

NEW YORK CITY HOUSING AUTHORITY



Trust Voting Procedures

1. Definitions

- (a) *District Council Officers* mean the Chair, First Vice President, Second Vice President, Secretary, Treasurer, and First Sergeant at Arms of the recognized regional resident organizations established pursuant to the bylaws of the Citywide Council of Presidents.
- (b) *Eligible Voter* means a resident of a public housing development in which a vote is held pursuant to these procedures who is 18 years of age or older and either (i) a Head of Household or (ii) otherwise has permanent written permission from NYCHA to reside therein; the Head of Household, co-Heads of Household (in the case of co-tenants) and other residents with permanent permission comprise and are also known as the "Household Composition."
- (c) *Head of Household* means the individual or individuals (in the case of co-tenants) who executed a lease for an apartment in a public housing development in which a vote is held pursuant to these procedures, also referred to as "Tenant of Record" in the New York City Public Housing Preservation Trust Act.
- (d) *Notice of Vote* means the formal notice of a planned vote held under these procedures to be provided by NYCHA to residents of a development at least 100 days before the Voting Period commences.
- (e) *NYCHA* means the New York City Housing Authority.
- (f) *Resident Councils* mean the local resident organizations established and approved pursuant to § 964.115 of Part 24 of the Code of Federal Regulations or any successor regulations.
- (g) *Trust* means the New York City Public Housing Preservation Trust.
- (h) *Vote Administrator* means the third party entity engaged to oversee and certify a vote held pursuant to these procedures.
- (i) *Voting Methods* means the three ways Eligible Voters may cast their vote: in person, by mail and online.
- (j) *Voting Period* means the time when Eligible Voters may cast a vote.
- (k) *Applicability to relocated residents:*
 - (1) The defined terms *Eligible Voter* and *Head of Household* shall also include, as applicable, residents not residing at the development at the time the vote is noticed and held pursuant to these procedures because they have been relocated under a NYCHA relocation plan with a right to return to the development.

2. Engagement with Resident Leadership

- (a) NYCHA shall develop a voter outreach plan customized to the needs of the residents at the development.
- (b) NYCHA shall invite the development's Resident Council or, in the event no Resident Council exists, the local District Council Officers to discuss and refine the proposed voter outreach plan.
- (c) At such discussion, NYCHA shall provide an overview of the voting options and consider how to most effectively reach residents of the development, including but not limited to:
 - (1) The number, times and locations of planned in-person and virtual resident meetings to discuss the voting options as well as the content to be discussed and shared in such meetings;
 - (2) The number, times and locations of planned tabling events;
 - (3) Strategies for ensuring effective postings at the development, including posting locations as well as processes for identifying and reposting removed postings;
 - (4) Feedback and suggestions on information NYCHA plans to communicate to residents to ensure such communications are clear, comprehensive and effective;
 - (5) Identifying individuals at the development for residents to contact regarding the upcoming vote;
 - (6) The ways in which community organizations can support voter outreach and engagement;
 - (7) Consideration of utilizing ballot watchers; and
 - (8) Mailings, fliers and electronic communications.
- (d) NYCHA will seek the assistance of the recognized Resident Council or, in the event no resident council exists, the local District Council Officers in engaging residents ahead of the planned vote.
- (e) NYCHA shall finalize the voter outreach plan prior to providing the Notice of Vote pursuant to section 3 below and prior to commencing voter outreach pursuant to section 4 below.

3. Notice of Vote

- (a) At least 100 days before the Voting Period commences, NYCHA shall provide the Notice of Vote to the residents of the development through the available phone, mail and email contact information on record with NYCHA.
- (b) NYCHA shall also post the Notice of Vote in a prominent location at the development as well as on the NYCHA website at least 100 days before the Voting Period commences.
- (c) The Notice of Vote shall include the following information:
 - (1) An explanation of the purpose of the vote;
 - (2) The options that will appear on the ballot;
 - (3) The dates, times and location of planned outreach meetings where NYCHA will provide information about the options and where residents may ask questions and provide comment;
 - (4) The address on NYCHA's website where information on the options can be reviewed;
 - (5) Contact information residents may use to submit questions to NYCHA prior to the vote;

- (6) Information on how individuals can submit written comments and the deadlines for submitting such comments;
- (7) The available Voting Methods;
- (8) The applicable Voting Period when a vote can be cast for each Voting Method;
- (9) Information on how Eligible Voters can cast a vote for each Voting Method, including location where and time when votes can be cast, as well as any information Eligible Voters will be required to provide;
- (10) Information on how individuals may request a reasonable accommodation to participate in the planned voter engagement and cast a vote; and
- (11) The list of languages into which all ballots will be translated as well as information on how residents may request a ballot in any other language or may request other language services to participate the voting process.

4. Voter Outreach

- (a) Upon providing the Notice of Vote pursuant to section 3 above and at least 100 days before the Voting Period commences, NYCHA shall begin the voter outreach plan developed pursuant to section 2 above.
- (b) NYCHA shall prepare outreach materials to support Eligible Voters in making independent, informed choices. The information provided in such materials shall include but not be limited to:
 - (1) A description of each option to be presented to Eligible Voters. For each option, the information shall include but not be limited to:
 - (i) A comparison of resident rights under each option, including but not limited to rent determinations, succession rights and temporary relocation rights;
 - (ii) An overview of how project planning, vendor/partner contracting, design and construction may proceed;
 - (iii) A description of the respective roles of NYCHA, residents and other entities during the construction process;
 - (iv) Any impact on existing capital work; and
 - (v) The future management structure.
 - (2) A physical needs assessment describing the capital needs for the development;
 - (3) Information on how financing can be used to address the needs of the development under each option, as applicable
 - (4) A description of the construction standards under each option;
 - (5) A copy of the ballot to be used by Eligible Voters when casting a vote; and
 - (6) An explanation of the how voting will be conducted and the results determined, including the role of the Vote Administrator as well as the minimum voter turnout required for the vote results to be considered valid as provided in subdivision 6(b) below.
- (c) NYCHA shall provide information described in subdivision 4(b) above to Eligible Voters in the following ways:
 - (1) Pamphlets delivered to each household in the development;
 - (2) A dedicated webpage, available on the NYCHA website;
 - (3) Emails sent to all development resident email addresses on file with NYCHA;
 - (4) Printed materials posted in a prominent location at the development and available at the development's property management office;

- (5) To the extent possible given the physical layout of the development, on-site tabling by NYCHA staff; and
- (6) At least four meetings with residents of the development.
 - (i) The focus of each meeting shall be on at least one of the options, with all options covered in at least one of the scheduled meetings.
 - (ii) NYCHA will schedule the meetings to occur both during and outside of normal business hours.
 - (iii) At least one meeting will be held in-person at a location at the development or, if one is not available, within the immediate area of the development.
 - (iv) At least one meeting will be held virtually.

5. Conducting the Vote

- (a) NYCHA shall engage a third-party Vote Administrator to conduct and oversee the vote. The Vote Administrator shall also advise on effective strategies NYCHA can utilize to increase voter engagement and participation.
- (b) The Vote Administrator shall be selected based on the following criteria:
 - (1) Demonstrated independent expertise in developing policies and protocols to ensure vote integrity;
 - (2) A track record of administering secure, accurate and transparent elections;
 - (3) Technical expertise and capacity necessary to support electronic and accessible voting methods; and
 - (4) Technical expertise and capacity to investigate alleged irregularities prior to vote certification.
- (c) Eligible Voters may choose to vote through any one of the three Voting Methods of in-person, mail, or online.
- (d) Eligible Voters may select one of at least three options when voting: the Trust, the Permanent Affordability Commitment Together (“PACT”) program, or rejecting both the Trust and PACT and remaining in Section 9.
- (e) The Voting Period shall last for 30 days.
- (f) For the first 25 days, voting shall only be available online and by mail.
- (g) For the final five days, voting shall be available in-person, online and by mail.
 - (1) Mail-in ballots will be considered timely if they are postmarked no later than the final day of the Voting Period. Mail-in ballots postmarked after the Voting Period will not be counted.
- (h) Ballots:
 - (1) Ballots shall state the voting options and will provide a brief explanation of each.
 - (2) Ballots will have a simple design, utilize plain language and be translated as described in section 7 below.

6. Vote Results and Certification

- (a) As soon as practicable after the Voting Period, the Vote Administrator shall tabulate the votes.
- (b) Minimum Turnout Threshold
 - (1) As required by paragraph 2 of section 630 of the New York City Public Housing Preservation Trust Act, the Vote Administrator shall determine the proportion of Heads of Household at the development who cast a vote.
 - (2) At least 20% of Heads of Household at the development must cast a vote for the results to be considered valid. In the event fewer than 20% of Heads of

Household at the development cast a vote, the results shall be null and void and any subsequent vote will be conducted according to the full process outlined in these procedures.

- (3) In fulfilling its obligations under these procedures, NYCHA shall strive for maximum participation of all Eligible Voters and shall consider, identify and implement strategies to improve participation. Upon the completion of elections held pursuant to these procedures at six developments, NYCHA shall prepare an analysis detailing successes, challenges and commitments for further improving Eligible Voter engagement and participation. As part of such analysis, NYCHA shall consider if the minimum turnout threshold provided in these procedures should be revised.
- (c) Automatic Recount
- (1) If the outcome of the vote is decided by less than one percent of the total votes cast, the Vote Administrator shall undertake a recount of the votes prior to the vote certification.
 - (2) If after a full recount the Vote Administrator determines the top two choices received the same number of votes, the tie shall be resolved through a runoff vote. In such a case:
 - (i) The Vote Administrator shall certify the tie result;
 - (ii) At least 30 days before the runoff Voting Period commences, NYCHA shall provide notice of the runoff vote as provided in subdivisions 3(b) and 3(c) above;
 - (iii) Eligible Voters may use any Voting Method to choose one of the two previously-tied options;
 - (iv) The Voting Period provided in subdivisions 5(e), 5(f), and 5(g) above shall apply; and
 - (v) The results of the runoff shall be determined and certified as otherwise required in this section except that the Minimum Turnout Threshold in subdivision 6(b) above shall not apply to any required runoff vote, because such threshold was satisfied by the initial vote.
- (d) Vote Integrity
- (1) The Vote Administrator shall conduct a due diligence process to ensure the vote results are accurate and valid.
 - (2) Challenges
 - (i) Eligible Voters may lodge with the Vote Administrator any allegations of vote inaccuracies or impropriety up to 72 hours after the end of the Voting Period.
 - (ii) The Vote Administrator shall investigate all allegations received up to 72 hours after the end of the Voting Period.
 - (iii) The Vote Administrator shall gather and review available evidence relevant to such allegations.
 - (iv) Using its expertise, the Vote Administrator shall determine if there are merits to the allegations received as well as determine potential impact on the results necessitating a repeat of the vote.
 - (v) The Vote Administrator shall include in the certification prepared pursuant to subdivision 6(e) below an explanation of its investigation and findings of

all challenges to the vote made up to 72 hours after the end of the Voting Period.

(e) **Vote Certification**

- (1) If the Vote Administrator determines that the results are valid and accurate, it shall state so explicitly in a signed certification. The certification shall provide the number of votes cast for each option. The certification shall further describe the Vote Administrator's process for determining the validity and accuracy of the vote results, including but not limited to the minimum turnout threshold of Heads of Household pursuant to subdivision 6(b) above, and its investigation and findings related to any allegation of inaccuracies or improprieties as required in paragraph 6(d)(2) above.
- (2) If the Vote Administrator determines that the minimum turnout threshold under subdivision 6(b) above was not achieved, or that the votes cannot be accurately and validly tabulated, it shall immediately communicate such determination to NYCHA and to the development's Resident Council or, in the event no resident council exists, to the local District Council Officers. Such determination shall render the results null and void, and the vote shall be re-conducted according to the full process outlined in these procedures.

(f) **Vote Results**

- (1) Subject to the vote certification provided in subdivision 6(e) above, the option receiving the most votes will be considered the winning option.
- (2) NYCHA shall be bound by the winning option subject to applicable federal law and regulations.
- (3) NYCHA shall notify all households of the vote results along with the Vote Administrator's certification.
- (4) The Vote Administrator's certification shall be posted in a prominent location at the development and on NYCHA's website.

7. Language Access

- (a) NYCHA shall comply with all applicable language access requirements in the communications and outreach undertaken pursuant to these procedures, including but not limited to those communications required in subdivision 4(c) above.
- (b) NYCHA shall ensure the Vote Administrator complies with all language access requirements applicable to NYCHA in the Vote Administrator's role in holding the vote pursuant to section 6 above.
- (c) Language access requirements shall include but not be limited to:
 - (1) Translating all outreach materials into the commonly-encountered languages identified pursuant to NYCHA's Language Assistance Services Standard Procedure;
 - (2) Translating ballots into the commonly-encountered languages identified pursuant to NYCHA's Language Assistance Services Standard Procedure; and
 - (3) Notifying residents as part of the voter outreach plan how translations or additional language services may be requested.

