforce housing. T	\$ 725,000
Tupper Lake	Village of Tupper Lake	Energize Uptown Fund	This project proposes to create a fund for matching grants, intended for interior/exterior building improvements in the Uptown District, as well as business assistance.	\$ 600,000
TOTAL				\$ 14,233,600

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION
AUTHORIZING ENTRY INTO GRANT AGREEMENTS UNDER THE
DOWNTOWN REVITALIZATION INITIATIVE

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, in January 2016, the Downtown Revitalization Initiative (“DRI”), was created to support housing, economic development, transportation, and community projects to attract and retain residents, visitors, and businesses to downtowns; and

WHEREAS, as part of the DRI, each of the ten Regional Economic Development Councils evaluates proposals from communities in their respective regions, for their downtown’s potential for transformation, and selects a community for the DRI; and

WHEREAS, each selected community is awarded \$10-20 million for planning and implementation of projects, of which \$300,000 is reserved for each community to work with a team of professionals and a local planning committee to develop a Strategic Investment Plan and list of priority projects for consideration by New York State; and

WHEREAS, approximately 178 projects totaling \$194,200,000 have been identified among the nineteen selected DRI communities; and

WHEREAS, the Department of State Office of Planning and Development is serving as the lead agency administrator for DRI activities statewide and the projects within the selected communities have been assigned to participating agencies with appropriate expertise and administrative capacity, including NYS Homes & Community Renewal through HTFC; and

WHEREAS, HTFC has been assigned to administer \$14,233,600 in DRI funds for 23 projects; now therefore, be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby authorize HTFC to execute grant agreements under the DRI program with the awardees up to the amounts specified in the attachment to the accompanying memo submitted to the Members.

Section 2. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 3. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 26, 2023

FROM: Rachel Wieder
Chief of Staff,
Homeownership and Community Development

TO: HTFC Directors

SUBJECT: Authorization to award \$23,440,780.00 to thirteen (13) eligible applicants to administer the Plus One Accessory Dwelling Unit Program.

The 2022-2023 NYS Capital Budget made available \$85,000,000 for the purposes of creating and upgrading accessory dwelling units across the state, as part of a five (5) year Housing Plan. Through a competitive Request for Proposal (RFP) process, HTFC solicited local units of government and nonprofit community development partners to apply to provide a full-service program to support low- and middle-income single-family homeowner occupants who wish to build a new accessory dwelling unit (ADU) on their property or improve an existing ADUs that needs to be brought into compliance with local and state code requirements. The RFP anticipated awarding approximately \$20,000,000 and subsequently making the remainder of appropriated funds available at future dates.

Thirteen (13) qualified applications were received through the RFP process. A committee comprised of HCR staff, evaluated the applications, and determined all were fundable. The 13 applications total \$23,440,780 in Plus One ADU Program subsidy to build or preserve 289 accessory dwelling units.

Local Unit of Government	Non-Profit Housing Developer	Units Proposed	Funding Requested
Ulster County & City of Kingston *	Rural Ulster Preservation Company (RUPCO)	14	\$1,750,000.00
City of Ithaca	Ithaca Neighborhood Housing Services (INHS) *	5	\$571,780.00
Town of Amherst *	Belmont Housing Resources	16	\$2,000,000.00
Dobbs Ferry, Irvington, and Hastings-on-Hudson	Habitat for Humanity Westchester & NYC *	19	\$2,000,000.00
Town of Bedford	Habitat for Humanity Westchester & NYC *	16	\$2,000,000.00
New York City Housing Preservation & Development *	TBD	15	\$2,625,000.00
New York City Housing Preservation & Development	Cypress Hills Local Development Corporation *	4	\$500,000.00

Town of Babylon	Community Development Corporation of Long Island (CDCLI) *	40	\$1,998,000.00
Town of Shelter Island	Community Development Corporation of Long Island (CDCLI) *	20	\$1,998,000.00
Town of Southampton	Community Development Corporation of Long Island (CDCLI) *	20	\$1,998,000.00
Town of Southold	Long Island Housing Partnership (LIHP) *	40	\$2,000,000.00
Town of Brookhaven	Long Island Housing Partnership (LIHP) *	40	\$2,000,000.00
Town of Huntington	Long Island Housing Partnership (LIHP) *	40	\$2,000,000.00
Total		289	\$23,440,780.00

*Award recipient

Request for Authorization

Authorization to award \$23,440,780 to the thirteen qualified applicants listed above.

RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AWARDS UNDER THE PLUS ONE ACCESSORY DWELLING UNIT PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC” or “Corporation”) was created pursuant to Section 45-a of the New York State Private Housing Finance Law; and

WHEREAS, as part of the five-year Housing Plan launched by the State of New York, the 2022-23 State budget made \$85,000,000 available for the purpose of creating and upgrading accessory dwelling units (“ADUs”) across the state; and

WHEREAS, HTFC established the Plus One ADU Program to create and improve ADUs; and

WHEREAS, through a competitive Request for Proposal (RFP) process, HTFC solicited local units of government and nonprofit community development partners to apply to administer the Plus One ADU Program to support low- and middle-income single-family homeowner occupants who wish to build a new ADU on their property or improve an existing ADU that needs to be brought into compliance with local and state code requirements; and

WHEREAS, thirteen qualified applications were received in response to the RFP, and after a review by a committee of Homes and Community Renewal (“HCR”) staff members, all applications were determined to be fundable; and

WHEREAS, Section 45-a of the New York State Private Housing Finance Law authorizes HTFC to enter into procurement contracts for goods and services; and

WHEREAS, pursuant to Section 2879 of the Public Authorities Law and HTFC’s Procurement and Contract Guidelines (“Guidelines”), procurement contracts that exceed one year in duration or \$100,000 in amount must be approved by HTFC’s Members; and

WHEREAS, staff anticipate that contracts with awardees for the Plus One ADU Program will run for two years (commencing on the effective date of the grant agreement), with optional extensions at the sole discretion of HTFC; now, therefore be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby authorize awards and entry into agreements to administer the Plus One ADU Program for a two-year term with optional extensions at the sole discretion of HTFC to the recipients in the amounts not to exceed those identified below.

Recipient/Awardee	Local Unit of Government	Non-Profit Housing Developer	Units Proposed	Funding Requested
Ulster County & City of Kingston	Ulster County & City of Kingston	Rural Ulster Preservation Company (RUPCO)	14	\$1,750,000.00
Ithaca Neighborhood Housing Services (INHS)	City of Ithaca	Ithaca Neighborhood Housing Services (INHS)	5	\$571,780.00

Town of Amherst	Town of Amherst	Belmont Housing Resources	16	\$2,000,000.00
Habitat for Humanity Westchester & NYC	Dobbs Ferry, Irvington, and Hastings-on-Hudson	Habitat for Humanity Westchester & NYC	19	\$2,000,000.00
Habitat for Humanity Westchester & NYC	Town of Bedford	Habitat for Humanity Westchester & NYC	16	\$2,000,000.00
New York City Housing Preservation & Development	New York City Housing Preservation & Development	<i>TBD</i>	15	\$2,625,000.00
Cypress Hills Local Development Corporation	New York City Housing Preservation & Development	Cypress Hills Local Development Corporation	4	\$500,000.00
Community Development Corporation of Long Island (CDCLI)	Town of Babylon	Community Development Corporation of Long Island (CDCLI)	40	\$1,998,000.00
Community Development Corporation of Long Island (CDCLI)	Town of Shelter Island	Community Development Corporation of Long Island (CDCLI)	20	\$1,998,000.00
Community Development Corporation of Long Island (CDCLI)	Town of Southampton	Community Development Corporation of Long Island (CDCLI)	20	\$1,998,000.00
Long Island Housing Partnership (LIHP)	Town of Southold	Long Island Housing Partnership (LIHP)	40	\$2,000,000.00
Long Island Housing Partnership (LIHP)	Town of Brookhaven	Long Island Housing Partnership (LIHP)	40	\$2,000,000.00
Long Island Housing Partnership (LIHP)	Town of Huntington	Long Island Housing Partnership (LIHP)	40	\$2,000,000.00
	Total		289	\$23,440,780.00

Section 2. The Members hereby authorize the President of the Office of Housing Preservation, any authorized signatory in the Office of Community Renewal, or any other HCR employee authorized by HTFC's By-Laws to negotiate and execute any documents which may be necessary and appropriate to effectuate the purpose of this resolution.

Section 3. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

KATHY HOCHUL

Governor

FROM: Samantha Pearce, Vice President of Sustainability
Elaine Mahoney, Program Manager, WAP Special Project

TO: Members of the NYS HTFC Board

DATE: January 25, 2023

SUBJECT: Authorization for the creation of a BIL Infrastructure Law Weatherization Program (“BIL WAP”)

I. Reason Before the Members

Staff seek authorization for the creation of a BIL Infrastructure Law Weatherization Program (“BIL WAP”) and for the corporation to enter into an agreement with DHCR to receive a transfer of up to \$23,500,000 from DHCR in Bipartisan Infrastructure Law stimulus funds to support decarbonization and electrification-ready upgrades that will lower energy costs and improve health outcomes for income-eligible renters and homeowners in NYS through 2027. The BIL WAP stimulus program and associated Federal funds will enhance the existing WAP program to serve more than double the low-income homes compared to typical WAP annual funding, while further aligning and contributing to States decarbonization goals.

Specifically, staff seek approval from the HTFC Board Members to approve the Corporation:

- To enter into an agreement with DHCR to participate in the BIL Weatherization Program and receive a transfer of up to \$23,500,000 from DHCR in BIL Stimulus Funds to fund provide technical support and training to the network of community-based organization partners delivering BIL Scope services; and
- to hire up to 8 employees to administer and oversee the Corporation’s participation in the BIL Weatherization Program whose salaries will not exceed \$3,500,000 in the aggregate for terms ranging from three to five years.

Background

The BIL WAP provide a unique opportunity to expand an existing program (WAP) and align the State’s decarbonization goals (CLCPA) with additional Federal Funding (BIL). The following outlines provide background on each of these areas:

- New York’s Climate Leadership and Community Protection Act (“CLCPA”); and

- New York State Weatherization Assistance Program; and
- Bipartisan Infrastructure Law

a. Background on Climate Leadership and Community Protection Act

In 2019, the Climate Leadership and Community Protection Act was signed into law. The CLCPA is among the most ambitious climate laws in the world and requires New York to reduce economy-wide greenhouse gas emissions 40 percent by 2030 and no less than 85 percent by 2050 from 1990 levels.

In December 2022, the Climate Action Council approved the States CLCPA Scoping Plan document which provides a road map for the State to achieve the CLCPA's goals. The Scoping Plan includes a recommendation to scale existing programs and provide Weatherization services for housing, especially low-income households, to ensure the households can reduce energy burden.

b. Background on NYS Weatherization Assistance Program (NYS WAP)

New York State's existing WAP is the largest residential energy conservation program in the country deployed by NYS DHCR. WAP assists income-eligible homeowners and renters in our state (an average of 7,500 units a year) by reducing heating and cooling costs through energy-conservation measures, while also addressing health and safety issues in their homes. NYS WAP receives an annual allocation from DOE and a State appropriation of Low-Income Home Energy Assistance Program ("LIHEAP") funds from The NYS Office of Temporary Disability Assistance ("OTDA"). A typical program year, such as 2022 receives a total of \$65.4M in combined funding to support the program direct and indirect costs and aims to weatherize over 7,500 units.

WAP services are prioritized to improve energy efficiency within a home or unit to reduce the amount of energy needed to heat and cool the space, supply hot water, and provide lighting, thus reducing energy consumption and on-site carbon use while minimizing the impact of higher energy costs on low-income families now and in the future.

Both privately owned single-family and multi-family buildings are assisted. WAP also helps reduce energy costs of affordable housing developed or supervised by HCR. DHCR contracts with community-based organizations, as designated Subgrantees of the WAP. Each Subgrantee (50 total) performs the direct community engagement, scope of work installation, and other program tasks within their defined region. In addition, DHCR currently contracts two (2) training and technical assistance providers that play a key role in educating the Subgrantee network and WAP staff on technical best practices and work force development training. Additional information on program structure can be found in the Annual NYS Weatherization Assistance Program State plan.

c. Background on Bipartisan Infrastructure Law

The Infrastructure Investment and Jobs Act ("IIJA"), also known as the Bipartisan Infrastructure Law ("BIL") is a United States federal statute enacted by the 117th United States Congress and signed

into law by President Biden on November 15, 2021. A portion awarded through The Department of Energy (“DOE”) BIL award, will support decarbonization and electrification-ready upgrades that will lower energy costs and improve health outcomes for income-eligible renters and homeowners through 2027, through the existing WAP Grantee Network.

The DOE BIL awarded \$289 million to the NYS DHCR Weatherization Assistance Program (“WAP”) to enhance energy efficiency and reduce carbon emissions statewide, in addition to improving training and technical assistance opportunities for workforce development. The BIL stimulus funds will enhance the existing annually funded WAP program, allowing the program to more than double the low-income homes served compared to typical annual funding.

II. The Proposed BIL WAP Program

The Proposed BIL WAP will facilitate reaching the state’s goals defined in the CLCPA, by providing energy efficiency and carbon reduction measures to as many as 18,000 single-family and multifamily homes throughout the state over the next five years (2023- 2027). DOE will provide funding to DHCR based on the WAP BIL State Plan. Pending board approval in this request, DHCR will transfer funds to HTFC for WAP BIL program expansion during the program time period.

In order to reach this program expansion goal additional program staff will be required to oversee field work, support Subgrantees with administration of the program, and increase reporting and monitoring within WAP. Additional training and technical support will be needed to expand the market, subgrantee capacity through new certification and training opportunities, and workforce training.

III. Funding Mechanics

Upon approval, the BIL Stimulus Funding will be transferred to HTFC from DHCR on a cost incurred basis to support the BIL Weatherization Program activities.

Recommendation to the HTFC Board Members

Staff respectfully seeks approval from the HTFC Board Members to:

- the Corporation to enter into an agreement with DHCR to participate in the BIL Weatherization Program and receive a transfer of up to \$23,500,000 from DHCR in BIL Stimulus Funds to fund provide technical support and training to the network of community-based organization partners delivering BIL Scope services; and
- to hire up to 8 employees to administer and oversee the Corporation’s participation in the BIL Weatherization Program whose salaries will not exceed \$3,500,000 in the aggregate for terms ranging from three to five years.

RESOLUTION OF THE HOUSING TRUST FUND CORPORATION
AUTHORIZING THE HIRING OF STAFF, THE ENTRY INTO AN AGREEMENT, AND
THE TRANSFER AND ALLOCATION OF INFRASTRUCTURE INVESTMENT AND JOBS
ACT FUNDS FOR THE ESTABLISHMENT OF THE BIL WEATHERIZATION PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC” or “Corporation”) was created pursuant to Section 45-a of the New York State Private Housing Finance Law; and

WHEREAS, the Division of Housing and Community Renewal (“DHCR”) currently administers the Weatherization Assistance Program (“WAP”), which utilizes federal funding to help reduce energy and utility costs by installing energy efficiency and health and safety measures in the homes of income-eligible persons; and

WHEREAS, the Infrastructure Investment and Jobs Act (hereinafter referred to as the “Bipartisan Infrastructure Law” or “BIL”) was signed into law in 2021 and included \$289 million in funding to the DHCR WAP to enhance energy efficiency and reduce carbon emissions statewide, in addition to improving training and technical assistance opportunities for workforce development; and

WHEREAS, Office of Housing Preservation (“OHP”) staff are now seeking authorization for the creation of a BIL Weatherization Program (“BIL WAP”) and for the Corporation to enter into an agreement with DHCR to receive a transfer of up to \$23,500,000 from DHCR in Bipartisan Infrastructure Law funds to support decarbonization and electrification-ready upgrades that will lower energy costs and improve health outcomes for income-eligible renters and homeowners in New York through 2027; now therefore be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby authorize the creation of the Bipartisan Infrastructure Law Weatherization Program, the entry into an agreement between DHCR and the Corporation to participate in the Bipartisan Infrastructure Law Weatherization Program, and the transfer of up to \$23.5 million in Bipartisan Infrastructure Law funds from DHCR to the Corporation to fund the Bipartisan Infrastructure Law Weatherization Program.

Section 2. The Members hereby authorize hiring up to eight employees to administer and oversee the Corporation’s participation in the Bipartisan Infrastructure Law Weatherization Program in an aggregate contract amount not to exceed \$3,500,000 for terms ranging from three to five years.

Section 3. The Members hereby authorize the President of the Office of Housing Preservation, any authorized signatory in the Office of Community Renewal, or any other HCR employee authorized by HTFC’s By-Laws to negotiate and execute any documents which may be necessary and appropriate to effectuate the purpose of this resolution.

Section 4. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNASUKAS
Commissioner/CEO

January 19, 2023

FROM: Lisa G. Pagnozzi
Vice President, Contracts
and Administration

TO: HTFC Governance Committee

SUBJECT: Resolution adopting amendments to the Procurement and Contract Guidelines

The Charter of the Governance Committee (the “Committee”) sets forth the Committee’s responsibility to review on a regular basis and update as necessary HTFC’s written policies regarding the procurement of goods and services.

The Procurement and Contract Guidelines (the “Guidelines”) were adopted on December 12, 2013, pursuant to the provisions of the Act of the Housing Trust Fund Corporation (“HTFC”), and Section 2879 of the Public Authorities Law. The Guidelines were subsequently amended and approved by the Members at their meetings on July 9, 2014.

Staff now proposes certain substantive amendments to the Guidelines intended to improve the procurement process and align our MWBE and SDVOB procedures with State law. The proposed amendments are as follows:

- 1) add the defined term “Service Disabled Veteran Owned Business” (“SDVOB”);
- 2) add SDVOBs to the listing of organizations waived from competitive process in accordance with the statutory monetary threshold limit; and
- 3) increase the monetary threshold amount for the waiver of competitive processes for MWBEs and SDVOBs from \$200,000 to \$500,000. This change mirrors the statutory limit for this type of exception to competitive processes under Articles 15-A and 17b of the Executive Law.

Attached is a red-lined copy showing changes from the current Guidelines.

Recommendation

In consideration of the recommendations of staff, it is respectfully requested that the Governance Committee adopt the attached resolution approving amendments to HTFC's Procurement and Contract Guidelines.

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Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNASUKAS
Commissioner/CEO

January 19, 2023

FROM: Lisa G. Pagnozzi
Vice President, Contracts
and Administration

TO: HTFC Members

SUBJECT: Resolution adopting amendments to the Procurement and Contract Guidelines

The Charter of the Governance Committee (the “Committee”) sets forth the Committee’s responsibility to review on a regular basis and update as necessary HTFC’s written policies regarding the procurement of goods and services. The Governance Committee is expected to review and recommend for adoption amendments to HTFC’s Procurement and Contract Guidelines (“Guidelines”).

The Procurement and Contract Guidelines (the “Guidelines”) were adopted on December 12, 2013, pursuant to the provisions of the Act of the Housing Trust Fund Corporation (“HTFC”), and Section 2879 of the Public Authorities Law. The Guidelines were subsequently amended and approved by the Members at their meeting on July 9, 2014.

Staff now proposes certain substantive amendments to the Guidelines intended to improve the procurement process and align our MWBE and SDVOB procedures with State law. The proposed amendments are as follows:

- 1) add the defined term “Service Disabled Veteran Owned Business” (“SDVOB”);
- 2) add SDVOBs to the listing of organizations waived from competitive process in accordance with the statutory monetary threshold limit; and
- 3) increase the monetary threshold amount for the waiver of competitive processes for MWBEs and SDVOBs from \$200,000 to \$500,000. This change mirrors the statutory limit for this type of exception to competitive processes under Articles 15-A and 17b of the Executive Law.

Attached is a red-lined copy showing changes from the current Guidelines. The amended Guidelines are being presented to the Members of the Governance Committees for approval. It is

anticipated that the Committee will recommend the approval of the revised Guidelines to the Members for adoption.

Recommendation

In consideration of the recommendations of staff and HTFC's Governance Committee, it is respectfully requested that the Members adopt the attached resolution approving amendments to HTFC's Procurement and Contract Guidelines.

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**PROCUREMENT AND CONTRACT GUIDELINES OF THE HOUSING TRUST
FUND CORPORATION FOR CONTRACTS EXCLUDING THOSE
FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT'S COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM**

**ESTABLISHING STANDARDS
FOR THE USE, AWARD, MONITORING AND REPORTING
OF PROCUREMENT CONTRACTS**

(Adopted on December 12, 2013 and amended on July 9, 2014 and January 2023)

ARTICLE I

1. STATEMENT OF PURPOSE AND APPLICABILITY

- a. **Statement of Purpose.** These Guidelines are adopted pursuant to the provisions of the Act and §2879 of the Public Authorities Law, as guidelines of the Housing Trust Fund Corporation, hereinafter referred to as the "Corporation," and such guidelines are independent of, but intended to be in alignment to the extent possible with, the guidelines of the New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency and Tobacco Settlement Financing Corporation (collectively hereinafter referred to as "Agencies") and are to be reviewed and approved by the Corporation's Members at least annually.
- b. **Applicability.** These Guidelines apply to the Procurement by the Corporation of goods or services in the actual or estimated amount of \$5,000 or more, excluding the Procurement of goods or services funded, in whole or in part, with the U.S. Department of Housing and Urban Development's Community Development Block Grant-Disaster Recovery ("CDBG-DR") funds appropriated by the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2). Procurement by the Corporation of goods or services funded, in whole or in part, with CDBG-DR funds shall be subject to the Procurement and Contract Guidelines for the Governor's Office of Storm Recovery of the Housing Trust Fund Corporation for Contracts Funded by the U.S. Department of Housing and Urban Development's CDBG-DR Program Establishing Standards for the Use, Award, Monitoring and Reporting of Procurement Contracts under the New York State CDBG-DR Program.
- c. **Title.** Outside of this document, these Guidelines may be referred to as the "Procurement and Contract Guidelines" and herein may be referred to as

G:\HTFC Board\2023.1 HTFC Board Meeting\2023.1 Supplemental Materials\Procurement Policy Excluding GOSR Contracts 1-26-2023 Red-Lined FINAL.docx

Revised ~~July 9, 2014~~ January 26, 2023

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ARTICLE II

2. DEFINITION OF TERMS

- a. Definitions. The following terms shall, for purposes of these Guidelines, have the following meanings unless the context shall clearly indicate some other meaning:
- i. "Act" shall mean Section 45-a of the New York Private Housing Finance Law.
 - ii. "Affiliated Agencies" or "Affiliated Agency" shall mean, either individually or collectively, the affiliated agencies, each being the Housing Trust Fund Corporation, New York State Housing Finance Agency, State of New York Mortgage Agency, New York State Affordable Housing Corporation, State of New York Municipal Bond Bank Agency, and Tobacco Settlement Financing Corporation.
 - iii. "Affiliate Contract" shall mean any Procurement Contract entered into by an Affiliate Agency.
 - iv. "Agency Contract" shall mean any Procurement Contract entered into by a State Agency.
 - v. "Authority Contract" shall mean any Procurement Contract entered into by a State Authority.
 - vi. "Annual Procurement Report" shall mean the annual report required by Article XII hereof.
 - vii. "Article 15-A of the Executive Law" or "Article 15-A" shall mean, the statute that governs the participation by Minority Group Members and women with respect to Corporation Contracts.
 - viii. "By-Laws" shall mean the By-Laws adopted by the Members of the Corporation.
 - ix. "Chief Executive Officer" or "CEO" shall mean the Officer having such title according to the Corporation's By-Laws.
 - x. "Contact" shall mean, for purposes of applying the Lobbying Law in

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relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any oral, written or electronic communication from a Contractor or Vendor, or their representatives, with the Corporation, under circumstances where a reasonable person would infer that the communication was intended to influence the Corporation's conduct or decision regarding a Corporation Governmental Procurement.

- x. "Contract" shall mean a written agreement whereby the Corporation undertakes Procurement, and shall include, but not be limited to, accepted Purchase Orders and Procurement Contracts. Contracts in excess of \$25,000 for goods or services and Contracts in excess of \$100,000 for the acquisition, construction, demolition, replacement, major repair, or renovation of real property and improvements thereon are subject to the Corporation's MWBE Directives. Additionally, pursuant to Article 15-A, solely for the purpose of providing the opportunity for meaningful participation for certified MWBEs in the performance of Corporation Contracts, Corporation Contracts shall include leases of real property by the Corporation to a Lessee where: (a) the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee; and (b) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon shall exceed the sum of \$100,000.
- xii. "Contractor" shall mean a supplier of goods or services to the Corporation pursuant to a Contract.
- xiii. "Corporation" shall mean the Housing Trust Fund Corporation.
- xiv. "Corporation Staff" or "Staff" shall mean Employees and Officers of the Corporation or any governmental agency which has assigned employees to perform services to the Corporation.
- xv. "Counsel" shall mean the chief legal officer as so defined in the By-Laws of the Corporation.
- xvi. "Critical Contract" shall mean a Contract which must be awarded within a set time period because delay of the award would have a serious adverse effect on the Corporation that outweighs the benefits of advertisement in the "New York State Contract Reporter," as determined by the President of the Office responsible for the Procurement. All Emergency Selection Contracts shall be Critical Contracts. Emergency Foreign Business Enterprise Contracts are not Critical Contracts unless the Corporation

independently determines those Contracts to be Critical Contacts.

- xvii. "Designated Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Contact made between an Offerer and the Corporation's Designated Contact Officer(s), as set forth in Article VII of these Guidelines.
- xviii. "Designated Contact Officer(s)" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the person(s) the Corporation appoints to such position, in accordance with the provisions of the Lobbying Law, who may be the recipient of Designated Contacts, as set forth in Articles VII and XI of these Guidelines. The Designated Contact Officer shall be the person so designated in each solicitation.
- xix. "Designated MWBE Officer(s)" shall mean the senior staff the Corporation appoints to such position to oversee the Corporation's MWBE Program, as set forth in Articles VI and XI of these Guidelines.
- xx. "Determination of Responsibility" shall mean, in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a final determination required to be made by the Corporation of the proposed Contractor or Vendor to whom the Contract is to be awarded in accordance with Section 2879 of the Public Authorities Law. For Determinations of Responsibility hereunder, the Lobbying Law requires that proposed Contractors and Vendors disclose findings of non-responsibility against them within the previous four years by any other governmental agency.
- xxi. "Discriminatory Jurisdiction" shall mean any other county, nation, province, state or political subdivision thereof which employs a preference or price distorting mechanism to the detriment of, or otherwise discriminates against, a New York State Business Enterprise in the Procurement of goods or services by the same, or a non-governmental entity influenced by the same.
- xxii. "Disparity Study of 2010" or "Disparity Study" shall refer to the disparity study commissioned by the Empire State Development Corporation ("ESDC"), pursuant to Article 15-A, and published on April 29, 2010.
- xxiii. "Emergency Foreign Business Enterprise Contract" shall mean any

Contract awarded on an emergency or critical basis or where the New York State Commissioner of Economic Development (hereinafter referred to as the "DED Commissioner") waives provisions otherwise applying to Contracts with Foreign Business Enterprises which are equal to or greater than \$1,000,000, pursuant to Article VIII of these Guidelines.

- xxiv. "Emergency Selection Contract" shall mean any Contract exempt from competitive selection due to the Corporation's determination of an emergency justifying such exemption.
- xxv. "Employee" shall mean an employee of the Corporation, whether full or part time.
- xxvi. "Ethics Officer" shall mean the person the Corporation appoints to such position for purposes of administering matters in connection with the State Ethics laws, or any other State law which requires the existence of such an officer to review, monitor and impose sanctions related to Procurement matters including, but not limited to, Lobbying Law Directives.
- xxvii. "Foreign Business Enterprise" shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which offers for sale, lease or other form of exchange, goods sought by the Corporation and which are substantially produced outside the State, or services sought by the Corporation, and which are substantially performed outside the State.
- xxviii. "Governmental Procurement" shall mean the (a) public announcement, public notice, or public communication to any potential Vendor of a determination of a need for a Procurement, which shall include, but not be limited to, the public notification of the specifications, bid documents, RFPs, or evaluation criteria for a Procurement Contract, (b) solicitation for a Procurement Contract, (c) evaluation of a Procurement Contract, (d) award, approval, denial or disapproval of a Procurement Contract, or (e) approval or denial of an assignment, amendment, renewal or extension of a Procurement Contract, or any other material change in the Procurement Contract resulting in a financial benefit to the Offerer.
- xxix. "Guidelines" shall mean these Guidelines, as they may be amended from time to time.
- xxx. "Impermissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, any Contact that is not a Designated Contact.

- xxxi. "Invitation for Bid" process or "IFB" shall mean the solicitation, by way of a statement of qualification, proposal and/or, as appropriate, price bid from at least three prospective Contractors or Vendors, one of which shall be from a MWBE, if possible, for Procurements not expected to exceed \$50,000. Procurements anticipated to exceed \$25,000 or more must include MWBE participation goals.
- xxxii. "Lessee" shall have the same meaning defined in Article 15-A.
- xxxiii. "Lobbying Law Directives" shall mean, in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the requirements of the provisions of the Lobbying Law, and as set forth in Article VII of these Guidelines.
- xxxiv. "Lobbying Law" shall mean the provisions of the Legislative Law and the State Finance Law enacted on August 23, 2005, Chapter 1 of the laws of 2005 and amended on March 20, 2010, Chapter 4 of the laws of 2010.
- xxxv. "Member(s)" shall mean the Members of the Housing Trust Fund Corporation as defined in the By-Laws of the Corporation, unless the context shall clearly indicate some other meaning, e.g. "Minority Group Members".
- xxxvi. "Minority Owned Business Enterprise" or "MBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that is:
 - 1) at least 51% owned by one or more Minority Group Members, or in the case of a publicly-owned business, at least 51% of the common stock or other voting interests of which is owned by one or more Minority Group Members;
 - 2) an enterprise in which the minority ownership is real, substantial and continuing;
 - 3) an enterprise in which the minority ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
 - 4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;

- 5) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a Personal Net Worth that does not exceed \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
 - 6) an enterprise that is a Small Business.
- xxxvii. "Minority and/or Women-Owned Business Enterprise" or "MWBE" shall mean any business enterprise, including a sole proprietorship, partnership or corporation, that meets the qualifications for an MBE, a WBE, or both an MBE and a WBE.
- xxxviii. "Minority Group Member" shall mean a United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:
- 1) Black persons having origins in any of the Black African racial groups not of Hispanic origin;
 - 2) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic origin, regardless of race;
 - 3) Native American or Alaskan native persons having origins in any of the original peoples of North America; or
 - 4) Asian and Pacific Islander persons having origins in any of the Far East countries, Southeast Asia, the Indian sub-continent or the Pacific Islands.
- xxxix. "MWBE Director" shall mean the director of the division of minority and women's business development in the Department of Economic Development.
- xl. "MWBE Directives" shall mean the requirements of the Corporation's MWBE Program in accordance with the provisions in §2879 of the Public Authorities Law and Article 15-A, and as set forth in Article VI of these Guidelines.
- xli. "MWBE Program" shall mean the Corporation's Procurement procedures and policies for providing opportunity for meaningful participation of certified businesses in the performance of Corporation Contracts, as more

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fully described in Article VI of these Guidelines.

- xlii. "New York State Business Enterprise" or "NYSBE" shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, goods which are sought by the Corporation and which are substantially manufactured, produced or assembled in the State, or services which are sought by the Corporation and which are substantially performed within the State.
- xlili. "Offerer" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, an individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts the Corporation about a Corporation Governmental Procurement during the Restricted Period of such Corporation Governmental Procurement, whether or not the caller has a financial interest in the outcome of the Governmental Procurement.
- xliv. "Officer" shall mean those positions so defined in the By-Laws of the Corporation.
- xlv. "Permissible Contact" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, a Designated Contact.
- xlvi. "Permissible Subject Matter Communication" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the communications set forth as such in Article VII of these Guidelines.
- xlvii. "Personal Net Worth" shall have the same meaning as defined in Article 15-A.
- xlviii. "Personal Services" shall mean any services performed for fee, commission or other compensation by persons or organizations who are not providing such services as Officers, Employees or Staff of the Corporation, Affiliated Agency, any State Agency or State Authority.
- xliv. "Preferred Source" shall mean the status afforded to certain contractors or vendors for purposes of Procurement under §162 of the State Finance Law.

- i. "President" shall mean an Officer having such title according to the Corporation's By-Laws.
- ii. "Procurement" shall mean the acquisition of goods, materials and services including, but not limited to, Personal Services, by the Corporation. The term goods shall include, but not be limited to, personal property, including furniture, fixtures, stationery and supplies. Services shall include, but not be limited to, the performance of legal, accounting, management, consulting, investment banking, planning, training, statistical, research, public relations, architectural, engineering, surveying or other Personal Services of a consulting, professional or technical nature for a fee, commission or other compensation by a person or persons who are not providing such service as Officers, Employees or Staff of the Corporation, any Affiliated Agency, or any State Agency or State Authority.
- iii. "Procurement and Contract Guidelines" shall mean the guidelines to Procurement of goods or services by the Corporation, originally adopted by the Corporation's Members, and revised from time to time, pursuant to the provisions of its Act and §2879 of the Public Authorities Law.
- iiii. "Procurement Contract(s)" shall mean, (a) *(following the definition in §2879 of the Public Authorities Law)* any written agreement for Procurement in the actual or estimated amount of \$5,000 or more or (b) *(following the definition in the Lobbying Law for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000)* any Contract, including an amendment, extension, renewal, or change order to an existing Contract (other than amendments, extensions, renewals, or change orders that are authorized and payable under the terms of the Contract as it was finally awarded), for a Governmental Procurement.
- lv. "Procurement Contract Officer" shall mean the person appointed to such position, as set forth in Article XI of these Guidelines.
- lvi. "Procurement Record" shall mean documentation of the decisions made and the approach taken in the Procurement process together with other documentation with respect to Contracts and Contractors/Vendors, as set forth in these Guidelines.
- lvii. "Purchase Order(s)" shall mean written authorization to a Vendor to deliver specified goods or services at a stipulated price.
- lviii. "Request for Proposal" or "RFP" shall mean the solicitation, by way of a

detailed description of services and/or related work required by the Corporation, of a comprehensive response from qualified potential Contractors or Vendors, indicating the manner in which each would perform the tasks involved and the compensation requested, which response would be the basis for a contractual agreement.

lviii. "Request for Qualification" or "RFQ" shall mean a request for a statement of qualifications, which shall contain detailed information, so as to enable potential contractors to determine the desirability of participating in the selection process and to develop a competitive statement. An RFQ may request other information in addition to qualifications

lix. "Restricted Period" shall mean, for purposes of applying the Lobbying Law in relation to any Corporation Governmental Procurement with actual or anticipated annualized expenditures in excess of \$15,000, the period of time commencing with the earliest determination of a Procurement need by the Corporation, including, but not limited to, any oral or written communication, notice, advertisement or solicitation of an RFP, invitation for bids, or solicitation of proposals, or any other method for soliciting a response from contractors or vendors intending to result in a Procurement Contract with the Corporation and ending with the Corporation's approval of the final Contract award.

ix. "Service-disabled veteran-owned business enterprise" ("SDVOB") shall mean a business enterprise, including a sole proprietorship, partnership, limited liability company or corporation that is:

(1) at least fifty-one percent owned by one or more service-disabled veterans;

(2) an enterprise in which such service-disabled veteran ownership is real, substantial, and continuing;

(3) an enterprise in which such service-disabled veteran ownership has and exercises the authority to control independently the day-to-day business decisions of the enterprise;

(4) an enterprise authorized to do business in this state and is independently-owned and operated;

(5) an enterprise that is a small business which has a significant business presence in the state, not dominant in its field and employs, based on its industry, a certain number of persons as determined by the director.

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but not to exceed three hundred, taking into consideration factors which include, but are not limited to, federal small business administration standards pursuant to 13 CFR part 121 and any amendments thereto; and

(6) certified by the State's Office of General Services.
~~ix.~~

~~ix.~~ix. "Single Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Corporation, approved in writing by the President of the Office responsible for the Procurement, that one firm is uniquely qualified or has a unique advantage with respect to the provision of a particular service or good, such that competitive procedures are rendered futile. Such determination shall become part of the Procurement Record and be filed with the Corporation's Counsel and Secretary.

~~ix.~~ix. "Small Business" shall have the same meaning defined in Article 15-A.

~~ix.~~ix. "Sole Source Contract" shall mean a Contract awarded without competitive procedures as a result of a determination by the Corporation, approved in writing by the President of the Office responsible for the Procurement, that there is only one source for a particular service or good, such that competitive procedures are rendered futile. Such determination shall become part of the Procurement Record and be filed with the Corporation's Counsel and Secretary.

~~ix.~~ix. "State" shall mean the State of New York.

~~ix.~~ix. "State Agency" shall mean any state department, state university of New York, city university of New York, board, bureau, division, commission, committee, council, office or other governmental entity performing a governmental or proprietary function for the state, or any combination thereof as provided in subdivision two of section nine hundred fifty-one of the executive law, except any public authority or public benefit corporation, the judiciary or the state legislature.

~~ix.~~ix. "State Authority" shall mean a public authority or public benefit corporation created by or existing under the Public Authorities Law or any other law of the state of New York, with one or more of its members appointed by the governor or who serve as members by virtue of holding a civil office of the state, other than an interstate or international authority or public benefit corporation, including subsidiaries of such public authority or public benefit

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corporation.

~~lxvi.~~~~lxvii.~~ "Vendor" shall mean a supplier of goods or services to the Corporation.

~~lxvii.~~~~lxviii.~~ "Women-Owned Business Enterprise ("WBE")" shall mean a business enterprise, including a sole proprietorship, partnership or corporation that is:

- 1) at least 51% owned by one or more United States citizens or permanent resident aliens who are women or, in the case of a publicly-owned business, at least 51% percent of the common stock or other voting interests of which is owned by United States citizens or permanent resident aliens who are women;
- 2) an enterprise in which the ownership interest of women is real, substantial and continuing;
- 3) an enterprise in which the women ownership has, and exercises, the authority to control independently the day-to-day business decisions of the enterprise;
- 4) an enterprise authorized to do business in the State, independently owned and operated, and not dominant in its field;
- 5) an enterprise owned by an individual or individuals, whose ownership, control and operation are relied upon for certification, with a Personal Net Worth that does not exceed \$3.5 million, as adjusted annually on the first of January for inflation according to the consumer price index of the previous year; and
- 6) an enterprise that is a Small Business.

- b. Construction of Language. Any other capitalized terms used herein shall have the meaning given by the By-Laws. Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa.

ARTICLE III

3. USE OF PROCUREMENT CONTRACTORS AND VENDORS

- a. Threshold Criteria for Use of Procurement Contractors for Personal Services. The

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general responsibilities of the Corporation are performed by its Employees, Officers and Staff. Accordingly, it is the policy of the Corporation that before Personal Services are used, it first be considered whether it would be more appropriate for its Employees, Officers or Staff to provide such services. Personal Services Contractors may be used when it has been determined:

- (l) that such service is necessary or convenient to the performance of the Corporation's responsibilities; and
- (2) (x) that such service is not available from Employees, Officers or Staff; or
(y) that the performance of such service requires it be undertaken by someone independent of the Corporation; or
(z) that use of Employees, Officers or Staff of the Corporation for such service would not be efficient or cost effective.

Such determination shall be made by an Officer except that, in the case of Personal Services set forth below in this Article, such determination may be made by Officers as they may deem administratively appropriate. Non-Personal Services Contracts shall be entered into when the Corporation requires goods, materials and non-Personal Services to function effectively and efficiently.

- b. Areas Requiring Use of Procurement Contracts for Personal Services. Personal Services Contracts have typically been and are anticipated to be executed in the following areas, pursuant to a determination of appropriateness in accordance with the requirements of subparagraph a. of this Article:

Types of Services, Responsibilities and Description of Services to be Provided.

- i. Appraisal. Provide appraisals, analyses and reports with respect to properties which are or may be the subject of Corporation loans or loans insured by the Corporation.
- ii. Architectural and Engineering. Provide professional architectural and/or engineering services relative to the construction of properties which are or may be the subject of Corporation loans, or loans insured by the Corporation.
- iii. Audit and Accounting. Provide audit services pertaining to the year-end preparation of financial statements for the Corporation in conformance with generally accepted accounting principles. Perform special audits as requested.

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- iv. Custody & Safekeeping Services. Provide custody and safekeeping services to secure Corporation investments and receive and evaluate underlying collateral for secured Corporation investments.
- v. Equipment Maintenance. Provide maintenance for the routine service or repair of office and data processing equipment.
- vi. Information Technology Consulting. Provide analyses and recommendations on the Corporation's data processing structure and operations.
- vii. Information Technology Services. Provide report generating and printing services, computer systems hardware, programming and related services to the Corporation.
- viii. Investment Banking. Provide: (a) financial advisory services and (b) recommendations and analyses with respect to Corporation investments.
- ix. Legal. Provide legal services, opinions and analyses related to financings, real estate matters, corporate matters, litigation matters and labor matters.
- x. Management Consulting. Provide analyses and recommendations concerning the Corporation's organizational structure and the management of its operations.
- xi. Minority and Women Business Enterprise Consultants. Provide technical assistance in the Corporation's effort to facilitate MWBE participation in Corporation programs.
- xii. Printing. Provide: (a) financial printing services based upon specifications and details developed by the Corporation; (b) technical printing services relative to the reproduction of loan and insurance documents; (c) graphic, layout and printing services in connection with production of Corporation report(s); and (d) other printing and offset services.
- xiii. Training. Provide supervisory and other skills training to Corporation Officers, Employees and Staff.
- xiv. Trustee Banking Services. Provide banking services to monitor the timely receipt of payments, retirement of debt, collateral evaluations and other services as required by the various bond resolutions.
- xv. Others. The examples of Personal Services listed above in clauses (i)

through (xiv) reflect anticipated Personal Services and are not meant to be exhaustive; other services, in other areas, may be utilized subject to these Guidelines.

These Personal Services are not required to be provided as Personal Services Contracts, and may sometimes be performed by Corporation Officers, Employees and Staff.

ARTICLE IV

4. SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

- a. Preferred Selection Criteria and Approach. It is the preference of the Corporation that Vendors and Contractors shall be selected from as broad a spectrum of providers as is practicable, and that Contracts be awarded and purchases be made consistent with the quality of services, or goods and materials required, at fair and reasonable prices. In addition, it is the preference of the Corporation to encourage the participation and utilization of MWBEs in accordance with the MWBE Directives, as set forth in Article VI of these Guidelines and to encourage the participation of New York State Business Enterprises. Contracts shall be regulated in accordance with MWBE Directives and Lobbying Law Directives, and as set forth in Articles VI and VII, respectively, of these Guidelines.
- b. Selection on a Competitive Basis. It is the preference of the Corporation that Procurement, unless otherwise prescribed, be by competitive process, and that the process be as competitive as is possible. It is the policy of the Corporation that the selection of Procurement Contractors and Vendors be exempt from the competitive process only under certain exceptional circumstances as specified herein. As appropriate, the following competitive processes may be used in order to select Contractors and Vendors:
 - i. Competitive Lowest Price Bid for Goods or Materials. Solicitation of at least three price bids, one of which shall be from a MWBE, if feasible, for specified Procurement, other than Personal Services (goods and materials), to be awarded to qualifying Contractors or Vendors primarily on the basis of the lowest price. Competitive bids are to be solicited when the goods and materials required are of a standardized nature that may reasonably be made the subject of specifications to which bidders respond with required qualification data and price offers.
 - ii. Invitation for Bid (“IFB”) process for Contracts Not Expected to Exceed \$50,000. If the President of the Office responsible for the Procurement

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determines it is appropriate, the Corporation may commence a Procurement process by soliciting statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Contractors or Vendors, one of which shall be from a MWBE, if feasible, for Procurements not expected to exceed \$50,000. Procurements valued at \$25,000 or more must include MWBE participation goals. Award of a Contract within this method is made on the basis of an evaluation of the characteristics, quality and cost of such statements of qualifications and proposals.

- iii. RFP (without negotiation). Solicitation of specific proposals which indicate an understanding of identified financial, organizational, logistical and technical requirements and/or problems, and which detail elements of performance, including techniques and procedures as well as prices. Award of a Contract within this method is made on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.
- iv. RFP with Competitive Negotiations. Solicitation of qualifying potential Contractors or Vendors who have submitted materials pursuant to: (a) an RFP to further negotiate their proposals; (b) an RFP which stated that the Corporation might further negotiate proposals; or (c) a determination by the Corporation, subsequent to issuing an RFP, that further negotiation is appropriate or that the RFP should be revised to permit further negotiations. Further negotiation may include, but shall not be limited to, prices for Contract award on the basis of a formal evaluation of the characteristics, quality and cost of such proposals.
- v. Pre-qualified Panel. The Corporation may select Contractors for any Procurement activity from a qualified panel of potential Contractors, selected on the basis of an RFP or RFQ. Such panel must have been qualified by the Corporation, or by an Affiliate, State Agency or State Authority. The purpose of using a pre-qualified panel is to allow aspects of the competitive process to be addressed early in a phased selection process. This is so that Vendors and Contractors on the panel can be subsequently engaged on an accelerated or more efficient basis. In accordance therewith, panels shall be administered so that the Contract award is based upon a formal evaluation of qualifications and/or the subsequent negotiation of fair and reasonable compensation for specific services actually required. At such time as a panel is utilized, the Corporation shall document for the Procurement Record with respect to that panel, which aspects of the competitive process (a) are being addressed prior to the panel's utilization and (b) shall be fulfilled subsequent to the establishment of the panel. The award of assignments to respective Vendors on a panel need not be based purely on competitive selection processes, to the extent that assignments

based on distribution of workload, distribution of risk, and/or a policy of rotation intended to benefit the Corporation are reasonable. Panels shall be identified to the Corporation's Procurement Contract Officer, reported in the Annual Procurement Contract Report, and reviewed and recertified annually to the Corporation's Procurement Contract Officer by the Corporation Officer in charge of administering the panel.

- vi. State Contract. The Corporation can enter into Contracts with eligible Vendors, where the State has engaged in a competitive process to create eligible Vendors; and the Corporation can enter into a Contract with those Vendors for such services upon comparable terms, provided the Procurement Contract Officer determines this is appropriate.
 - vii. GSA Contract (or contract of the U.S. General Services Administration or US GSA). The Corporation can enter into Contracts with eligible Vendors, where the US GSA has engaged in a competitive process to create eligible Vendors; and the Corporation can enter into a Contract with those Vendors for such services upon comparable terms, provided an Officer determines this is appropriate.
 - viii. Affiliated Agency Contract or Affiliated Agency Competitive Selection Process. Whenever an Affiliated Agency has completed a competitive process to create a list of Vendors eligible for the provision of goods or services, the Corporation can enter into a Contract with those Vendors for such services, if for the same services and upon comparable terms. Whenever an Affiliated Agency has engaged in a competitive process, and that process has not yet created a list of eligible Vendors, and the Corporation can complete that process to create eligible Vendors, the Corporation may do so in order to enter into a Contract with those Vendors for such services for which Vendors are ultimately determined eligible to provide, provided the Procurement Contract Officer determines this is appropriate.
- c. Selection on a Non- Competitive Basis. The competitive processes established above in this Article shall not apply or are hereby waived in the following situations:
- i. Preferred Source Providers. Every Corporation Procurement shall be conducted in accordance with §162 of the State Finance Law, which, in certain instances, affords Preferred Source status to certain Contractors and Vendors to advance special social and economic goals and precludes the

use of competitive selection procedures.

- ii. Existing Centralized State Contracts. The Corporation may carry out a Procurement using existing centralized State Contracts pursuant to which the Corporation is eligible to procure goods and/or services, according to the State negotiated terms.
- iii. Existing GSA Contracts. The Corporation may carry out a Procurement using existing centralized GSA Contracts pursuant to which the Corporation is eligible to procure goods and/or services, according to the State negotiated terms.
- iv. Emergency. When an emergency requires that selection of a Contractor or Vendor cannot be delayed long enough for the use of a competitive procedure because immediate action is required, the President of the Office responsible for the Procurement may award a Contract, as that President deems appropriate, without competitive procedures or following less than the full complement of competitive procedures which would otherwise be required. Circumstances requiring such immediate action must be significant, such as those affecting property of the Corporation, life, health or safety. Emergencies should only arise out unforeseen occurrence. The circumstances under which such Contract was entered into shall be set forth and maintained in the Procurement Record. Such record should, among other things, address whether such circumstances should have been foreseen. Consideration should always be given to whether a Contract entered into on an emergency basis can be supplanted by a subsequent Contract entered into through a competitive process. If the Emergency Contract exceeds \$100,000 in amount or one year in duration, the Contract must be presented at the next regularly scheduled Corporation Board Meeting for approval. The determination to issue a contract under this method shall become part of the Procurement Record and be filed with the Corporation's Counsel and Secretary.
- v. Sole Source Contract. Sole Source Contracts may be awarded without competitive procedures as a result of a determination by the Corporation, approved in writing by the President of the Office responsible for the Procurement. For purposes of determining whether a Contract is a Sole Source Contract, the Corporation shall identify if there is only one source for a particular service or good, such that competitive procedures are rendered futile. The determination to issue a contract under this method shall become part of the Procurement Record and be filed with the Corporation's Counsel and Secretary.

- vi. Single Source Contract. Single Source Contracts may be awarded without competitive procedures as a result of a determination by the Corporation, approved in writing by the President of the Office responsible for the Procurement. Competitive procedures may be considered futile for purposes of determining whether a Contract is a Single Source Contract, if, among other things, the submission of bids or proposals by other Contractors or Vendors would not afford them a meaningful likelihood of selection. Whenever the Corporation considers it appropriate, the Corporation may conclusively reach such a determination by relying upon the determination of the State or an Affiliated Agency that a Vendor is uniquely qualified, if the Corporation seeks to enter into a Contract or contract with those Vendors for such services upon comparable terms. The determination to issue a contract under this method shall become part of the Procurement Record and be filed with the Corporation's Counsel and Secretary.
- vii. Inconsistent Industry Selection Process with Competitive Price Assurance. Where practice in an industry does not normally involve competitive submission of proposals and where it is determined that it would be cost-effective to award such Contract or otherwise select from among possible Vendors in some other manner, provided steps are taken to assure that the cost is comparable to that generally charged for similar goods or services, and that the Procurement Record contains written evidence of these steps, a Contract may be awarded without competitive process.
- viii. Competitive Proposal Exception for Contracts Not Expected to Exceed \$5,000. In the case of Contracts not expected to exceed \$5,000, if it is determined that soliciting at least three Vendors is not appropriate, such Contract may be awarded without soliciting competitive proposals, if a clear scope of goods or services is utilized and due consideration is given to the market value of such goods or services.
- ix. Option to Waive Competition for Certain Kinds of Contracts. Notwithstanding any other provision of law requiring competition, the competitive process may be waived to include Contracts for the purchase of goods or services from Small Businesses or certified MWBEs or certified SDVOBs, or goods or technology that are recycled or remanufactured, in amounts at or below ~~\$200~~500,000.

ARTICLE V

5. STANDARDS AND PRACTICES FOR COMPETITIVE SELECTION OF CONTRACTORS.

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It is the policy of the Corporation to seek out the maximum practicable number of qualified Vendors interested in offering their goods or services to the Corporation and to establish certain minimum standards for their selection. The following standards shall apply:

- a. Advertisement Requirements for Competitive Source Selection Methods. The solicitation of bids, proposals, offers or submissions of qualification data from Vendors with respect to Contracts shall be made by the Corporation in a manner determined by the Procurement Contract Officer in consultation with the President of the Office responsible for the Procurement, to be the most cost effective for providing reasonable competition for the Corporation's Contracts. This may include advertisement in appropriate newspapers or trade journals, direct mailings to firms considered qualified and such other outreach mechanisms as are consistent with the policy of these Guidelines, including outreach efforts to MWBEs in accordance with the provisions of Article VI herein and the Corporation's MWBE Goal Plan ("MWBE Goal Plan"), and including providing information with respect thereto via the Corporation's website. In addition, in the case of Procurement Contracts in the actual or estimated amount of \$50,000 or more, or such other amount as may be amended in Article 4-C of the State's Economic Development Law, and in the establishment of pre-qualified panels, the Corporation shall advertise all such opportunities in the "New York State Contract Reporter" or "Reporter," the official weekly listing of bidding opportunities for the State published by the New York State Department of Economic Development, and any other publication as required by State law, unless the Contract is determined to be a Critical Contract. Already advertised Contract opportunities being re-bid or re-solicited within forty five (45) business days after proposals were originally due, pursuant to publication in the "Reporter," are not required to be published again. Contracts determined to be Single Source or Sole Contracts will not be advertised in the "Reporter," but are required to be published in the "Reporter" as a "notification"..
- b. Minimum of Three Prospective Vendors for Competitively Bid Procurement Contracts. For all Procurement Contracts required to be selected on a competitive basis, the Corporation shall solicit statements of qualifications, proposals and, as appropriate, price bids from at least three prospective Vendors. In the case of Contracts not expected to exceed \$5,000, the Corporation shall solicit prices, statements of qualifications and proposals from at least three prospective Vendors unless the Corporation affirmatively determines it is not appropriate. The Corporation shall include at least one MWBE, if feasible, in all Procurement processes.
- c. Requirements for Corporation Bid Documents. Except for Procurement Contracts for which the Corporation would be expending funds received from another state,

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the Corporation shall include in all bid documents provided to potential bidders a statement that information concerning the availability of State subcontractors and suppliers is available from the State Department of Economic Development, which shall include the directory of certified MWBEs, and an affirmative statement that it is the policy of the Corporation to encourage the use of State subcontractors and suppliers, and to promote the participation of MWBEs, where possible, in the Procurement of goods and services. Additional requirements for Corporation Bid Documents relating to the Corporation policies to promote the participation of New York State Business Enterprises are more fully described in Article VIII.8.a. of these Guidelines.

The Corporation shall also require that solicitation documents set forth the expected degree of MWBE participation based, in part, on (1) the potential subcontract opportunities available in the prime Procurement Contract; and (2) the availability of MWBEs to respond competitively to the potential subcontract opportunities.

- i. Required Bid Notices to Professional and other Organizations serving MWBEs. In an effort to award Procurement Contracts to MWBEs in compliance with the Corporation's MWBE Procurement goals, as set forth in the Corporation's MWBE Goal Plan, the Corporation shall provide notice of Governmental Procurements, along with any other notice required by law, to professional and other organizations serving MWBEs that provide the types of services procured by the Corporation. Professional and other organizations can include, but is not limited to, social networking websites, magazines, and/or newspapers catering to a majority of MBE and/or WBE clientele. For the purposes of these Procurement efforts and for other Corporation Procurement efforts, the Corporation's Designated MWBE Officer shall establish procedures for maintaining list(s) of qualified MWBEs. In addition, the Corporation shall establish procedures for maintaining lists to include media outlets and other organizations serving MWBEs. The Corporation will provide such list(s) to Contractors in the Procurement process, requiring that potential Contractors shall consult and contact appropriate MWBEs to solicit their bids, in accordance with Article VI of these Guidelines.
- ii. Lobbying Law Directives. All Corporation solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Corporation's policies and prohibitions regarding Contacts under the Lobbying Law, pursuant to the Lobbying Law Directives as described in Article VII of these Guidelines and in the Corporation's *Policy on Reporting and Maintaining Records on Lobbying Contacts* (herein after referred to as the Corporation's "Lobbying Policy").

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- iii. Promoted Contracts. All Corporation solicitations shall follow the directives for the participation of promoted Contracts, as is more fully described in Article VIII of these Guidelines.
- d. Criteria for Selection. Procurement Contracts shall be entered into based on an evaluation of all proposals or bids received, considering all relevant factors, including, but not limited to terms, costs, goods or services offered, experience and capabilities, financial security, reputation in the field, staff availability, personnel expected to be involved and possible conflicts of interest. Where the Procurement Contract Officer determines that there is a suitably neutral and reliable publisher or publicly available industry ratings or evaluations of products or firm qualifications, such ratings or evaluations may be allowed to substitute, in whole or in part, as determined to be appropriate, for required submission of qualifications where it is determined that requiring independent submission of such from Vendors would be duplicative. The criterion for selection are not intended to supersede the fact that the Corporation has certain promoted Contracts and certain prohibited Contracts and Contracts subject to limitations, as set forth in Article VIII of these Guidelines.
- e. Compliance with Additional Procedures for Requests for Proposals and Requests for Qualifications. The Corporation shall also comply with any additional procedures issued by it, from time to time, with respect to the conduct of Requests For Proposals and Requests For Qualifications.

ARTICLE VI

6. MWBE PROGRAM ESTABLISHING PROCEDURES FOR MWBE PARTICIPATION AND UTILIZATION IN CORPORATION PROCUREMENTS

The requirements of the Corporation’s MWBE Program, in accordance with the provisions of §2879 of the Public Authorities Law, Article 15-A, and the directives of the Governor, and as set forth in this Article, shall be referred to as the Corporation’s MWBE Directives. The Corporation shall work to increase MWBE participation and utilization through certain Procurement procedures, as described in the Corporation’s Annual MWBE Goal Plan and these Guidelines, and incorporated in the Corporation’s MWBE Program. These procedures shall include (i) the appointment of a Designated MWBE Officer(s) to oversee the Corporation’s MWBE Program, as described more fully in Article XI of these Guidelines, (ii) the establishment of appropriate goals for participation by MWBEs in Procurement Contracts awarded by the Corporation and (iii) the utilization of MWBEs as subcontractors and suppliers by Contractors having Procurement Contracts with the Corporation.

The Corporation has established numerical participation target goals identified in their MWBE Goal Plan based on the findings of the Disparity Study and directives from the Governor. For each new Contract, the Corporation shall gauge the appropriateness of the Procurement goals by considering the availability of Contractors to perform the Contract's anticipated scope of services, weighted by the extent those scope of services represent the total Contract price.

In the event the projected goals cannot be achieved, the Corporation will provide adequate documentation of a good faith effort to meet these goals in its submission of its Annual MWBE Goal Plan.

The Corporation's Designated MWBE Officer, for the purposes of reaching these goals, shall establish procedures for maintaining list(s) of qualified and certified MWBEs, that have expressed an interest in doing business with the Corporation, and ensuring that such lists are updated periodically, but no less than once annually, and include a firm profile that will, if possible, describe the firm's history, key personnel and core work areas. The Corporation shall also consult the list(s) of certified MWBEs maintained by the Department of Economic Development, pursuant to Article 15-A.

The Corporation shall update these MWBE participation goals annually in an effort to (1) obtain the maximum feasible participation of MWBEs in Corporation Contracts, (2) evaluate each Contract to determine the appropriateness of the goal, and (3) examine Corporation goals to determine if their implementation will duplicate or conflict with any federal law. The Corporation shall waive the applicability of these goals to the extent of such duplication or conflict. These MWBE goals are subject to change by industry and region pursuant to findings contained within the Disparity Study of 2010, future Disparity Studies by the ESDC and Corporation findings evidencing relevant industry and region-specific availability of certified MWBEs.

- a. Requirements to Conduct Procurements to Ensure Maximum Participation and Utilization by MWBEs. To enable the Corporation to achieve the maximum feasible portion of the Corporation's goals established in its MWBE Goal Plan, that eliminates barriers to participation by MWBEs in Corporation Procurements, Corporation's MWBE Directives shall include:
 - i. Measures and Procedures. The Corporation's Designated MWBE Officer shall establish measures and procedures to: (a) ensure that certified MWBEs shall be given the opportunity for maximum feasible participation in the performance of Corporation Contracts; and (b) to assist in the Corporation's identification of those Corporation Contracts for which certified MWBEs may best bid to actively and affirmatively promote and assist their participation in the performance of Corporation Contracts so as to facilitate the Corporation's achievement of the maximum feasible portion of the goals

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for Corporation Contracts to such businesses. The Corporation's measures and procedures shall include the following MWBE Directives:

- (1) For competitive Procurements requiring a minimum of three bids, quotes must be obtained from at least one MBE or WBE, if feasible. If not feasible, the reasons for not doing so shall be documented in writing and included in the Procurement record. Corporation staff issuing solicitations will comply with this requirement whenever MWBEs are available for goods or services being procured;
 - (2) Encouraging Contractors to consider partnering with MWBEs, if feasible and practicable; and
 - (3) For non-competitive Procurements, Corporation staff issuing the solicitation shall strongly consider using a certified MWBE, if feasible, and if the MWBE meets the needs of the Corporation.
- ii. Designation of the Division of Minority and Women-Owned Business Development ("Division of MWBEs"). The Corporation shall designate the Division of MWBEs to certify and decertify MWBEs for the Corporation.
 - iii. Expected Degree of MWBE Participation. The Corporation shall require that each Contract solicitation set forth the expected degree of MWBE participation, as set forth in Article VI of these Guidelines.
 - iv. Current List of MWBEs. The Corporation shall provide a current list of certified MWBEs to each prospective Contractor, as set forth in Article VI of these Guidelines.
 - v. Joint Ventures and MWBE Participation Goals. The MBE portion or the WBE portion of joint ventures shall count toward meeting the Corporation's MWBE participation goals. A firm owned by a Minority Group Member who is also a woman may be certified as a MBE, a WBE, or both, but may only be counted towards either a MBE goal or a WBE goal, in regard to any Contract or any goal, set by the Corporation, but such participation may not be counted towards both such goals. Such an enterprise's participation in a Contract may not be divided between the MBE goal and the WBE goal.
 - vi. Waiver of Obligations of Contractor relating to MWBE Participation. The Corporation may waive obligations of the Contractor relating to MWBE participation after a showing of good faith effort to comply with the MWBE participation requirements, pursuant to Chapter 174 and Chapter 175 of the

laws of 2010 that amend §2879 of the Public Authorities Law and Article 15-A, §313, subdivision six, respectively, both enacted on July 15, 2010.

vii. Verification of MWBE Participation. The Corporation shall verify that MWBEs listed in a successful bid are actually participating to the extent listed in the project for which the bid was submitted, including verification that the procured primary Contractors are truly providing for the participation of MWBEs as described in the Procurement Contract. Participation of MWBEs shall be verified by (i) electronically monitoring and tracking the utilization, prompt payment and unauthorized substitutions of MWBE subcontractors and (ii) the provision of the following data, by the Contractor to the Corporation, for each MWBE subcontract:

- (1) name(s) of the MWBE subcontractor;
- (2) total dollar amount of the MWBE's participation;
- (3) scope of work of the MWBE subcontractor; and
- (4) dates of participation.

viii. In the implementation of this section of this Article, the Corporation shall:

- (1) consider, where practicable, the severability of construction projects and other bundled Contracts; however, unbundling must be conducted within the constraints of the Corporation's need to ensure efficiency and limit costs, and may not cause the bid price to increase;
- (2) implement its MWBE Program to enable the Corporation to evaluate each Contract to determine the appropriateness of the goal, as set forth in this Article, which shall include:
 - (a) increasing MWBE outreach and communication efforts by use of the internet to facilitate access to information and build relationships between MWBEs and potential partners by:
 - (i) Requiring Corporation staff to include certified MWBEs in the solicitation lists for Procurements expected to exceed \$25,000;

- (b) consider the number and types of MWBEs located in the region in which the Corporation Contract is to be performed;
 - (c) consider the total dollar value of the Corporation Contract, the scope of work to be performed, and the project size and term;
 - (d) consider whether the Contractor has advertised in general circulation media, trade association publications, and minority-focus and women-focus media and, in such event,
 - (i) whether or not certified MWBEs that have been solicited by the Contractor exhibited interest in submitting proposals for a particular project by attending a pre-bid conference; and
 - (ii) whether certified MWBEs which have been solicited by the Contractor have responded in a timely fashion to the Contractor's solicitations for timely competitive bid quotations prior to the Corporation's bid date;
 - (e) consider whether there has been written notification to appropriate certified MWBEs that appear in the directory of certified MWBEs, and
 - (f) consider whether the Contractor can reasonably structure the amount of work to be performed under subcontracts in order to increase the likelihood of participation by certified MWBEs.
3. consider compliance with the requirements of any federal law concerning opportunities for MWBEs which effectuates the purpose of this Article; and
 4. consult the most recent disparity study, pursuant to Article 15-A.

ARTICLE VII

7. REQUIRED DESIGNATIONS AND DISCLOSURES UNDER LOBBYING LAW DIRECTIVES IN THE SELECTION OF PROCUREMENT VENDORS AND CONTRACTORS.

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Contacts shall be regulated in accordance with Lobbying Law Directives as follows:

For any Governmental Procurement or Contract subject to the Lobbying Law, the Corporation shall notify every potential Contractor or Vendor that the Corporation has a Designated Contact Officer(s) who is the only Corporation representative(s) permitted to receive Designated Contacts from the Contractors or Vendors, or their representatives, during the Restricted Period with respect to such Governmental Procurement. A Contractor or Vendor is restricted from making Contacts with the Corporation from the date of any public announcement, public notice, or public communication by the Corporation to any potential Vendor of a determination of a need for a Governmental Procurement through final award and approval of the Procurement Contract by the Corporation to anyone other than the Designated Contact Officer(s) with respect to the Governmental Procurement unless such communication is any one of the following Permissible Subject Matter Communications:

- (a) the submission of written proposals in response to a Request for Proposals, invitation for bids or any other method for soliciting a response from Offerers intending to result in a Procurement Contract;
- (b) the submission of written questions by a method set forth in a solicitation for receiving inquiries from Offerers intending to result in a Procurement Contract, when all written questions and responses are to be disseminated to all Offerers who have expressed an interest in the solicitation;
- (c) participation in a demonstration, conference or other means for exchange of information in a setting open to all potential bidders provided for in a solicitation intending to result in a Procurement Contract;
- (d) complaints by an Offerer regarding the failure of the person or persons designated by the Corporation, pursuant to this section, to respond in a timely manner to authorized Offerer Contacts, made in writing to the office of general counsel of the Corporation, provided that any such written complaints shall become a part of the Procurement Record;
- (e) Offerers who have been tentatively awarded a Contract and are engaged in communications with the Corporation solely for the purpose of negotiating the terms of the Procurement Contract after being notified of tentative award;
- (f) communications between designated staff of the Corporation and an Offerer to request the review of a Procurement Contract award;
- (g) communications by Offerers in protests, appeals or other review proceedings

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(including the apparent successful bidder and his or her representatives) before the Corporation conducting the Governmental Procurement seeking a final administrative determination, or in a subsequent judicial proceeding; or

- (h) communications between Offerers and governmental entities that solely address the determination of responsibility entity of an Offerer.

Unless the communication is any one of the above Permissible Subject Matter Communications, the Designated Contact is the only representative(s) of the Corporation permitted to receive Contacts from bidders, potential Contractors or Vendors, or their representatives, during the Restricted Period with respect to a Corporation Governmental Procurement.

All Corporation solicitations for proposals, bid documents and specifications for Procurement Contracts shall incorporate a summary of the Corporation's policies and prohibitions regarding Contacts under the Lobbying Law. All potential Contractors or Vendors must complete and return to the Corporation with their proposal or bid response to a Corporation solicitation, the *Affirmation of Understanding of and Agreement*, and *Potential Contractor or Vendor Disclosure of Prior Non-Responsibility Determinations*, Lobbying Law Forms 1 and 2, respectively. Form 1 is a written affirmation of a Contractor's or Vendor's understanding of the Governmental Procurement lobbying procedures of the Corporation and Form 2 requires the potential Contractor or Vendor to certify that all information provided to the Corporation with respect to the Lobbying Law is complete, true and accurate. Prior to awarding a Procurement Contract to which these provisions apply, the Corporation shall make a final Determination of Responsibility. All solicitations for proposals by the Corporation shall require that potential Contractors or Vendors disclose to the Corporation any findings of non-responsibility against them within the previous four years by any other governmental agency and must contain certifications that the same are complete, true and accurate.

For Contractors or Vendors who fail to comply with the Corporation's Lobbying Law Directives, refer to Article VIII of these Guidelines and the Corporation's Lobbying Policy.

ARTICLE VIII

8. PROMOTED AND PROHIBITED CONTRACTS & CONTRACTS SUBJECT TO OTHER LIMITATIONS

Notwithstanding the general practices of the Corporation with respect to selection of Contractors and Vendors and adherence to competitive practices, as set forth in in these Guidelines, the following shall apply or be given weight in order that certain Contracts, or the award thereof, may be promoted, prohibited or subject to certain limitations.

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a. Promoted Contracts. It is the policy of the Corporation to promote certain contracts as follows:

i. Minority- and Women-Owned Business Enterprises. It is the policy of the Corporation to promote and encourage the use of MWBEs and New York State subcontractors and suppliers in competition for Procurement Contracts. Furthermore, for Procurements anticipated to be in the amount of \$25,000 or less, if the performance of any Contract requires or permits the use of a subcontractor, it is the preference of the Corporation to encourage the participation of MWBEs, as set forth in these Guidelines. The Corporation encourages bidders to include demonstrations that their selection promotes the use of MWBEs in bid responses, for example, through proposals for joint ventures with MWBEs. Procurements exceeding \$25,000 must include MWBE participation goals in solicitation documents.

In order to promote and assist participation by, and facilitate the awarding of a fair share of Contracts to, MWBEs, the Corporation has identified the following services as those areas or types of Contracts for which MWBEs may best bid: Archival Off-Site Services; Audit/Accounting Services; Appraisal Services; Architectural/Engineering Services; Equipment Maintenance Services; Information Technology Consulting/Services; Investment Banking Services; Legal Services; Management Consulting Services; Printing Services; and Temporary Employee Services.

ii. New York State Business Enterprises and New York State Residents. It is the goal of the Corporation to promote the participation of New York State Business Enterprises and New York State residents in Procurement Contracts. Accordingly, the following procedure shall apply:

(1) The Corporation shall collect and consult the specifications of NYSBEs in developing specifications for any Procurement Contract for the purchase of goods where possible, practicable, feasible and consistent with open bidding, except for Procurement Contracts for which the Corporation would be expending funds received from another state. The Corporation shall, where feasible, make use of the stock item specification forms prepared by the State Commissioner of General Services, and where necessary, consult with the State Commissioner of the Office of General Services, in developing such specifications and make such determinations;

(2) The Corporation shall, with the cooperation of the Department of

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Economic Development and through cooperative efforts with Contractors and Vendors, (i) notify NYSBES of opportunities to participate as subcontractors and suppliers on Corporation Procurement Contracts in amounts estimated to be equal to or greater than \$1,000,000 and (ii) promulgate procedures which will assure compliance by Contractors and Vendors with such notification. Once awarded the Contract, such Contractors shall document their efforts to encourage the participation of NYSBES as suppliers and subcontractors on Procurement Contracts equal to or greater than \$1,000,000, pursuant to §2879 of the Public Authorities Law;

- (3) The Corporation shall, with the cooperation of the Community Services Division of the Department of Labor and through cooperative efforts with Contractors and Vendors, notify New York State residents of employment opportunities arising out of Procurement Contracts let by the Corporation in an amount estimated to be equal to or greater than \$1,000,000. Contractors shall, as supplementary materials to their bids, document their efforts to provide such notification.
- (4) The Corporation shall include in all bid documents, (i) a statement notifying potential bidders located in foreign countries that the Corporation may assign or otherwise transfer offset credits created by the Procurement Contract to third parties located in New York State and (ii) a provision for the assignment or other form of transfer of offset credits created by such Procurement Contracts, directly or indirectly, to third parties located in the State. Such assignment or other form of transfer shall be in accordance with the written directions of the Commissioner of Economic Development. The Corporation shall cooperate with the Department of Economic Development in efforts to get foreign countries to recognize offset credits assigned or transferred to third parties located in New York State created by the Corporation's Procurement Contracts.

- iii. Businesses with Anti-discriminatory Employment Practices. It is the Corporation's policy to have procedures in place that will ensure, to the extent of the Corporation's ability, that Contractors and Vendors comply with the federal Equal Employment Opportunity Act of 1972, as amended.

For any Contractor or Vendor with fifteen (15) or more employees responding to an RFP, RFQ, IFB or other type of invitation for bids, included with such response must be a statement disclosing whether the

Contractor or Vendor is currently operating under or negotiating, or has at some time in the last five years operated under or negotiated, a conciliation agreement with the Equal Employment Opportunity Commission (“EEOC”); has been, at some time in the last five years, or is currently the subject of a civil action brought against it by the EEOC; has been, at some time in the last five years, or is currently the subject of an action brought against it by the EEOC for permanent, temporary or preliminary relief; has operated, at some time in the last five years, or is currently operating under an order of a court to take affirmative action as a result of a civil action brought against it by EEOC.

The Corporation shall state in each Contract entered into with a Contractor or Vendor with fifteen (15) or more employees, that it is an unlawful employment practice for such Contractor or Vendor to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the individual’s compensation, terms, conditions, or privileges of employment, or to limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual’s status as an employee, because of such individual’s race, color, religion, sex, or national origin, or because an individual opposed any practice made unlawful by Title VII of the Civil Rights Act of 1964, as amended, or because he or she made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under that Title; and that it shall be an unlawful employment practice to print or publish or cause to be printed or published any notice or advertisement relating to employment indicating any preference, limitation, specification, or discrimination on the basis of race, color, religion, sex, or national origin.

The Corporation shall state in each Contract entered into with a Contractor or Vendor with fifteen (15) or more employees, that such Contractor or Vendor shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods as the EEOC shall prescribe by regulation, and (3) make such reports therefrom as the EEOC shall prescribe by regulation or order.

The Corporation shall state in each Contract entered into with a Contractor or Vendor with fifteen (15) or more employees, that such Contractor or Vendor must post and keep posted in conspicuous places upon its premises where notices to employees and applicants for employment are customarily posted a notice prepared or approved by the EEOC setting forth excerpts

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from, or summaries of, pertinent provisions of Title VII of the Civil Rights Act of 1964, as amended, and information pertinent to the filing of a complaint.

The Corporation's goal is to award Contracts to those Contractors and Vendors who have evidenced compliance with the laws of the State prohibiting discrimination in employment. The Corporation recognizes that this goal may be achieved by awarding Procurement Contracts to those Contractors or Vendors who have demonstrated that they do not discriminate with respect to employment.

For all Personal Services Contracts over \$25,000, and for all Contracts for goods and materials over \$100,000, bidders shall submit to the Corporation data regarding the race and gender of their partners, members and employees by job category. Bidders whose data are not found acceptable to the Corporation shall be rejected.

- b. Prohibited Contracts and Contracts Permitted Subject to Specified Exceptions or Limitations. It is the policy of the Corporation that certain Contracts be prohibited or permitted only subject to certain exceptions or limitations as follows:

- i. Special Criteria Rule for Evaluation of Architects, Engineers and Surveyors. For purposes of this subparagraph, the term "Professional Firm" shall be defined as any individual or sole proprietorship, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture, engineering, or surveying. The Corporation shall not refuse to negotiate with a Professional Firm solely because the ratio of the "allowable indirect costs" to direct labor costs or the hourly rate in any labor category of the Professional Firm exceeds a limitation generally set by the Corporation in the determination of the reasonableness of the estimated cost of services to be rendered by the Professional Firm, but rather the Corporation should also consider the reasonableness of cost based on the total estimated cost of the service of the Professional Firm which should include, among other things, all the direct labor costs of the Professional Firm for such services plus all "allowable indirect costs," other direct costs, and negotiated profit of the Professional Firm. For purposes of this subparagraph, "allowable indirect costs" of a Professional Firm are defined as those costs generally associated with overhead which cannot be specifically identified with a single project or Contract and are considered reasonable and allowable under specific Contract or allowability limits.
- ii. Contracts with Businesses with Operations in Northern Ireland. In accordance with the MacBride Fair Employment Principles (Chapter 807 of

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the Laws of 1992), the Corporation shall not enter into Procurement Contracts with Vendors who have operations in Northern Ireland unless the Corporation receives contractual assurance that the Contractor shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in §165 of the New York State Finance Law), and agrees to permit independent monitoring of its compliance with such principles.

- iii. Contracts with Foreign Business Enterprise. The Corporation shall notify the New York State Commissioner of Economic Development (“Commissioner”) of the award of a Procurement Contract for the purchase of goods from a Foreign Business Enterprise in an amount equal to or greater than \$1,000,000, simultaneously with notifying the successful bidder therefor. The Corporation shall not thereafter enter into a Procurement Contract for said goods until at least fifteen (15) days have elapsed, except for Procurement Contracts awarded as Emergency Selection Contracts or where the Commissioner waives the provisions of this section. The notification to the Commissioner shall include the name, address and telephone and facsimile numbers of the Foreign Business Enterprise, a brief description of the goods or services to be obtained pursuant to the proposed Procurement Contract, the amount of the proposed Procurement Contract, the term of the proposed Procurement Contract, and the name of the individual at the Foreign Business Enterprise or acting on behalf of the same who is principally responsible for the proposed Procurement Contract. *(The purpose of such notification is solely (i) to allow the Commissioner to use the information to provide notification to NYSBEs of opportunities to participate as subcontractors and suppliers on such Procurement Contracts (ii) to promote and encourage the location and development of new business in the State, (iii) to assist NYSBEs in obtaining offset credits from foreign countries; and (iv) to otherwise investigate, study and undertake means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of NYSBEs, industry and commerce.)*
- iv. Contracts with Discriminatory Jurisdiction Business Enterprises. The Corporation shall not, except as hereinafter provided, solicit bids from, or enter into a Procurement Contract with, a Foreign Business Enterprise which has its principal place of business in a jurisdiction that discriminates against New York businesses, as contained on the list prepared by the Commissioner pursuant to §165(6)(b) of the State Finance Law. The Corporation may waive this section only when the CEO or the President of the Office responsible for the Procurement determines in writing that it is in the best interest of the State to do so.

v. Vendors Failing to Comply with Lobbying Law Directives. The Corporation shall not enter into Contracts with Contractors or Vendors when:

- (1) proposed Vendor or Contractor has failed to timely disclose accurate and complete information or otherwise cooperate with the Corporation in administering the Lobbying Law Directives; or
- (2) there has been a finding that an Offerer has knowingly and willfully violated the provisions set forth in Article VII. of these Guidelines and the Corporation's Lobbying Policy. This finding shall also result in a determination of non-responsibility against the Offerer. *(Violations of the Lobbying Law are expected to typically involve Contacts made to persons at the Corporation other than the Designated Contact Officer(s)).*

The Corporation shall not enter into Contracts in the case of either (1) or (2) of this subparagraph (v), section (b) of this Article, unless the Corporation determines that the award of the Procurement Contract:

- (a) is necessary to protect public property or public health or safety, and
- (b) that the Contractor or Vendor is the only source capable of supplying the required goods or services within the necessary time frame.

In order for the Corporation determinations in (1) and (2) (a) and (b) above to be effective as exceptions, the above required findings, including a statement describing the basis of such determination by the Corporation, must be made a part of the Procurement Record.

Any subsequent determination of non-responsibility due to violations of the requirements of the Lobbying Law, if such determination is separated by less than four years, shall result in the proposed Vendor or Contractor being rendered ineligible to submit a proposal on or be awarded any Procurement Contract for a period of four years from the date of the second final determination of non-responsibility.

vi. Contracts with Former Corporation Officers and Employees. The Corporation shall not enter into Contracts which contemplate, violate or affirmatively, by their terms, allow former Officers (the term "Officer" as used in this subsection b.vi. of Article XIII of these Guidelines, shall refer to "Officer" as defined in the Corporation's By-Laws) and Employees of the Corporation to violate §73 (8) (a) of the State Ethics Law. Specifically, and not by way of limitation, (except for employment contracts pursuant to

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which former Employees resume employee status to again work directly for the Corporation), the Corporation shall not enter into Contracts which provide for or permit a former Officer or Employee of the Corporation, either as an individual contracting directly with the Corporation or as an officer or employee of a private business entity, to appear, practice, communicate or otherwise render services before the Corporation or receive compensation for any such services rendered by such former Officer or Employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction:

- (1) with respect to which such Officer or Employee was directly concerned and in which he or she personally participated during the period of his or her service or employment, or which was under his or her active consideration or over which that Employee or Officer exercised decision-making power during the performance of his or her official duties at the Corporation, or
- (2) in connection with any matter before the Corporation or its business for a period of two years after termination of such service or employment.

If the CEO or the President of the Office responsible for the Procurement deems it appropriate, the preceding prohibitions may be temporarily waived provided that, prior thereto, the State Ethics Commission grants an exception in accordance with the requirements of New York Public Officers Law Section 73[8][b]. Notwithstanding the foregoing, the preceding prohibitions shall not apply when a former Officer or Employee carries out official duties as an elected official or employee of a federal, state or local government, or any agency of such government. Thus, a former Employee may appear, practice, communicate or render compensated services before the Corporation if he or she is acting as an elected official or employee of a federal, state or local government or one of its agencies. This exception applies only to government officials and employees; it does not apply to paid consultants of government entities.

In addition, in determining whether or not to enter into Contracts with respect to which any former Officer or Employee of the Corporation plays a role, and with respect to the ethical administration thereof, the Corporation shall give due consideration to whether the execution or administration of the Contract raises an appearance of impropriety.

The Corporation shall, as it deems appropriate, include provisions in its Contracts to effect the purposes of this section.

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ARTICLE IX

9. GENERAL CONTRACT PROVISIONS AND CONTINUING EVALUATION OF PROCUREMENT CONTRACTS IN EFFECT FOR LIMITED TERMS.

a. General Contract Provisions. The Corporation shall include general Contract provisions in its Procurement Contracts, as follows:

i. In Writing and Duly Executed. All Procurement Contracts shall be in writing and shall, at a minimum, be duly executed by an individual empowered to do so in accordance with the Corporation's By-Laws and, as the case may be, the provision for delegation of signing authority thereunder.

ii. Scope and Description. Procurement Contracts shall specifically provide for a scope of services indicating the nature of the work to be performed or goods to be provided, and for the time for performance, if time is a factor, the monitoring or reviewing of that performance by personnel of the Corporation, any conditions generally applicable to Contracts with the Corporation, any applicable provisions for insurance, and, where appropriate, any permitted use of supplies, facilities or personnel of the Corporation.

iii. Compensation and Payment Terms. Such Procurement Contracts shall also state the compensation for the goods or services, and the terms of payment including the conditions for receiving payment from the Corporation.

iv. Non-collusion. Formal Contracts shall, whenever appropriate, include Contractor Certifications that:

(1) The prices in the bid(s) or proposal(s) were arrived at independently, without collusion, consultation, communication, or agreement for the purpose of restricting competition, or as to any matter relating to such prices with any other Contractor or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in the bid(s) or proposal(s) were not knowingly disclosed by a Contractor prior to the opening of bid submissions, directly or indirectly, to any other Contractor or to any competitor; and

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- (3) No attempt was made or will be made by the Contractor to induce any other person, partnership or corporation to submit or not submit bid(s) or proposal(s) for the purpose of restricting competition.
- v. False or Inaccurate Lobbying Law Directives Certifications. Every Governmental Procurement with an estimated annual expenditure over \$15,000 shall contain:
 - (1) certifications that the representations required by the Lobbying Law Directives, if applicable, are complete, true and accurate; and
 - (2) a provision authorizing the Corporation to immediately terminate such Contract in the event that any certification in accordance with the provisions of the Lobbying Law Directives is found to be intentionally false or intentionally inaccurate.
- vi. Prohibitions and violations in Contracts. In accordance with § 316-a of Article 15-A, Contracts shall include a provision expressly providing that any Contractor who willfully and intentionally fails to comply with the minority and women-owned participation requirements, as set forth in such Contract shall be liable to the Corporation for liquidated or other appropriate damages and shall provide for the appropriate remedies on account of such breach. If the Corporation elects to proceed against a Contractor for breach of Contract, the Corporation shall be precluded from seeking enforcement pursuant to §316 of Article 15-A, provided however, that the Corporation shall include a summary of all enforcement actions undertaken in its Annual MWBE Goal Plan, in accordance with subdivision three of §315 of Article 15-A and Article XII of these Guidelines.
- vii. Required language in contracts supported by federal funds. In all contracts supported by, or paid with, federal funds, all terms required by any applicable federal statute, regulation, federal register notice, or policy shall be specifically set forth or incorporated by reference to such statute, regulation, federal register notice or policy.
- b. Continuing Evaluation of Procurement Contracts in Effect for Limited Terms.
 - i. Limitation of Contract Terms. In order that the Corporation may enter into new Procurement Contracts for the Procurement covered as soon as might be desirable, Procurement Contracts should not commit the Corporation to continue to use Contractors for longer than is desirable to achieve the Contract objectives, such as obtaining the Contractor's commitment to perform services at a reasonable price. Unless specifically permitted by a resolution of the Corporation's Members, Procurement Contracts shall be

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for a term not exceeding one year and shall be terminable by the Corporation, at its option, without cause, within a period that is less than a year into the future.

- ii. Continuing Evaluation of Procurement Contracts and Panels. Every Procurement Contract under which services are currently being performed, or goods or materials provided, shall be continually evaluated by a designated Officer, Employee or Staff. Such Officer, Employee or Staff shall review and approve all bills to be paid and continually evaluate the Contractor's performance. Such Officer, Employee or Staff shall continually give consideration to whether the further use of the Contractor's services and continuation of the Procurement Contract is desirable. Such consideration shall extend to making a determination, at least annually, of when it would be most appropriate and effective to award the Procurement Contract again through a new competitive selection process such as a new Request for Proposals. A determination not to enter into a new competitive award process immediately can be supported, in part, by verification that services are still being provided at competitive rates, but such verification shall not be determinative of whether a new competitive process should commence. Part of the required annual review and recertification to the Corporation's Procurement Contract Officer of Corporation panels shall be a consideration of whether it would be appropriate and effective to renew the competitive selection process for Procurement Contracts with firms on the panels, including, but not limited to, doing so through the issuance of a new Request for Qualifications to reestablish the panel. Any determination not to enter into a new competitive award process, as a result of which a Contract would exceed a projected five years without a new competitive award process being conducted, shall require the affirmative concurrence of the Corporation's Members included in a resolution adopted by the Corporation's Members, as required by Article X of these Guidelines. Such affirmative concurrence shall not be required in relation to Single Source Contracts, Sole Source Contracts, existing State Agency or Authority Contracts or existing GSA Contracts.

ARTICLE X

10. REQUIRED CORPORATION APPROVALS

- a. Members' Approval. All Contracts where compensation is expected to be in an amount of \$100,000 or more, as well as any Contracts involving services to be provided in excess of one year, shall require initial approval of the Corporation's Members, unless they specifically delegate such approval authority by resolution

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to an agent of the Corporation. Unless specifically permitted by a resolution of the Corporation's Members, Procurement Contracts shall be for a term not exceeding one year and shall be terminable by the Corporation, at its option, without cause, within a period that is less than a year into the future. An Officer may submit other Contracts as he or she deems appropriate to the Corporation's Members for their consideration and approval.

b. Members' Annual Review. The Corporation's Members shall, at least annually, review any Contract lasting more than a year, each June, as part of the approval of the Annual Report on Procurement Contracts. Contracts considered as lasting for more than a year for this purpose shall include Contracts where the Contract itself, by virtue of its stated terms, has a period of longer than a year, and in addition, shall include Contracts where, by virtue of renewal or execution of new or subsequent Contracts without an intervening Contractor or Vendor Selection Process, the Corporation's contractual relationship with the Vendor or Contractor continues for more than a year. Annual approval or review by the Corporation's Members shall be as follows:

i. Provided that timely annual review for each Contract is effected, firms on Corporation panels can be brought for annual review:

(1) collectively, or in such combinations as are deemed appropriate, on a single annual review anniversary, or

(2) individually, based on the dates that Procurement Contracts first required the Corporation's Members' approval.

ii. Any determination not to enter into a new competitive award process, pursuant to which a Contract would exceed a projected five years without a new competitive award process, shall require the affirmative concurrence of the Corporation's Members included in a resolution adopted by the Corporation's Members. Such affirmative concurrence shall not be required in relation to Single Source Contracts, Sole Source Contracts, existing State Agency or Authority Contracts, or existing GSA Contracts. In any case, any Contract in excess of a \$100,000 in amount or more than one year in duration must be initially approved by the Corporation's Members, unless they specifically delegate such approval authority by resolution to an agent of the Corporation, and annually reviewed by the Corporation's Members.

c. Execution of Procurement Contracts. All Procurement Contracts shall be executed by an Officer, or as provided in the Corporation's By-Laws or an applicable resolution.

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- d. Approval of Procurement Contracts by Counsel. Prior to the execution of any Contract, Counsel shall approve, as to legal compliance, all Procurement Contracts. The consideration shall include the legal form and efficacy of the Procurement Contract. The Corporation's legal department may evidence such approval by Counsel by making such arrangements as are acceptable to the Counsel to assure that the form of Contract is legally acceptable and approved by the Corporation's Counsel.

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- f. Approval of Procurement Contracts for Fiscal Sufficiency. All Procurement Contracts shall be reviewed by the Treasurer or Assistant Treasurer of the Corporation for fiscal sufficiency prior to execution.

ARTICLE XI

11. ADMINISTRATION OF PROCUREMENT, RECORDS AND RESPONSIBILITIES OF CORPORATION OFFICERS AND EMPLOYEES

- a. Procurement Record. A Procurement Record shall be maintained for each Procurement Contract and such other Procurement as the Procurement Contract Officer deems appropriate, or as State law requires, identifying, with supporting documentation, decisions made by the Corporation during the Procurement process. The Procurement Record shall include, but not be limited to, documentation of: (1) the determination of the method of Procurement from among the available methods permissible under these Guidelines; (2) the process to be used to determine best value, the manner in which the selection of evaluation criteria and the evaluation process shall be conducted, and the evaluation criteria, which, whenever possible, shall be quantifiable; and (3) the basis of award and circumstances leading to the selection of the Vendor, including the alternatives considered, the rationale for selecting the specific Vendor and the basis upon which cost was determined reasonable. To the extent practicable, the Corporation shall document all aspects of the solicitation process in advance of the initial receipt of offers. Each amendment to an existing Contract, and the justification for each, shall also be included in the Procurement Record. Determinations of emergency with respect to Emergency Selection Contracts and Emergency Foreign Business Enterprise Contracts shall be included in the Procurement Record, as well as the determination to enter into a Sole Source or Single Source Contract.

Annual certifications of panels should be made a part of the Procurement Record.

With respect to the Lobbying Law Directives, the Procurement Record shall include complete information related to: (i) written certifications by the Contractors or Vendors with respect to affirmations that the Contractor or Vendor understands the Lobbying Law Directives and that the Corporation has been informed in writing of the Vendor's prior determinations of non-responsibility over the previous four years, and that this information is complete, true and accurate; (ii) Determinations of Responsibility by the Corporation; (iii) findings of non-responsibility, whether by the Corporation or by other governmental entities; (iv) a record of all Contacts during the Restricted Period, including the name of the person making the Contact, as well as that person's organization, address, telephone number, place of principal

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employment, occupation, and whether the person/organization making the Contract was the Offerer or was retained, employed or designated by or on behalf of the Offerer to appear before or communicate with the Corporation; (v) if applicable, a statement regarding the basis for any required finding that the Corporation may enter into a Contract with a Contractor or Vendor who has previously been the subject of any determinations of non-responsibility; and (vi) any determination to terminate a Contract pursuant to the Lobbying Law Directives .

The Procurement Record is a place where the Corporation can clearly document, as considered appropriate, the need for the Contract; required specifications; and the ways in which a competitive field, fair and equal opportunity for Vendors, which shall include, but not be limited to, certified MWBEs, and a fair and balanced method of selection have been ensured.

The Procurement Record shall be maintained at least throughout the period the Contract and any extensions thereof are in effect and for a reasonable period of time thereafter pursuant to the Corporation's records retention policies.

- b. Procurement Contract Officer. The Corporation hereby designates the Procurement Officer for New York State Homes and Community Renewal, or in the event this position is vacant, any officer, employee, staff or agent of the Corporation as designated by the President of the Office of Professional Services, as its Procurement Contract Officer.

The Procurement Contract Officer's responsibilities shall include keeping such portions of the Procurement Record as the Procurement Contract Officer deems appropriate, monitoring compliance with proper contracting procedures and adherence to these Guidelines.

Among the Procurement Contract Officer's responsibilities shall be the determination of when certain portions of these Guidelines shall apply to a Contract by virtue of Contract expenditures, in the aggregate, or sequential periods of time, reaching applicable thresholds stated herein. In addition, for Contracts of less than \$500 per year, which are terminable at any time by the Corporation with less than ninety (90) days notice, the Procurement Contract Officer may determine that such Contracts shall be considered Contracts not exceeding one year for purposes of these Guidelines.

The Procurement Contract Officer may provide guidance and counsel about proper administration of the Procurement process and Contracts but shall not be a principal directly responsible for administering any Corporation Contract. The Procurement Contract Officer should be available for counsel and guidance respecting the Procurement selection process but should not be directly involved as an actual

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selector of Vendors.

The Procurement Contract Officer shall encourage and promote good Procurement practices, including but not limited to, proper and coordinated management of Contracts, desirable Vendor selection practices, and informed and careful bill approval procedures. Among other things, it is generally desirable that there be a single individual designated to manage each Procurement Contract, including renewals and amendments thereto, reporting thereon, and bill approvals, *(and excluding receipt of Designated Contracts)*, and that individuals managing different Contracts in the same area or from the same Vendors coordinate their work.

The Procurement Contract Officer shall, from time to time, issue such reports on Procurement as shall be appropriate or required including the Annual Procurement Report required under these Guidelines.

The Procurement Contract Officer shall notify the Office of General Services of all Contractors who, with respect to the Lobbying Law, have been the subject of determinations of non-responsibility by the Corporation or who have been debarred.

The Procurement Contract Officer should periodically review and assess the adequacy of these Guidelines and, as appropriate, recommend changes for approval.

The Procurement Contract Officer may grant temporary technical exceptions to these Guidelines for Contracts, other than Formal Contracts, provided that such exceptions appear in the Procurement Contract Record, and that attorneys under the supervision of an Officer and the Counsel determine the exceptions legally appropriate.

- c. Designated Contact Officer(s). The Corporation hereby designates the Treasurer, or in the event the position of Treasurer is vacant, the Assistant Treasurer of the Corporation, as the Designated Contact Officer for all Governmental Procurement for which such appointment is required. When necessary and appropriate, the Designated Contact Officer may designate one or more Officers, Employees, Staff or Agents of the Corporation to be an additional Designated Contact Officer. In accordance with the provisions of the Lobbying Law Directives, the Designated Contact Officer, for any given Governmental Procurement or Procurement Contract, is intended to be, by virtue of his or her designation as such, the recipient of any Designated Contacts with respect to the Governmental Procurement for which he or she has been designated. The Designated Contact Officer shall have ready access to, and shall refer to, as appropriate, the Contractors' and Vendors' written affirmations of their understanding of the Corporation's Governmental

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Procurement lobbying procedures along with all disclosures Contractors or Vendors have provided of any findings of any determinations of non-responsibility against them under the Lobbying Law. Prior to the awarding of a Procurement Contract by the Corporation to which these provisions apply, it shall be the Designated Contact Officer's responsibility to consult with the Ethics Officer and to likewise consult at any appropriate time thereafter.

- d. Designated MWBE Officer(s). The Corporation shall appoint a Designated MWBE Officer(s) to oversee the Corporation's MWBE Program established to promote and assist: (i) participation by certified MWBEs in Corporation Procurement opportunities and facilitation of the award of Procurement Contracts to such enterprises; (ii) the utilization of certified MWBEs as subcontractors and suppliers by entities having Procurement Contracts with the Corporation; and (iii) the utilization of partnerships, joint ventures or other similar arrangements between certified MWBEs and other entities having Procurement Contracts with the Corporation. The Designated MWBE Officer(s) shall be familiar with the Procurement of the types of construction, financial, legal or professional services utilized by the Corporation, report directly to the President of the Office of Professional Services, either directly or through the designee(s) of such President, and participate in the Procurement process. The Procurement Contract Officer and the Designated Contact Officer shall consult with the Designated MBWE Officer on each Procurement subject to the Corporation's MWBE Program. The Designated MWBE Officer shall consult, as necessary, with the Corporation's Counsel or Deputy Counsel on each Procurement subject to the Corporation's MWBE Program.
- e. Ethical Administration of Contracts, Compliance with the Lobbying Law Directives: Responsibility of Officers and Employees. It shall be the responsibility of the Procurement Contract Officer, the Ethics Officer, the Designated Contact Officer(s), the MWBE Officer(s), and all Officers, Employees and Staff to ensure that Contracts of the Corporation are administered ethically with due regard for all State ethics laws and Lobbying Law Directives. Determinations respecting ethical contract administration shall be made by the Ethics Officer, to whom any allegations of impropriety or unethical administration may be reported. The Ethics Officer shall also be responsible for reviewing, investigating, monitoring and imposing sanctions relating to any noncompliance with Lobbying Law Directives. The Procurement Contract Officer shall report to the Ethics Officer such allegations of impropriety or unethical administration of Procurement, or violations of the Lobbying Law Directives, as may come to the Procurement Contract Officer's attention. Corporation Officers, Employees and Staff including, but not limited to, the Designated Contact Officer(s), shall report to the Ethics Officer any allegations of impropriety or unethical administration of Procurement or violations of the Lobbying Law Directives that come to their attention. If the Ethics Officer

determines that sufficient cause exists to believe that an allegation concerning a violation of the Lobbying Law Directives is true, the Ethics Officer shall give the respective Contractor or Vendor reasonable notice (i) that an investigation is ongoing and (ii) an opportunity to be heard in response to the allegation.

Prior to the awarding of a Procurement Contract by the Corporation to which the provisions of the Lobbying Law Directives apply, and any time thereafter, it shall be the Ethics Officer's responsibility to consult with the Designated Contact Officer(s) and make other appropriate inquiries so as to make the findings as to whether there were any certifications in relation to the provisions of the Lobbying Law Directives that were intentionally false or intentionally inaccurate so that the Corporation would have the right to terminate such Contract. If the Corporation terminates a Procurement Contract under these termination provisions, it shall be the Designated Contact Officer's responsibility to provide the statement describing the basis for such action for inclusion in the Procurement Record.

In order to comply with the Lobbying Law Directives, all Staff must cooperate and participate in the recording of Contacts with respect to which the Lobbying Law Directives apply. The record of a Contact shall include the name, address, telephone number, place of principal employment, and occupation of the person or organization. Staff must also inquire about, and record, whether the person or organization making the Contact was the Offerer, or was retained by the Offerer to contact the Corporation about the Procurement. Staff must report all recorded Contacts to the Procurement Contract Officer for inclusion in the Procurement Record of the Procurement Contract.

If the Ethics Officer finds a knowing and willful violation of the Lobbying Law Directives by any Staff, the Ethics Officer shall report the violation to the President of the Office of Professional Services.

It is expected that the Ethics Officer will confer, as appropriate, with the Corporation's Counsel with respect to allegations of unethical conduct or violations of the Lobbying Law Directives or other violations of law and nothing in any of the forgoing is to be taken to preclude individuals from also contacting the Corporation's Counsel directly with respect to any such allegations.

ARTICLE XII

12. REPORTS ON PROCUREMENT

- a. Annual Procurement Report (“Annual Report”). Within 90 days after the conclusion of the Corporation’s fiscal year, the Members of the Corporation shall approve an Annual Report summarizing Procurement activity for the period of the Annual Report. Such Annual Report will include these Guidelines, an explanation of these Guidelines and any amendments thereto since the last Annual Report. The Annual Report describing Procurement activity shall include: (a) a listing of all Procurement Contracts entered into; (b) all Contracts entered into with NYSBES and the subject matter and value thereof; (c) all Procurement Contracts entered into with certified MWBEs and the subject matter and value thereof, all referrals made and all penalties imposed, pursuant to §316 of Article 15-A; (c) all Contracts entered into with Foreign Business Enterprises and the subject matter and value thereof; (d) the selection process used to select such Contractors; (e) all Procurement Contracts which were exempt from the publication requirements of Article 4-C of the Economic Development Law, the basis for any such exemption; and (f) the status of existing Procurement Contracts.

Such Annual Report shall list for each Contract the following information:

- i. a description of the duties performed by the Contractor;
- ii. the date of the Contract and its duration;
- iii. the total value of the Contract;
- iv. the full name and address of the Contractor;
- v. the status of the Contract, including the amount spent or other considerations given pursuant to the Contract during the reporting period and for the life of the Contract to date;
- vi. whether the Contractor is a certified Minority or Women-Owned Business Enterprise; and
- vii. the total number of bids or proposals received prior to the award of the Contract.

The Annual Procurement Report, after being approved by the Corporation’s Members, shall be filed to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”)

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on-line Reporting System, with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Copies of the Annual Procurement Report shall also be available to the public upon reasonable request at the Corporation's main office, and be available on the Corporation's website.

- b. Annual MWBE Goal Plan ("MWBE Goal Plan"). The Corporation shall report, annually, to the Governor, Legislature and the MWBE Director, on various issues pertaining to Procurements relating to MWBE, in accordance with Article VI of these Guidelines and Article 15-A, including but not limited to:
- i. the annual goals, identified in the Corporation's Annual MWBE Goal Plan, for Contracts with MWBEs;
 - ii. providing adequate documentation of a good faith effort to meet the Corporation goals described in the Corporation's Annual MWBE Goal Plan, in the event that the Corporation projected goals cannot be achieved;
 - iii. the number of actual Contracts issued to MWBEs;
 - iv. the activities undertaken to promote and encourage Procurement opportunities of Minority Group Members and women and promote and increase participation by certified businesses with respect to Corporation Contracts and subcontracts;
 - v. Corporation Contracts for leases of real property by the Corporation to a Lessee where (a) the terms of such leases provide for the construction, demolition, replacement, major repair or renovation of real property and improvements thereon by such Lessee, and (ii) the cost of such construction, demolition, replacement, major repair or renovation of real property and improvements thereon exceeds the sum of \$100,000;
 - vi. a summary of all enforcement actions undertaken by the Corporation against a Contractor for breach of Contract pursuant to §316-a of Article 15-A and Article IX. of these Guidelines; and
 - vii. a summary of all waivers, defined in Article VI of these Guidelines, permitted by the Corporation during the period covered by the MWBE Report, including:
 - (1) a description of the basis of the waiver request; and

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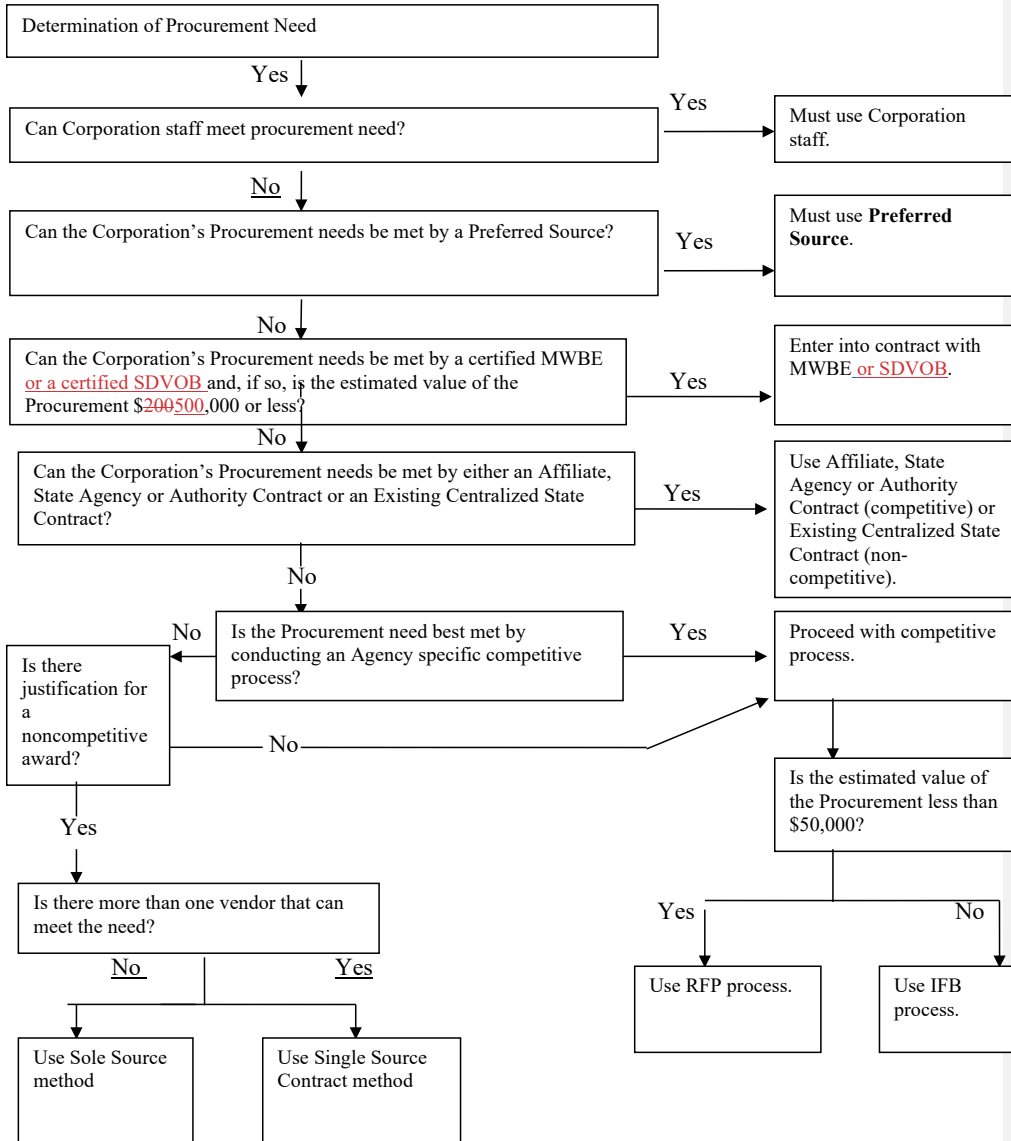
- (2) the rationale for granting any such waiver.

ARTICLE XIII

13. MISCELLANEOUS PROVISIONS

- a. Powers of Amendment. Any modification or amendment of these Guidelines may be made by a Supplemental Resolution adopted at any duly constituted Members' meeting; provided, however, that no such modification or amendment shall abrogate the rights and duties of existing Corporation Contracts, the terms of which were established pursuant to these Guidelines; and further provided that the Procurement Contract Officer, or his or her designee, may make non-material changes in these Guidelines. Any such changes shall be reported at the next regularly scheduled meeting of the Members of the Corporation.
- b. Supplementation with Procedural Handbooks, Practice Manuals and Other Directives. These Guidelines are only intended to provide the general framework for Corporation Procurement practices. These Guidelines are not intended to preclude supplementation of the Guidelines through the promulgation of more specific procedural handbooks, practice manuals, or other directives and guidance as may be issued from time to time, including as example, and not by way of limitation, more specific procedures for conduct of Requests For Proposals and Requests For Qualifications. It is also not intended that the existence of these Guidelines should prevent or supplant the issuance of additional Corporation guidelines or regulations to deal specifically with Lobbying Law Directives and/or MWBE Directives, if appropriate.
- c. No Recourse under these Guidelines. No provision of these Guidelines shall be the basis for any claim based upon these Guidelines against any Member, Officer, Employee or Staff of the Corporation, or any agent of the Corporation when acting pursuant to these Guidelines or pursuant to an authorization to execute Contracts on behalf of the Corporation, or the Corporation itself.
- d. Effect upon Existing Contracts of the Corporation. These Guidelines shall not abrogate the rights and duties of Corporation Contracts with third parties executed prior to the effective date of these Guidelines.
- e. Provisions Required by Law. These Guidelines are hereby deemed to include any provision required by law to be included herein.

SELECTING A PROCUREMENT PROCESS.



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A RESOLUTION OF THE GOVERNANCE COMMITTEE OF THE HOUSING TRUST FUND
CORPORATION APPROVING AMENDMENTS TO THE
PROCUREMENT AND CONTRACT GUIDELINES

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, pursuant to Section 2879 of the Public Authorities Law, HTFC is required to adopt comprehensive guidelines which detail its operative policy and instructions regarding the use, awarding, monitoring, and reporting of procurement contracts (“Procurement and Contract Guidelines”); and

WHEREAS, on December 12, 2013, HTFC adopted Procurement and Contract Guidelines to mirror the Procurement and Contract Guidelines of the New York State Housing Finance Agency and such Procurement and Contract Guidelines set forth HTFC’s standards for the use, awarding, monitoring, and reporting of procurement contracts; and

WHEREAS, on July 9, 2014, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, Article IV, Section 10 of the HTFC Governance Committee Charter requires the Governance Committee to update as necessary HTFC’s written policies regarding procurement of goods and services; and

WHEREAS, staff is recommending further amendments of the Procurement and Contract Guidelines to (a) add the defined term “Service Disabled Veteran Owned Business,” (b) add Service Disabled Veteran Owned Businesses (“SDVOBs”) to the listing of organizations waived from the competitive process in accordance with the statutory monetary threshold limit, and (c) increase the monetary threshold amount for the waiver of competitive processes for Minority and Women Owned Business Enterprises (“MWBEs”) and SDVOB’s from \$200,000 to \$500,000 to mirror the statutory limit for this type of exception to competitive processes under Articles 15-A and 17b of the Executive Law; now, therefore, be it

RESOLVED, by the Members of the HTFC Governance Committee as follows:

Section 1. The Members of the HTFC Governance Committee hereby approve the amendments to the Procurement and Contract Guidelines.

Section 2. HTFC will file the amended Procurement and Contract Guidelines for fiscal year 2023 to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”), with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Section 3. This resolution shall take effect immediately.

Dated: January 26, 2023

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION
APPROVING AMENDMENTS TO THE PROCUREMENT AND CONTRACT GUIDELINES

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, pursuant to Section 2879 of the Public Authorities Law, HTFC is required to adopt comprehensive guidelines which detail its operative policy and instructions regarding the use, awarding, monitoring, and reporting of procurement contracts (“Procurement and Contract Guidelines”); and

WHEREAS, on December 12, 2013, HTFC adopted Procurement and Contract Guidelines to mirror the Procurement and Contract Guidelines of the New York State Housing Finance Agency and such Procurement and Contract Guidelines set forth HTFC’s standards for the use, awarding, monitoring, and reporting of procurement contracts; and

WHEREAS, on July 9, 2014, HTFC adopted amendments to its Procurement and Contract Guidelines; and

WHEREAS, staff is recommending further amendments of the Procurement and Contract Guidelines to (a) add the defined term “Service Disabled Veteran Owned Business,” (b) add Service Disabled Veteran Owned Businesses (“SDVOBs”) to the listing of organizations waived from the competitive process in accordance with the statutory monetary threshold limit, and (c) increase the monetary threshold amount for the waiver of competitive processes for Minority and Women Owned Business Enterprises (“MWBEs”) and SDVOB’s from \$200,000 to \$500,000 to mirror the statutory limit for this type of exception to competitive processes under Articles 15-A and 17b of the Executive Law; and

WHEREAS, the Governance Committee has recommended that HTFC adopt the proposed amendments to the Procurement and Contract Guidelines; now, therefore, be it

RESOLVED, by the Members as follows:

Section 1. The Members hereby approve the amendments to the Procurement and Contract Guidelines.

Section 2. HTFC will file the amended Procurement and Contract Guidelines for fiscal year 2023 to the Division of the Budget and the Department of Audit and Control using the Public Authorities Reporting Information System (“PARIS”), with copies of this report to the Department of Economic Development, the Senate Finance Committee and the Assembly Ways and Means Committee.

Section 3. This resolution shall take effect immediately.

Dated: January 26, 2023



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 19, 2023

FROM: Diana Villarnovo Lopez
Counsel

TO: HTFC Governance Committee

SUBJECT: Review of Senior Officer Compensation

When the Members created the Governance Committee, they adopted a Charter setting forth the Committee's duties and responsibilities. Article IV, Section 5 of the Charter provides that the Governance Committee shall have the responsibility to review on an annual basis compensation and benefits for Senior Officers (as defined under the By-Laws) of the Housing Trust Fund Corporation ("Corporation").

The By-Laws, in Article V, Section 1, define Senior Officers as the Commissioner of the New York State Division of Housing and Community Renewal, who shall serve as Chief Executive Officer of the Corporation; an Executive Deputy Commissioner and Chief Operating Officer; a General Counsel; a Chief of Staff; the President of the Office of Finance and Development; the President of the Office of Single Family and Community Development; and the Chief Strategy Officer of Portfolio Preservation. Additionally, any other officers as may be designated by the Members as senior officers, shall be "Senior Officers" of the Corporation.

Staff requests adoption of a resolution setting the salary range for Senior Officers of the Corporation. The minimum Senior Officer salary is currently \$166,464. The maximum salary is \$250,000. The higher amount limit is not reflective of the maximum Senior Officer salary, which is substantially lower.

A RESOLUTION OF THE GOVERNANCE COMMITTEE OF THE HOUSING TRUST
FUND CORPORATION ADOPTING SALARY RANGES FOR SENIOR OFFICERS

WHEREAS, Article IV, Section 5 of the Housing Trust Fund Corporation (“HTFC”) Governance Committee Charter requires the Governance Committee to review on an annual basis compensation and benefits for Senior Officers of HTFC; and

WHEREAS, the HTFC Governance Committee wishes to adopt a salary range applicable to Senior Officer positions of \$166,464 to \$250,000; now, therefore be it

RESOLVED, by the members of the HTFC Governance Committee as follows:

Section 1. The salary range of \$166,464 to \$250,000 is hereby adopted for Senior Officer positions.

Section 2. This resolution shall take effect immediately.

Dated: January 26, 2023



KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 19, 2023

FROM: Heather M. Spitzberg, Esq.
SEQRA Officer for the Office of Finance and Development
Director, Environmental Analysis Unit

TO: Housing Trust Fund Corporation Members

SUBJECT: Informational Item - SEQRA Concur Summary

The Members authorized the SEQRA Officer for the Office of Finance and Development to execute any documents as are necessary and appropriate for the Housing Trust Fund Corporation (HTFC) to concur with State Environmental Quality Review Act (SEQRA) determinations that were coordinated by another Lead Agency in accordance with 6 NYCRR 617. In addition to the concur determination, the SEQRA Officer has also documented compliance with other related laws and liability guidance. A list of such “Concur” actions are presented as Informational Items at the following HTFC Meeting.

The summary of such concurrences since the last Housing Trust Fund Corporation meeting of the Members on December 15, 2022 is presented for your review.

New York State Housing Trust Fund Corporation
 Summary – Coordinated SEQR reviews – (January 26, 2023)

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The SEQR Officer for the Housing Trust Fund Corporation has concurred with the findings of another agency assuming Lead Agency status in a coordinated SEQR review of the following projects:

SHARS #	PROJECT NAME Address/Municipality / County No. UNITS/TYPE	PROJECT SPONSOR	Funding Source/ Const. Type Lead Agency/SEQR Action Type HTFC Concur Date
20220045	Concern Logan 2602 Pitkin Avenue City Of New York Kings County 66 Family Units	Concern for Independent Living, Inc.	<ul style="list-style-type: none"> • LIHTC/SLIHC/FHTF/SHOP • New construction • Type I (Positive Declaration and EIS) • 12/7/2022
20220056	Riverview Commons at Corinth 1 Third Street Village of Corinth Saratoga County 60 Residential Units	RISE Housing and Support Services	<ul style="list-style-type: none"> • LIHTC/SLIHC/FHTF/HOME/ SHOP • New construction • Unlisted • 12/5/2022
20220065	Elmer Gardens 90 Elmer Avenue City of Schenectady Schenectady County 51 Residential Units	Home Leasing, LLC	<ul style="list-style-type: none"> • LIHTC/SLIHC/FHTF/HOME/ SHOP • Rehabilitation • Unlisted • 12/5/2022
20220079	Village Grove 46 South Street Village of Trumansburg Cayuga County 46 Residential Units	Ithaca Neighborhood Housing Services, Inc,	<ul style="list-style-type: none"> • LIHTC/SLIHC/HTF/CIF • New construction • Type I • 12/7/2022
20220085	Victoria Place 45 Victoria Boulevard Village of Kenmore Erie County 37 Residential Units	Kanaka Partners, LLC	<ul style="list-style-type: none"> • LIHTC/HTF • Rehabilitation • Unlisted • 12/7/2022

END OF SUMMARY



KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 19, 2023

FROM: Heather M. Spitzberg, Esq.
SEQRA Officer for the Office of Finance and Development
Director, Environmental Analysis Unit

TO: Housing Trust Fund Corporation Members

SUBJECT: Informational Item - SEQRA Type II Summary

The Members authorized the SEQRA Officer for the Office of Finance and Development to execute any documents as are necessary and appropriate to classify Housing Trust Fund Corporation (HTFC) projects as “Type II” under the State Environmental Quality Review Act (SEQRA) in accordance with 6 NYCRR 617.5(c). A “Type II” action is one that is regulatorily determined not to have significant adverse impacts on the environment. In addition to the SEQRA Type II determination, the SEQRA Officer has also documented compliance with other related laws and liability guidance. A list of such “Type II” actions are presented as Informational Items at the following HTFC Meeting.

The summary of Type II Actions since the last Housing Trust Fund Corporation meeting of the Members on December 15, 2022 is presented for your review.

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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The SEQR Officer for the Housing Trust Fund Corporation has classified the following projects as Type II actions:

SHARS #	PROJECT NAME Address/Municipality / County No. UNITS/TYPE	PROJECT SPONSOR	Funding Source	Const. Type	Type II SEQR Clearance Date
20223001	Ontario, Seneca Counties 18 residential units	Bishop Sheen Ecumenical Housing Foundation, Inc.	RESTORE	Rehab	1/3/23
20223003	Allegany, Chemung, Schuyler, Steuben, Tioga, Tompkins Counties 8 residential units	Bishop Sheen Ecumenical Housing Foundation, Inc.	Access to Home	Rehab	1/3/23
20223008	Delaware, Greene, Schoharie Counties 15 residential units	Western Catskills Community Revitalization Council, Inc.	RESTORE	Rehab	1/3/23
20223009	Madison County 12 residential units	Stoneleigh Housing, Inc.	RESTORE	Rehab	1/3/23
20223010	Otsego County 16 residential units	Otsego Rural Housing Assistance, Inc.	RESTORE	Rehab	1/3/23
20223011	Onondaga County 15 residential units	Home HeadQuarters, Inc.	RESTORE	Rehab	1/3/23
20223013	Erie County 5 residential units	Old 1st Ward Community Association, Inc.	RESTORE	Rehab	1/3/23
20223020	Cayuga, Ontario, Wayne Counties 8 residential units	Wayne County Action Program, Inc.	RESTORE	Rehab	1/3/23
20223026	Chemung, Schuyler, Steuben Counties 15 residential units	SCAP d/b/a Arbor Housing & Development	RESTORE	Rehab	1/3/23
20223028	Chemung, Schuyler, Steuben Counties 10 residential units	SCAP d/b/a Arbor Housing & Development	Access to Home for Medicaid	Rehab	1/3/23

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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SHARS #	PROJECT NAME Address/Municipality / County No. UNITS/TYPE	PROJECT SPONSOR	Funding Source	Const. Type	Type II SEQR Clearance Date
20223029	Saratoga & Warren Counties 10 residential units	Rebuilding Together Saratoga County, Inc.	Access to Home	Rehab	1/3/23
20223030	Rockland County 10 residential units	Hamaspik of Rockland County, Inc.	Access to Home	Rehab	1/3/23
20223031	Chemung, Schuyler, Steuben Counties 6 residential units	SCAP d/b/a Arbor Housing & Development	Access to Home for Heroes	Rehab	1/3/23
20223032	Montgomery & Saratoga Counties 20 residential units	Rebuilding Together Saratoga County, Inc.	Access to Home for Medicaid	Rehab	1/3/23
20223033	Montgomery & Saratoga Counties 15 residential units	Rebuilding Together Saratoga County, Inc.	Access to Home for Heroes	Rehab	1/3/23
20223034	Saratoga & Warren Counties 15 residential units	Rebuilding Together Saratoga County, Inc.	RESTORE	Rehab	1/3/23
20223035	Greene County 10 residential units	Catskill Mountain Housing Development Corp. Inc.	RESTORE	Rehab	1/3/23
20223037	Greene County 8 residential units	Catskill Mountain Housing Development Corp. Inc.	MMHR	MHR	1/5/23
20223043	Dutchess County MMHR Dutchess County 5 residential units	Habitat for Humanity of Dutchess County	MMHR	MHR	1/3/23
20223044	Nassau & Suffolk Counties 9 residential units	Community Development Corporation of Long Island, Inc.	Access to Home	Rehab	1/3/23
20223045	Nassau & Suffolk Counties 9 residential units	Community Development Corporation of Long Island, Inc.	Access to Home for Medicaid	Rehab	1/3/23

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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<i>SHARS #</i>	<i>PROJECT NAME Address/Municipality / County No. UNITS/TYPE</i>	<i>PROJECT SPONSOR</i>	<i>Funding Source</i>	<i>Const. Type</i>	<i>Type II SEQR Clearance Date</i>
20223046	Greene, Monroe, Orleans & Wyoming Counties 10 residential units	Rural Housing Opportunities Corporation	RESTORE	Rehab	1/3/23
20223049	Onondaga County 15 residential units	Onondaga County Community Development	RESTORE	Rehab	1/3/23
20223050	Delaware, Greene & Schoharie Counties 10 residential units	Western Catskills Community Revitalization Council, Inc.	Access to Home	Rehab	1/3/23
20223053	Essex, Warren & Washington Counties 6 residential units	Pride of Ticonderoga, Inc.	RESTORE	Rehab	1/3/23
20223055	Rockland County 19 residential units	Hamaspik of Rockland County, Inc.	Access to Home for Medicaid	Rehab	1/3/23
20223058	Tompkins County 8 residential units	Ithaca Neighborhood Housing Services, Inc.	RESTORE	Rehab	1/3/23
20223059	Tompkins County 10 residential units	Ithaca Neighborhood Housing Services, Inc.	Access to Home	Rehab	1/3/23
20223060	Rockland County 12 residential units	Hamaspik of Rockland County, Inc.	RESTORE	Rehab	1/3/23
20223061	Nassau & Suffolk 15 residential units	Community Development Corporation of Long Island, Inc.	RESTORE	Rehab	1/3/23
20223066	Fulton County 10 residential units	Fulton County Community Heritage Corp.	RESTORE	Rehab	1/3/23
20223067	Essex County 9 residential units	Housing Assistance Program of Essex County, Inc.	RESTORE	Rehab	1/3/23

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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SHARS #	PROJECT NAME Address/Municipality / County No. UNITS/TYPE	PROJECT SPONSOR	Funding Source	Const. Type	Type II SEQR Clearance Date
20223070	Wyoming County 17 residential units	Wyoming County Community Action, Inc.	RESTORE	Rehab	1/3/23
20223072	Broome County 8 residential units	First Ward Action Council, Inc.	Access to Home	Rehab	1/3/23
20223073	Tioga County 10 residential units	Tioga Opportunities, Inc.	RESTORE	Rehab	1/3/23
20223075	Jefferson County 11 residential units	North Country Affordable Housing, Inc.	RESTORE	Rehab	1/3/23
20223076	Broome County 20 residential units	First Ward Action Council, Inc.	RESTORE	Rehab	1/3/23
20223079	Schenectady County 10 residential units	Better Community Neighborhoods, Inc.	Access to Home	Rehab	1/3/23
20223082	Westchester County 12 residential units	Family Service Society of Yonkers	Access to Home for Heroes	Rehab	1/3/23
20223091	Schenectady County 18 residential units	Better Community Neighborhoods, Inc.	RESTORE	Rehab	1/3/23
20223094	Bronx, Kings & New York Counties 12 residential units	Rebuilding Together NYC	Access to Home for Medicaid	Rehab	1/3/23
20223103	Bronx, Kings & New York Counties 10 residential units	Rebuilding Together NYC	Access to Home for Heroes	Rehab	1/3/23
20223106	Kings County 15 residential units	Hamaspik of Kings County	Access to Home for Medicaid	Rehab	1/3/23
20223109	Kings County 15 residential units	Hamaspik of Kings County	RESTORE	Rehab	1/3/23
20223005	2022 Homebuyer Assistance Program / Scattered sites in Cayuga, Erie, Onondaga Counties with 20 units	Home HeadQuarters, Inc.	HOME LPA	Down Payment Assistance	12/20/2022

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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<i>SHARS #</i>	<i>PROJECT NAME Address/Municipality / County No. UNITS/TYPE</i>	<i>PROJECT SPONSOR</i>	<i>Funding Source</i>	<i>Const. Type</i>	<i>Type II SEQR Clearance Date</i>
20223007	Manufactured Housing Replacement Program VII / Scattered sites in Broome and Chenango Counties with 10 units	Greater Opportunities for Broome and Chenango, Inc.	HOME LPA	MHR	12/20/2022
20223024	City-wide Housing Investment Program / Scattered sites in Herkimer County with 9 units	City of Little Falls	HOME LPA	Rehab	12/20/2022
20223038	CCSTT Homeownership Program 2022 / Scattered sites in Chemung, Cortland, Seneca, Tioga, and Tompkins Counties with 10 units	Ithaca Neighborhood Housing Services, Inc.	HOME LPA	Down Payment Assistance	12/20/2022
20223039	Greene County MHR 2022 / Scattered sites in Greene County with 5 units	Catskill Mountain Housing Development Corp. Inc.	HOME LPA	MHR	12/20/2022
20223040	Schoharie County MMRH 2022 / Scattered sites in Schoharie County with 3 units	Schoharie County Rural Preservation Corp.	HOME LPA	MHR	12/20/2022
20223052	Rebuilding Together Saratoga Co. 2022 MHR / Scattered sites in Saratoga, Warren, and Washington Counties with 10 units	Rebuilding Together Saratoga County, Inc.	HOME LPA	MHR	12/20/2022
20223054	Rebuilding Together Saratoga Co. 2022 OOR / Scattered sites in Saratoga, Warren, and Washington Counties with 15 units	Rebuilding Together Saratoga County, Inc.	HOME LPA	Rehab	12/20/2022
20223056	Sheen Housing 2022 HOME / Scattered sites in Allegany, Cayuga, Chemung, Livingston, Ontario, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, and Yates Counties with 24 units	Bishop Sheen Ecumenical Housing Foundation, Inc.	HOME LPA	Rehab	12/20/2022

New York State Housing Trust Fund Corporation
Summary - TYPE II SEQR reviews – (January 26, 2023)

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SHARS #	PROJECT NAME Address/Municipality / County No. UNITS/TYPE	PROJECT SPONSOR	Funding Source	Const. Type	Type II SEQR Clearance Date
20223057	Compass MHC 2022 HOME Program / Scattered sites in Seneca and Tompkins Counties with 3 units	Better Housing For Tompkins County Inc.	HOME LPA	MHR	12/20/2022
20223062	RHOC Regional OO 2023 / Scattered sites in Genesee, Monroe, Ontario, Orleans, Wayne, Wyoming Counties with 12 units	Rural Housing Opportunities Corporation	HOME LPA	Rehab	12/20/2022
20223074	NEHDA'S TBRA for Syracuse / Scattered sites in Onondaga County with 60 units	NEHDA, Inc.	HOME LPA	TBRA	12/20/2022
20223080	Schoharie County TBRA Program / Scattered sites in Schoharie County with 20 units	Schoharie County Rural Preservation Corp.	HOME LPA	TBRA	12/20/2022
20223081	Proud Neighborhoods Initiative 2022/ Scattered sites in Rensselaer County with 10 units	City of Rensselaer	HOME LPA	Rehab	12/20/2022
20223085	TCAction TBRA Renewal Grant / Scattered sited in Tompkins County with 16 units	Tompkins Community Action, Inc.	HOME LPA	TBRA	12/20/2022
20223090	2022 Tri-County HOME LPA Program / Scattered sites in Essex, Warren and Washington Counties with 4 units	Pride of Ticonderoga, Inc.	HOME LPA	Rehab	12/20/2022
20223093	BCNI City of Schenectady FY2022 Homebuyer Assist / Scattered sites in Schenectady County with 20 units	Better Community Neighborhoods, Inc.	HOME LPA	Down Payment Assistance	12/20/2022
20223100	ACRHA's HOME Down Payment Assistance / Scattered sites in Albany County with 6 units	Albany County Rural Housing Alliance, Inc.	HOME LPA	Down Payment Assistance	12/20/2022

New York State Housing Trust Fund Corporation
 Summary - TYPE II SEQR reviews – (January 26, 2023)
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<i>SHARS #</i>	<i>PROJECT NAME Address/Municipality / County No. UNITS/TYPE</i>	<i>PROJECT SPONSOR</i>	<i>Funding Source</i>	<i>Const. Type</i>	<i>Type II SEQR Clearance Date</i>
20223102	HOME Clinton and Franklin County MMHR 2022 / Scattered sites in Clinton and Franklin Counties with 7 units	Friends of the North Country, Inc.	HOME LPA	MHR	12/20/2022
20223105	HOME Repair September 2022 3rd Attempt / Scattered sites in Broome County with 12 units	First Ward Action Council, Inc.	HOME LPA	Rehab	12/20/2022

END OF SUMMARY



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

MEMORANDUM

To: Housing Trust Fund Corp. Members

From: Robert Landy, OHP, VP of Financial Operations

Date: January 19, 2023

Subject: Resolution Correction for the Public Housing Modernization (PHM) Program

I. Reason Before the Members

This is before the Members to note revisions of the project description in the authorizing resolution for three Public Housing Modernization Program awards:

Correction of the project description for Greenburgh Housing Authority to read as follows: Building Envelope, Roof Replacement, Windows Replacement, PHM Training, Domestic Hot Water Upgrade, Construction of a Maintenance Shed. On June 24, 2021, the Members authorized the Public Housing Modernization Program award of \$730,000 for the Greenburgh Housing Authority.

Correction of the project description for Greenburgh Housing Authority to read as follows: Underground heating pipes upgrade / replacement, Rehabilitation and Renovation, Pre-development Expenses. On October 13, 2022, the Members authorized the Public Housing Modernization Program award of \$2,700,000 for the Greenburgh Housing Authority.

Correction of the project description for The Village of Nyack Housing Authority to read as follows: Building Systems, Rehabilitation and Renovations: Community Room, Laundry Room and Apartments: Bedrooms. On October 13, 2022, the Members authorized the Public Housing Modernization Program award of \$860,000 for The Village of Nyack Housing Authority.

No amendments to the resolution are necessary to effectuate the intent of the resolution.

II. Background

The Office of Housing Preservation (“OHP”) administers the PHM and PHDE programs. These programs provide grants to PHAs where rental income is insufficient, and funds are unavailable from

other sources for preservation, modernization and security enhancements. The portfolio consists of, 9 PHAs with 17 state-supervised developments (1,839 dwelling units and approximately 3,277 residents).

A. The PHM Program

PHM provides grants to PHAs that are ineligible for federal operating subsidies with funds for preservation, modernization, capital work, and repairs. The PHM Program has an annual appropriation of \$6.4 million.

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AWARDS UNDER THE PUBLIC HOUSING MODERNIZATION PROGRAM AND THE PUBLIC HOUSING DRUG ELIMINATION PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, HTFC administers the Public Housing Modernization grant (“PHM”) that provides funds to state-aided public housing authorities (“PHAs”) for the modernization and repair of rental units in furtherance of public housing restructuring and comprehensive modernization initiatives; and

WHEREAS, HTFC administers the Public Housing Drug Elimination Program (“PHDE,” PHDE and PHM are collectively referred to herein as the “PHM Program”) created under Article 12 of the NYS Public Housing Law to provide grants for capital work to PHAs specifically targeting security enhancement and/or drug elimination; and

WHEREAS, an annual appropriation of \$6,400,000 in PHM Program funds has been made available in the State budget appropriation, of which \$400,000 may be used for PHDE; and

WHEREAS, the PHM Program implemented an enhanced competitive review and award process this year by requiring the PHAs to comprehensively assess and address their financial and capital needs “the PHM NOFA”); and

WHEREAS, upon review of the PHM NOFA submissions, the Office of Housing Preservation (“OHP”) recommends the approval of nine Public Housing Modernization grant awards totaling \$8,260,000 and Public Housing Drug Elimination grant awards totaling \$1,450,000; now therefore be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby approve awards under the PHM Program to the following PHAs each up to the amounts listed below:

PHM Fiscal Year 2019 Funds Proposed Awards			
HCR Project ID	Authority	Project Description	Recommended Award
NYS-115A	Village of Nyack Housing Authority	Building Systems, Sewer Main Replacement, Training	\$1,860,000

NYS-10	Tonawanda Housing Authority	Back Flow Preventer: Water Supply Violation Removal, Roof Replacement, Sewer Repair, Training	\$2,480,000
NYS-69	Salamanca Housing Authority	ADA Compliance : Main Office / Community Building Renovations, Training	\$630,000
		TOTAL	\$4,970,000

**PHM Fiscal Year 2020 Funds
Proposed Awards**

HCR Project ID	Authority	Project Description	Recommended Award
NYS-157	Utica Housing Authority	Building Envelope: Site Work: Gas System Repair, ADA Sidewalk, Electrical System Replacement, PHM Training	\$1,530,000
NYS-106	Greenburgh Housing Authority	Building Envelope, Roof Replacement, Windows Replacement, PHM Training	\$730,000
NYS-127	Wilna Housing Authority	Building Systems, Sewer Main Replacement, PHM Training	\$1,030,000
		TOTAL	\$3,290,000

Section 2. The Members hereby approve awards under the PHDE Program to the following PHAs each up to the amounts listed below:

**PHDE Fiscal Year 2017-2020 Funds
Proposed Awards**

HCR Project ID	Authority	Recommended Award	Project Description	Fiscal Year
NYS-115A	Village of Nyack Housing Authority	\$400,000	CCTV, Lighting, Doors and Locks Replacement	FY17
NYS-157	Utica Housing Authority	\$200,000	Lighting;CCTV, Cameras	FY18
NYS-106	Greenburgh Housing Authority	\$200,000	Lighting, Playground Upgrade	FY18
NYS-127	Wilna Housing Authority	\$150,000	Lighting: CCTV Playground Upgrade	FY19

NYS-69	Salamanca Housing Authority	\$250,000	Building Envelope, Roof Replacement, Windows Replacement, PHM Training	FY19
NYS-132A	Little Falls Housing Authority	\$250,000	Building Envelope, Building Systems, Site Work, PHM Training	FY20
	TOTAL	\$1,450,000		

Section 3. The Members authorize the Chief Strategy Officer of Portfolio Preservation of OHP or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

Dated: June 24, 2021

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING
AWARDS UNDER THE PUBLIC HOUSING MODERNIZATION PROGRAM AND THE
PUBLIC HOUSING DRUG ELIMINATION PROGRAM

WHEREAS, the Housing Trust Fund Corporation (“HTFC”) was created pursuant to Section 45-a of the New York Private Housing Finance Law; and

WHEREAS, HTFC administers the Public Housing Modernization grant (“PHM”) that provides funds to state-aided public housing authorities (“PHAs”) for the modernization and repair of rental units in furtherance of public housing restructuring and comprehensive modernization initiatives; and

WHEREAS, HTFC administers the Public Housing Drug Elimination Program (“PHDE”) created under Article 12 of the NYS Public Housing Law to provide grants for capital work to PHAs specifically targeting security enhancement and/or drug elimination; and

WHEREAS, an annual appropriation of \$6,400,000 in PHM funds has been made available in the State budget appropriation, of which \$400,000 may be used for PHDE; and

WHEREAS, the Office of Housing Preservation (“OHP”) recommends the approval of seven PHM grant awards totaling an amount up to \$8,410,000 and four PHDE grant awards totaling an amount up to \$950,000; now therefore be it

RESOLVED, by the Members of HTFC as follows:

Section 1. The Members hereby approve awards under the PHM Program to the following PHAs each up to the amounts listed below:

PHM FY20 and FY21 Funds Proposed Awards				
HCR Project ID	Authority	Project Description	Fiscal Year	Recommended Award
NYS-157	Utica Housing Authority	Building Envelope: Site Work: Gas System Repair, ADA Sidewalk, Electrical System Replacement, Pre- development expenses	FY20	\$1,000,000
NYS- 115A	The Village of Nyack Housing Authority	Building Systems, Rehabilitation and Renovations: Community Room, Apartments,	FY20	\$860,000
NYS-127	Wilna Housing Authority	Building Systems, Sewer Main Replacement, Rehabilitation and Renovations	FY20	\$850,000

NYS-69	Salamanca Housing Authority	ADA Compliance: Main Office and Bathrooms, Community Building Renovation. Sewer line repair. Structural crack repairs	FY21	\$1,000,000
NYS-132A	Little Falls Housing Authority	Window Replacement, Electrical Panel Replacements, Pre-development expenses	FY21	\$1,000,000
NYS-106	Greenburgh Housing Authority	Underground heating pipes upgrade/ replacement, Rehabilitation and Renovation	FY21	\$2,700,000
NYS-10	Tonawanda Housing Authority	Water main repair, Sewer Main Replacement, Pre-development expenses	FY21	\$1,000,000
		TOTAL		\$8,410,000

Section 2. The Members hereby approve awards under the PHDE Program to the following PHAs each up to the amounts listed below:

PHDE FY20- FY22 Funds Proposed Awards				
HCR Project ID	Authority	Project Description	Fiscal Year	Recommended Award
NYS-132A	Little Falls Housing Authority	Lighting;CCTV, Cameras, Playground Upgrade	FY20	\$150,000
NYS-127	Town of Wilna Housing Authority	Lighting;CCTV, Cameras, Playground Upgrade	FY21	\$200,000
NYS-69	Salamanca Housing Authority	Lighting;CCTV, Cameras; Playground Upgrade	FY21	\$200,000
NYS-10	Tonawanda Housing Authority	Lighting;CCTV, Cameras; Playground Upgrade	FY22	\$400,000
		TOTAL		\$950,000

Section 3. The Members authorize the Chief Strategy Officer of Portfolio Preservation of OHP or another authorized officer of HTFC to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 4. This resolution shall take effect immediately.

Dated: October 13, 2022



Homes and Community Renewal

KATHY HOCHUL
Governor

RUTHANNE VISNAUSKAS
Commissioner/CEO

January 19, 2023

FROM: Lisa G. Pagnozzi
Vice President,
Contracts and Administration

TO: HFA, AHC, HTFC and TSFC Members
and SONYMA and MBBA Directors

SUBJECT: Agency Procurements and Contracts in the Lobbying Restricted Period

As a result of inquiries by the Members and Directors during their May 2016 educational session relating to Agency procurements/contracts in the Lobbying Restricted Period, an update is being provided to the Members and Directors at each Board meeting that includes a listing of the Agencies' current procurements/contracts in the Lobbying Restricted Period.

The Lobbying Restricted Period means, for purposes of applying the Lobbying Law for any Agency, a Governmental Procurement or contract with actual or anticipated annualized expenditures in excess of \$15,000, from the period of time commencing with the earliest posting on the Agencies' website, in a newspaper of general circulation, or in the procurement opportunities' newsletter in accordance with Article 4-C of the New York State Economic Development Law, of written notice, advertisement or solicitation of a request for proposal, invitation for bids or solicitation of proposals, or any other method provided for by the Agencies' Procurement and Contract Guidelines or by law of regulation for soliciting a response from offerers intending to result in a procurement contract with our Agencies and ending with any Agency's approval of the final contract award.

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Below is a listing of current Agency procurements in the Lobbying Restricted Period. Solicitations may be viewed on HCR's website at <https://hcr.ny.gov/procurement-opportunities>.

Agency	Name of Solicitation	Contracting Agency Department	Anticipated Award Date
HTFC and HFA	Consultant Services for (a) Davis Bacon Prevailing Wage Monitoring Services, (b) Construction Monitoring Services, (c) Engineering / Architectural Services and (d) Planning and Development Services	OEOPD and Multi-Family	December, 2022
HFA, SONYMA, MBBA and TSFC	Financial Printer Services	Bond Finance and Debt Issuance	December, 2022
HFA	Information Technology Solution for Housing Lottery and Waitlist	Asset Management	May/June 2023

Below is a listing of Agency procurements anticipated to be in the Lobbying Restricted Period within the next several weeks.

Agency	Name of Solicitation	Contracting Agency Department	Anticipated Award Date
HFA	MWBE Goal Setting Software	OEOPD	March, 2023
HFA, SONYMA, AHC, HTFC, MBBA and TSFC	Legal Services (<i>for matters other than those related to municipal finance transactions</i>)	Legal	June/July, 2023
HFA, SONYMA, MBBA, TSFC	Financial Advisor and Swap Advisor Services	Debt Issuance	June/July, 2023
HFA and HTFC	Sustainability & Environmental Technical Assistance Services	Office of Housing Preservation	July, 2023