

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

**HELD ON THURSDAY, DECEMBER 14, 2023, AT 9:00 A.M.
641 LEXINGTON AVENUE
NEW YORK, NEW YORK 10004**

DIRECTORS AND DESIGNEES

PRESENT:

Kenneth Adams	Chairman
RuthAnne Visnauskas	Commissioner, the New York State Division of Housing and Community Renewal
Bethaida Gonzalez	Member (via video conference)
James McIntyre	Member, representing the Temporary President of the State Senate
Sadie McKeown	Member
Joyce Miller	Member
Morris Peters	New York State Division of the Budget, representing the Acting Director, Member (via video conference)
Chris Curtis	New York State Division of the Taxation and Finance, representing the Commissioner of Taxation and Finance, Member (via video conference)

Chairman Adams presided over the meeting.

Ms. Diana Villarnovo Lopez, Senior Vice President and Counsel to HCR, formally opened the meetings and acted as secretary.

Ms. Lopez noted that Mr. Morris Peters, representing the Director of the New York State Division of the Budget, and Mr. Chris Curtis, representing the Commissioner of Taxation and Finance, are participating via video conference from the Capitol Building, Room 131, in Albany. Ms. Lopez also noted that Ms. Bethaida Gonzalez is participating from the Syracuse Regional Office, 620 Erie Boulevard, Suite 312.

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 asked for motions and seconds to call to order the December 14, 2023 meetings of the New York State Housing Trust Fund Corporation (HTFC), New York State Housing Finance Agency (HFA), and the New York State Affordable Housing Corporation (AHC).

Ms. Lopez asked for a motion to call the meeting of the HTFC Board to order. Chairman Adams motioned to call the HTFC Board to order and Ms. Miller seconded the motion.

Ms. Lopez then asked for individual votes for each HTFC Board member.

Ms. Lopez asked for a motion to call the meeting of the HTFC Governance Committee to order. Ms. Lopez then asked for individual votes for each HTFC Governance Committee member.

Ms. Lopez then asked for individual votes for each HTFC Audit Committee member.

Ms. Lopez noted that these motions and seconds would be used, unless specific items called for a different vote, or unless any Member wished to record his or her vote differently.

Chairman Adams stated that Carrie Torres would be presenting on the Minority and Women Business Enterprise (“MWBE”) and Service-Disabled Veteran-Owned Business (“SDVOB”) 2024-25 Goal Plans.

Ms. Torres stated that she had now been in her role with the Agencies for one year and had successfully changed the name of her department to the Department of Empowerment, Compliance and Opportunity (“DECO”) to more accurately reflect what the department focuses on. Ms. Torres stated that HTFC is surpassing the State’s goal and is at 36% utilization, a 5% increase over last year. For procurement the number decreased slightly, but only incrementally, and across the board has remained steady. For development activities there was a notable increase – Ms. Torres believes this is because HTFC typically handles smaller projects that provide a greater opportunity for small businesses to play a more significant role. Non-minority women-owned businesses received 40% of all MWBE compensation; Black-owned businesses received 29% of all MWBE compensation. Ms. Torres said that like HFA, the Black and Hispanic contracts are larger contracts than those held by non-minority women-owned business contracts.

Ms. Torres continued by stating that the core of DECO’s outreach efforts are engagement and education. This year, Ms. Torres attended conferences, workshops, and speaker panels Statewide. Moving forward, DECO is launching a market feasibility study to inform a technical assistance program for established MWBE and SDVOB developers of affordable housing; developing a series of regional “Meet the Primes” events for prime contractors/GCs to meet and connect with certified MWBEs and SDVOBs; introducing a supplier diversity management platform that will provide a standardized search tool tailored to the Agencies’ needs; and reevaluating DECO’s operating procedures.

Ms. McKeown asked how many new MWBEs are certified every year. Ms. Torres responded that the Agencies do not monitor this as it is a function of ESD.

Chairman Adams asked Ms. Torres how DECO measures the results of all the outreach efforts the Department does. Ms. Torres responded that this will be a focus of her second year with the Agencies – her first focus was to introduce HCR, DECO, and herself to the field. Chairman Adams followed up by asking what Ms. Torres wanted to see happen as a result of this outreach. Ms. Torres responded that she is hopeful that through efforts like the “Meet the Primes” events DECO is planning, they will be able to make connections directly. Chairman Adams then asked what Ms. Torres would be able to report if, one year from now, that has been effective. Ms. Torres responded that if effective, there will be higher utilization rates, less waiver requests, and more scopes of work connected with MWBEs.

Ms. McKeown stated that often the prime contractors will say they do not have connections to MWBE subcontractors, so the Agencies making those connections is great.

Chairman Adams followed up by stating that one measure of success would be an increase in MWBE subcontractors receiving work from primes, but there was also the issue of outreach to contractors who are not certified. Ms. Lopez responded that she believed ESD was getting caught up in certifying MWBEs.

Ms. Gonzalez stated that she had the same question as Chairman Adams regarding return on investment. She then stated that there appeared to be differences in statistics across different sections of the Agencies and asked whether DECO had learned anything to close the gap sector-to-sector within the Agencies. Ms. Torres responded that she was not sure that development activities would ever reach the same utilization level as procurement because of the direct vs. indirect nature of the spending, but DECO is working through each and seeing where more opportunity does exist and who DECO needs to connect with externally to fill in that gap.

Ms. McKeown then asked if there was a core group of MWBE developers that regularly receive large contracts – Ms. Torres responded that yes, that was true. Ms. McKeown continued by stating that one issue is diversifying beyond those contractors. She then asked if the MWBE contractors were attempting to bring along smaller subcontractors. Ms. Torres responded that she could not answer specifically but did not believe that most small businesses were hosting things like mentoring programs. Ms. McKeown stated she believed connections could be made by bringing smaller contractors together. Ms. Torres responded that she had been working with the MWBE contractor community for a year and DECO would be attempting to spend time with primes and understand how they can better utilize MWBE subcontractors.

Chairman Adams then asked Ms. Torres if she was saying that there are enough MWBE subcontractors available and the issue was getting prime contractors to utilize them. Ms. Torres responded that that was correct.

Chairmen Adams followed up stating that the Article 18 utilization goal was 30% and the Agencies are at 29% overall, but they are disproportionately depending on white, women-owned businesses to meet that number. Chairman Adams asked what the goal was beyond the 29%

utilization and what the goal was within that to elevate Black and Brown businesses, potentially at the expense of white, women-owned businesses. Chairman Adams stated that it was his opinion that the needle needed to move on Black and Hispanic-owned businesses. Ms. Torres responded that over the past six years, the Agencies have spent over \$1 Billion on MWBE businesses and that is something to be proud of. Furthermore, of all of the agencies over the past three years, HCR agencies have been in the top four or five. Chairman Adams stated that from his perspective as Chair, the Agencies should be ambitious and try to push their MWBE goals. Ms. Cathleen McCadden stated that the Agencies were working with ESD towards this goal and that Ms. Torres and DECO were taking a painstaking look at procurements and contracts to see where improvements and changes could be made.

Mr. McIntyre then commented on the importance of expanding the market of MWBE subcontractors because housing goals will never be met if the overall number of subcontractors is not expanded. He suggested that if the Agencies are giving large contracts to a handful of people they could certainly afford to support the Agencies. Ms. McKeown agreed that the other important factor is certification and that has been a huge barrier in the past.

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

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION GOVERNANCE COMMITTEE APPROVING THE MWBE MASTER GOAL PLAN.

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION GOVERNANCE COMMITTEE APPROVING THE SDVOB MASTER GOAL PLAN.

Ms. Lopez moved for adoption of the resolutions 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 motions were carried and the following resolutions were adopted:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION APPROVING THE MWBE MASTER GOAL PLAN.

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION APPROVING THE SDVOB MASTER GOAL PLAN.

The next item on the shared MBBW/TSFC/HFA/AHC/HTFC agenda was a resolution authorizing legal services agreements with firms on the Agencies' newly established prequalified panel of law firms for legal matters other than those pertaining to municipal finance transactions.

Ms. Lopez presented.

Ms. Lopez stated that early on in her time with the Agencies, there were some needs for outside counsel, and although the bond counsel panel had been refreshed very recently, the non-bond legal services panel had gotten stale. Ms. Lopez prioritized establishing a new panel with the assistance of Mr. Alex Valella and Ms. Lisa Pagnozzi. Ms. Lopez explained that after ten years, the rates that had been set for the legal services panel had become very stale. On March 16, 2023, the Agencies issued an RFP to establish a new prequalified panel of outside law firms. As part of this exercise, the Agencies considered carefully what kind of matters outside counsel would be utilized for, and they identified sixteen non-bond areas where outside counsel may be off assistance. These include real estate, housing, Section 8, land use and zoning, foreclosure, condominiums, labor, MWBE/SDVOB law, environmental sustainability, insurance, governance, advertising, immigration, and information technology. For outreach, the Agencies wanted to ensure the broadest reach possible in terms of letting people know that this RFP was public because once the panel is set it will be in place for about five years. This included the typical kinds of advertisements and publications – law journals, national associations, city professionals, city bar, and state bar. Specific efforts were also made to engage MWBEs and SDVOBs.

Responses to the RFP were due on April 20, 2023 and 29 responses were received that included new entrants to the market both large and small. Of those, 17 firms were MWBEs: two were MWBEs, eight were MBEs, and seven were WBEs. Each member of the review panel was charged with reviewing all materials for competence, knowledge, technical expertise, and capacity among other things. The DECO committee member was charged with reviewing and validating the proposals for diversity and commitment to equal employment opportunity programs together with the firm's status as an MWBE or SDVOB.

The review panel then determined which law firms they wanted to interview and agreed that seventeen respondents should be brought in for interviews. After the interviews, firms were scored, and seventeen firms were selected to be added to a newly-established non-bond counsel prequalified panel. Ten of these firms are MWBEs: six are MBEs and four are WBEs. Of the seven new additions to the panel, five are MWBEs: three of which are MBEs and two of which are WBEs.

Ms. Lopez continued by saying that the review panel tried to be very intentional in making sure that not all firms on the panel were based out of New York City because the Agencies' projects are statewide. Staff is requesting authorization to enter into legal services contracts with the firms on the panel for a period of five years. Staff will continuously evaluate the firms on the panel and monitor any work they do for the Agencies.

Mr. Andrew San Filippo asked whether all firms complied with the RFP's deadlines. Mr. Valella and Ms. Lopez responded that they had. Mr. San Filippo stated that he just wanted to ensure compliance with the RFP bidding procedures and extended his gratitude for those involved in establishing the legal services panel.

Ms. Lopez then stated that having such a large panel allowed them to have redundancy in terms of expertise but also issue-specific experts that could be consulted.

Ms. Miller asked how the Agencies would select a firm for a matter if multiple firms on the panel had expertise in that subject area. Ms. Lopez responded that the Agencies do not really use the firms on this panel that often. She also said that some firms that had worked with the Governor's Office of Storm Recovery performed very well in the interview process and are now a part of the panel. In response to Ms. Miller's question Ms. Lopez stated that because of the specificity of the issues the Agencies have, there is not actually as much overlap in the subject matter expertise of the firms on the panel as one might think. Mr. Valella said that as matters come up, if more than one firm on the panel could do this work, an in-house attorney would provide a recommendation as to who they thought would be most appropriate.

Ms. Miller then asked whether because it is a five-year contract if there was a provision for increasing fees over that term. Ms. Lopez responded that the fees are set at the outset when the panel is formed.

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 following resolution was adopted:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING CONTRACTS WITH LAW FIRMS ON THE AGENCIES' NEWLY ESTABLISHED PREQUALIFIED NON-BOND COUNSEL PANEL.

The first item on the agenda for the HTFC Board was the adoption of the minutes of the HTFC Board and Committee meetings held on November 9, 2023. There being no objections or corrections from the Members, the minutes were deemed approved.

Chairman Adams stated that Item 2 on the agenda was a resolution approving the annual Authorities Budget Office Budget and Financial Plan.

Stacey Mickle presented.

Ms. Mickle stated that she was seeking approval of HTFC's submission to the Authorities Budget Office for the Financial Plan and Budget in the format that is required by the Authorities Budget Office. As she has mentioned in years past, this particular format is a little difficult to navigate and does not really give a good or true picture of the budget for HTFC. As she has done in years past, Ms. Mickle stated that in March she would present a much more detailed budget to the Board for consideration and approval which will include information on funds that HTFC anticipates it will receive from the State through the State budget process. At this time of the year, HTFC does not have a good handle on that. This particular presentation provides information on the actual expenditures from the fiscal year ending 2023 – this lines out directly to the financial

statements that the Board approved in June.

Also provided is an estimate of where HTFC thinks it will be for full revenue and expenditures as of 03/31/2024. Also provided is an estimate for 2025’s revenue and expenditures and the outlying years of 2026-2028 are much more of an estimate. This plan does include a huge decrease in revenue and expenditures for those outlying years. This is directly tied to the potential loss of the PBCA fee income because HTFC is not sure of the status of that agreement at this time. HTFC is conservatively estimating that it will not have those funds in the outlying years. The vast majority of HTFC’s operating revenue is the PBCA fees. The budget also includes information on State and Federal grant programs that HTFC receives money from. The operating expenditures include just the payments that HTFC pays directly out of its Housing Trust Fund fees. Anything that HTFC receives reimbursement for from a Federal program lines out under other non-operating expenditures.

Ms. Lopez moved for adoption of the resolution 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 following resolution was adopted:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUDIT COMMITTEE APPROVING THE ANNUAL AUTHORITIES BUDGET OFFICE BUDGET AND FINANCIAL PLAN.

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 following resolution was adopted:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION APPROVING THE ANNUAL AUTHORITIES BUDGET OFFICE BUDGET AND FINANCIAL PLAN.

The next three items on the agenda were:

- 3. A resolution authorizing an Affordable Homeownership Opportunity Program Award for 140 Le Count Owner LLC.**

Thomas Abbot presented.

Mr. Abbot stated that this project, Stella Phase II, is the largest project that HTFC has brought to the Board for the AHOP program. It is a \$25.2 million subsidy request to support the new construction of a seventeen story, 126-unit condo development in downtown New Rochelle. This is a transit-oriented development and is located close to the Metro North station. All 126 units will be priced to be affordable to households making 80% of AMI for Westchester County. The units consist of 14 studios, 56 one-bedrooms, 42 two-bedrooms, and 14 three-bedrooms. The

developer here is a joint venture between two large development firms – Balter partners, a Westchester-based firm and frequent partner of HCR and L+M Development Partners through an affiliate.

Mr. Abbot explained that the project has fairly high hard costs due to it being a tall building that will require a lot of structural steel and because it is located on a tight site. Additionally, environmental remediation will be necessary. The site also had high development potential so there were substantial acquisition costs. The project includes an acquisition subsidy from Westchester County, a variety of contributions from the City of New Rochelle including development subsidy, down payment assistance for prospective buyers, and a PILOT. As a result, homeowners in this building will have fairly low monthly costs as compared to a buyer purchasing a comparably priced property in the area. There is also a small amount of AHC subsidy – \$25,000/unit and Brownfield Tax Credits. There is also a requirement to provide 101 parking spaces, which is higher than a comparable project in New York City would require. But the homeowners in this building will also have access to some spaces in the municipal parking garage across the street.

Ms. Miller commented that it looked like a very large development for New Rochelle. Ms. McKeown responded that it is one of a series of large developments currently planned for New Rochelle.

Mr. McIntyre asked whether Phase I had already converted and Mr. Abbot responded that it had.

Ms. McKeown stated that she would be recusing herself from voting because CPC is a lender for this project, but that this is a deal that developers would have done as a rental, but they pivoted to homeownership because they are trying to use different programs and take a different path because of the bond cap. She said while it is very expensive it is a great opportunity to get affordable homeownership in this city. Mr. Abbot responded that it will be the first new condo development in the city in fifteen years.

4. A resolution authorizing an Affordable Homeownership Opportunity Program Award for WBP Development, LLC.

Mr. Abbot stated that this project, 99 Church, as a similar development team but it is not a joint venture structure. The lender for this project is CPC. This is a \$13.6M request for AHOP subsidy to support the adaptive reuse of an existing office building dating back to the 1960s in downtown White Plains. The scope of work is substantial because the conversion from office to residential space entails replacement of the façade, full replacement of the MVP systems, and similar selective demolition to shorten the floor plate. 68 units here skewed smaller because of configuration constraints. The project includes 44 one-bedrooms, 16 two-bedrooms and 8 three-bedrooms. This development is also transit oriented and located in downtown White Plains, very close to the Metro North station.

This project includes Westchester County subsidy for acquisitions and AHC from HCR. Homes here also regulated at 80% of the AMI, so average sales price about 286,000 dollars, right

at that 80% cap. Mr. Abbot stated that one of the real benefits of the substantive scope of work here is that it is anticipated that this building will be very energy efficient.

Commissioner Visnauskas asked whether HTFC staff reviewed the market to determine if in the absence of a project like this people would be buying these units.

Mr. Abbot responded that he had received draft appraisals market studies for both of these projects and they show that these units are at a pretty significant discount to market especially for the bigger units. The two- and three-bedrooms are 30 to 40% below market for comparable. There are not a ton of comparables and there are no studio comparables but the ones that are available are older and also more expensive.

Ms. Miller asked whether given the state of the office market, they would be seeing more adaptive reuse. Mr. Abbot responded that he would imagine so, but in this case the developers have been able to make this work because they have pulled together a lot of sources and because they have a fairly rich subsidy source, but it is still expensive. Mr. Abbot explained that for this project, they were going to have to demolish a big piece of the building in order to bring light and air into the interior units.

Ms. McKeown asked whether they were also getting a tax break in White Plains. Mr. Abbot responded that no, the City of New Rochelle is providing the PILOT. In the White Plains project the homeowners are paying the market tax rate which affects the sales prices and lowers the sales proceeds you can get for the same AMI.

5. A resolution authorizing an Affordable Homeownership Opportunity Program award for AIKMLB Holdings LLC.

Mr. Abbot explained that the AIK Summit project is more in the traditional wheelhouse of what the Board has seen through AHOP thus far. This is a request for \$7.6 million dollars in AHOP subsidy to construct 38 single family homes in the city of Schenectady. The borrower is a joint venture between AIK Property Group and MLB Construction Services. AIK is a Black-owned, family-owned affordable housing development company that focuses on development in the Capital Region. They are also working on a Legacy City project with HTFC. They are also working through CPC's ACCESS program which helps newer developers. Their partner in the joint venture is MLB Construction which is an established and active development firm in Schenectady. There is also some participation from the locality here too – the Schenectady Metroplex Development Authority is providing a development subsidy and working on a PILOT but that has not been locked down. Right now, Staff is underwriting to market taxes but expects that the sales price AMI should come down if there is a PILOT.

The unit mix for this project is 17 2-bedrooms and 21 3-bedrooms. The project is achieving pretty deep affordability with sales prices at \$157,000 on average and AMI of 62%.

This is a modular housing project and the Borrower is working with a Pennsylvania-based modular company to do all these homes. This will be a four-phase project with a couple homes completed at a time.

Commissioner Visnauskas commented that HCR has done a lot of rental projects in Schenectady so it is nice to see to see these added to the overall mix. Mr. Abbot agreed that this project is focused in one neighborhood and is great to see.

Ms. Lopez noted that Ms. McKeown would be recusing herself from voting on items 3, 4, and 5.

Ms. Lopez moved for adoption of the resolutions transmitted in connection with items 3, 5, and 5 as outlined by Mr. Abbot. 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 following resolutions were adopted:

3. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AFFORDABLE HOMEOWNERSHIP OPPORTUNITY PROGRAM AWARD FOR 140 LE COUNT OWNER LLC.**
4. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AFFORDABLE HOMEOWNERSHIP OPPORTUNITY PROGRAM AWARD FOR WBP DEVELOPMENT, LLC.**
5. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AFFORDABLE HOMEOWNERSHIP OPPORTUNITY PROGRAM AWARD FOR AIKMLB HOLDINGS LLC.**

Chairman Adams then asked Ms. Loffler to provide a brief presentation on the following agenda items:

6. **A resolution authorizing Community Development Block Grant Housing Program awards.**

Ms. Loffler stated that this was a request for approval of the CDBG housing program awards. Staff is requesting Board approval to award over \$17 million and enter into grant agreements with 34 awardees. The full list of awardees is included in the memo. This is for the owner-occupied rehab, manufactured housing replacement, and septic replacement programs.

7. **A resolution authorizing a Community Development Block Grant Economic Development Program award for Livingston County.**

Ms. Loffler stated that this is the monthly CDBG economic development activity. This month, OCR is requesting approval to award \$300,000 to Livingston County to continue its local micro-enterprise grant program.

8. A resolution authorizing Community Development Block Grant Public Infrastructure, Public Facility, and Community Planning awards.

Ms. Loffler explained that this had been presented to the Board last month and was a request to award \$22 million for CDBG public infrastructure facilities and community planning activities. OCR staff identified a clerical error after the meeting. Although the amount of funding for was accurate, the award list was missing three awards so Staff is advancing it again and requesting Board approval to award \$22 million in CDBG funds and enter into grant agreements with 33 awardees.

9. A resolution authorizing NYS HOME Local Program awards.

Ms. Loffler explained that this is the annual New York State HOME Local Program awards. This is a request to award just over \$14 million in New York State HOME funds for locally administered activities. These are awards to municipalities and non-for-profits. There will be 26 awardees for a total of \$14 million.

10. A resolution authorizing New York State Housing Grant program awards.

Ms. Loffler explained that this request is for a portfolio of state housing grant programs. This includes ACCESS to Home, ACCESS to Home for Heroes, ACCESS to Home for Medicaid Members, which all provide grants to support accessibility modification; the Mobile and Manufactured Home Replacement Program; and the RESTORE program, which provides grants to assist elderly homeowners with emergency repairs. These are collectively just over \$14 million among the five programs and HTFC staff is asking for approval to enter into 59 grant agreements with the identified awardees.

11. A resolution authorizing a Land Bank Initiative Award for the Essex County Land Bank.

Ms. Loffler stated that this is a request for another Land Bank Initiative award. This has been brought to the Board before and is for the \$50 million that was included in last year's budget to support the services and expenses of land banks. This is a request for approval to award up to \$300,000 in Land Bank Initiative funding to support the Essex County land bank, which is New York state's 28th approved land bank.

Ms. Lopez moved for adoption of the resolutions transmitted in connection with items 6 through 11 as outlined by Ms. Loffler. 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 following resolutions were adopted unanimously:

6. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING PROGRAM AWARDS.**
7. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT ECONOMIC DEVELOPMENT PROGRAM AWARD FOR LIVINGSTON COUNTY.**
8. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC INFRASTRUCTURE, PUBLIC FACILITY, AND COMMUNITY PLANNING AWARDS.**
9. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING NYS HOME LOCAL PROGRAM AWARDS.**
10. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING NEW YORK STATE HOUSING GRANT PROGRAM AWARDS.**
11. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING A LAND BANK INITIATIVE AWARD FOR THE ESSEX COUNTY LAND BANK.**

Ms. McKeown advised that she needed to leave the meeting. Ms. Lopez confirmed that a quorum was still present.

The next item on the agenda was a resolution authorizing a Preventative Troubled Asset Program award for Barker Terrace.

Jason Pearson presented.

Mr. Pearson explained that he was requesting authorization for approval of PTAP or Preventive Troubled Asset Program funds, in the amount of \$293,000 dollars for an HCR supervised Mitchell Lama cooperative located in Mount Kisco, New York. Mr. Pearson explained that PTAP is a program that has been in existence for about 7 years and the agency uses it to respond to exigent physical needs and to ensure the health and safety of the agency's various housing portfolios. Only properties already financed and covered by a regulatory agreement either from HFA, HTFC, or AHC are eligible. There is no formal application process but the Office of Housing Preservation prioritizes PTAP considerations for HCR properties that have the most significant needs. PTAP funds are only used to address issues that can pose an immediate risk to a development or particular risk that could affect the health and safety of tenants. Anything that requires more comprehensive rehabilitation is referred to our office of finance development for a more long-term

preservation strategy, which is exactly the reason HTFC staff is requesting these funds today. Barker Terrace has 92 units, mostly limited income, senior citizen residents. The development has substantial capital needs and no free cash resources and needs HTFC's assistance to prepare itself for an application to HFA that's already started to go through that technical assistance process already. PTAP funds will be used to engage an architect to put together plans for a substantial capital repair plan, environmental testing, and also some very urgent boiler work. Mr. Pearson continued that a leaking roof is the most significant need and that no one wants to see the boiler going out in the winter. This property already has gone through some technical assistance for a more substantial rehab plan through our F&D unit but could really use some help to get some of the planning done for that.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING A PREVENTATIVE TROUBELD ASSET PROGRAM AWARD FOR BARKER TERRACE.

The thirteenth item on the agenda was a resolution authorizing the Establishment and Funding of the Weatherization HEAP Program.

Samantha Pearce presented.

Ms. Pearce requested to enter into contract to transfer over \$15 million of Home Energy Assistance Program money which is used to fund the weatherization services to help low-income housing throughout the state to both winterize and partially or fully electrify with the funds.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING THE ESTABLISHMENT AND FUNDING OF THE WEATHERIZATION HEAP PROGRAM.

The fourteenth item on the agenda was a resolution authorizing amendments to fair housing testing services contracts.

Brooke Davis presented.

Ms. Davis requested just under two-month extensions for four contracts with fair housing organizations to carry out fair housing testing. The contracts are set to expire February 8, 2024, and the extension would go to March 31, 2024. She stated that noncompliance with fair housing is hard to detect. It is hard to determine if someone is truly denied because of a protected class. Testers send out applicants to housing that have all the same characteristics, such as jobs and financial profiles except for the one thing you are testing for such as race, sex, or Section 8 to see if there are any unlawful differences in treatments. This is an expansion of the pilot testing program from \$250,000 to \$2.2 Million. There had been concerns with some of the six fair housing organizations mainly with staffing. All organizations have addressed the staffing concerns and feel confident they can complete all of the testing with the extension of time.

Chairman Adams asked for clarification on testing practice – are people physically going out to respond to housing ads. Ms. Davis stated that they often wear wires to be able to keep evidence and establish it. Ms. Davis stated that she had worked with testers who had a drawer with wedding rings to give to people who say on the application they are married to physically show they are married.

Ms. Miller asked if there is testing in New Rochelle. Ms. Davis stated that testing is everywhere. Chairman Adams stated that we do not disclose where testing is being done. Ms. Davis stated that we rely on the testing organizations to know their areas and where problems may be.

Chairman Adams asked if there are other datapoints we obtain for people on feedback, such as a certain voucher being rejected a number of times. Ms. Davis stated that we do get feedback which is helpful for educating and determining where to educate. She continued by stating that some of the data is subject to FOIA, and that they are attempting to remain in compliance.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AMENDMENTS TO FAIR HOUSING TESTING SERVICES CONTRACTS.

The fifteenth item on the agenda was a resolution authorizing an amendment to the contract with Elation Systems, Inc..

Chairman Adams noted the presenter was not available at the time and opted to move on to Item 16.

The sixteenth item on the agenda was a resolution authorizing an amendment to the contract with Mindlance, Inc.

Dan Buyer presented.

Mr. Buyer stated that the Housing Choice Voucher Program had a temp working at the Beaver Street office for about a year, but the temp had stayed a few days past the work order. Procurement advised Mr. Buyer that he should seek a resolution to extend the contract by a few days to fully pay the invoice. Mr. Buyer stated that the temp is no longer working with them and they plan to replace the position with a permanent hire.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH MINDLANCE, INC.

The seventeenth item on the agenda was a resolution authorizing amendments to the legal services contracts with Rozario Touma, P.C. and with d’Arcambal, Oursley & Curler Burk LLP.

Amy Zamenick presented.

Ms. Zamenick stated that both firms are working with HTFC on a number of items. They help with litigation recapture services, real property reversion, enforcement, bankruptcy, foreclosure and legal services. We are extending the contract to wrap up the work being done and close them out.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AMENDMENTS TO THE LEGAL SERVICES CONTRACTS WITH ROZARIO TOUMA, P.C. AND WITH D’ARCAMBAL, OURSLEY & CURLER BURK LLP.

The eighteenth item on the agenda was a resolution authorizing an extension of the contract with MPACT Strategic Consulting, LLC.

Ms. Zamenick presented.

Ms. Zamenick stated that MPACT helps with monitoring and compliance services including program strategy, technical assistance training, and the development of tools for monitoring compliance across multiple programs, formerly for GOSR, now RHC, including wage compliance. Ms. Zamenick stated the need for these services is essential in closing out a number of programs with RHC. For the Sandy funding, there is no increase in funding it is an extension of time.

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 following resolution was adopted unanimously:

A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN EXTENSION OF THE CONTRACT WITH MPACT STRATEGIC CONSULTING, LLC.

Chairman asked Paul Lozito to provide a brief presentation on the following items:

19. A resolution authorizing an amendment to the contract with Guidehouse, LLP.

Mr. Lozito stated that at this point they are trying to close out the Sandy recovery programs. All firms were competitively procured and there are a range of increases outlined in the memoranda including a range of time extensions. This covers Guidehouse, LLP, LiRo Engineers, Inc., TELACU Construction Management, Inc., and K2 Intelligence, LLC.

20. A resolution authorizing an amendment to the contract with Liro Engineers, Inc.

Mr. Lozito stated that at this point they are trying to close out the Sandy recovery programs. All firms were competitively procured and there are a range of increases outlined in the memoranda including a range of time extensions. This covers Guidehouse, LLP, LiRo Engineers, Inc., TELACU Construction Management, Inc., and K2 Intelligence, LLC.

21. A resolution authorizing an amendment to the contract with TELACU Construction Management, Inc.

Mr. Lozito stated that at this point they are trying to close out the Sandy recovery programs. All firms were competitively procured and there are a range of increases outlined in the memoranda including a range of time extensions. This covers Guidehouse, LLP, LiRo Engineers, Inc., TELACU Construction Management, Inc., and K2 Intelligence, LLC.

22. A resolution authorizing an amendment to the contract with SCAPE Landscape Architecture, D.P.C.

Mr. Lozito stated that SCAPE is involved in the design and construction of the living breakwaters off the coast of Staten Island. SCAPE is required by HUD to be the architect

of record. The request is to increase the total amount by \$1 million to recognize the full effort needed such as employing divers and all of the desktop review required to make sure that the breakwaters are constructed in a way where the rocks are properly geopositioned.

23. A resolution authorizing an amendment to the subrecipient agreement with the New York Harbor Foundation D/B/A the Billion Oyster Project.

Mr. Lozito stated that the Billion Oyster Project is growing and managing the oysters for HTFC. HTFC is giving them \$35,000 to consult with the permitting needed for the oysters. Mr. Lozito stated that the only increase in funding that will be seen at a later date will be for the Billion Oyster Project since we do not know the full extent of the oyster farming until all of the permits are completed. Mr. Lozito stated he is unsure if the oysters can be eaten, but they will be on Governor's Island so a tour can be done if requested.

24. A resolution authorizing an amendment to the contract with K2 Intelligence, LLC for the provision of monitoring and compliance services.

Mr. Lozito stated that at this point they are trying to close out the Sandy recovery programs. All firms were competitively procured and there are a range of increases outlined in the memoranda including a range of time extensions. This covers Guidehouse, LLP, LiRo Engineers, Inc., TELACU Construction Management, Inc., and K2 Intelligence, LLC.

25. A resolution authorizing an amendment to the contract with Almas Construction, LLC.

Mr. Lozito stated Almas is working on the Mount Vernon pilot that is in conjunction with RHC and OCR's CDBG Coronavirus funding. This is to stop back ups into people's basements through the sewer systems that are collapsing. It is a partnership that the Governor announced about a year and a half ago. The DEC is taking lead on reconstruction of public facilities and HTFC is helping mitigate. Ms. Miller asked if HTFC is responsible for the main sewer lines back into the building. Mr. Lozito stated yes, from the property line into the building. Specifically, HTFC is putting in backflow valves so that there will be no back check. Chairman Adams confirmed it is a one way valve.

Ms. Lopez moved for adoption of the resolutions transmitted in connection with items 19, 20, 21, 22, 23, 24 and 25 as outlined by Mr. Lozito. 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 following resolutions were adopted unanimously:

19. A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH GUIDEHOUSE LLP.

20. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH LIRO ENGINEERS, INC.**
21. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH TELACU CONSTRUCTION MANAGEMENT, INC.**
22. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH SCAPE LANDSCAPE ARCHITECTURE D.P.C.**
23. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE SUBRECIPIENT AGREEMENT WITH THE NEW YORK HARBOR FOUNDATION D/B/A THE BILLION OYSTER PROJECT.**
24. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH K2 INTELLIGENCE, LLC FOR THE PROVISION OF MONITORING AND COMPLIANCE SERVICES.**
25. **A RESOLUTION OF THE HOUSING TRUST FUND CORPORATION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH ALMAS CONSTRUCTION, LLC.**

The fifteenth item on the agenda was a resolution authorizing an amendment to the contract with Elation Systems, Inc.

Chairman Adams noted the presenter was now available and opted to address Item 15.

Ms. Torres stated she has been looking for more MWBE opportunities within procurement. One example is the Elation contract which has been operating since 2009. At the time, it was a single source. After research on the market, Ms. Torres believes they can diversify the responses to a new RFP. The request is to amend the contract for one additional year. After which it will be opened to a new RFP. In addition, the intent is to work with LCP tracker which is a competing software to Elations that will be the industry standard, particularly through the DOE as we have a number of weatherization 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 following resolution was adopted unanimously:

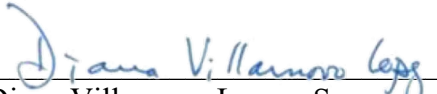
RESOLUTION AUTHORIZING AN AMENDMENT TO THE CONTRACT WITH ELATION SYSTEMS, INC.

Chairman Adams stated that the remaining HTFC agenda items were informational and no discussion would be had unless a Board member so requested:

- ITEM 26: Review of SEQRA Concur Actions**
- ITEM 27: Review of SEQRA Type II Actions**
- ITEM 28: Annual Review of the Independent Auditor Services Agreement with Lumsden & McCormick, LLP (*Audit Committee Item*)**
- ITEM 29: 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 meeting. 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 25, 2024, at 9:00 a.m.



Diana Villarnovo Lopez, Secretary