

**MINUTES OF THE 297<sup>TH</sup> MEETING OF THE MEMBERS OF THE  
HOUSING TRUST FUND CORPORATION  
HELD ON AUGUST 13, 2013 AT 9:30 A.M.**

Locations: 641 Lexington Avenue, President's Conference Room, New York, NY  
38-40 State Street, Salo Conference Room, Albany, NY  
\*locations connected by video-conference

**MEMBERS PRESENT:**

Darryl C. Towns, Chairman  
William Mulrow, Member, represented by Marian Zucker, President, Office of Finance and Development

**OTHER PARTICIPANTS:**

Gail Bressler	Vice President, Office of Finance and Development
Gary Connor	Counsel
Michael DeMarco	DHCR, Director of Internal Audit
Sean Fitzgerald	Vice President, Office of Finance and Development
Karen Hunter	Assistant Treasurer
Jason Kim	HCR, General Counsel
Chris Leo	Vice President, Office of Community Renewal
Frank Markowski	Treasurer
Matthew Nelson	President, Office of Community Renewal
Heather Spitzberg	SEQRA Officer
Eu Ting-Zambuto	Secretary

There was a quorum with two Members present. Ms. Zucker made a motion to call to order the 297<sup>th</sup> Meeting of the Members of the Housing Trust Fund Corporation ("HTFC"). The motion was seconded by Chairman Towns.

**The first item on the HTFC agenda was the approval of the Minutes of the 296<sup>th</sup> Meeting Held on June 27, 2013.** The Minutes of the 296<sup>th</sup> Members' Meeting were deemed approved.

**The second item on the HTFC agenda was a resolution appointing the President of the Office of Housing Preservation, President of the Office of Professional Services, Treasurer, and Assistant Treasurer.** Mr. Connor presented that in accordance with the By-Laws, the Members may fill any office by appointment and that four appointments are being recommended.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The persons listed below are hereby appointed to hold the offices listed after their names for a term consistent with Article V of the By-Laws of HTFC:

Sharon Devine	President, Office of Professional Services
Richmond McCurnin	President, Office of Housing Preservation
Frank Markowski	Treasurer
Karen Hunter	Assistant Treasurer

Section 2. This resolution shall take effect immediately.

**The third item on the HTFC agenda was a resolution amending the By-Laws.** Mr. Connor stated that under the current version of the By-Laws, the Director of Internal Audit reports the results of any internal audit or other review of the books and records to the President of the Office of Professional Services. He stated that under the proposed amended By-Laws, the Director of Internal Audit will report the results of any internal audit or other review of the books and records of HTFC directly to the Chairperson of HTFC, or if directed by the Chairperson, to the Chief Executive Officer or HTFC's Counsel.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby adopt the annexed revised By-Laws, which are amended to provide that the Director of Internal Audit shall report the results of any internal audit or other review of the books and records of HTFC directly to the Chairperson of HTFC, or if directed by the Chairperson, to the Chief Executive Officer or the Corporation's Counsel.

Section 2. This resolution shall take effect immediately.

**The fourth item on the HTFC agenda was a resolution approving a Homes for Working Families Program award for Winbrook Phase I Apartments.** Ms. Bressler presented this item and stated that \$2,000,000 in Homes for Working Families funding is being sought for the new construction of 103 units of affordable housing for families. She stated that Winbrook Phase I Apartments is the first phase of the redevelopment of the Winbrook Public Housing Complex. She stated that the proposal is being made by the Jonathan Rose Companies in conjunction with the White Plains Housing Authority. She stated that Phase 1 will be the demolition of one of the towers and the construction of 103 units, and that this phase is the first phase in a plan to de-stigmatize public housing.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby approve the awarding of up to \$2,000,000 under the Homes for Working Families Program for Winbrook Phase I Apartments and the entering into of regulatory agreements for Winbrook Phase I Apartments, upon such other terms and conditions as set forth under program guidelines.

Section 2. The Members hereby approve the President of the Office of Finance and Development or another authorized officer of HTFC, subject to the provisions of this resolution, 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.

**The fifth item on the HTFC agenda was a resolution approving SEQRA documentation and classification of the Oakwood Beach Buyout Project and the Front Door Project.** Ms. Spitzberg stated that the Oakwood Beach Buyout Project is funded with Community Development Block Grant (“CDBG”) Disaster Recovery funds and it provides for the buyout of up to 510 homes in the Oakwood Beach Neighborhood in Staten Island. She recommended that the Oakwood Beach Buyout Project be classified as Type 1 with a Negative Declaration under SEQRA. She stated that the Front Door Project is in City of Troy, New York and it uses Urban Initiatives Program funds to construct the headquarters for the Unity House of Troy along with social service programming areas. She recommended that the Front Door Project be classified as Unlisted with a Negative Declaration under SEQRA.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby accept the SEQRA documentation for the Oakwood Beach Buyout Project including the Full Environmental Assessment Form and the Negative Declaration Determination of Significance, and hereby adopt the recommendation that the Oakwood Beach Buyout Project be classified as TYPE 1 with a NEGATIVE DECLARATION under SEQRA.

Section 2. The Members hereby accept the SEQRA documentation for the Front Door Project including the Short Environmental Assessment Form and Negative Declaration Notice of Determination of Non-Significance, and hereby adopt the recommendation that the Front Door Project be classified as UNLISTED with a NEGATIVE DECLARATION under SEQRA.

Section 3. The Members hereby authorize the SEQRA Officer, the Executive Deputy Commissioner of the Office of Housing Preservation, or any authorized officer to execute any documents in accordance with the applicable provisions of law to effectuate the purpose of this resolution.

Section 4. This resolution shall take effect immediately.

**The sixth item on the HTFC agenda was a resolution approving awards under the CDBG Disaster Recovery Program for Housing Assistance.** Mr. Nelson presented that this is an item to authorize awards to individual homeowners under the CDBG Disaster Recovery program for homeowners impacted by Hurricanes Sandy, Irene, and Tropical Storm Lee. He stated that the funds are for Recreate NY Smart Home Repair and Reconstruction, Recreate NY Smart Home Resilience, Recreate NY Home Buyout Program, small multi-family repair and reconstruction, small multi-family mitigation, and large multi-family mitigation properties.

Mr. Nelson stated that awards are proposed for property owners of single-family and/or multi-family residential properties in an aggregate amount of up to \$280,000,000; awards to each property owner for repair and reconstruction of owner occupied properties for one to four family structures will be limited to \$300,000 for repair/reconstruction activities, plus additional limits for low- and moderate-income property owners and for elevation; grants to each property owner for the buyout of owner-occupied properties will be limited to pre-storm fair market value plus any incentives as agreed upon but not to exceed the 2013 FHA loan limits; grants to each property owner for multi family properties will also be capped.

Chairman Towns asked what distinguishes “repair and reconstruction” program from “resilience.” Mr. Nelson responded that resilience is a mitigation activity such as elevation of a home located in a flood plain. The home may not be damaged, but may need to be elevated for reasons including to mitigate the cost of insurance. Mr. Nelson stated that in most cases resilience activities will be coupled with repair and reconstruction activities. Mr. Nelson confirmed Chairman Towns’ restatement that the key difference is that resilience projects may not have actually been damaged, but these initiatives are to prepare the homes for future storms.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize HTFC to administer and award CDBG Disaster Recovery housing assistance funds to property owners of single-family and/or multi-family residential properties in an amount of up to \$280,000,000 in the aggregate for the purposes of rehabilitation, reconstruction, elevation/mitigation, and buyouts under initiatives including Recreate NY Smart Home Repair and Reconstruction, Recreate NY Smart Home Resilience, Recreate NY Home Buyout Program, Small Multi-Family Repair and

Reconstruction, Small Multi-Family Mitigation, and Large Multi-Family Mitigation Property, and administer any housing activities and award housing assistance funds as may be modified by any future amendments or waivers to the New York State Disaster Recovery Action Plan as approved by HUD.

Section 2. The Members hereby authorize HTFC to enter into agreements with property owners for an amount to owner-occupied properties for one to four family structures in an amount not to exceed \$300,000 for repair/reconstruction activities for repairs and reconstruction, plus an additional \$50,000 for low- and moderate-income property owners, plus an additional \$50,000 for elevation; an amount to each property owner for the buyout of owner-occupied properties not to exceed the pre-storm fair market value plus any incentives as agreed upon but not to exceed the 2013 FHA loan limits; and an amount to each property owner for multi-family properties to be capped by defined policies and procedures to be developed, or in an amount as modified by any future amendments or waivers to the New York State Disaster Recovery Action Plan as approved by HUD.

Section 3. The Members hereby authorize HTFC to allocate CDBG Disaster Recovery housing assistance funds and enter into agreements with third party service providers for services to perform corresponding aspects of grant administration and property buyout and incentive programs.

Section 4. The Members hereby authorize HTFC's President of the Office of Community Renewal or another authorized officer, subject to the provisions of this resolution, to execute any documents which may be necessary and appropriate to effectuate the purposes of this resolution.

Section 5. This resolution shall take effect immediately.

**The seventh item on the HTFC agenda was a resolution confirming authorization to enter into leases for disaster recovery services intake centers.** Ms. Ting-Zambuto stated that the Members passed a resolution by written approval on July 17, 2013 authorizing HTFC to enter into lease agreements for up to twelve locations on Long Island for Intake Centers to provide support services in connection with the administration of the CDBG Disaster Recovery Program. She stated that confirmation is required to maintain the effectiveness of the resolution. She stated that a supplemental memo corresponding to informational item 14 was circulated to the Members identifying the four leases which have been entered into since the item approval date.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby confirm the resolution passed in writing on July 17, 2013, authorizing HTFC to enter into lease agreements for up to twelve locations for Intake Centers to provide support services in connection with the administration of the CDBG Disaster Recovery Program on Long Island including prospective locations of 475 East Main Street, Suite # 202-208, Patchogue, NY; 633 East Main Street, Riverhead, NY; Our Lady of Perpetual Help Convent at 260 South Wellwood Avenue, Lindenhurst, NY; Westbrook School at 350 Higbie Lane, West Islip, NY; 535 Broad Hollow Road, Melville, NY; 147 W. Merrick Road, Freeport, NY; and 700 Rockaway Turnpike, Lawrence, NY for terms of up to three years, with options for a fourth and fifth year at reasonable rates between approximately \$5,000 to \$12,000 per month depending on space size and location with the rental rate not to exceed fair market value and to comply with any CDBG Program requirements as provided by HUD or any other governing regulations.

Section 2. The Members hereby confirm the resolution passed in writing authorizing 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.

**The eighth item on the HTFC agenda was a resolution confirming authorization to administer the Mohawk Valley and 2013 Upstate Flood Recovery Program and awards to eligible applicants.** Ms. Ting-Zambuto stated that the Members authorized HTFC to administer the flood programs in accordance with the Flood Recovery Program Guidelines and approved awards to eligible homeowners, renters, small businesses, and farms and farm operations by written approval on July 23, 2013. There were no questions regarding the underlying item or confirmation.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby confirm the resolution passed in writing on July 23, 2013 authorizing HTFC to administer the Mohawk Valley and 2013 Upstate Flood Recovery Program in accordance with the NYS Flood Recovery Program Guidelines.

Section 2. The Members hereby confirm the resolution passed in writing on July 23, 2013, approving awards from the Mohawk Valley and 2013 Upstate Flood Recovery Program to eligible homeowners

and renters in an individual amount of up to \$31,900 for eligible activities; eligible small businesses in an individual amount of up to \$50,000 for eligible activities; and eligible farms and farm operations in an individual amount of up to \$50,000 for eligible activities, with the aggregate of individual awards not to exceed \$4,000,000 to applicants in Herkimer County, \$3,000,000 to applicants in Madison County, \$4,000,000 to applicants in Montgomery County, \$2,000,000 to applicants in Niagara County, and \$3,000,000 to applicants in Oneida County.

Section 3. The Members hereby confirm the resolution authorizing the President of the Office of Community Renewal or another authorized officer of HTFC, subject to the provisions of this resolution, 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.

**The ninth item on the HTFC agenda was a resolution confirming authorization to accept and administer funds from the Empire State Relief Fund and to enter into Memoranda of Understanding.** Ms. Ting-Zambuto presented that by written approval on July 30, 2013, the Members passed a resolution authorizing HTFC to administer funds from the Empire State Relief Fund (“ESRF”) for the purpose of providing grants to homeowners affected by Hurricane Sandy through the Neighborhood Recovery Fund; providing funds to three affordable housing developments in the Mitchell-Lama program to reduce the gap between the cost of repairs and the insurance proceeds received by the housing companies; and providing funds to Long Island homeowners who are not qualified for CDBG Disaster Recovery assistance for technical or programmatic reasons. The resolution also authorizes HTFC to enter into memoranda of understanding to memorialize the framework for the HTFC’s administration and distribution of the ESRF funds. Ms. Ting-Zambuto stated that she believed that the Memoranda of Understanding had been executed.

Ms. Zucker asked for confirmation of the status of the Memoranda of Understanding. Mr. Nelson responded that all three memoranda have been executed by the Chairman of the ESRF board as well as Chairman Towns.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby confirm the resolution passed in writing on July 30, 2013, authorizing HTFC to accept and administer up to \$500,000 in ESRF Funds to the Neighborhood Recovery Fund and to enter into the corresponding Memorandum of Understanding.

Section 2. The Members hereby confirm the resolution passed in writing authorizing HTFC to accept and administer up to \$3.5 million in the aggregate in ESRF Funds for repairs to three affordable housing developments (Harbor View, Sea Rise I, and Sea Rise II) in the Mitchell-Lama Program and to enter into the corresponding Memorandum of Understanding.

Section 3. The Members hereby confirm the resolution passed in writing authorizing HTFC to accept and administer up to \$1.5 million in the aggregate in ESRF Funds as grants to homeowners who are denied Community Development Block Grant Disaster Recovery assistance for technical or programmatic reasons to reduce the gap between the amount of damage their homes may have suffered from Hurricane Sandy and the amount of assistance the homeowners may have received from insurance and other sources and to enter into the corresponding Memorandum of Understanding.

Section 4. The Members hereby confirm the resolution passed in writing authorizing the Chairman, the President of the Office of Community Renewal, Counsel or another authorized officer to enter into and to execute any documents on behalf of the HTFC including the Memoranda of Understanding and any contracts with recipients, which may be necessary and appropriate to effectuate the purpose of this resolution.

Section 5. This resolution shall take effect immediately.

**The tenth item on the HTFC agenda regarding a proposed agreement with the Dormitory Authority of the State of New York (“DASNY”) was tabled.** Mr. Nelson briefed the Board on HTFC’s discussions with DASNY to date. Mr. Nelson stated that HTFC is discussing a potential partnership with DASNY to serve as a sub-recipient in administering the construction component of the Recreate NY Smart Home programs which are funded by CDBG Disaster Recovery funding. He stated that as the State’s financing and constructing management agency, DASNY has experience in the area and a deep bench of previously procured services which HTFC would be able to fall back on for the administration of necessary activities. He stated that a proposed agreement could be with DASNY or with authorized consultants to provide needed services. Mr. Nelson stated that while the item is not ready for the board consideration at this meeting, HTFC is close to agreeing on proposed terms and agreeing upon a budget.

Ms. Zucker asked whether Recreate NY is comprised primarily of small properties. Mr. Nelson responded that the program includes activities for properties from one to seven units as well as mitigation activities for larger multi-family properties, but that applications for single-family properties is significantly larger than for the multi-family properties.

Ms. Zucker asked about DASNY's experience with small properties. Mr. Nelson responded that DASNY has more experience with larger construction projects and works with other agencies including OTDA, but DASNY is going to bring in its world of construction management entities including groups like LiRo, who have local experience in single family properties, including administration of Nassau County's STEP program and the NYC Rapid Repair Program following Hurricane Sandy. He stated that DASNY is not necessarily using its own ground experience, but rather, providing its procurements and making its procurements available to HTFC.

Mr. Nelson provided a supplemental chart showing the different factors being discussed, including the case management operation. Mr. Nelson stated that there is an RFP for master program management, and he anticipates a recommendation of the awardee for master program management operation shortly. The master program management awardee and DASNY would make up the current housing program ecosystem.

**There was one new item of business on the HTFC agenda.** The new item is a resolution approving an amendment to a Memorandum of Agreement with National Heritage Trust. Supplemental board materials on this item were circulated at the meeting. Mr. Leo presented that all CDBG Disaster Recovery funded activities must undergo National Environmental Policy review, which includes compliance with Section 106 of the National Historic Preservation Act. He stated that the New York State Historic Preservation Office ("SHPO") is responsible for ensuring compliance with Section 106 for all federally funded projects in New York State. To efficiently and expeditiously deliver disaster recovery assistance to those affected by Hurricanes Sandy, Irene and Tropical Storm Lee, the Office of Community Renewal seeks an amendment to an existing Memorandum of Agreement, dated April 1, 2011, between HTFC and National Heritage Trust to use CDBG Disaster Recovery program funds to employ additional temporary staff at SHPO. Mr. Leo stated that the rationale is that HTFC will have a high volume of projects requiring SHPO approval and will require additional assistance, and this temporary contract will fill the gap at SHPO and enable SHPO to have additional assistance.

Mr. Nelson added that the original contract was below the procurement guidelines threshold requiring board approval, but that this amendment puts the contract above the procurement guidelines threshold and now requires board approval.

Ms. Zucker indicated that she had noticed and questioned the need for board approval for this item giving the proposed amendment amount.

Mr. Connor stated his understanding that a contract between agencies would technically fall outside the scope of procurement contract. Mr. Markowski responded that the contract is included in the public authorities definition of a procurement contract.

Ms. Zucker moved to adopt the resolution; Chairman Towns seconded the motion, and the following resolution was adopted:

Section 1. The Members hereby authorize an amendment to the Memorandum of Agreement with National Heritage Trust to expand the scope of services for additional project review services and to authorize an amount up to \$46,597 from the Community Development Block Grant Disaster Recovery Program to employ additional staff at the New York State Historic Preservation Office.

Section 2. The Members hereby authorize the President of the Office of Community Renewal or another authorized officer to enter into an amended Memorandum of Agreement and to execute any documents necessary and appropriate to effectuate the purposes of the resolution.

Section 3. This resolution shall take effect immediately.

The remaining items were information items. There were no requests for presentations on the remaining items.

There being no further business, the meeting was adjourned upon a motion made by Ms. Zucker and seconded by Chairman Towns.

Dated: August 13, 2013

  
Eu Ting-Zambuto