

MITCHELL LAMA MATTERS



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MESSAGE FROM THE DIRECTOR

Question: The law requires that boards of directors of Mitchell Lama co-ops hold at least four meetings annually and that such meetings (and any additional board meetings) be open to all shareholders and residents, except that such meetings may include “executive sessions” open only to board members for the purpose of discussing limited confidential issues. Does the “open board meetings” mandate mean only that shareholders and residents must be able to observe the nonexecutive session portions of board meetings or are boards also required to give other meeting attendees the opportunity to address the board and/or pose questions?

Response: While the law does not detail the requirements relating to open meetings,” DHCR’s interpretation is that shareholders and residents should be afforded the opportunity to address the board and /or ask questions, subject to reasonable limits imposed by the board. For example, a board of directors might reasonably limit the “shareholder participation” portion of a board meeting to 15 minutes (recognizing that shareholders and residents have other opportunities to raise issues to the board in addition to open board meetings). Likewise, a board could reasonably impose a time limit on each shareholder/resident seeking to address the board in order to ensure that others have an opportunity to speak. Finally, a board may prohibit any statement or questions that may reasonably be constructed as threatening or abusive.

For additional guidance please refer to Memo #2023-B-11 Available here <https://hcr.ny.gov/management-bureau-memorandum>.

MONTHLY ANNOUNCEMENTS

HCR ENERGY BENCHMARKING EXTENDED TO JUNE 30TH

ALL PROPERTIES ARE REQUIRED TO SUBMIT AN INTAKE SURVEY IN 2025. THE PROPERTY INTAKE SURVEY DUE TO YOUR ENERGY STAR PORTFOLIO MANAGER HAS BEEN EXTENDED TO JUNE 30, 2025. FOR GUIDANCE, PLEASE REFER TO MEMO #2025-C-2 AVAILABLE HERE <https://hcr.ny.gov/management-bureau-memorandum>.

CONTRACT THRESHOLD REMINDERS

SECTION 1728-4.3. PURCHASES AND CONTRACTS OF \$100,000 OR MORE

(A) PRIOR APPROVAL BY THE DIVISION IS REQUIRED FOR PURCHASES OR CONTRACTS OF \$100,000 OR MORE IN ACCORDANCE WITH THE FOLLOWING:

(1) NOTIFICATION OF INTENT TO SOLICIT BIDS, ON A FORM SUPPLIED BY THE DIVISION, TOGETHER WITH A DETAILED PRELIMINARY DESCRIPTION OF THE ITEMS TO BE PURCHASED OR WORK TO BE CONTRACTED AND ESTIMATED COSTS WILL BE PROVIDED TO THE DIVISION FOR REVIEW AND APPROVAL NO LESS THAN THIRTY DAYS BEFORE THE PROJECTED DATE OF SUCH SOLICITATION.

SECTION 1728-4.5. PROFESSIONAL SERVICE CONTRACTS FOR ARCHITECTS, ENGINEERS, LANDSCAPE ARCHITECTS, AND ENVIRONMENTAL CONSULTANTS

(1) WHERE THE PROFESSIONAL FEE IS ANTICIPATED TO BE \$25,000 OR MORE, THE CONSULTANT MUST BE SOLICITED THROUGH A REQUEST FOR PROPOSALS. SUCH REQUEST FOR PROPOSALS SHALL BE SUPPORTED BY DOCUMENTATION WHICH DESCRIBES THE SCOPE OF SERVICES TO BE PROVIDED, THE FUNDING SOURCE, SOLICITATION METHODOLOGY, AND LISTING OF THE PROFESSIONAL FIRMS THAT WILL BE SOLICITED. ANY RESULTING CONTRACT IS SUBJECT TO PRIOR APPROVAL BY THE DIVISION. SUBSEQUENT TO AWARD, ANY CHANGE IN THE SCOPE OR PRICE OF THE PROFESSIONAL FEE IS SUBJECT TO APPROVAL BY THE DIVISION.

FOR ADDITIONAL GUIDANCE PLEASE REFER TO YOUR COPY OF THE 9 NYCRR1700-1760.