



**NYC PUBLIC HOUSING
PRESERVATION TRUST**

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Fundación para la Preservación de la Vivienda Pública de la Ciudad de Nueva York

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NYC Public Housing Preservation Trust

Dear Residents,

The signing of the Public Housing Preservation Trust legislation into law by Governor Hochul in June was a big step forward for NYCHA residents and a momentous day in the history of public housing – here in New York City and across the nation. The Trust will allow us to complete billions of dollars in top-to-bottom building renovations while maintaining residents' rights, keeping our properties 100 percent public, and preserving NYCHA employees' jobs.

The Trust gives residents a true voice in the future of their homes. Over the past two years, we have been speaking with residents and listening to your ideas, feedback, and recommendations on the Trust idea. From these conversations, it was clear that residents must have more control, ownership, and decision-making over the future of their developments.

The updated version of the Trust legislation that was signed into law enables residents to choose whether or not to move forward with the Trust at their developments. The new legislation also allows residents to be part of the process for selecting vendors to rehabilitate their developments and serve on committees that check the quality of this work.


We would like to thank you for your input and for making possible real change and lasting solutions for NYCHA. Your role and voice are vital in building this Trust, and we will continue to incorporate your ideas. In the coming weeks and months, we will be in touch with residents and community partners with information on how, together, we will establish a model for the Trust, collaborating on details regarding its board, resident voting process, and other elements that provide a critical platform for residents.

Developing the Trust will take time, and it will require input from residents and other partners. Once the Trust is established, the work to renovate the first 25,000 apartments will begin. Again, we will keep you informed of the latest updates, including opportunities to participate, through town halls and other communication.

We are excited to continue engaging with you as we move forward together to improve residents' quality of life in a meaningful and equitable way.

To learn more, please read the enclosed one-pager and frequently asked questions (FAQ) about the Trust. A copy of the legislation in English is also enclosed; it can be translated using Google Translate at <https://www.nysenate.gov/legislation/bills/2021/A7805>. If you have any questions about the Trust, please feel free to reach out to trust.comments@nycha.nyc.gov.

Sincerely,



Greg Russ
Chair & Chief Executive Officer



NYC PUBLIC HOUSING PRESERVATION TRUST

The Public Housing Preservation Trust will be a new State-created public entity like the School Construction Authority. The Trust will keep rents capped at 30% of income, preserve all resident rights and protections, fix residents' homes through capital repairs, and maintain a public workforce. Resident voices are a critical part of the Trust – from resident representation on the publicly appointed nine-member board to resident partnership during renovation projects.

WHY NYCHA NEEDS THE TRUST

NYCHA needs over **\$40 billion** to fully restore and renovate all its buildings, but the federal government has provided only a fraction of the funding needed for these improvements. Many of the conditions in NYCHA buildings are unacceptable and unsafe for residents and their families – renovations are long overdue.

The Trust is a critical tool because it can:

- ✓ Access **far more funding** from the federal government.
- ✓ Complete **faster, higher-quality renovations** with improved procurement rules.

CHANGES IN THE LEGISLATION THAT PASSED IN JUNE 2022

- ✓ **Resident Opt-in Voting Process**
Residents will have the right to choose whether or not to move forward with the Trust at their developments.
- ✓ **Resident Role in Vendor Selection**
Residents will play a role in selecting vendors for the renovation work.
- ✓ **Resident Q/A Committees**
Residents will serve on committees that check the quality of the work.

HOW THE TRUST WORKS

The Trust is 100% public. NYCHA owns, controls, and manages the property, and there is no private manager.

- NYCHA remains permanent owner of the land/buildings and enters into a long-term ground lease with the Trust to secure Tenant Protection Vouchers, a subsidy worth double NYCHA's current federal subsidy.
- Similar to how other government entities raise revenue for capital improvements, the Trust will issue bonds that fund comprehensive building renovations (with input and partnership from residents at the development).
- The Trust can hire better vendors who can complete high-quality work, faster.

KEEPING ALL RESIDENT RIGHTS AND PROTECTIONS

The Trust will keep homes permanently affordable and preserve all resident rights and protections. These protections align with current public housing rights and are stronger than in the traditional Section 8 program:

- Continue to pay 30% of income towards rent
- Continue to have full "Part 964" resident participation rights (including the right to organize)
- Continue to have all succession rights
- Continue to be restricted to low-income residents and continue to fill vacant apartments from the NYCHA waitlists
- Embed all rights, affordability, and use restrictions in the land and codify that protections cannot be changed and buildings cannot become market rate

NYC PUBLIC HOUSING PRESERVATION TRUST: FREQUENTLY ASKED QUESTIONS (FAQS)

Updated June 2022

TRUST BASICS

1. What is the Trust?

The NYC Public Housing Preservation Trust will be a new public entity with a publicly appointed nine-member board (including four resident members). It will be a public benefit corporation, which is a 100 percent public entity. It will enable NYCHA to completely renovate an initial 25,000 apartments at a faster rate while keeping the properties and workforce fully public and preserving residents' rights. The Trust's billions of dollars of investments in comprehensive apartment, building, and grounds improvements will also generate training and job opportunities for NYCHA residents.

The Trust will give residents a true voice in the future of their homes. The updated version of the Trust legislation that was signed into law by the Governor in June 2022 incorporated feedback from residents that NYCHA gathered over several years. For instance, the legislation enables residents to choose whether or not to move forward with the Trust at their developments and take an active role in overseeing the rehabilitation of their developments.

2. Why does NYCHA need the Trust?

NYCHA needs the Trust for two reasons:

- 1) It will provide more funding. NYCHA can get double the federal subsidy by switching to project-based Tenant Protection Voucher (TPV) funding, but under current federal rules, this new subsidy can only be obtained through a disposition to another entity. The Trust would be this other entity – a fully public entity that would work in partnership with residents.
- 2) It will provide improved procurement rules. In creating the Trust legislation, the State addressed and improved existing procurement rules that contribute significantly to NYCHA's increased costs, longer construction timelines, and resident frustration.

3. Why can't NYCHA do this on its own?

According to federal laws and regulations, NYCHA is not eligible to get federal project-based Section 8 subsidy (TPVs) by itself. This subsidy can only be accessed if NYCHA enters into ground leases with another entity (i.e., the Trust).

4. Who will be on the Trust board?

The Trust will have a nine-person publicly appointed board. These board members will include:

NYC Public Housing Preservation Trust

- Five members either appointed by NYCHA or ex-officio NYCHA:
 - NYCHA Chief Executive Officer (Chair of the board)
 - NYCHA Chief Financial Officer
 - Two NYCHA residents (both nominated by the Citywide Council of Presidents [CCOP]/Resident Advisory Board [RAB])
 - One member at large
- Four members either appointed by the Mayor or ex-officio from the Mayor's Office
 - Deputy Mayor for Housing
 - Two NYCHA residents (one of whom will be nominated by the CCOP)
 - One employee representative nominated by organizations representing NYCHA/Trust employees

5. Who will own the properties?

NYCHA will be the owner of the land and buildings. The Trust will have a long-term ground lease with NYCHA, which will be renewed every 99 years.

6. Who will manage the properties?

NYCHA employees will continue to manage the properties, just as today. There is no private manager or developer. The Trust will contract with NYCHA for the management of the properties.

7. What will the Trust do? How big will the Trust be?

The Trust will be responsible for arranging the financing and overseeing the renovations in partnership with residents. The Trust will be a small agency of public employees, likely fewer than 50 staff.

8. How will vacant apartments be filled?

All vacant apartments will continue to be filled from NYCHA's public housing and Section 8 waitlists of people eligible for low-income housing. Apartments will never go market rate and will always serve low-income families.

FUNDING AND FINANCING

9. How will the properties be funded?

The properties will be funded by a type of project-based Section 8 – Tenant Protection Vouchers (TPV). This subsidy is worth roughly double the subsidy NYCHA receives through the current subsidy platform.

10. How will the Trust be able to use this TPV funding to get capital for upfront renovations?

The Trust will be able to issue bonds using the additional subsidy that the TPVs provide. This is similar to how the government funds other types of capital projects, like libraries, schools, and infrastructure.

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11. If someone moves out, does the property lose that subsidy?

No, the vouchers are project-based and tied to the apartment, so the property does not lose funding. The subsidy is provided by the federal government through automatically renewing 20-year contracts, which is why the funding is far more stable than NYCHA's current subsidy. Residents who receive project-based Section 8 assistance for at least one year may request a tenant-based Section 8 transfer voucher to transfer out of the development. If someone moves out of the development, with or without continued assistance, it does not affect the subsidy tied to the apartment.

12. Is the underlying ownership of the land and buildings being pledged as collateral? What happens if there is a default?

State law prohibits pledging the fee ownership of the properties as collateral. It is further codified in State law that low-income rights, protections, and rents must remain in place on these properties. Under no scenario can the buildings be sold, become market rate, or have the resident rights or protections changed.

RESIDENT RIGHTS AND PROTECTIONS

13. Will residents lose public housing rights as a result of this?

No, residents keep all public housing rights. This is enshrined in the legislation. This includes all of Part 964, the rents capped at 30 percent, the same succession rights, the same ability to organize, and more.

14. How long do the rights and protections last?

The rights and protections will be in perpetuity, which is specifically enshrined in the legislation. The protections, rights, and use of the property for low-income housing cannot be changed under any circumstances, even if there is a default.

15. Will there be rescreening? What if existing tenants don't qualify for Section 8?

There is no re-screening and existing residents will be grandfathered in.

16. Will unauthorized residents have the opportunity to get on the lease?

Yes, there is a specific provision that would allow this to occur.

17. Can residents manage the properties themselves?

Yes. The Trust will have an affirmative obligation to negotiate with any Resident Management Corporations (RMC) that residents form. This means residents have a real right to manage their own properties, if they choose to do so.

UPDATED LEGISLATION AND RESIDENT CHOICE

18. How was the Trust legislation updated prior to its passage by the State in June 2022?

The legislation that was passed by the State and signed into law by the Governor in June

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2022 includes over a dozen changes recommended by resident leaders, including three major changes:

- **Resident Vote:** Residents will have the right to vote on the modernization path pursued at their development, including the right to keep the status quo. This is the first time something like this will be put into place nationally.
- **Resident Role in Vendor Selection:** Residents will play a role in determining which vendors are chosen to complete renovation work at their developments.
- **Resident Q/A Committees:** Residents will serve on committees that perform quality assurance checks of work completed by vendors.

19. Can residents choose to reject all options and keep the status quo?

Yes.

20. What happens if a development chooses to reject all options? Will services be cut?

NYCHA will continue to manage the property and make repairs as before, using its limited resources.

21. Who can vote?

All tenants of record at a development, not just resident leaders or the resident associations, would be able to vote.

22. Will a minimum turnout be required?

The legislation requires that a minimum percentage be specified in the voting process requirements, which must be proposed and subject to public comment and public meeting per the law.

RENOVATIONS AND TEMPORARY RELOCATION

23. How much work will be done?

The renovations will be comprehensive modernization of developments. This means addressing all basic environmental health and safety issues, like lead, mold, heating, elevators, pests/waste, as well as other systems work, apartment rehabilitation, and grounds improvements, based on the budget available for the specific property.

24. Will residents have to temporarily move? Where will they go?

This will depend on the property, but it is likely. If residents must move temporarily, there will be “hospitality” units that will be used on the property or properties in the surrounding area.

25. How long will residents have to be out of their apartment?

This will depend on the property, but three to six months is likely, depending on the type of work that is being performed.

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26. Will residents have the right to return? Will NYCHA pay for all moving expenses?

Yes and yes. Residents will have the right to return to their property and NYCHA will pay for all moving expenses.

27. How long will construction take at each development?

This will depend on the property, but three to five years overall is likely.

PROCUREMENT

28. What are the procurement changes?

The Trust can complete capital projects using “best value” selection, which often allows faster, higher-quality work at a lower cost compared to “low bid” selection:

- The Trust can use various types of Design-Build and Construction Manager at Risk procurement methods instead of Design-Bid-Build.
- These methods are used widely around the country and allow design and construction activities to happen more in parallel, using “best value” selection and often also “guaranteed maximum prices.”
- Using these methods can save 1 to 1.5 years and 5 to 10 percent of costs on a large project and improve quality of work.

DIFFERENCE BETWEEN TRUST AND PACT/RAD

29. How is the Trust different from PACT?

Under the Trust model, properties remain 100 percent public. NYCHA owns, controls, and manages the property. Day-to-day operations and maintenance will be performed by NYCHA’s public employees. There is no private manager or land/building sales.

With PACT, NYCHA continues to be the permanent owner of the buildings and land and residents retain their rights, but a third party performs the capital work and manages the properties. This means that NYCHA no longer performs the capital work or manages the property day-to-day.

Fundación para la Preservación de la Vivienda Pública de la Ciudad de Nueva York

Estimados Residentes:

La firma de la legislación de La Fundación para la Preservación de la Vivienda Pública por parte del Gobernador Hochul en junio fue un gran paso adelante para los residentes de NYCHA y un día trascendental en la historia de la vivienda pública, aquí en la ciudad de Nueva York y en todo el país. La Fundación nos permitirá completar miles de millones de dólares en renovaciones de edificios de arriba a abajo mientras mantenemos los derechos de los residentes, mantenemos nuestras propiedades 100 por ciento públicas y preservamos los empleos de los empleados de NYCHA.

La Fundación ofrece a los residentes una verdadera voz con relación al futuro de sus hogares. Durante los últimos dos años, hemos estado hablando con los residentes y escuchando sus ideas, comentarios y recomendaciones sobre la idea de la Fundación. A partir de estas conversaciones, quedó claro que los residentes deben tener más control, propiedad y toma de decisiones sobre el futuro de sus residenciales.

La versión actualizada de la legislación de la Fundación que se convirtió en ley permite a los residentes elegir si desean seguir adelante o no con la Fundación en sus residenciales. La nueva legislación también permite a los residentes ser parte del proceso de selección de proveedores para rehabilitar sus residenciales y servir en comités que verifican la calidad de este trabajo.


Nos gustaría agradecerle por su aporte y por hacer posible un cambio real y soluciones duraderas para NYCHA. Su papel y su voz son vitales en la construcción de esta confianza, y continuaremos incorporando sus ideas. En las próximas semanas y meses, estaremos en contacto con los residentes y los socios de la comunidad con información sobre cómo, juntos, estableceremos un modelo para la Fundación, colaborando en detalles sobre su junta, proceso de votación de residentes y otros elementos que proveen una plataforma crítica para los residentes.

El desarrollo de la Fundación llevará tiempo, y requerirá el aporte de los residentes y otros socios. Una vez establecida la Fundación, comenzarán las obras de renovación de los primeros 25,000 apartamentos. Una vez más, lo mantendremos informado de las últimas actualizaciones, incluidas las oportunidades para participar, a través de las asambleas públicas y otras comunicaciones.

Estamos entusiasmados de continuar comprometiéndonos con usted mientras avanzamos juntos para mejorar la calidad de vida de los residentes de una manera significativa y equitativa.

Para obtener más información, lea el archivo adjunto de una página y las preguntas frecuentes (FAQ) sobre la Fundación. También se adjunta una copia de la legislación en inglés, que puede traducirse mediante el traductor de Google en <https://www.nysenate.gov/legislation/bills/2021/A7805>. Si tiene alguna pregunta sobre la Fundación, no dude en comunicarse con trust.comments@nycha.nyc.gov.

Atentamente,



Greg Russ
Presidente y Director Ejecutivo



FUNDACIÓN DE PRESERVACIÓN DE LA VIVIENDA PÚBLICA DE LA CIUDAD DE NUEVA YORK

La Fundación de Preservación de la Vivienda Pública será una nueva entidad pública creada por el Estado, como la Autoridad de Construcción de Escuelas. La Fundación mantendrá los alquileres con un tope del 30% de los ingresos, preservará todos los derechos y protecciones de los residentes, arreglará las viviendas de los residentes mediante reparaciones con inversión en infraestructura y mantendrá una mano de obra pública. Las voces de los residentes son una parte fundamental de la Fundación: desde la representación de los residentes en la Junta Directiva con nueve miembros designados públicamente, hasta la colaboración de los residentes durante los proyectos de renovación.

POR QUÉ NYCHA NECESITA LA FUNDACIÓN

NYCHA necesita más de **40.000 millones de dólares** para restaurar y renovar completamente todos sus edificios, pero el gobierno federal sólo ha proporcionado una parte de los fondos necesarios para estas mejoras. Muchas de las condiciones de los edificios de NYCHA son inaceptables e inseguras para los residentes y sus familias; las renovaciones deberían haberse realizado hace tiempo.

La Fundación es una herramienta fundamental porque puede:

- ✓ Acceder a **mucha más financiación** del gobierno federal.
- ✓ Realizar renovaciones **más rápidas y de mayor calidad** gracias a la mejora en las normas de contratación.

CAMBIOS EN LA LEGISLACIÓN APROBADA EN JUNIO DE 2022

- ✓ **Proceso de votación de los residentes**
Los residentes tendrán derecho a elegir si se avanza o no con la Fundación en sus residenciales.
- ✓ **Papel de los residentes en la selección de proveedores**
Los residentes desempeñarán un papel en la selección de proveedores para las obras de renovación.
- ✓ **Comités de control de calidad de residentes**
Los residentes formarán parte de comités que revisarán la calidad de las obras.

CÓMO FUNCIONA LA FUNDACIÓN

La Fundación es 100% pública. NYCHA posee, controla y administra la propiedad, y no hay ningún administrador privado.

- NYCHA sigue siendo la propietaria permanente de los terrenos/edificios y elabora un contrato de arrendamiento de suelo a largo plazo con la Fundación para garantizar los vales de protección de los inquilinos, un subsidio por valor del doble del subsidio federal actual de NYCHA.
- De la misma manera en que otras entidades gubernamentales obtienen ingresos para las mejoras de infraestructura, la Fundación emitirá bonos que financiarán las renovaciones integrales de los edificios (con el aporte y la colaboración de los residentes del residencial).
- La Fundación podrá contratar a mejores proveedores que podrán realizar trabajos de alta calidad y con mayor rapidez.

MANTENER TODOS LOS DERECHOS Y PROTECCIONES DE LOS RESIDENTES

La Fundación mantendrá las viviendas asequibles de forma permanente y preservará todos los derechos y protecciones de los residentes. Estas protecciones están en consonancia con los derechos actuales de la vivienda pública y son más fuertes que en el programa tradicional de la Sección 8:

- Seguir pagando el 30% de los ingresos para el alquiler
- Seguir teniendo todos los derechos de participación de los residentes de la "Parte 964" (incluido el derecho a organizarse)
- Seguir teniendo todos los derechos de sucesión
- Seguir siendo reservados a los residentes de bajos ingresos y continuar llenando los apartamentos vacantes a partir de las listas de espera de NYCHA
- Incorporar todos los derechos, la asequibilidad y las restricciones de uso del terreno, y codificar que las protecciones no puedan ser modificadas ni que los edificios puedan pasar a tener un precio de mercado

FUNDACIÓN DE PRESERVACIÓN DE LA VIVIENDA PÚBLICA DE LA CIUDAD DE NUEVA YORK: PREGUNTAS HECHAS CON FRECUENCIA

Actualizado en junio de 2022

CONCEPTOS BÁSICOS DE LA FUNDACIÓN

1. ¿Qué es la Fundación?

La Fundación de Preservación de la Vivienda Pública de la Ciudad de Nueva York será una nueva entidad pública con una junta de nueve miembros nombrados públicamente (incluyendo cuatro miembros residentes). Será una corporación de beneficio público, que es una entidad 100 por ciento pública. Esto permitirá a NYCHA renovar completamente 25,000 apartamentos iniciales a un ritmo más rápido, manteniendo las propiedades y la fuerza laboral totalmente pública y preservando los derechos de los residentes. Los miles de millones de dólares de inversiones de la Fundación en mejoras integrales de apartamentos, edificios y terrenos, también generarán capacitación y oportunidades de trabajo para los residentes de NYCHA.

La Fundación dará a los residentes una verdadera voz en relación con el futuro de sus hogares. La versión actualizada de la legislación de la Fundación que fue promulgada por el Gobernador en junio de 2022 incorporó los comentarios de los residentes que NYCHA reunió durante varios años. Por ejemplo, la legislación permite a los residentes elegir si seguir adelante o no con la Fundación en sus residenciales y tomar un papel activo en la supervisión de la rehabilitación de sus residenciales.

2. ¿Por qué NYCHA necesita la Fundación?

NYCHA necesita la Fundación por dos razones:

- 1) Proporcionará más financiación. NYCHA puede obtener el doble del subsidio federal cambiando a la financiación de los Vales de Protección de Inquilinos basados en proyectos (TPV, por sus siglas en inglés), pero bajo las reglas federales actuales, este nuevo subsidio solo se puede obtener a través de una disposición a otra entidad. La Fundación sería esta otra entidad, una entidad totalmente pública que trabajaría en asociación con los residentes.
- 2) Proporcionará mejores normas de contratación pública. Al crear la legislación de la Fundación, el Estado abordó y mejoró las reglas de contratación existentes que contribuyen significativamente al aumento de los costos de NYCHA, a plazos de construcción más largos y a la frustración de los residentes.

3. ¿Por qué NYCHA no puede hacer esto por su cuenta?

De acuerdo con las leyes y regulaciones federales, NYCHA no es elegible para obtener subsidios federales de la Sección 8 basados en proyectos (TPVs) por sí mismos. Sólo se puede acceder a este subsidio si NYCHA realiza arrendamientos de los terrenos con otra entidad (es decir, la Fundación).

4. ¿Quién estará en la junta de la Fundación?

la Fundación tendrá una junta de nueve personas designadas públicamente. Estos miembros de la junta directiva incluirán:

- Cinco miembros nombrados por NYCHA o ex-oficio de NYCHA:
 - Director Ejecutivo de NYCHA (presidente de la junta)
 - Director Financiero de NYCHA
 - Dos residentes de NYCHA (ambos nominados por el Concejo Municipal de presidentes [CCOP, por sus siglas en inglés]/Junta Asesora de Residentes [RAB, por sus siglas en inglés])
 - Un miembro en general
- Cuatro miembros designados por el alcalde o ex-oficio de la Alcaldía
 - Alcalde Adjunto de Vivienda
 - Dos residentes de NYCHA (uno de los cuales será nominado por el CCOP)
 - Un representante de los empleados designado por las organizaciones que representan a los empleados de NYCHA/Fundación

5. ¿Quién será el dueño de las propiedades?

NYCHA será el propietario de los terrenos y edificios. La Fundación tendrá un contrato de arrendamiento a largo plazo con NYCHA, el cual será renovado cada 99 años.

6. ¿Quién administrará las propiedades?

Los empleados de NYCHA continuarán administrando las propiedades, al igual que hoy. No hay administrador privado o desarrollador. La Fundación contratará con NYCHA para la administración de las propiedades.

7. ¿Qué hará la Fundación? ¿Qué tan grande será la Fundación?

La Fundación será responsable de organizar el financiamiento y supervisar las renovaciones en asociación con los residentes. La Fundación será una pequeña agencia de empleados públicos, probablemente menos de 50 empleados..

8. ¿Cómo se llenarán los apartamentos vacantes?

Todos los apartamentos vacantes continuarán siendo llenados de las listas de espera de viviendas públicas de NYCHA y de la Sección 8 de personas elegibles para viviendas de bajos ingresos. Los apartamentos nunca saldrán a precio de mercado y siempre servirán a familias de bajos ingresos.

FONDOS Y FINANCIACIÓN

9. ¿Cómo se financiarán las propiedades?

Las propiedades serán financiadas por un tipo de Vales de protección del inquilino de la Sección 8 basada en proyectos (TPV). Este subsidio equivale aproximadamente al doble del subsidio que NYCHA recibe a través de la actual plataforma de subsidios.

10. ¿Cómo podrá la Fundación utilizar estos fondos de TPV para obtener capital para renovaciones iniciales?

La Fundación podrá emitir bonos utilizando el subsidio adicional que proporcionan los TPV. Esto es similar a cómo el gobierno financia otros tipos de proyectos de infraestructura, como bibliotecas, escuelas e infraestructura.

11. Si alguien se muda, ¿la propiedad pierde ese subsidio?

No, los vales están basados en los proyectos y vinculados al apartamento, por lo que la propiedad no pierde fondos. El subsidio es proporcionado por el gobierno federal a través de la renovación automática de contratos de 20 años, por lo que el financiamiento es mucho más estable que el subsidio actual de NYCHA. Los residentes que reciben asistencia de la Sección 8 basada en proyectos durante al menos un año pueden solicitar un vale de traslado de la Sección 8 basado en el inquilino para trasladarse fuera del residencial. Si alguien se muda del residencial, con o sin asistencia continua, no afecta el subsidio vinculado al apartamento.

12. ¿Se está prometiendo como garantía la propiedad subyacente de los terrenos y edificios? ¿Qué sucede si hay un valor predeterminado?

La ley estatal prohíbe comprometer la titularidad de la cuota de las propiedades como garantía. Además, está codificado en la ley estatal que los derechos, protecciones y alquileres de bajos ingresos deben permanecer vigentes en estas propiedades. Bajo ningún escenario los edificios pueden ser vendidos, convertirse a tasa de mercado, o cambiar los derechos y las protecciones de los residentes.

DERECHOS Y PROTECCIONES DE LOS RESIDENTES

13. ¿Perderán los residentes los derechos de vivienda pública como resultado de esto?

No, los residentes mantienen todos los derechos de la vivienda pública. Esto está consagrado en la legislación. Esto incluye toda la Parte 964, los alquileres limitados al 30 por ciento, los mismos derechos de sucesión, la misma capacidad de organización y más.

14. ¿Cuánto duran los derechos y las protecciones?

Los derechos y las protecciones serán perpetuos, lo que está específicamente consagrado en la legislación. Las protecciones, los derechos y el uso de la propiedad para viviendas de bajos ingresos no se pueden cambiar en ninguna circunstancia, incluso si hay un incumplimiento.

15. ¿Se repetirá el proceso de evaluación? ¿Qué pasa si los inquilinos existentes no califican para la Sección 8?

No habrá una nueva evaluación y los residentes existentes serán exentos.

16. ¿Los residentes no autorizados tendrán la oportunidad de obtener el contrato de arrendamiento?

Sí, hay una disposición específica que permitiría que esto ocurriera.

17. ¿Pueden los residentes administrar las propiedades por sí mismos?

Sí. La Fundación tendrá la obligación afirmativa de negociar con cualquier Corporación de Administración Residente (RMC, por sus siglas en inglés) que formen los residentes. Esto significa que los residentes tienen un derecho real a administrar sus propias propiedades, si así lo deciden.

LEGISLACIÓN Y ELECCIÓN DEL RESIDENTE ACTUALIZADA

18. ¿Cómo se actualizó la legislación de la Fundación antes de su aprobación por el Estado en junio de 2022?

La legislación que fue aprobada por el Estado y promulgada por el Gobernador en junio de 2022 incluye más de una docena de cambios recomendados por los líderes residentes, incluidos tres cambios principales:

- Voto de los residentes: Los residentes tendrán derecho a votar sobre el camino de modernización que se persigue en su residencial, incluido el derecho a mantener el estado actual. Esta es la primera vez que algo así se pondrá en marcha a nivel nacional.
- Función del residente en selección de proveedor: Los residentes desempeñarán un papel en la determinación de qué proveedores son elegidos para completar el trabajo de renovación en sus residenciales.
- Comités de preguntas y respuestas para residentes: Los residentes servirán en comités que realizarán controles de garantía de calidad del trabajo completado por los proveedores.

19. ¿Pueden los residentes optar por rechazar todas las opciones y mantener el estado actual?

Sí.

20. ¿Qué sucede si un residencial decide rechazar todas las opciones? ¿Se recortarán los servicios?

NYCHA continuará administrando la propiedad y haciendo reparaciones como antes, utilizando sus recursos limitados.

21. ¿Quién puede votar?

Todos los inquilinos registrados en un residencial, no solo los líderes residentes o las asociaciones de residentes, podrían votar.

22. ¿Se requerirá una participación mínima?

La legislación requiere que se especifique un porcentaje mínimo en los requisitos del proceso de votación, que debe proponerse y estar sujeto a comentarios y reuniones públicos según la ley.

RENOVACIONES Y REUBICACIÓN TEMPORAL

23. ¿Cuánto trabajo se hará?

Las renovaciones serán una modernización integral de los residenciales. Esto significa abordar todos los problemas básicos de salud y seguridad ambiental, como plomo, moho, calefacción, ascensores, plagas/desechos, así como otros sistemas de trabajo, rehabilitación de apartamentos y mejoras en los terrenos, según el presupuesto disponible para la propiedad específica.

24. ¿Los residentes tendrán que mudarse temporalmente? ¿A dónde irán?

Esto dependerá de la propiedad, pero es probable. Si los residentes deben mudarse temporalmente, habrá unidades de “hospitalidad” que se utilizarán en la propiedad o las propiedades en los alrededores.

25. ¿Cuánto tiempo tendrán que estar los residentes fuera de su apartamento?

Esto dependerá de la propiedad, pero es probable que, de tres a seis meses, dependiendo del tipo de trabajo que se esté realizando.

26. ¿Los residentes tendrán derecho a regresar? ¿NYCHA pagará todos los gastos de mudanza?

Sí y sí. Los residentes tendrán derecho a regresar a su propiedad y NYCHA pagará todos los gastos de mudanza.

27. ¿Cuánto tiempo tomará la construcción en cada residencial?

Esto dependerá de la propiedad, pero en general es probable que sea de tres a cinco años.

CONTRATACIÓN

28. ¿Cuáles son los cambios en las contrataciones?

La Fundación puede completar proyectos de capital utilizando la selección de “mejor valor”, que a menudo permite un trabajo más rápido y de mayor calidad a un costo menor en comparación con la selección de “oferta baja”:

- La Fundación puede utilizar varios tipos de métodos de adquisición “Construcción-Diseño” y “Gerente de Construcción en Riesgo” en lugar de “Diseño-Licitación-Construcción”.

- Estos métodos se utilizan ampliamente en todo el país y permiten que las actividades de diseño y construcción se realicen más en paralelo, utilizando la selección de “mejor valor” y, a menudo, también “precios máximos garantizados”.
- El uso de estos métodos puede ahorrar de 1 a 1.5 años y del 5 al 10 por ciento de los costos en un proyecto grande y mejorar la calidad del trabajo.

DIFERENCIA ENTRE LA FUNDACIÓN Y PACT/RAD

29. ¿En qué se diferencia la Fundación del PACT?

Bajo el modelo de la Fundación las propiedades siguen siendo 100 por ciento públicas. NYCHA posee, controla y administra la propiedad. Las operaciones y mantenimiento diarios serán realizados por los empleados públicos de NYCHA. No hay administrador privado ni ventas de terrenos/edificios.

Con PACT, NYCHA continúa siendo el propietario permanente de los edificios y los terrenos, y los residentes conservan sus derechos, pero un tercero realiza el trabajo de infraestructura y administra las propiedades. Esto significa que NYCHA ya no realiza el trabajo de infraestructura ni administra la propiedad día a día.

Фонд сохранения государственного жилья г. Нью-Йорка

Уважаемые жильцы!

Подписание губернатором Hochul в июне Закона о городском Фонде по сохранению государственного жилья стало большим шагом вперед для жильцов Жилищного управления г. Нью-Йорка (NYCHA) и знаменательным днем в истории государственного жилья — здесь, в Нью-Йорке, и по всей стране. Фонд позволит нам завершить капитальный ремонт зданий на миллиарды долларов, сохраняя при этом права жильцов, стопроцентное государственное владение недвижимой собственностью и рабочие места сотрудников NYCHA.

Фонд дает жильцам право голоса в отношении будущего своего жилья. Последние два года мы общались с жильцами и прислушивались к их мыслям, отзывам и рекомендациям насчет идеи создания Фонда. Из этих разговоров стало ясно, что жильцы должны иметь больше контроля, права собственности и принятия решений в отношении будущего своих жилкомплексов.

Обновленная версия законодательства о Фонде, которая была подписана в порядке оформления в качестве закона, позволяет жильцам выбирать, будут ли их жилкомплексы участвовать в Фонде. Новое законодательство также позволяет жильцам участвовать в процессе выбора подрядчиков для восстановления своих жилкомплексов и входить в состав комитетов, проверяющих качество этой работы.

Мы хотели бы поблагодарить вас за ваш вклад и за то, что вы сделали возможными реальные изменения и долговременные решения для NYCHA. Ваша роль и голос имеют жизненно важное значение в создании этого Фонда, и мы будем продолжать учитывать ваши идеи. В ближайшие недели и месяцы мы свяжемся с жильцами и партнерами по сообществу и предоставим им информацию о том, как мы вместе будем создавать модель для Фонда, сотрудничая по вопросам выработки деталей, касающихся его правления, процесса голосования жильцов и других элементов, которые обеспечивают важную платформу для жильцов.

Создание Фонда займет время и потребует вклада со стороны жильцов и других партнеров. После создания Фонда начнутся работы по ремонту первых 25,000 квартир. Опять же, мы будем информировать вас о последних обновлениях, в том числе о возможностях участия, посредством общественных собраний и других средств информирования.

Мы рады продолжить сотрудничество с вами, поскольку поскольку мы вместе продвигаемся вперед, чтобы улучшить качество жизни жильцов значимым и справедливым образом.

Чтобы узнать больше, прочтите приложенные статью и ответы на часто задаваемые вопросы (FAQ) о Фонде. Копия закона на английском языке также прилагается; его можно перевести с помощью Google Translate по адресу <https://www.nysenate.gov/legislation/bills/2021/A7805>. Если у вас есть какие-либо вопросы о Фонде, обращайтесь по адресу trust.comments@nycha.nyc.gov.

С уважением,



Greg Russ
Председатель и исполнительный директор

Фонд сохранения государственного жилья г. Нью-Йорка



ФОНД СОХРАНЕНИЯ ГОСУДАРСТВЕННОГО ЖИЛЬЯ Г. НЬЮ-ЙОРКА

Городской Фонд по сохранению государственного жилья станет новым публичным юридическим лицом, созданным штатом, наподобие Управления школьного строительства. Фонд будет удерживать арендную плату на уровне 30% от дохода, сохранит все права и меры защиты жильцов, будет производить капитальные ремонты их домов и сохранит общественную рабочую силу. Голоса жильцов являются важной частью Фонда — от их представительства в публично назначаемом совете директоров, состоящем из девяти членов, до партнерства с жильцами во время осуществления проектов реконструкции.

ЗАЧЕМ НУЖНА НУЖЕН ФОНД

Жилищному управлению г. Нью-Йорка (NYCHA) требуется более **\$40 миллиардов**, чтобы полностью восстановить и обновить все свои здания, но федеральное правительство предоставило только часть необходимого финансирования. Многие условия в зданиях NYCHA неприемлемы и небезопасны для жильцов и их семей, - все сроки проведения ремонтов давно прошли.

Фонд - это важный инструмент, потому что он может:

- ✓ Получить доступ к **гораздо большему финансированию** от федерального правительства.
- ✓ Способствовать выполнению **более быстрого и качественного ремонта** в связи с улучшенными правилами закупок.

КАК РАБОТАЕТ ФОНД

Фонд является 100% публичным. NYCHA владеет, контролирует и управляет недвижимостью, и никакого частного управляющего нет.

- NYCHA остается постоянным владельцем земли/зданий и заключает долгосрочный договор аренды земли с Фондом для получения Ваучеров защиты жильцов (Tenant Protection Vouchers), субсидии в два раза превышающей нынешнюю федеральную субсидию NYCHA.
- Подобно тому, как другие государственные структуры собирают доходы для капитального ремонта, Фонд выпустит облигации, финансирующие комплексную реконструкцию зданий (при участии и партнерстве жильцов жилкомплексов).
- Фонд может нанять лучших поставщиков, которые могут выполнить работу более качественно и быстрее.

СОХРАНЕНИЕ ВСЕХ ПРАВ И МЕР ЗАЩИТЫ ЖИЛЬЦОВ NYCHA

Фонд будет поддерживать постоянную финансовую доступность жилья и сохранит все права и меры защиты жильцов. Эти меры защиты соответствуют нынешним правам относительно государственного жилья и более сильны, чем в традиционной 8 Программе:

- Продолжать платить за аренду 30% от дохода
- Продолжать иметь полные права на участие жильцов в соответствии с «Частью 964» (включая право на организацию)
- Продолжать иметь право преемственности
- Жилье по-прежнему будет доступно только для жильцов с низким доходом, а вакантные квартиры будут по-прежнему заселяться из списков ожидания NYCHA
- Внедрять все права, финансовую доступность и ограничения на использование земли и кодифицировать, что меры защиты не могут быть изменены, а здания не могут стать зданиями с квартирами по рыночной стоимости

ИЗМЕНЕНИЯ В ЗАКОНОДАТЕЛЬСТВЕ, ПРИНЯТЫЕ В ИЮНЕ 2022 ГОДА

- ✓ **Процесс голосования жильцов касательно присоединения**
Жильцы будут иметь право выбрать, будут ли их жилкомплексы участвовать в Фонде.
- ✓ **Роль жильцов в выборе подрядчика**
Жильцы будут участвовать в выборе подрядчиков для проведения ремонтных работ.
- ✓ **Комитеты жильцов по обеспечению качества**
Жильцы будут работать в комитетах, которые проверяют качество работы.

ФОНД СОХРАНЕНИЯ ГОСУДАРСТВЕННОГО ЖИЛЬЯ г. НЬЮ-ЙОРКА: ЧАСТО ЗАДАВАЕМЫЕ ВОПРОСЫ

Обновлено в июне 2022 г.

ОСНОВНЫЕ ПОЛОЖЕНИЯ О ФОНДЕ

1. Что такое Фонд?

Фонд сохранения государственного жилья г. Нью-Йорка станет новым публичным юридическим лицом, имеющим назначенное общественностью правление, состоящее из девяти членов (включая четыре члена из числа жильцов). Он будет благотворительной корпорацией, являющейся на 100 процентов публичным юридическим лицом. Это позволит Жилищному управлению г. Нью-Йорка (NYCHA) полностью отремонтировать первоначальные 25,000 квартир более быстрыми темпами, оставив жилкомpleксы и своих сотрудников полностью общественными и сохраняя права жильцов. Миллиарды долларов инвестиций Фонда в комплексные улучшения квартир, зданий и территорий также создадут возможности для обучения и трудоустройства жильцов NYCHA.

Фонд даст жильцам право голоса в отношении будущего своего жилья. Обновленная версия законодательства о Фонде, подписанная губернатором в июне 2022 года, включает в себя отзывы жильцов, которые NYCHA собирало в течение нескольких лет. Например, законодательство позволяет жильцам выбирать, будут ли их жилкомpleксы участвовать в Фонде, а также принимать активное участие в надзоре за восстановлением своих жилкомpleксов.

2. Зачем NYCHA нужен Фонд?

Фонд необходим для NYCHA по двум причинам:

- 1) Он предоставит больше финансирования. NYCHA сможет получить двойную федеральную субсидию, перейдя на финансирование Ваучеров защиты жильцов (Tenant Protection Voucher, TPV) на основе жилищных комплексов, но, в соответствии с действующими федеральными правилами, эту новую субсидию можно получить только путем отчуждения другому юридическому лицу. Фонд будет этим другим юридическим лицом — полностью публичным юридическим лицом, которое будет работать в партнерстве с жильцами.
- 2) Он позволит улучшить правила закупок. При разработке законодательства о Фонде штат рассмотрел и улучшил существующие правила закупок, которые в значительной степени способствуют увеличению затрат NYCHA, растягиванию сроков строительства и росту недовольства жильцов.

3. Почему NYCHA не может сделать это самостоятельно?

Согласно федеральным законам и постановлениям, NYCHA не имеет права самостоятельно получать федеральную субсидию по 8 Программе (TPV) на основе жилищных комплексов. Доступ к этой субсидии возможен только в том случае, если NYCHA заключает договоры об аренде земли с другим юридическим лицом (т. е. Фондом).

4. Кто войдет в правление Фонда?

У Фонда будет публично назначаемое правление, состоящее из девяти членов. В состав членов правления войдут:

- Пять членов, назначаемые NYCHA, или по должности состоящие в NYCHA:
 - Исполнительный директор NYCHA (председатель правления)
 - Финансовый директор NYCHA
 - Два жильца NYCHA (оба номинированные Общегородским советом президентов (Citywide Council of Presidents, CCOP)/Консультативным советом жильцов (Resident Advisory Board, RAB)
 - Один член правления, представляющий миноритарные группы
- Четыре члена, назначаемые мэром, или по должности из Офиса мэра
 - Заместитель мэра по жилищным вопросам
 - Два жильца NYCHA (один из которых будет номинирован CCOP)
 - Один представитель сотрудников, назначаемый организациями, представляющими сотрудников NYCHA/Фонда

5. Кому будут принадлежать жилкомплексы?

NYCHA будет владельцем земли и зданий. У Фонда и NYCHA будет долгосрочный договор об аренде земли, продлевающийся каждые 99 лет.

6. Кто будет управлять жилкомплексами?

Сотрудники NYCHA продолжают управлять жилкомплексами, как и сегодня. Не существует никакого частного управляющего или застройщика. Фонд заключит договор с NYCHA на управление жилкомплексами.

7. Чем будет заниматься Фонд? Насколько большим будет Фонд?

Фонд будет отвечать за организацию финансирования и надзор за ремонтом в сотрудничестве с жильцами. Фонд будет небольшим агентством, состоящим из государственных служащих, вероятно насчитывающим менее 50 сотрудников.

8. Как будут заполняться свободные квартиры?

Все свободные квартиры будут по-прежнему заполняться из списков NYCHA для людей, ожидающих государственного жилья и 8 Программы, имеющих право на жилье для малоимущих. Квартиры никогда не перейдут на рыночные цены и всегда будут предназначены для семей с низкими доходами.

ВЫДЕЛЕНИЕ СРЕДСТВ И ФИНАНСИРОВАНИЕ

9. Как будут выделяться средства для жилкомплексов?

Выделение фондов для жилкомплексов будет производиться за счет одного из типов 8 Программы на основе жилищных комплексов - Ваучеров защиты жильцов. Эта субсидия примерно вдвое превышает сумму субсидии, которую NYCHA получает посредством существующей в настоящее время платформы субсидий.

10. Как Фонд сможет использовать это финансирование TPV, чтобы получить капитал для первоначальных ремонтных работ?

Фонд сможет выпускать облигации, используя дополнительную субсидию, которую предоставляют TPV. Это похоже на то, как правительство выделяет средства на другие типы капитальных проектов, такие как библиотеки, школы и инфраструктура.

11. Если кто-то съезжает, теряет ли жилкомплекс эту субсидию?

Нет, ваучеры основаны на жилкомплексах и закреплены за квартирой, поэтому данный жилкомплекс не теряет финансирование. Субсидия предоставляется федеральным правительством путем автоматического продления 20-летних контрактов, поэтому финансирование гораздо более стабильно, чем имеющаяся в настоящее время субсидия NYCHA. Жильцы, которые получают помощь по 8 Программе в течение как минимум одного года, могут запросить ваучер 8 Программы на основе квартиросъемщиков для перевода из комплекса. Если кто-то выезжает из жилкомплекса, с продолжением получения помощи или без нее, это не влияет на субсидию, закрепленную за квартирой.

12. Является ли приоритетное абсолютное право собственности на землю и здания предоставленным в качестве залога? Что будет, если произойдет дефолт (невыполнение обязательств)?

Законодательство штата запрещает предоставлять абсолютное право собственности на имущество в качестве залога. Кроме того, в законодательстве штата закреплено, что права, защита и арендная плата малоимущих должны оставаться в силе в отношении этих жилкомплексов. Ни при каких обстоятельствах здания не могут быть проданы, перейти на рыночные цены или изменить права или меры защиты жильцов.

ПРАВА И МЕРЫ ЗАЩИТЫ ЖИЛЬЦОВ

13. Не потеряют ли жильцы в результате этого права относительно государственного жилья?

Нет, жильцы сохраняют за собой все права относительно государственного жилья. Это закреплено в законодательстве. Это включает в себя все в соответствии с «Частью 964», арендную плату, ограниченную 30 процентами, те же права преемственности, ту же способность организовываться и многое другое.

14. Как долго действуют права и меры защиты?

Права и меры защиты будут бессрочными, что специально закреплено в законодательстве. Меры защиты, права и использование недвижимости в качестве жилья для малоимущих не могут быть изменены ни при каких обстоятельствах, даже в случае дефолта.

15. Будет ли проводиться повторное рассмотрение правомочности? Что делать, если сегодняшние арендаторы не соответствуют требованиям 8 Программы?

Повторного рассмотрения правомочности не будет, и сегодняшние жильцы будут приняты «по наследству».

16. Будет ли у не имеющих официального разрешения на проживание жильцов возможность попасть в договор об аренде жилья?

Да, есть специальное положение, которое позволит это сделать.

17. Могут ли жильцы сами управлять своими жилкомплексами?

Да. Фонд будет иметь прямое обязательство вести переговоры с любой Управленческой корпорацией жильцов (Resident Management Corporation, RMC), которую сформируют жильцы. Это означает, что жильцы, при желании, имеют реальное право управлять своими жилкомплексами.

ОБНОВЛЕННОЕ ЗАКОНОДАТЕЛЬСТВО И ВЫБОР ЖИЛЬЦОВ

18. Как обновлялось законодательство о Фонде до его принятия штатом в июне 2022 года?

Законодательство, принятое штатом и подписанное губернатором в июне 2022 года, включает более дюжины рекомендованных лидерами жильцов изменений, в том числе три основных:

- Голосование жильцов: Жильцы будут иметь право голосовать по вопросу выбора пути для модернизации своего жилкомплекса, в том числе о праве сохранить статус кво. Подобное в масштабе всей страны будет введено впервые.
- Роль жильцов в выборе поставщиков: Жильцы будут играть роль в определении того, какие поставщики будут выбраны для завершения ремонтных работ в их жилкомплексах.
- Комитеты жильцов по обеспечению качества: Жильцы войдут в состав комитетов, которые проверяют качество работ, выполненных поставщиками.

19. Могут ли жильцы отказаться от всех вариантов и сохранить статус кво?

Да.

20. Что будет, если какой-то жилкомплекс решит отказаться от всех опций?

Будут ли отключены услуги?

NYCHA продолжит управлять жилкомплексом и производить ремонт, как и прежде, используя свои ограниченные ресурсы.

21. Кто может голосовать?

Все ответственные квартиросъемщики в жилкомплексе, а не только лидеры жильцов или ассоциации жильцов, смогут голосовать.

22. Будет ли требование о минимальной явке?

Законодательство требует, чтобы минимальный процент был указан в требованиях к процессу голосования, которые должны быть предложены и подлежат общественному обсуждению и проведению собрания общественности в соответствии с законом.

РЕМОНТ И ВРЕМЕННЫЙ ПЕРЕЕЗД

23. Сколько работ будет проведено?

Ремонтные работы будут комплексной модернизацией жилкомплексов. Это означает решение всех основных вопросов, касающихся экологического здоровья и безопасности окружающей среды, таких как свинец, плесень, отопление, лифты, вредители/отходы, а также работы над другими системами, ремонт квартир и благоустройство территорий, исходя из бюджета, доступного для конкретного объекта.

24. Придется ли жильцам временно переехать? Куда они поедут?

Это будет зависеть от конкретного жилкомплекса, но это вероятно. Если жильцы должны временно переехать, на территории или в окрестностях будут использоваться «гостиничные» номера.

25. Как долго жильцам придется находиться вне своих квартир?

Это будет зависеть от жилкомплекса, но, скорее всего, от трех до шести месяцев, в зависимости от типа выполняемой работы.

26. Будет ли у жильцов право вернуться? Оплатит ли NYCHA все расходы по переезду?

Да и да. Жильцы будут иметь право вернуться в свой жилкомплекс, а NYCHA оплатит все расходы на переезд.

27. Сколько времени строительство займет в каждом жилкомплексе?

Это будет зависеть от жилкомплекса, но в целом, скорее всего, от трех до пяти лет.

ЗАКУПКИ

28. Какие изменения произойдут в системе закупок?

Фонд может выполнить капитальные проекты, используя выбор «наилучшей ценности», который часто позволяет осуществлять работы более быстро и качественно с меньшими затратами по сравнению с выбором «самой низкой цены»:

- Фонд может использовать различные типы методов закупок по схеме «Дизайн-строительство» и «Управляющий строительством под угрозой» вместо «Дизайн-тендер-строительство».
- Эти методы широко используются по всей стране и позволяют выполнять работы по проектированию и строительству более параллельно, используя выбор «наилучшей ценности», а часто также «гарантированные максимальные цены».
- Использование этих методов может сэкономить от 1 до 1.5 лет и от 5 до 10 процентов затрат на крупный проект, а также улучшить качество работ.

РАЗНИЦА МЕЖДУ ФОНДОМ И ПРОГРАММОЙ РАСТ/RAD

29. Чем Фонд отличается от программы РАСТ?

При использовании модели Фонда жилкомплексы останутся на 100 процентов государственными. NYCHA владеет, контролирует и управляет жилкомплексом. Повседневные операции будут выполняться государственными служащими NYCHA. Нет никакого частного управляющего или продажи земли/зданий.

С программой РАСТ NYCHA остается постоянным владельцем зданий и земли, а жильцы сохраняют свои права, но третья сторона выполняет капитальные работы и управляет жилкомплексом. Это означает, что NYCHA больше не выполняет капитальные работы и не управляет повседневными операциями.

紐約市公共房屋維護信託

親愛的居民:

紐約州州長胡楚 (Hochul) 於今年 6 月簽署的公共房屋維護信託基金法案正式生效，這對紐約市房屋局 (NYCHA) 居民來說取得重大進步，也是紐約市和全美國公共房屋歷史上具有重要意義的一天。信託將允許我們完成價值數十億美元的住宅樓全面翻修工程，與此同時，保障居民們的權利，保持我們的物業百分百公共性質，並保留 NYCHA 職員的就業。

信託讓居民們對其居所的未來發展擁有真正的話語權。在過去的兩年裡，我們一直積極與居民們溝通並聽取您們對信託理念的想法，意見和建議。通過這些溝通交流，我們很清楚，居民們必須對其住宅區擁有更多控制權，所有權和決策權。

根據最近簽署的信託修訂法案規定，居民們可選擇是否在其住宅區成立信託。新法案還讓居民們參與甄選翻修其住宅區的承建商的程序，並擔任負責審查承建商工作質量的委員會成員。

我們謹此感謝您的意見，幫助 NYCHA 進行真正的改革並尋求持久的解決方案。您的角色和聲音在建立信託的過程中舉足輕重，而且我們將繼續採納您的意見和建議。在接下來的數週和數月裡，我們將與居民和社區夥伴緊密合作，提供有關我們將如何共同建立信託模式，就組建委員會，居民選舉流程和其它為居民提供重要平台的要素制定細節的相關資訊。

成立信託需要時間，並需要居民和其它合作夥伴的投入和參與。首批 2.5 萬個住房單位的翻修工程將於信託成立後進行。再次提醒，我們將通過諮詢會議和其它資訊交流方式，向您提供最新消息，包括參與機會。

我們期待與您保持聯繫，以切實且平等的方式合作，共同努力提高居民們的生活品質。

如要了解更多資訊，請閱讀關於信託的資訊簡報和常見問題(FAQ)。隨函附上此法案的英文版本；其它語言版本可通過「谷歌翻譯」功能提供，網址：

<https://www.nysenate.gov/legislation/bills/2021/A7805>。如果您對信託有任何疑問，請發送電郵至：trust.comments@nycha.nyc.gov。

此致，



格雷戈里•羅斯 (Greg Russ)
主席兼行政總監



紐約市公共房屋維護信託

紐約市公共房屋維護信託將是一個由紐約州建立的新公共實體，正如學校建設管理局。此信託將房屋租金維持在收入的百分之 30，保留所有居民的權利和保障，通過基建維修工程翻修居民們的住房單位，並保留公共職員。居民們的建議和意見屬於信託的重要組成部份 - 從公開任命的九名成員的委員會中的居民代表到翻修工程進行期間的與居民建立合作夥伴關係。

為何 NYCHA 需要建立信託？

紐約市房屋局 (NYCHA) 需要超過 **400 億美元** 的資金對其轄下所有住宅樓進行全面翻新和裝修工程，但是聯邦政府只提供了這些改善工程所需資金的一小部份。NYCHA 住宅樓出現的許多狀況讓居民與其家庭難以接受並感到不安全 - 翻修工程拖延已久。

信託是至關重要的手段，因為它能夠：

- ✓ 從聯邦政府爭取**更多資金**
- ✓ 通過完善採購條例，**提高翻修工程的效率和質量**。

2022 年 6 月立法通過的改變

- ✓ **居民參與投票程序**
居民們將有權決定其所居住區是否成立信託。
- ✓ **居民在甄選承建商的過程中擔當的角色**
居民們將在甄選翻修其住宅區的承建商的過程中擔當重要角色。
- ✓ **居民質量保證委員會**
居民們將擔任委員會成員，負責審查工程質量。

信託公司如何運作？

信託公司屬於百分百公共性質。NYCHA 擁有，控制和管理物業，且沒有私營管理公司。

- NYCHA 仍然是土地/樓宇的永久業主並與信託公司簽訂長期租賃合同，其所獲取的居民租賃保障券價值相當於 NYCHA 目前所得聯邦補助的兩倍。
- 類似其它政府機構籌集基建改造工程所需資金的方式，此信託將發行債券，籌集住宅樓的全面翻修工程所需的資金 (需要住宅區居民的意見和合作)。
- 信託公司可聘請更好的承建商以更快完成高品質的工作。

保留居民所有權利和保障

信託公司將維持住房單位永久可負擔性並保留所有居民的權利和保障。這些保障與當前公共房屋所提供的權利相致，相比傳統第 8 章計劃更強大：

- 租金繼續維持家庭收入的百分之 30
- 繼續完全保留 “第 964 條” 居民參與權利(包括組建居民協會的權利)
- 繼續擁有租賃繼承權
- 繼續執行向低收入居民提供住房的限制規定，繼續根據 NYCHA 房屋輪候冊的排名順序分配空置住房單位
- 所有權利，可負擔性，和使用限制將納入土地契約中，並根據法律規定，所提供的保護措施不會改變，並禁止將住宅樓按市場價格出租

紐約市公共房屋維護信託: 常見問題 (FAQS)

2022年6月更新

信託基本資訊

1. 什麼是信託?

紐約市公共房屋維護信託將是一個由公眾任命的九名委員會成員 (包括四名居民成員) 組成的新的公共實體。這將是一個公共利益公司, 即百分百的公共實體。信託的成立能讓紐約市房屋局 (NYCHA) 以更快的速度完成首批2.5萬個住房單位的翻修工程, 同時完全保障物業的公共性質, 公職人員的就業機會及居民權利。信託將投入數十億的資金資助住房單位, 住宅樓和園區的大型改善工程, 並為NYCHA居民創造培訓和就業機會。

信託將讓居民們對其住宅區的未來發展擁有真正的话语權。紐約州州長胡楚(Hochul)於2022年6月簽署的公共房屋維護信託基金修正法案, 採納了NYCHA在過去多年收集的居民意見。例如, 法案讓居民們選擇是否在其所居住住宅區成立信託, 並積極參與住宅區翻修工程的監督工作。

2. 為什麼NYCHA需要信託?

NYCHA需要信託的兩個主要原因如下:

- 1) 信託將提供更多的資金。NYCHA可以通過轉換至住宅區專屬的租客保障券 (TPV) 資助獲得雙倍的聯邦補助, 但根據現行聯邦條例規定, 必須通過涉及其它實體的物業處置才能獲得新的補助。而信託正是這個其它實體 - 一個與居民建立合作關係的完全屬於公共性質的實體。
- 2) 信託將提供更完善的採購規則。現行的採購規則是導致成本增加, 工程延誤和居民不滿的最大因素, 而在制定信託法案的過程中, 州政府已經解決存在問題並將其優化。

3. 為什麼NYCHA不可獨立完成?

根據聯邦法律和條例規定, NYCHA本身沒有資格獲取聯邦住宅區專屬的租客保障券 (TPV), 且只有通過與第三方(如信託) 簽署土地租約才可獲取此項補助。

4. 信託委員會有哪些成員?

信託委員會將由公眾任命的九名成員組成。委員會成員將包括:

- 五名由NYCHA任命或依據NYCHA職權自動當選的成員:
 - NYCHA行政總監 (委員會主席)
 - NYCHA財政總監
 - 兩名NYCHA居民 (均由全市公房領袖委員會 (CCOP)/居民諮詢委員會 (RAB)提名)
 - 一名公眾人士
- 四名由市長任命或依照市長辦公室職權自動當選的成員:

紐約市公共房屋維護信託

- 主管住房事務的副市長
- 兩名NYCHA居民 (其中一名將由CCOP提名)
- 一名由代表NYCHA/信託職員的組織提名的職員代表

5. 誰將擁有物業？

NYCHA將會是土地和樓宇的擁有人。信託將與NYCHA簽訂一份每隔99年續期一次的長期土地租約。

6. 誰將管理物業？

NYCHA職員將一如既往，繼續管理物業，當中並不涉及私營管理公司或發展商。信託將與NYCHA簽訂物業管理合約。

7. 信託的責任是什麼？信託的規模有多大？

信託將負責資金調配合並與居民合作監督翻修工程。信託將會是一個由或不足50名公職人員組成的小型機構。

8. 如何編配空置住房單位？

所有空置住房單位將繼續向NYCHA公共房屋和第8章租金補助輪候冊上符合資格的低收入家庭提供。住房單位將永遠不會以市場價格出租並將一直為低收入家庭服務。

籌資和融資

9. 物業如何獲得資金？

物業將由住宅區專屬第8章房屋租金補助 - 租客保障券 (TPV) 資助。此筆補助的價值大約相當於NYCHA通過的現行補助計劃所獲得的補助的兩倍。

10. 信託將如何利用此筆TPV補助金獲得前期基建翻修工程所需的資金？

信託將可利用TPV提供的額外補助作擔保發行債券，與政府為其它類型的基建工程提供資金的方法相似，例如圖書館，學校和大型基建設施。

11. 如果住戶遷出，物業會因此失去補助嗎？

不會的。補助券是住宅區專屬並與住房單位掛鉤的，因此物業不會失去資金。補助金由聯邦政府通過自動續期的20年契約提供，因此比NYCHA目前領取的補助更為穩定。領取住宅區專屬第8章房屋租金補助滿一年的居民可以申請租客專屬第8章房屋租金補助調遷券遷離住宅區。如果住戶搬離住宅區，無論其是否繼續領取補助，都不會影響與該住房單位掛鉤的補助。

12. 土地和樓宇的基本所有權是否用作抵押品？如果出現違約情況，會怎樣？

紐約州法律禁止將物業的永久產權作為抵押品。州法律還規定，這些物業必須保留低收入權利、保護和租金。在任何情況下，住宅樓宇都不能被出售，不能成為市場價格，也不能改變居民的權利或保護。

紐約市公共房屋維護信託

居民權利和保護

13. 居民將會因此失去公共房屋權利嗎？

不會的。居民將保留所有公共房屋的權利。這是立法中規定的。這包括了第964條中的全部規定，租金的百分之30上限，相同的繼承權，相同的組建能力及其它規定。

14. 所得權利和保護能持續多久？

所得權利和保護將是永久性的，並在立法中明確規定。即使出現違約情況，低收入房屋的保護，權利，物業使用在任何情況下都不會改變。

15. 現有居民需要接受重新審查嗎？ 如果不符合資格領取第8章房屋租金補助，怎麼辦？

現有居民無需接受重新審查並將自動符合資格。

16. 非在冊居民將有機會加入租約嗎？

是的。有一項特定條款允許這種情況發生。

17. 居民可以自己管理物業嗎？

是的。信託有明確的義務與居民組建的居民管理公司 (RMC) 進行協商。換言之，只要居民願意，居民就有真正管理其物業的權利。

已修訂的立法和居民選擇

18. 信託法案在州政府於2022年6月通過之前作出了哪些修訂？

法案於2002年6月由州政府通過並由州長簽署成為法律，其中採納了居民領袖提出的十幾項修改建議，其中包括三個主要修改：

- 居民投票: 居民將有權對其住宅區所期望的翻新工程進行投票，包括維持原狀的權利。這是全國範圍內實施此項規定的首例。
- 居民在選擇合作商時擔當的角色: 居民將在選擇完成其住宅區的翻修工程的合作商的方面發揮重要作用。
- 居民質量保證委員會: 居民將擔任委員會成員，負責對合作商所完成的工作進行質量保證檢查。

19. 居民可以選擇拒絕所有選項並保持原狀嗎？

可以。

20. 如果住宅區選擇拒絕所有選項，怎麼辦？ 所提供的服務將被削減嗎？

NYCHA將一如既往，在資源有限的情況下，繼續管理物業並進行維修工作。

21. 誰可以投票？

住宅區的所有在冊居民都可以參與投票，並不只限於居民領袖或居民協會成員。

22. 是否設有最低投票率？

立法要求在投票程序規定中制定一個最低百分比，必須按照法律規定提議並接受公眾意見和召開公開會議。

翻修和臨時搬遷

23. 工程規模有多大？

翻修工程將全面翻新住宅區。也就是說，根據特定住宅區所得的預算，解決所有存在的基本環境健康和 safety 問題，例如鉛，霉菌，供暖，電梯，蟲害/廢品，以及其它系統工程，住房單位裝修，園區改善。

24. 居民是否必須臨時搬遷？搬去哪裡？

這取決於每個物業的具體情況，但有可能。如果居民必須臨時搬遷，將搬遷至物業附近地區的“接待”房屋。

25. 居民需要搬離住房單位多長時間？

這將取決於每個物業的具體情況及住宅區所進行的工程類型，有可能需要三至六個月。

26. 居民將有權返遷嗎？NYCHA將負責我的搬遷費用嗎？

是的。是的。居民將有權返遷原居物業並由NYCHA負責支付所有搬遷費用。

27. 每個住宅區的工程需要多長時間？

這將取決於每個物業的具體情況，但總體上有可能需時三至五年。

採購

28. 採購流程有哪些變化？

信託可採用“最優價值”標準完成基建工程，與“最低競價”標準相比，通常能降低成本，縮短工期且提高工作質量：

- 信託可以使用各種類型的設計-施工 (D/B)總承包模式和風險施工管理 (CMAR)的採購方法，而不是傳統的設計-投標-建造 (DBB)的方法。
- 這些方法在全國範圍內被廣泛利用，通過“最優價值”標準，允許設計和施工工作平同步進行，通常還“保證造價上限”。
- 使用這些策略方法可將大型工程的工期縮減1至1.5年，降低百分之5至10的成本並提高工作質量。

信託與PACT/RAD的區別

29. 信託如何有別於PACT?

通過信託模式，物業保留百分百的公共性質。NYCHA擁有，控制並管理物業。NYCHA的公職人員將負責日常營運和維修工作，當中並不涉及私營管理公司或出售土地/住宅樓。

通過「永久合理租金之共同承諾」(PACT) 計劃，NYCHA繼續永久擁有住宅樓和土地，居民亦保留其權利，但基建工程和物業管理工作則由第三方機構負責。也就是說，NYCHA將不再負責基建工程和物業的日常管理工作。

纽约市公共房屋维护信托

亲爱的居民:

纽约州州长胡楚(Hochul)于今年 6 月签署的公共房屋维护信托基金法案正式生效,这对纽约市房屋局(NYCHA)居民来说取得重大进步,也是纽约市和全美国公共房屋历史上具有重要意义的一天。信托将允许我们完成价值数十亿美元的住宅楼全面翻修工程,与此同时,保障居民们的权利,保持我们的物业百分百公共性质,并保留 NYCHA 职员的就业。

信托让居民们对其居所的未来发展拥有真正的话语权。在过去的两年里,我们一直积极与居民们沟通并听取您们对信托理念的想法,意见和建议。通过这些沟通交流,我们很清楚,居民们必须对其住宅区拥有更多控制权,所有权和决策权。

根据最近签署的信托修订法案规定,居民们可选择是否在其住宅区成立信托。新法案还让居民们参与甄选翻修其住宅区的承建商的程序,并担任负责审查承建商工作质量的委员会成员。

我们谨此感谢您的意见,帮助 NYCHA 进行真正的改革并寻求持久的解决方案。您的角色和声音在建立信托的过程中举足轻重,而且我们将继续采纳您的意见和建议。在接下来的数周和数月里,我们将与居民和社区伙伴紧密合作,提供有关我们将如何共同建立信托模式,就组建委员会,居民选举流程和其它为居民提供重要平台的要素制定细节的相关信息。

成立信托需要时间,并需要居民和其它合作伙伴的投入和参与。首批 2.5 万个住房单位的翻修工程将于信托成立后进行。再次提醒,我们将通过咨询会议和其它信息交流方式,向您提供最新消息,包括参与机会。

我们期待与您保持联系,以切实且平等的方式合作,共同努力提高居民们的生活质量。

如要了解更多资讯,请阅读关于信托的资讯简报和常见问题(FAQ)。随函附上此法案的英文版本;其它语言版本可通过「谷歌翻译」功能提供,网址:

<https://www.nysenate.gov/legislation/bills/2021/A7805>。如果您对信托有任何疑问,请发送电邮至:
trust.comments@nycha.nyc.gov。

此致,



格雷戈里•羅斯 (Greg Russ)
主席兼行政总监



紐約市公共房屋維護信託

纽约市公共房屋维护信托将是一个由纽约州建立的新公共实体，正如学校建设管理局。此信托将房屋租金维持在收入的百分之 30，保留所有居民的权利和保障，通过基建维修工程翻修居民的住房单位，并保留公共职员。居民们的建议和意见属于信托的重要组成部分 - 从公开任命的九名成员的委员会中的居民代表到翻修工程进行期间的与居民建立合作伙伴关系。

为何 NYCHA 需要建立信托？

纽约市房屋局（NYCHA）需要超过 **400 亿美元** 的资金对其辖下所有住宅楼进行全面翻新和装修工程，但是联邦政府只提供了这些改善工程所需资金的一小部份。NYCHA 住宅楼出现的许多状况让居民与其家庭难以接受并感到不安全 - 翻修工程拖延已久。

信托是至关重要的手段，因为它能够：

- ✓ 从联邦政府争取**更多资金**
- ✓ 通过完善采购条例，**提高翻修工程的效率和质量**。

2022 年 6 月立法通过的改变

- ✓ **居民参与投票程序**
居民们将有权决定其所居住区是否成立信托。
- ✓ **居民在甄选承建商的过程中担当的角色**
居民们将在甄选翻修其住宅区的承建商的过程中担当重要角色。
- ✓ **居民质量保证委员会**
居民们将担任委员会成员，负责审查工程质量。

信托公司如何运作？

信托公司属于百分百公共性质。NYCHA 拥有，控制和管理物业，且没有私营管理公司。

- NYCHA 仍然是土地/楼宇的永久业主并与信托公司签订长期租赁合同，其所获取的居民租赁保障券价值相当于 NYCHA 目前所得联邦补助的两倍。
- 类似其它政府机构筹集基建改造工程所需资金的方式，此信托将发行债券，筹集住宅楼的全面翻修工程所需的资金（需要住宅区居民的意见和合作）。
- 信托公司可聘请更好的承建商以更快完成高质量的工作。

保留居民所有权利和保障

信托公司将维持住房单位永久可负担性并保留所有居民的权利和保障。这些保障与当前公共房屋所提供的权利相致，相比传统第 8 章计划更强大：

- 租金继续维持家庭收入的百分之 30
- 继续完全保留“第 964 条”居民参与权利（包括组建居民协会的权利）
- 继续拥有租赁继承权
- 继续执行向低收入居民提供住房的限制规定，继续根据 NYCHA 房屋轮候册的排名顺序分配空置住房单位
- 所有权利，可负担性，和使用限制将纳入土地契约中，并根据法律规定，所提供的保护措施不会改变，并禁止将住宅楼按市场价格出租

纽约市公共房屋维护信托: 常见问题 (FAQS)

2022 年 6 月更新

信托基本资讯

1. 什么是信托?

纽约市公共房屋维护信托将是一个由公众任命的九名委员会成员(包括四名居民成员)组成的新的公共实体。这将是一个公共利益公司,即百分百的公共实体。信托的成立能让纽约市房屋局 (NYCHA) 以更快的速度完成首批2.5万个住房单位的翻修工程,同时完全保障物业的公共性质,公职人员的就业机会及居民权利。信托将投入数十亿的资金资助住房单位,住宅楼和园区的大型改善工程,并为NYCHA居民创造培训和就业机会。

信托将让居民们对其住宅区的未来发展拥有真正的话语权。纽约州州长胡楚(Hochul)于2022年6月签署的公共房屋维护信托基金修正法案,采纳了NYCHA 在过去多年收集的居民意见。例如,法案让居民们选择是否在其所居住住宅区成立信托,并积极参与住宅区翻修工程的监督工作。

2. 为什么NYCHA需要信托?

NYCHA需要信托的两个主要原因如下:

- 1) 信托将提供更多的资金。NYCHA可以通过转换至住宅区专属的租客保障券 (TPV)资助获得双倍的联邦补助,但根据现行联邦条例规定,必须通过涉及其它实体的物业处置才能获得新的补助。而信托正是这个其它实体 - 一个与居民建立合作关系的完全属于公共性质的实体。
- 2) 信托将提供更完善的采购规则。现行的采购规则是导致成本增加,工程延误和居民不满的最大因素,而在制定信托法案的过程中,州政府已经解决存在问题并将其优化。

3. 为什么NYCHA不可独立完成标

根据联邦法律和条例规定, NYCHA本身没有资格获取联邦住宅区专属的租客保障券 (TPV), 且只有通过第三方(如信托) 签署土地租约才可获取此项补助。

4. 信托委员会有哪些成员?

信托委员会将由公众任命的九名成员组成。委员会成员将包括:

- 五名由NYCHA任命或依据NYCHA职权自动当选的成员:
 - NYCHA行政总监 (委员会主席)
 - NYCHA财政总监
 - 两名NYCHA居民 (均由全市公房领袖委员会 (CCOP)/居民咨询委员会 (RAB)提名)
 - 一名公众人士
- 四名由市长任命或依照市长办公室职权自动当选的成员:
 - 主管住房事务的副市长

纽约市公共房屋维护信托

- 两名NYCHA居民 (其中一名将由CCOP提名)
- 一名由代表NYCHA/信托职员的组织提名的职员代表

5. 谁将拥有物业？

NYCHA将会是土地和楼宇的拥有人。信托将与NYCHA签订一份每隔99年续期一次的长期土地租约。

6. 谁将管理物业？

NYCHA职员将一如既往, 继续管理物业, 当中并不涉及私营管理公司或发展商。信托将与NYCHA签订物业管理合约。

7. 信托的责任是什么？信托的规模有多大？

信托将负责资金调配合并与居民合作监督翻修工程。信托将会是一个由或不足50名公职人员组成的小型机构。

8. 如何编配空置住房单位？

所有空置住房单位将继续向NYCHA公共房屋和第8章租金补助轮候册上符合资格的低收入家庭提供。住房单位将永远不会以市场价格出租并将一直为低收入家庭服务。

筹资和融资

9. 物业如何获得资金？

物业将由住宅区专属第8章房屋租金补助 - 租客保障券 (TPV) 资助。此笔补助的价值大约相当于NYCHA通过的现行补助计划所获得的补助的两倍。

10. 信托将如何利用此笔TPV补助金获得前期基建翻修工程所需的资金？

信托将可利用TPV提供的额外补助作担保发行债券, 与政府为其它类型的基建工程提供资金的方法相似, 例如图书馆, 学校和大型基础设施。

11. 如果住户迁出, 物业会因此失去补助吗？

不会的。补助券是住宅区专属并与住房单位挂钩的, 因此物业不会失去资金。补助金由联邦政府通过自动续期的20年契约提供, 因此比NYCHA目前领取的补助更为稳定。领取住宅区专属第8章房屋租金补助满一年的居民可以申请租客专属第8章房屋租金补助调迁券迁离住宅区。如果住户搬离住宅区, 无论其是否继续领取补助, 都不会影响与该住房单位挂钩的补助。

12. 土地和楼宇的基本所有权是否用作抵押品？如果出现违约情况, 会怎样？

纽约州法律禁止将物业的永久产权作为抵押品。州法律还规定, 这些物业必须保留低收入权利、保护和租金。在任何情况下, 住宅楼宇都不能被出售, 不能成为市场价格, 也不能改变居民的权利或保护。

纽约市公共房屋维护信托

居民权利和保护

13. 居民将会因此失去公共房屋权利吗？

不会的。居民将保留所有公共房屋的权利。这是立法中规定的。这包括了第964条中的全部规定，租金的百分之30上限，相同的继承权，相同的组建能力及其它规定。

14. 所得权利和保护能持续多久？

所得权利和保护将是永久性的，并在立法中明确规定。即使出现违约情况，低收入房屋的保护，权利，物业使用在任何情况下都不会改变。

15. 现有居民需要接受重新审查吗？如果不符合资格领取第8章房屋租金补助，怎么办？

现有居民无需接受重新审查并将自动符合资格。

16. 非在册居民将有机会加入租约吗？

是的。有一项特定条款允许这种情况发生。

17. 居民可以自己管理物业吗？

是的。信托有明确的义务与居民组建的居民管理公司 (RMC) 进行协商。换言之，只要居民愿意，居民就有真正管理其物业的权利。

已修订的立法和居民选择

18. 信托法案在州政府于2022年6月通过之前作出了哪些修订？

法案于2002年6月由州政府通过并由州长签署成为法律，其中采纳了居民领袖提出的十几项修改建议，其中包括三个主要修改：

- 居民投票: 居民将有权对其住宅区所期望的翻新工程进行投票，包括维持原状的权利。这是全国范围内实施此项规定的首例。
- 居民在选择合作商时担当的角色: 居民将在选择完成其住宅区的翻修工程的合作商的方面发挥重要作用。
- 居民质量保证委员会: 居民将担任委员会成员，负责对合作商所完成的工作进行质量保证检查。

19. 居民可以选择拒绝所有选项并保持原状吗？

可以。

20. 如果住宅区选择拒绝所有选项，怎么办？所提供的服务将被削减吗？

NYCHA将一如既往，在资源有限的情况下，继续管理物业并进行维修工作。

21. 谁可以投票？

住宅区的所有在册居民都可以参与投票，并不只限于居民领袖或居民协会成员。

22. 是否设有最低投票率？

立法要求在投票程序规定中制定一个最低百分比，必须按照法律规定提议并接受公众意见和召开公开会议。

翻修和临时搬迁

23. 工程规模有多大？

翻修工程将全面翻新住宅区。也就是说，根据特定住宅区所得的预算，解决所有存在的基本环境健康和安全问题，例如铅，霉菌，供暖，电梯，虫害/废品，以及其它系统工程，住房单位装修，园区改善。

24. 居民是否必须临时搬迁？搬去哪里？

这取决于每个物业的具体情况，但有可能。如果居民必须临时搬迁，将搬迁至物业附近地区的“接待”房屋。

25. 居民需要搬离住房单位多长时间？

这将取决于每个物业的具体情况，及住宅区所进行的工程类型，有可能需要三至六个月。

26. 居民将有权返迁吗？NYCHA将负责我的搬迁费用吗？

是的。是的。居民将有权返迁原居物业并由NYCHA负责支付所有搬迁费用。

27. 每个住宅区的工程需要多长时间

这将取决于每个物业的具体情况，但总体上有可能需时三至五年。

采购

28. 采购流程有哪些变化？

信托可采用“最优价值”标准完成基建工程，与“最低竞价”标准相比，通常能降低成本，缩短工期且提高工作质量：

- 信托可以使用各种类型的设计-施工 (D/B) 总承包模式和风险施工管理 (CMAR) 的采购方法，而不是传统的设计-投标-建造 (DBB) 的方法。
- 这些方法在全国范围内被广泛利用，通过“最优价值”标准，允许设计和施工工作平同步进行，通常还“保证造价上限”。
- 使用这些策略方法可将大型工程的工期缩减1至1.5年，降低百分之5至10的成本并提高工作质量。

信托与PACT/RAD的区别

29. 信托如何有别于PACT?

通过信托模式, 物业保留百分百的公共性质。NYCHA拥有, 控制并管理物业。NYCHA的公职人员将负责日常营运和维修工作, 当中并不涉及私营管理公司或出售土地/住宅楼。

通过永久合理租金之共同承诺 (PACT) 计划, NYCHA继续永久拥有住宅楼和土地, 居民亦保留其权利, 但基建工程和物业管理工作则由第三方机构负责。也就是说, NYCHA将不再负责基建工程和物业的日常管理工作。

New York City Housing Authority Public Housing Preservation Trust Legislation

For translations of this legislation, visit the New York State Senate website and use Google Translate: <https://www.nysenate.gov/legislation/bills/2021/A7805>.

Legislación de la Fundación para la Preservación de la Vivienda Pública de la Autoridad de Vivienda de la Ciudad de Nueva York

For translations of this legislation, visit the New York State Senate website and use Google Translate: <https://www.nysenate.gov/legislation/bills/2021/A7805>.

Законодательство о Фонде сохранения государственного жилья Жилищного управления г. Нью-Йорка

Для перевода этого законодательства посетите вебсайт Сената штата Нью-Йорк и используйте программу Google Translate (Переводчик):
<https://www.nysenate.gov/legislation/bills/2021/A7805>.

紐約市房屋局公共房屋維護信託法案

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纽约市房屋局公共房屋维护信托法案

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STATE OF NEW YORK

7805--D

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. CYMBROWITZ, FALL, BENEDETTO, BURDICK, COOK, TAPIA, J. RIVERA, SEAWRIGHT, DINOWITZ, EICHENSTEIN, DAVILA, D. ROSENTHAL, HYNDMAN, HEVESI, TAYLOR, NOLAN, COLTON, BICHOTTE HERMELYN, WILLIAMS, CARROLL, RAJKUMAR -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law and the administrative code of the city of New York, in relation to establishing the New York city public housing preservation trust for properties owned or operated by the New York city housing authority and providing for the issuance of certain bonds, notes or other obligations of the New York city housing development corporation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public housing law is amended by adding a new article
2 15 to read as follows:

3 ARTICLE XV

4 NEW YORK CITY PUBLIC HOUSING PRESERVATION TRUST

5 Section 625. Short title.

6 626. Legislative findings.

7 627. Definitions.

8 628. New York city public housing preservation trust.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

[~~-~~] is old law to be omitted.

LBD11275-23-2

1 629. Powers and duties of the trust.
2 630. Transfer of property.
3 631. Resident protections and opportunities.
4 632. Compliance with codes.
5 633. Contracts of the trust.
6 634. Alternative project delivery contracts.
7 635. Additional authority.
8 636. Additional requirements for alternative project delivery
9 contracts.
10 637. Borrowing by the trust and for its benefit; effects of
11 certain defaults.
12 638. Resources of the trust.
13 639. Legal investment and deposit.
14 640. Tax exemption and tax contract by the state.
15 641. Actions against the trust.
16 642. Civil service and pension system membership.
17 643. Collective negotiation.
18 644. Application of state and local human rights laws.
19 645. Limited liability.
20 646. Audit and annual reports.
21 647. Jurisdiction over trust.
22 648. Effect of inconsistent provisions.
23 649. Severability.

24 § 625. Short title. This article shall be known and may be cited as
25 the "New York city public housing preservation trust act".

26 § 626. Legislative findings. The legislature hereby finds and declares
27 that significant capital investment is required to design, develop,
28 construct, reconstruct, improve, modernize, rehabilitate, and repair the
29 aging buildings owned or operated by the New York city housing authority
30 which are deteriorating due to decades of diminishing capital invest-
31 ment. Restrictions relating to the New York city housing authority's
32 construction process, and its inability to utilize innovative project
33 delivery methods, have exacerbated its capital needs. A new public enti-
34 ty with greater flexibility to leverage capital investment and to manage
35 the rehabilitation of these properties must be established. Repairing,
36 modernizing, and improving New York city housing authority buildings
37 must begin immediately so that hundreds of thousands of New Yorkers can
38 reside in affordable housing that is decent, safe, sanitary, and in good
39 repair. Establishing a new public entity, and transferring a leasehold
40 interest in the buildings owned and operated by the New York city hous-
41 ing authority to this new entity so that they can undergo the necessary
42 rehabilitation, repair and modernization, will ensure that these build-
43 ings continue to provide affordable housing to residents of New York
44 city for many decades into the future. It is the understanding and
45 intention of the legislature that any building transferred to this new
46 public entity and operated by the New York city housing authority shall
47 continue to be subject to the obligations imposed by Maribel Baez et al.
48 v. New York City Housing Authority, No. 13-Civ-8916.

49 § 627. Definitions. As used or referred to in this article:

50 1. "Alternative project delivery contract" means any project delivery
51 method authorized by this article, including construction manager build,
52 construction manager at risk, and design-build, pursuant to which one or
53 more contracts for the provision of design or construction management
54 and construction services are awarded pursuant to an open and compet-

1 itive method of procurement, as specified in section six hundred thir-
2 ty-four of this article.

3 2. "Best value" means the basis for awarding contracts for services to
4 a proposer that optimizes quality, cost and efficiency, price and
5 performance criteria, which may include, but is not limited to:

- 6 (a) the quality of the proposer's performance on previous projects;
- 7 (b) the timeliness of the proposer's performance on previous projects;
- 8 (c) the level of customer satisfaction with the proposer's performance
9 on previous projects;
- 10 (d) the proposer's record of performing previous projects on budget
11 and ability to minimize cost overruns;
- 12 (e) the proposer's ability to limit change orders;
- 13 (f) the proposer's ability to prepare appropriate project plans;
- 14 (g) the proposer's technical capacities;
- 15 (h) the individual qualifications of the proposer's key personnel;
- 16 (i) the proposer's ability to assess and manage risk and minimize risk
17 impact;
- 18 (j) the proposer's financial capability;
- 19 (k) the proposer's ability to comply with applicable requirements,
20 including the provisions of articles one hundred forty-five, one hundred
21 forty-seven and one hundred forty-eight of the education law;
- 22 (l) the proposer's past record of compliance with federal laws, state
23 and local laws, rules, licensing requirements, where applicable, and
24 executive orders, including, but not limited to, section three of the
25 federal housing and urban development act of nineteen hundred sixty-
26 eight, as amended, or any successor provision, article fifteen-A of the
27 executive law, any other applicable laws concerning minority- and
28 women-owned business enterprise participation, the labor law, and any
29 other applicable labor and prevailing wage laws;
- 30 (m) the proposer's record of complying with existing labor standards,
31 maintaining harmonious labor relations, and protecting the health and
32 safety of workers and payment of wages above any locally-defined living
33 wage;
- 34 (n) a quantitative factor to be used in evaluation of bids or offers
35 for awarding of contracts for bidders or offerors that are certified as
36 minority or women owned business enterprises pursuant to article
37 fifteen-A of the executive law or certified pursuant to section thirteen
38 hundred four of the New York city charter as minority or women owned
39 business enterprises, or where the bidder is a joint venture including
40 at least one such certified firm. Where the trust identifies a quantita-
41 tive factor pursuant to this paragraph, the trust shall specify that
42 businesses certified as minority or women owned business enterprises
43 pursuant to article fifteen-A of the executive law as well as those
44 certified as minority or women owned business enterprises pursuant to
45 section thirteen hundred four of the New York city charter, or joint
46 ventures including at least one such certified firm, are eligible to
47 qualify for such factor. Nothing in this paragraph shall be construed to
48 require that such businesses be concurrently certified as minority or
49 women owned business enterprises under such article and such section to
50 qualify for such quantitative factor; and
- 51 (o) a quantitative factor to be used in evaluation of bids or offers
52 for awarding of contracts for bidders or offerors that provide economic
53 opportunities for low and very low-income persons in accordance with
54 section three of the federal housing and urban development act of nine-
55 teen hundred sixty-eight, as amended, where applicable, or any successor

1 provision. Such basis shall reflect, wherever possible, objective and
2 quantifiable analysis.

3 3. "Board" means the board of trustees of the trust.

4 4. "City" means the city of New York.

5 5. "Construction manager at risk" means a project delivery method
6 whereby a construction manager:

7 (a) serves as part of a team in conjunction with the owner in the
8 design phase of the project;

9 (b) during the construction phase, acts as general contractor for
10 agreed upon compensation as set forth in the construction manager at
11 risk agreement; and

12 (c) assumes the risk of construction costs exceeding an amount speci-
13 fied in the construction manager at risk agreement.

14 6. "Construction manager build" means a project delivery method where-
15 by a construction manager, following a declaration of a disaster by the
16 governor or state of emergency by the mayor pursuant to article two-B of
17 the executive law or chapter one of title three of the administrative
18 code of the city of New York, or following an independent cost estimate
19 and a concurrence by NYCHA that construction work is required at a hous-
20 ing facility to remedy defects to bring the housing facility into
21 decent, safe, and sanitary condition:

22 (a) serves as part of a team in conjunction with the owner in the
23 design phase of the project;

24 (b) under the oversight of the owner acts as the single source of
25 responsibility to bid, select and hold construction contracts on behalf
26 of the owner during the construction phase; and

27 (c) manages the construction project on behalf of the owner.

28 7. "Cost plus" means compensating a contractor for the cost to
29 complete a contract by reimbursing actual costs for labor, equipment and
30 materials plus an additional amount for overhead and profit.

31 8. "Design-build" means a project delivery method for the design and
32 construction of a project with a single entity, which may be a team
33 comprised of separate entities.

34 9. "Ground lease" means the written instrument pursuant to which NYCHA
35 transfers to the trust its leasehold interest in its housing facilities
36 and ancillary personal property.

37 10. "Housing facilities" means the land and buildings thereon owned or
38 operated by NYCHA and the improvements made to such land and buildings
39 for use in connection with development or operation of dwelling accommo-
40 dations for low-income families.

41 11. "Low-income families" means low-, very low-, and extremely low-in-
42 come families as defined in paragraph two of subsection (b) of section
43 1437a of title forty-two of the United States code or any successor
44 provision.

45 12. "Mayor" means the mayor of the city of New York.

46 13. "NYCHA" means the New York city housing authority.

47 14. "NYCHA board" means the members of NYCHA appointed pursuant to
48 subdivision three of section four hundred two of this chapter.

49 15. "NYCHA CEO" means the chief executive officer of NYCHA who serves
50 pursuant to NYCHA's by-laws.

51 16. "NYCHA CFO" means the chief financial officer of NYCHA who serves
52 pursuant to NYCHA's by-laws.

53 17. "Other residents" means residents who are:

54 (a) residents of a housing facility on the date NYCHA transfers such
55 facility to the trust but are not low-income families, as defined in
56 this section, on the date of such transfer;

1 (b) low-income families, as defined in this section, and residents of
2 a housing facility on the date NYCHA transfers such facility to the
3 trust but who, subsequent to such transfer and during the course of the
4 tenancies of such residents, no longer satisfy the definition of low-in-
5 come families; or

6 (c) low-income families, as defined in this section, upon commencement
7 of their tenancies in a housing facility operated by the trust but who,
8 during the course of the tenancies of such residents, do not satisfy the
9 definition of low-income families.

10 18. "Project labor agreement" shall have the same meaning as described
11 in section two hundred twenty-two of the labor law.

12 19. "Resident" means a natural person whose lawful primary residence
13 is a dwelling unit in a housing facility.

14 20. "Trust" means the New York city public housing preservation trust.

15 21. "Voting process" means the process that shall be undertaken at a
16 particular housing facility before the trust may transfer, convey,
17 assign, mortgage, pledge or otherwise encumber any interest in, or
18 permit or suffer any transfer, conveyance, assignment, mortgage, pledge
19 or other encumbrance of any interest in such housing facility. The
20 voting process shall be further defined as set forth in requirements
21 promulgated pursuant to section six hundred thirty of this article.

22 § 628. New York city public housing preservation trust. 1. There is
23 hereby established a public benefit corporation to be known as the "New
24 York city public housing preservation trust". The purpose of such trust
25 shall be the design, development, construction, reconstruction, improve-
26 ment, modernization, rehabilitation, repairing and operation of housing
27 facilities.

28 2. The trust shall be governed by and its powers shall be exercised by
29 a board of trustees consisting of nine members. The members shall be the
30 NYCHA CEO, the NYCHA CFO, the deputy mayor for housing and economic
31 development of the city of New York, or another deputy mayor designated
32 by the mayor if there is no deputy mayor with that designation, three
33 members appointed by the NYCHA CEO, including two housing facility resi-
34 dent members and one member at large, provided that one such housing
35 facility resident member shall be selected from two candidates nominated
36 by the recognized citywide council of presidents, or an equivalent
37 successor body, and one such housing facility resident member shall be
38 selected from two candidates nominated by the resident advisory board,
39 or an equivalent successor body, and three members appointed by the
40 mayor, including two housing facility resident members, provided that
41 one such housing facility resident member shall be selected from two
42 candidates nominated by the recognized citywide council of presidents,
43 or an equivalent successor body, and one member who shall represent
44 employees of NYCHA, as applicable, and be selected from two candidates
45 nominated by organizations representing employees of NYCHA or the trust,
46 as applicable. The NYCHA CEO shall be the chair of the trust. The
47 board of trustees of the trust shall appoint the president of the trust.
48 The term of each member, other than members serving by virtue of their
49 positions, shall be three years, except at initial appointment when the
50 terms shall be staggered so that no more than two members shall have
51 terms that end in any given year, provided that the term of only one
52 member appointed by the mayor shall end in any given year.

53 3. Each appointed member shall continue in office until a successor
54 has been appointed and qualified unless otherwise removed as follows. A
55 member may be removed by the NYCHA CEO or mayor, whichever appointed
56 such member, upon the filing in the office of the trust and serving upon

1 the member the reasons therefor. Such document setting forth the
2 reasons shall be made available to the general public which shall
3 include, but not be limited to, publishing such reasons on the websites
4 of the trust and NYCHA. In the event a vacancy occurs in the office of
5 an appointed member, the vacancy shall be filled in the same manner as
6 was the original appointment of the member whose office became vacant.

7 4. Appointed members may engage in private employment, or in a profes-
8 sion or business, unless otherwise prohibited by law, rule or regu-
9 lation, provided, however, that notwithstanding any applicable provision
10 of law, the members shall be subject to the limitations contained in
11 sections two thousand six hundred three, two thousand six hundred four,
12 two thousand six hundred five, and two thousand six hundred six of the
13 New York city charter. The trust shall be an agency and such members
14 shall be public servants for the purposes of such sections. In addition,
15 such members shall be subject to the provisions of section one thousand
16 one hundred sixteen of the New York city charter and shall for the
17 purposes of such section be considered officers of the city. Further,
18 such members, the president and certain critical employees of the trust
19 as designated by the board or the president, shall be subject to the
20 provisions of section 12-110 of the administrative code of the city of
21 New York pertaining to the filing of annual disclosure reports with the
22 city conflicts of interest board, and for such purpose, the members of
23 the board of trustees shall be deemed to be compensated members of the
24 trust.

25 5. The board shall provide for the holding of regular meetings, and
26 such special meetings, at the call of the chair of the trust, as may be
27 necessary. A majority of the whole number of members shall constitute a
28 quorum for the transaction of business. The powers of the board shall be
29 vested in and exercised by a majority of the whole number of the members
30 thereof. Any one or more members of the board may participate in a
31 meeting of the trust by means of videoconferencing consistent with arti-
32 cle seven of the public officers law.

33 6. Members of the board, other than members serving by virtue of their
34 positions, shall receive a stipend in the amount of two hundred fifty
35 dollars for every four hours of work performed for the trust, not to
36 exceed one thousand five hundred dollars per month. In addition,
37 members shall be reimbursed for the actual and necessary expenses
38 incurred by them in the performance of their official duties as members
39 of the board of trustees.

40 7. The board shall appoint a president of the trust and determine the
41 compensation of the president. The president, who shall not be a member
42 of the board, shall be the chief executive officer of the trust and
43 shall be responsible for the discharge of the executive and administra-
44 tive functions and powers of the trust, including the exercise of any
45 powers delegated by the board to the president. The president shall
46 serve at the pleasure of the board.

47 8. The trust and its corporate existence shall continue until termi-
48 nated by law, provided, however, that no such law shall take effect so
49 long as the trust shall have bonds, notes and other obligations
50 outstanding, unless adequate provision has been made for the payment
51 thereof. Upon the termination of the existence of the trust, all its
52 rights and properties shall pass to and be vested in NYCHA.

53 9. Notwithstanding any provision of law to the contrary, no officer or
54 employee of the state, or of any civil division thereof, or of any
55 public corporation, as defined in the general construction law, includ-
56 ing NYCHA, shall be deemed to have forfeited or shall forfeit such

1 person's office or employment or any benefits provided under the retire-
2 ment and social security law or under any public retirement system main-
3 tained by the state or by the civil divisions thereof, or by any such
4 public corporation, by reason of such person's acceptance of membership
5 on the board of the trust or by virtue of such person being an officer
6 or employee of the trust.

7 § 629. Powers and duties of the trust. The trust shall have the
8 following powers and duties:

- 9 1. to sue and be sued;
- 10 2. to have a seal and alter the same at pleasure;
- 11 3. to make and, as necessary, to amend and repeal by-laws for the
12 trust and the management and regulation of its affairs not inconsistent
13 with the provisions of this article;
- 14 4. to appoint the president of the trust and fix the president's
15 compensation, pursuant to section six hundred twenty-eight of this arti-
16 cle, and to execute direct oversight of the president and other manage-
17 ment in the effective and ethical management of the trust, and establish
18 policies regarding the payment of salary, compensation and reimburse-
19 ments to, and establish rules for the time and attendance of the presi-
20 dent and management;
- 21 5. to engage or assist in the development, design, construction,
22 reconstruction, improvement, modernization, rehabilitation, repairing,
23 and operation of housing facilities pursuant to section two hundred
24 twenty of the labor law;
- 25 6. to acquire or transfer real and personal property and improvements
26 thereon, or any interest therein, by any method, necessary or convenient
27 for the exercise of its functions, powers and duties; provided that such
28 transfer shall not be utilized to avoid the use of a project labor
29 agreement or payment of the prevailing wage requirements set forth in
30 section two hundred twenty of the labor law;
- 31 7. to encumber residential property and buildings held by the trust
32 and limit use to residents who are low-income families as defined in
33 subdivision eleven of section six hundred twenty-seven of this article
34 and other residents as defined in subdivision seventeen of section six
35 hundred twenty-seven of this article;
- 36 8. to make and execute contracts and all other instruments necessary
37 or convenient for the exercise of its functions, powers and duties,
38 including procurement contracts consistent with applicable provisions of
39 this article. Notwithstanding any provision of law to the contrary,
40 including but not limited to article eight of this chapter, the trust
41 may enter into contracts, consistent with applicable provisions of this
42 article, with NYCHA or on behalf of and for the benefit of NYCHA;
- 43 9. to enter into agreements with the NYCHA or other entities for the
44 provision of management, maintenance and other services;
- 45 10. notwithstanding the provisions of section twenty-five hundred four
46 of the insurance law or any other provision of law to the contrary, to
47 procure or cause to be placed or procured insurance on behalf of itself
48 and others against any loss in connection with its activities, proper-
49 ties and other assets, in such amounts and from such insurers as it
50 deems desirable;
- 51 11. to enter into agreements with public agencies and public entities
52 for the receipt of services;
- 53 12. to borrow and loan funds and issue bonds, notes or other obli-
54 gations consistent with this article;
- 55 13. to form or participate as members or partners of private entities,
56 which may include but are not limited to, not-for-profit corporations,

1 housing development fund corporations, limited liability corporations,
2 and limited partnerships, to further the purposes and powers given and
3 granted by this section;

4 14. to earn fees and other proceeds from the activities and powers
5 given and granted by this section;

6 15. to apply for or accept from any source any gifts, grants,
7 donations, or conveyances of land, money, other real or personal proper-
8 ty, or other items of value, or loans of funds or property or financial
9 or other aid or credit assistance in any form, including any guaranty,
10 line of credit, or grant, from the federal government or any agency or
11 instrumentality thereof, from the state or any agency or instrumentality
12 thereof, from the city or any agency or instrumentality thereof, or from
13 any other source, for any or all of the purposes specified in this arti-
14 cle, and it may comply, subject to the provisions of this article, with
15 the terms and conditions thereof;

16 16. prior to the approval of any rule or regulation affecting rights
17 and protections afforded to residents of housing facilities, including,
18 but not limited to, resident protections and opportunities pursuant to
19 section six hundred thirty-one of this article, lease revisions, sched-
20 ules of special charges for services, repairs and utilities, and rules
21 and regulations to be incorporated into the lease by reference, the
22 trust shall post a notice containing the proposed rule or regulation on
23 the website of the trust and in a prominent location in the affected
24 housing facility. Such notice shall include (a) a statement of the basis
25 and purpose of the proposed rule, (b) the time and place of the meeting
26 at which the board will provide residents an opportunity to provide oral
27 comment on such proposed rule, provided that a meeting to provide resi-
28 dents an opportunity to provide oral comment shall not be required if
29 such rule is required by law with only minor, if any, exercise of
30 discretion by the trust, or does not adversely affect the protections
31 afforded to the residents of the housing facilities, and (c) an opportu-
32 nity to submit written comments and the final date for receipt of writ-
33 ten comments. The trust may adopt a rule or regulation after receiving
34 written comments on the proposed rule or regulation for a period of at
35 least thirty days. The trust shall consider all comments received in
36 such period prior to adopting such rule or regulation. In the event the
37 trust determines that immediate adoption of any rule or regulation is
38 necessary for the preservation of health, safety or general welfare and
39 that compliance with the foregoing requirements of this subdivision
40 would be contrary to the public interest, such proposed item may be
41 adopted on an emergency basis. The trust shall provide written justi-
42 fication for such determination and make such justification publicly
43 available including via its website and in a prominent location in the
44 affected housing facility. Any such immediate adoption shall only remain
45 in effect for sixty days, and during such time the trust shall comply
46 with the requirements of this subdivision in order for the adoption of
47 the rule or regulation to become permanent. All notice shall be under-
48 taken in compliance with language access requirements in federal and
49 state law, as applicable; and

50 17. to do any and all things necessary or convenient to carry out and
51 exercise the powers given and granted by this article.

52 § 630. Transfer of property. 1. NYCHA, acting by NYCHA board resol-
53 ution and in accordance with a disposition or similar plan approved by
54 the United States department of housing and urban development in accord-
55 ance with applicable federal law, which shall include a letter of
56 approval from the mayor or a designee of the mayor, may transfer to the

1 trust, with or without consideration and without any further authori-
2 zation, a leasehold interest in its housing facilities and any ancillary
3 personal property of such facilities. The aggregate number of residen-
4 tial units transferred to the trust pursuant to this section shall not
5 exceed twenty-five thousand. On an annual basis, NYCHA and the trust
6 shall review such limit and, if they determine that such limit should be
7 increased, NYCHA and the trust shall make recommendations to the legis-
8 lature regarding any such increase.

9 2. Within sixty days of the effective date of this article, NYCHA
10 shall issue a set of proposed requirements related to the voting proc-
11 ess. There shall be a comment period for the voting process, and the
12 comment period shall include at least one meeting open to the public.
13 NYCHA shall consider the comments before issuance of the final require-
14 ments for the voting process. The comments, and the responses to such
15 comments, shall be published publicly, including, but not limited to, on
16 NYCHA's website. Within one hundred twenty days of the effective date
17 of this article, the final requirements for the voting process, which
18 may be amended as needed pursuant to the process described in this
19 section, shall be posted. Such voting process requirements shall
20 include: the minimum requirements for voter outreach that shall occur
21 prior to any vote, which shall, at a minimum, conform to the require-
22 ments set forth in subdivision five of this section, voting eligibility,
23 the form, substance, and timing of the voting process, the voting
24 requirements regarding the selection of any other proposed modernization
25 strategy at a housing facility in connection with the voting process,
26 and the criteria by which an option shall be deemed to be accepted or
27 rejected by residents of a particular housing facility for a moderniza-
28 tion strategy that addresses the capital needs of such housing facility.
29 The voting process shall ensure that all tenants of record above the age
30 of eighteen are eligible to vote. The voting process shall include
31 options to vote in person, by mail, and online. The voting process shall
32 also require a minimum percentage of tenants of record at such housing
33 facility to participate in the voting process for such voting process to
34 be valid. The voting process shall also include, but shall not be limit-
35 ed to, the ability of residents at a particular housing facility to
36 reject the options proposed for such housing facility submitted as part
37 of the voting process. If all options are rejected at a particular hous-
38 ing facility, none of the proposed options shall be implemented at such
39 housing facility until another vote is undertaken at such housing facil-
40 ity. NYCHA shall comply with a vote to accept or reject any such
41 options. The trust shall not transfer, convey, assign, mortgage, pledge
42 or otherwise encumber any interest in, or permit or suffer any transfer,
43 conveyance, assignment, mortgage, pledge or other encumbrance of any
44 interest in such housing facility, or any part thereof, prior to the
45 posting of the final requirements for the voting process, prior to the
46 completed vote at such housing facility approving such option, and prior
47 to the satisfaction of applicable federal law and regulations. NYCHA
48 shall not transfer, convey, assign, mortgage, or pledge to the trust, or
49 permit or suffer any transfer, conveyance, assignment, mortgage, or
50 pledge to the trust any interest in such housing facility, or any part
51 thereof, prior to the posting of the final requirements for the voting
52 process, prior to the completed vote at such housing facility approving
53 such option, and prior to the satisfaction of applicable federal law and
54 regulations.

55 3. In addition to the requirements set forth in subdivision two of
56 this section, the trust shall not transfer, convey, assign, mortgage,

pledge or otherwise encumber any interest in, or permit or suffer any transfer, conveyance, assignment, mortgage, pledge or other encumbrance of any interest in any housing facilities, or any part thereof without prior written consent of NYCHA. Such written consent shall include, but not be limited to, all protections described in section six hundred thirty-one of this article and in subdivision fourteen of section six hundred thirty-seven of this article and shall include reference to section six hundred thirty-three of this article.

4. The trust shall ensure that any housing facilities transferred to the trust pursuant to this section and any portions thereof are leased in accordance with United States department of housing and urban development eligibility and income-targeting requirements, to the extent applicable to the units therein. Rents for such units shall not exceed applicable program requirements for the provision of housing for low-income families as established pursuant to federal law and regulations. Where NYCHA rules, regulations or agreements exceed the resident protection standards set forth in state or federal law or regulations, any housing facilities transferred to the trust pursuant to this section and any portions thereof shall be leased in accordance with the requirements set forth in the NYCHA rules, regulations, or agreements, as applicable. To the extent consistent with federal law and regulations, any transfer of a housing facility to the trust pursuant to this article shall ensure the maintenance of all rights conferred on a resident at the time of such transfer.

5. As part of the voting process and prior to the transfer of any housing facility, or any part thereof, to the trust, NYCHA shall engage in a course of resident engagement. Such resident engagement shall include: (a) Notice of proposed options on the website of NYCHA and in a prominent location of the affected housing facility in compliance with language access requirements in federal and state law, as applicable;

(b) a summary description of the proposed options;

(c) the time and place of at least one public meeting held in accordance with applicable accessibility requirements at which NYCHA shall provide residents of such facility information about the proposed options and an opportunity to provide oral comment on the proposed transfer;

(d) notification by mail, phone, and email, where such contact information is available, at least thirty days prior to a vote, to all residents of such housing facility, which shall include information detailing the proposed options; and

(e) an opportunity for residents to submit written comments and the final date for submission of such comments. NYCHA shall consider and respond to all comments received in such period prior to completing a transfer pursuant to this subdivision.

§ 631. Resident protections and opportunities. 1. The protections afforded to a resident of a housing facility shall be consistent with those afforded to a public housing resident, to the extent permitted in accordance with federal law, and subject to and with the approval of the United States department of housing and urban development. These protections shall include, but are not limited to:

(a) preserving the affordable character of such housing facility in accordance with section eight of the United States housing act of nineteen hundred thirty-seven, as amended, or any successor provision and with part five of title twenty-four of the code of federal regulations or any successor regulation;

1 (b) ensuring that any resident required to relocate temporarily for
2 purposes of rehabilitation or redevelopment of such housing facility is
3 guaranteed the ability to return to such housing facility following the
4 completion of such rehabilitation or redevelopment, and that the relo-
5 cation expenses of such temporary relocation be paid for by the trust or
6 NYCHA as required by applicable federal law;

7 (c) providing a resident of such housing facility the opportunity to
8 establish and operate a council to represent residents in such housing
9 facility to address concerns relating to such facility, pursuant to
10 subpart b of part nine hundred sixty-four of title twenty-four of the
11 code of federal regulations or any successor regulation, and to be
12 eligible for resident participation funding from the trust consistent
13 with funding available to residents of public housing pursuant to
14 section 964.150 of title twenty-four of the code of federal regulations
15 or any successor regulation, provided that any resident council that, at
16 the time of the transfer of a housing facility to the trust, is certi-
17 fied by NYCHA as the resident council shall be recognized by the trust
18 as the resident council of such housing facility;

19 (d) providing a resident of a housing facility an opportunity for an
20 informal hearing to grieve any dispute that such resident may have with
21 respect to an action of the trust with regard to such resident's lease,
22 consistent with the obligation of a public housing agency pursuant to
23 paragraph eight of subdivision (e) of section 966.4 of title twenty-four
24 of the code of federal regulations or any successor regulations and
25 pursuant to subpart b of part nine hundred sixty-six of title twenty-
26 four of the code of federal regulations or any successor regulations;

27 (e) providing a resident of a housing facility automatic renewal of
28 such resident's leases, except for good cause as specified in the lease
29 between such resident and the trust, consistent with the requirements
30 relating to a lease between a public housing agency and a tenant of a
31 dwelling unit pursuant to subparagraph (i) of paragraph two of subdivi-
32 sion (a) and subdivision (l) of section 966.4 of title twenty-four of
33 the code of federal regulations or any successor regulation;

34 (f) determining succession to a lease between a resident and the trust
35 in accordance with the succession policy described in the management
36 manual, and any amendments to such manual, of NYCHA;

37 (g) permitting a resident whose total tenant payment, as defined in
38 section 983.3 of title twenty-four of the code of federal regulations,
39 or any successor regulations, would equal or exceed the rent to owner,
40 as defined in section 983.3 of title twenty-four of the code of federal
41 regulations or any successor regulations, to remain in a housing facili-
42 ty and pay rent in an amount to be determined by the trust and NYCHA and
43 as set forth in the lease of such resident;

44 (h) determining succession to a voucher pursuant to section eight of
45 the United States housing act of nineteen hundred thirty-seven, as
46 amended, or any successor provision, in accordance with the housing
47 voucher program administrative plan, and any amendments to such plan, of
48 NYCHA; and

49 (i) no rescreening for eligibility or right-sizing of residents of a
50 housing facility as a result of a transfer of the leasehold interest
51 from NYCHA to the trust.

52 2. The resident protections described in subdivision one of this
53 section shall be enumerated in the ground lease or other appropriate
54 agreement between NYCHA and the trust and shall be further enumerated in
55 writing between the trust and each resident of a housing facility.
56 Nothing in this section shall preclude the trust or NYCHA from providing

1 additional resident protections, which may be enumerated in any such
2 ground lease or agreement.

3 3. The trust, to the greatest extent feasible, and consistent with
4 federal, state and local laws and regulations, shall ensure that employ-
5 ment and other economic opportunities be directed to residents of the
6 housing facilities, consistent with section three of the federal housing
7 and urban development act of nineteen hundred sixty-eight, as amended,
8 and part seventy-five of title twenty-four of the code of federal regu-
9 lations or any successor law or regulation. All project labor agreements
10 shall be consistent with this subdivision.

11 4. The trust shall act in accordance with the full requirements of
12 part nine hundred sixty-four of title twenty-four of the code of federal
13 regulations or any successor regulation. The trust shall, among other
14 requirements, support resident participation in the operations of the
15 housing facilities and negotiate, with any resident management corpo-
16 rations, or equivalent that satisfies the requirements of such part, for
17 operation of a housing facility. The trust shall consider applications
18 of resident organizations, community organizations or other local organ-
19 izations for grant funding, as available, to provide training, technical
20 assistance, and education to residents to support active resident
21 participation in the planning and implementation of the conversion proc-
22 ess.

23 5. The trust shall ensure residents participate in the process to
24 procure the vendors that will perform capital renovation, modernization,
25 and construction work, excluding emergency procurements.

26 6. The trust shall create committees consisting of members as appro-
27 priate, which shall include, but not be limited to, trust employees and
28 residents of the housing facility where construction, reconstruction,
29 rehabilitation, alteration, renovation, maintenance and repair work is
30 being performed, and such committees shall meet as needed to provide
31 input, and oversight, along with recommendations, with respect to the
32 quality of such work performed by the vendors of the trust.

33 7. The trust and NYCHA shall, in accordance with applicable law,
34 establish a procedure and eligibility requirements by which a person who
35 is not a tenant of record as of thirty days before the execution of the
36 transfer of a leasehold interest in the housing facility to the trust
37 may become a tenant of record based on consideration of the familial
38 nexus of such person to the last tenant of record on file with NYCHA,
39 such individuals to include, but not be limited to, aunts, uncles, niec-
40 es, nephews, and first cousins, provided that such applications to
41 become a tenant of record following the transfer of a leasehold interest
42 in the housing facility to the trust shall be made no later than thirty
43 days before such transfer. Any requests received after such date will be
44 reviewed in accordance with the policies described in the administrative
45 plan, and any amendments to such plan, of NYCHA.

46 § 632. Compliance with codes. 1. The trust shall, in the design,
47 development, construction, reconstruction, improvement, modernization,
48 rehabilitation, repair, and operation of or otherwise providing for
49 housing facilities, comply and cause all contractors of the trust to
50 comply with applicable sanitary and building laws and regulations.

51 2. The trust shall adopt rules or regulations establishing sustainable
52 design guidelines for the development, construction, reconstruction,
53 improvement, modernization, rehabilitation, repair, and operation of, or
54 otherwise providing for, housing facilities, which shall include crite-
55 ria for beneficial electrification and renewable energy production in

1 furtherance of the goals of decarbonized buildings, use of sustainable
2 materials, and energy and water efficiency.

3 § 633. Contracts of the trust. 1. Notwithstanding any provision of law
4 to the contrary, including but not limited to article eight of this
5 chapter, the trust shall establish and maintain procurement policies
6 that shall set forth the methods and procedures by which the trust shall
7 procure contracts for goods and services, including but not limited to
8 services for design, development, construction, reconstruction, improve-
9 ment, modernization, rehabilitation, repair and operation, related to
10 property owned or leased by the trust, in a manner consistent with the
11 provisions of this article. Such policies shall specifically include:

12 (a) a competitive sealed bidding process for the award of contracts in
13 which sealed bids are publicly solicited or solicited from a list of
14 prequalified bidders and opened and a contract is awarded to the lowest
15 responsive, responsible bidder;

16 (b) processes for awarding contracts for goods and services using
17 alternatives to competitive sealed bidding where competitive sealed
18 bidding is not practicable or not advantageous, in which case the trust
19 shall use the most competitive method of procurement that is appropriate
20 under the circumstances to select the proposer offering the best value
21 to the trust;

22 (c) a process for prequalifying bidders and proposers based on crite-
23 ria, which may include an entity's experience, past performance, ability
24 to undertake work, financial capability, responsibility, reliability and
25 status as a certified minority or women owned business enterprise pursu-
26 ant to article fifteen-A of the executive law or section thirteen
27 hundred four of the New York city charter;

28 (d) reasonable procedures to secure the meaningful participation of
29 minority and women owned business enterprises in the trust's procurement
30 process. The trust may use the same measures to enhance minority and
31 women owned business enterprise participation as are available to the
32 city pursuant to applicable law, including section 6-129 of the adminis-
33 trative code of the city of New York;

34 (e) processes for awarding alternative project delivery contracts, in
35 a manner consistent with the terms of section six hundred thirty-four of
36 this article;

37 (f) procedures for the fair and equitable resolution of contract
38 disputes, for appeals of responsiveness and responsibility determi-
39 nations by the trust, and for appeals of prequalification determi-
40 nations;

41 (g) a process for making purchases off contracts procured by public
42 agencies and public entities, provided that such contract exists between
43 a vendor and (1) the United States General Services Administration, (2)
44 the state of New York or any of its political subdivisions, (3) another
45 public authority or public corporation of the state, (4) another public
46 housing agency or public housing authority, or (5) any purchasing coop-
47 erative where the lead purchasing entity is any of the foregoing,
48 provided that in any case when the trust under this paragraph determines
49 that obtaining such item thereby would be in the public interest and
50 provide for greater economy and efficiency and sets forth the reasons
51 for such determination. Such rationale shall include, but not be limit-
52 ed to, a determination of need, a consideration of the procurement meth-
53 od by which the contract was awarded, an explanation why a competitive
54 procurement or the use of a centralized contract let by the commissioner
55 of the office of general services is not in the best interest of the
56 trust, and the reasonableness of cost; and

(h) a mechanism for procurements without a formal competitive process where:

(1) the existence of an emergency involving danger to life, safety or property requires immediate action and cannot await a competitive process for goods or services to be purchased, including, but not limited to, services for construction, reconstruction, rehabilitation, alteration, renovation, maintenance or repairs, which are essential to efficient operation or the adequate provision of service by the trust and as a consequence of unforeseen circumstance such purchase cannot await a competitive process;

(2) a procurement's value does not exceed fifty thousand dollars;

(3) the trust receives no responsive bids or only a single responsive bid in response to a solicitation for competitive bids or proposals;

(4) a procurement's value does not exceed five hundred thousand dollars and is made from a business certified as a minority or women owned business enterprise pursuant to article fifteen-A of the executive law and section thirteen hundred four of the New York city charter. Nothing in this paragraph shall be construed to require that such business be concurrently certified as minority or women owned business enterprises under article fifteen-A of the executive law and section thirteen hundred four of the New York city charter to be awarded such a contract;

(5) a duly appointed representative of the trust determines in writing that, based on a market analysis, only one source for the required goods or services, including but not limited to, services for construction, reconstruction, rehabilitation, alteration, renovation, maintenance and repairs, are available; or

(6) the contract is a contract between the trust and another governmental entity, including, but not limited to NYCHA.

2. Construction performed under a contract entered into by the trust pursuant to this article shall be deemed a public work to be performed in accordance with the provisions of article eight of the labor law, including but not limited to the prevailing wage requirements set forth in section two hundred twenty of the labor law and the reporting, monitoring, and enforcement provisions of such article, and for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract, the principal purpose of which is to provide construction services and that is either entered into through a competitive sealed bidding process or pursuant to section six hundred thirty-four of this article, and undertaken pursuant to a project labor agreement, shall include a clause requiring the selected alternative project delivery contractor or the contractor selected on the basis of its sealed bid to obligate every tier of contractor working on the public work to comply with the project labor agreement referenced in section six hundred thirty-four of this article and this section, and shall include project labor agreement compliance monitoring and enforcement provisions consistent with any such project labor agreement.

3. Contracts of the trust shall be subject to sections 6-108 and 6-123 of the administrative code of the city of New York, and the trust shall constitute a "contracting agency" for the purposes of section 6-123 of the administrative code of the city of New York.

4. The provisions of section one hundred six-b of the general municipal law shall apply to the trust.

5. The provisions of section one hundred fifty-one-a of this chapter shall apply to the trust.

1 6. Unless a federal requirement conflicts with any procurement proce-
2 dure set forth in this article, the trust shall be required to comply
3 with such procedure.

4 § 634. Alternative project delivery contracts. 1. Notwithstanding any
5 provision of law to the contrary, including but not limited to section
6 seventy-two hundred ten of the education law, and in conformity with the
7 requirements of this article, for any public work undertaken pursuant to
8 a project labor agreement the trust may use alternative project delivery
9 contracts, provided that the authority to advertise a request for quali-
10 fication in accordance with this section shall expire five years after
11 the effective date of this section.

12 (a) A contractor selected by the trust to enter into an alternative
13 project delivery contract may be selected through a two-step method, as
14 follows:

15 (1) Step one. The first step shall be the generation of a list of
16 responding entities that have demonstrated the general capability to
17 perform the alternative project delivery contract. Such list shall
18 consist of a specified number of responding entities, as determined by
19 the trust, and shall be generated based upon the trust's review of
20 responses to a publicly advertised request for qualifications. The
21 trust's request for qualifications shall include a general description
22 of the public work, the maximum number of responding entities to be
23 included on such list, the selection criteria to be used and the rela-
24 tive weight of each criteria in generating such list. Such selection
25 criteria shall include the qualifications and experience of the entity
26 or team of entities, organization, demonstrated responsibility, ability
27 of the entity or team of entities or of a member or members of the enti-
28 ty or team of entities to comply with applicable requirements, including
29 the provisions of articles one hundred forty-five, one hundred forty-
30 seven and one hundred forty-eight of the education law, past record of
31 compliance with the labor law, and such other qualifications the trust
32 deems appropriate, which may include but are not limited to project
33 understanding, financial capability and record of past performance. The
34 trust shall evaluate and rate all responding entities to the request for
35 qualifications. Based upon such ratings, the trust shall list the
36 responding entities that shall receive a request for proposals in
37 accordance with subparagraph two of this paragraph. To the extent
38 consistent with applicable federal law, the trust shall consider, when
39 awarding any contract pursuant to this section, the participation of (i)
40 responding entities that are certified as minority or women owned busi-
41 ness enterprises pursuant to article fifteen-A of the executive law, or
42 certified pursuant to local law as minority or women owned business
43 enterprises, (ii) small business concerns identified pursuant to subdi-
44 vision (b) of section one hundred thirty-nine-g of the state finance
45 law, and (iii) business concerns that provide economic opportunities for
46 low and very low-income persons in accordance with section three of the
47 federal housing and urban development act of nineteen hundred sixty-
48 eight, as amended, or any successor provision. In addition, nothing in
49 this section shall be deemed to supersede any prequalification policies
50 adopted by the trust pursuant to section six hundred thirty-three of
51 this article.

52 (2) Step two. The second step shall be the selection of the proposal
53 which is the best value to the trust. The trust shall issue a request
54 for proposals to the responding entities listed pursuant to subparagraph
55 one of this paragraph. If such a responding entity consists of a team of
56 separate entities, the entities that comprise such a team shall remain

1 unchanged from the responding entity as listed pursuant to subparagraph
2 one of this paragraph unless otherwise approved by the trust. The
3 request for proposals shall set forth the public work's scope of work,
4 and other requirements, as determined by the trust, which may include
5 separate goals for work under the contract to be performed by businesses
6 certified as minority or women owned business enterprises pursuant to
7 article fifteen-A of the executive law, or certified pursuant to local
8 law as minority or women owned business enterprises, or goals estab-
9 lished pursuant to section three of the federal housing and urban devel-
10 opment act of nineteen hundred sixty-eight, as amended, or any successor
11 provision, if applicable. The request for proposals shall also specify
12 the criteria to be used to evaluate the responses and the relative
13 weight of each of such criteria. Such criteria shall include: the qual-
14 ity of the proposal's solution; the qualifications and experience of the
15 proposer; the proposal's cost, which may include factors that may be
16 considered individually or in the aggregate, such as the proposed cost
17 of design phase work, the proposed cost of construction phase work, or
18 cost factors relating to construction phase work, as applicable; and
19 other factors deemed pertinent by the trust, which may include, but
20 shall not be limited to, the proposal's manner and schedule of project
21 implementation, the proposer's ability to complete the work in a timely
22 and satisfactory manner, maintenance costs of the completed public work,
23 maintenance of traffic approach, and community impact. The trust may
24 engage in negotiations or other discussions with all qualified vendors
25 that have expressed interest, provided that the trust maintains a writ-
26 ten record of the conduct of negotiations or discussions and the basis
27 for every determination to continue or suspend negotiations, and further
28 provided that if the trust determines for a particular contract or for a
29 particular type of contract that it is in the trust's best interest to
30 negotiate or enter into discussions with fewer proposers, it may make
31 such a determination in writing. If the trust enters into such negoti-
32 ations, the trust shall allow all proposers to revise their proposals
33 upon conclusion of negotiations, and the trust shall evaluate the propo-
34 sers' revised proposals using the criteria included in the request for
35 proposals. Any contract awarded pursuant to this section shall be
36 awarded to a responsive and responsible proposer, which, in consider-
37 ation of these and other specified criteria deemed pertinent, offers the
38 best value as determined by the trust. The request for proposals shall
39 include a statement that proposers shall designate in writing those
40 portions of the proposal that contain trade secrets or other proprietary
41 information that are to remain confidential, so that the material desig-
42 nated as confidential shall be readily separable from the proposal.
43 Nothing in this subdivision shall be construed to prohibit the trust
44 from negotiating final contract terms and conditions including cost. All
45 proposals submitted shall be scored according to the criteria listed in
46 the request for proposals and such final scores shall be published on
47 the trust's website after the date upon which such contract may be
48 implemented.

49 (b) The trust, in awarding an alternative project delivery contract to
50 a contractor offering the best value may use the following types of
51 contracts:

52 (1) a cost-plus not to exceed guaranteed maximum price form of
53 contract in which the trust shall be entitled to monitor and audit all
54 costs. In establishing the schedule and process for determining a guar-
55 anteed maximum price, the contract between the trust and the contractor
56 shall include terms specifying the price for the design phase of the

1 work, the scope of the work, and any applicable cost factors relating to
2 construction phase work that were included in the contractor's proposal.
3 A fair and reasonable guaranteed maximum price for the construction
4 phase of the work, or portions of the construction phase of the work,
5 may be agreed to as one or more amendments to such contract based on
6 developments in the design of the project that occur after such contract
7 is executed. Each guaranteed maximum price amendment shall: (i)
8 describe the scope of the portion of the construction phase work subject
9 to the amendment, the cost of performing such work, and the maximum
10 costs of any contingencies related to such work, (ii) include a detailed
11 line item cost breakdown, (iii) include a list of all drawings, specifi-
12 cations and other information on which the guaranteed maximum price is
13 based, (iv) include the dates of substantial and final completion on
14 which the guaranteed maximum price is based, as applicable, and (v)
15 include a schedule of unit prices. The trust shall maintain a written
16 record of each guaranteed maximum price amendment, which shall include a
17 summary of the negotiation process and a description of the relevant
18 developments in the design of the project, independent cost estimates
19 prepared by or on behalf of the trust, as required pursuant to a policy
20 established by the trust, the contractor's actual cost schedules and
21 unit prices, and any other factors that the trust considered. If the
22 trust and the contractor cannot agree upon a guaranteed maximum price
23 for one or more portions of construction phase work, the trust may
24 direct the contractor to assign all or a portion of the duties and
25 rights under such alternative project delivery contract to another
26 responsive and responsible proposer pursuant to subparagraph two of
27 paragraph (a) of this subdivision that offered the best value of the
28 remaining proposers and that will agree to accept such assignment. This
29 subparagraph shall not be deemed to prohibit the use of any contract
30 terms or procedures pursuant to any other provision of law, including
31 but not limited to provisions included in this article;

32 (2) a lump sum contract in which the contractor agrees to accept a set
33 dollar amount for a contract which comprises a single bid without
34 providing a cost breakdown for all costs such as for equipment, labor,
35 materials, as well as such contractor's profit for completing all items
36 of work comprising the public work;

37 (3) incentive payments identified in the text of the contract for
38 performance objectives; or

39 (4) a combination of elements of the contract types listed herein.

40 2. All alternative project delivery contracts entered into pursuant to
41 this section shall include a clause requiring that any professional
42 services regulated by articles one hundred forty-five, one hundred
43 forty-seven and one hundred forty-eight of the education law shall be
44 performed and stamped and sealed, where appropriate, by a professional
45 licensed in accordance with the appropriate article.

46 3. The submission of a proposal or responses or the execution of an
47 alternative project delivery contract pursuant to this article shall not
48 be construed to be a violation of section six thousand five hundred
49 twelve of the education law.

50 4. Each alternative project delivery contract entered into by the
51 trust pursuant to this article shall comply with the objectives and
52 goals relating to the performance of design and construction services by
53 minority and women owned business enterprises pursuant to section 6-129
54 of the administrative code of the city of New York, or, for projects or
55 public works receiving federal aid, applicable federal requirements for
56 disadvantaged business enterprises or minority and women owned business

enterprises and section three of the federal housing and urban development act of nineteen hundred sixty-eight, as amended, or any successor provision, if applicable.

5. (a) Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all employees of NYCHA and the trust solely in connection with the use of an alternative project delivery contract pursuant to this section shall be preserved and protected.

(b) The use of alternative project delivery contracts pursuant to this section shall not result in the (1) displacement of any currently employed worker of NYCHA or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits, or result in the impairment of existing collective bargaining agreements to which NYCHA is a party, or (2) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of NYCHA to a contractor.

(c) Employees of the trust and NYCHA serving in positions in newly created titles shall be assigned to the appropriate bargaining unit. Nothing contained in this section shall be construed to affect (1) the existing rights of employees of NYCHA pursuant to an existing collective bargaining agreement, (2) the existing representational relationships among employee organizations representing employees of NYCHA, or (3) the bargaining relationships between NYCHA and such employee organizations.

(d) Without limiting contractors' obligations under alternative project delivery contracts to issue their own initial certifications of substantial completion and final completion, public employees of the trust shall review and determine whether the work performed by contractors is acceptable and has been performed in accordance with the applicable alternative project delivery contracts, and if such public employees so determine, such public employees shall accept contractors' substantial or final completion of the public works as applicable. Performance by public employees of the trust of any review described in this subdivision shall not be construed to modify or limit contractors' obligations to perform the work in strict accordance with the applicable alternative project delivery contract or the contractors' or any subcontractors' obligations or liabilities under any law.

§ 635. Additional authority. The procurement authority conferred by this article shall not impact or impair, and shall be in addition to, the authority conferred by the NYCHA modernization investment act and the New York city public works investment act.

§ 636. Additional requirements for alternative project delivery contracts. Construction performed under a contract entered into by the trust pursuant to this article shall be deemed a "public work" to be performed in accordance with the provisions of article eight of the labor law, including but not limited to the prevailing wage requirements set forth in section two hundred twenty of the labor law and the reporting, monitoring, and enforcement provisions of article eight of such law, as well as subject to sections two hundred, two hundred forty, two hundred forty-one and two hundred forty-two of the labor law, and for projects or public works receiving federal aid, applicable federal requirements for prevailing wage. Any contract entered into pursuant to section six hundred thirty-four of this article, and undertaken pursuant to a project labor agreement, shall include a clause requiring the selected alternative project delivery contractor to obligate every tier

1 of contractor working on the public work to comply with the project
2 labor agreement referenced in section six hundred thirty-four of this
3 article, and shall include project labor agreement compliance monitoring
4 and enforcement provisions consistent with any such project labor agree-
5 ment.

6 § 637. Borrowing by the trust and for its benefit; effects of certain
7 defaults. 1. For the purposes of this section, the term "project" means
8 the acquisition, development, design, construction, reconstruction,
9 improvement, rehabilitation, repairing and operation of housing facili-
10 ties.

11 2. The trust shall have the power and is hereby authorized from time
12 to time to issue bonds, notes or other obligations in conformity with
13 applicable provisions of the uniform commercial code, in such principal
14 amounts as it may determine to be necessary to pay the cost of any
15 project and to fund reserves to secure such bonds, notes or other obli-
16 gations, including costs of issuance and any administrative or inci-
17 dental expenses in connection therewith, provided that the aggregate
18 principal amount of such bonds, notes or other obligations shall not
19 exceed ten billion dollars plus a principal amount of such bonds, notes
20 or other obligations issued (a) to fund any related debt service reserve
21 fund, (b) to provide capitalized interest, and (c) to provide fees and
22 other charges and expenses, including underwriters' discount, related to
23 the issuance of such bonds, notes or other obligations and the mainte-
24 nance of such reserves. The trust shall have the power from time to
25 time to refund any bonds, notes or other obligations of the trust by the
26 issuance of new bonds, notes or other obligations, and may issue bonds,
27 notes or other obligations partly to refund bonds, notes or other obli-
28 gations of the trust then outstanding and partly to pay the cost of any
29 project. Bonds, notes or other obligations issued by the trust shall be
30 payable as may be designated in the resolution of the trust under which
31 the bonds, notes or other obligations shall be authorized to be issued,
32 subject to any agreements with the holders of outstanding bonds, notes
33 or other obligations pledging any particular revenues or moneys. No
34 bonds, notes or other obligations of the trust or any entity referred to
35 in subdivision thirteen of section six hundred twenty-nine of this arti-
36 cle shall be issued or incurred without the prior written approval of
37 the director of management and budget of the city of New York, and no
38 such bonds, notes or other obligations shall be issued for the purpose
39 of refinancing any bonds, notes or other obligations of NYCHA, provided
40 that the proceeds of up to six hundred million dollars of the bonds,
41 notes or other obligations of the trust or any entity referred to in
42 subdivision thirteen of section six hundred twenty-nine of this article
43 may be applied to the payment of outstanding debt incurred by NYCHA in
44 connection with one or more housing facilities, in furtherance of the
45 purposes of this article, including, but not limited to, for the purpose
46 of payment of outstanding energy performance contract debt.

47 3. The trust shall be authorized to obtain insurance, letters of cred-
48 it and other credit or liquidity facilities related to its bonds, notes
49 or other obligations.

50 4. The board may delegate to the chair or the president of the trust
51 the power to set the final terms of bonds, notes or other obligations.

52 5. Whenever the trust shall determine that the issuance of its bonds,
53 notes or other obligations is appropriate, the trust shall make a deter-
54 mination as to the arrangements necessary for the issuance and sale of
55 such bonds, notes or other obligations, including the underwriting of
56 such bonds, notes or other obligations through the public or private

1 sale of such bonds, notes or other obligations, and such determination
2 shall include compensation for services rendered as the trust deems
3 appropriate. Such determination shall be set forth in a resolution of
4 the trust, which shall authorize issuance of such bonds, notes or other
5 obligations. The bonds, notes or other obligations shall bear interest
6 at such fixed or variable rates and shall be in such denominations, be
7 in such form, either coupon or registered, be sold at such public or
8 private sale, be executed in such manner, be denominated in United
9 States currency, be payable in such medium of payment, at such place and
10 be subject to such terms of redemption as the trust may provide in such
11 resolution.

12 6. Any resolution or resolutions authorizing bonds, notes or other
13 obligations or any issue of bonds, notes or other obligations may
14 contain provisions which may be a part of the contract with the holders
15 of the bonds, notes or other obligations thereby authorized as to:

16 (a) pledging all or part of its revenues, including, but not limited
17 to, project-based or tenant-based assistance pursuant to section eight
18 of the United States housing act of nineteen hundred thirty-seven, as
19 amended, or any successor provision, and assistance provided to NYCHA
20 pursuant to section nine of the United States housing act of nineteen
21 hundred thirty-seven, as amended, or any successor provision, together
22 with any other moneys, securities or contracts, to secure the payment of
23 the bonds, notes or other obligations, subject to such agreements as may
24 then exist;

25 (b) the setting aside of reserves and the creation of sinking funds
26 and the regulation and disposition thereof;

27 (c) limitations on the purpose to which the proceeds from the sale of
28 bonds, notes or other obligations may be applied;

29 (d) limitations on the issuance of additional bonds, notes or other
30 obligations, the terms upon which additional bonds, notes or other obli-
31 gations may be issued and secured and the refunding of bonds, notes or
32 other obligations;

33 (e) the procedure, if any, by which the terms of any contract with
34 holders of bonds, notes or other obligations may be amended or abrogat-
35 ed, including the proportion of holders of bonds, notes or other obli-
36 gations which are needed to consent thereto and the manner in which such
37 consent may be given;

38 (f) vesting in a bond trustee or trustees such properties, rights,
39 powers and duties in trust as the trust may determine; and

40 (g) defining the acts or omissions to act that may constitute a
41 default in the obligations and duties of the trust to the holders of
42 bonds, notes or other obligations and providing for the rights and reme-
43 dies of the holders of bonds, notes or other obligations in the event of
44 such default, including as a matter of right the appointment of a
45 receiver, provided, however, that such rights and remedies shall not be
46 inconsistent with the general laws of the state and other provisions of
47 this article.

48 7. In addition to the powers herein conferred upon the trust to secure
49 its bonds, notes or other obligations, the trust shall have power in
50 connection with the issuance of bonds, notes or other obligations to
51 enter into such agreements for the benefit of the holders of bonds,
52 notes or other obligations as the trust may deem necessary, convenient
53 or desirable concerning the use or disposition of its revenues or other
54 moneys, including the entrusting, pledging or creation of any other
55 security interest in any such revenues, moneys and the doing of any act,
56 including refraining from doing any act, which the trust would have the

1 right to do in the absence of such agreements. The trust shall have
2 power to enter into amendments of any such agreements within the powers
3 granted to the trust by this article and to perform such agreements. The
4 provisions of any such agreements may be made a part of the contract
5 with the holders of bonds, notes or other obligations of the trust.

6 8. Notwithstanding any provision of the uniform commercial code to the
7 contrary, any pledge of or other security interest in revenues, moneys,
8 accounts, contract rights, general intangible or other personal property
9 made or created by the trust shall be valid, binding and perfected from
10 the time when such pledge is made or other security interest attaches
11 without any physical delivery of the collateral or further act, and the
12 lien of any such pledge or other security interest shall be valid, bind-
13 ing and perfected against all parties having claims of any kind in tort,
14 contract or otherwise against the trust irrespective of whether or not
15 such parties have notice thereof. No instrument by which such a pledge
16 or security interest is created nor any financing statement need be
17 recorded or filed.

18 9. Whether or not the bonds, notes or other obligations of the trust
19 are of such form and character as to be negotiable instruments under the
20 terms of the uniform commercial code, the bonds, notes or other obli-
21 gations are hereby made negotiable instruments within the meaning of and
22 for all the purposes of the uniform commercial code, subject only to the
23 provisions of the bonds, notes or other obligations for registration.

24 10. Neither the members of the board nor any person executing bonds
25 shall be liable personally thereon or be subject to any personal liabil-
26 ity or accountability solely by reason of the issuance thereof. The
27 bonds, notes or other obligations of the trust shall not be a debt of
28 NYCHA, the city, or the state, and neither NYCHA, the city nor the state
29 shall be liable thereon, nor shall they be payable out of any funds
30 other than those of the trust, and such bonds, notes or other obli-
31 gations shall contain on the face thereof a statement to such effect.

32 11. The trust, subject to such agreements with bondholders as then may
33 exist, shall have power to purchase bonds, notes or other obligations of
34 the trust out of any moneys available therefor, which shall thereupon be
35 cancelled.

36 12. Notwithstanding any provision of article twelve of the private
37 housing finance law, section twenty-nine hundred seventy-six of the
38 public authorities law or any other general, special or local law to the
39 contrary, (a) the purposes of the New York city housing development
40 corporation and its powers granted in article twelve of the private
41 housing finance law also shall include, subject to the provisions of any
42 contract with holders of its bonds, notes or other obligations, the
43 making of loans to the trust and entities referred to in subdivision
44 thirteen of section six hundred twenty-nine of this article, and (b)
45 bonds, notes or other obligations of the New York city housing develop-
46 ment corporation issued for, or to refund bonds, notes or other obli-
47 gations issued for, such purpose or the purposes of paying costs of
48 issuance thereof or funding reserves to secure such bonds, notes or
49 other obligations (i) may be sold without any consultation or approval
50 otherwise required by subdivision two of section six hundred fifty-five
51 of the private housing finance law, (ii) shall not be included in any
52 calculation of outstanding bonds, notes or other obligations for
53 purposes of section six hundred fifty-six of the private housing finance
54 law and shall not be secured by any capital reserve fund established
55 pursuant thereto, and (iii) shall not be included in any calculation of
56 bonds, notes or other obligations issued by the New York city housing

1 development corporation for purposes of section twenty-nine hundred
2 seventy-six of the public authorities law.

3 13. In the event that any default on any bond, note or other obli-
4 gation that is secured by an assignment of, mortgage on, pledge of or
5 other encumbrance on any interest of the trust, or any entity referred
6 to in subdivision thirteen of section six hundred twenty-nine of this
7 article, in any housing facilities, has occurred and is continuing
8 beyond the applicable cure period, if any, provided to the trust or such
9 entity in the instrument granting such assignment, mortgage, pledge or
10 other encumbrance, notwithstanding any provision in such instrument, any
11 right of the beneficiary of such instrument to obtain such interest in
12 such housing facilities as a remedy to any such default shall, for a
13 period ending thirty days after the end of such cure period, be subject
14 to:

15 (a) the right of the city of New York to remedy, or cause to be reme-
16 died, such default; and

17 (b) the right of the state of New York to remedy, or cause to be reme-
18 died, such default; provided, however, that nothing in this subdivision
19 shall be construed to impose any obligation on the city of New York or
20 on the state of New York to remedy, or cause to be remedied, such
21 default.

22 14. Notwithstanding any default on any obligation referred to in
23 subdivision thirteen of this section, and any remedies exercised as a
24 result of such default, provisions relating to the restricted use of the
25 housing facilities for the provision and operation of housing for low-
26 income families and current residents shall at all times continue to be
27 in effect in perpetuity, and the housing facilities shall remain subject
28 to the provisions of subdivision four of section six hundred thirty of
29 this article and section six hundred thirty-one of this article. The
30 trust shall not pledge the fee ownership of the housing facilities as
31 part of a financing arrangement.

32 15. At least quarterly, the trust shall provide financial reports to
33 the director of management and budget of the city of New York containing
34 such information as the director of management and budget of the city of
35 New York may request.

36 § 638. Resources of the trust. 1. Subject to the provisions of this
37 article, the members of the board shall receive, accept, invest, admin-
38 ister, expend and disburse for its corporate purposes all money of the
39 trust from whatever sources derived including (a) the proceeds of bonds,
40 notes and other obligations, and (b) any other payments, gifts, or
41 appropriations to the trust from any other source.

42 2. Subject to the provisions of any contract with holders of bonds,
43 notes or other obligations, the money of the trust shall be paid to the
44 trust and shall not be commingled with any other money. The money of the
45 trust shall be deposited in accounts held in the trust's name in the
46 bank or banks in the state designated by the trust.

47 3. The moneys in such accounts shall be paid out on checks of the
48 trust upon requisition by the chair or such officer or officers as the
49 trust may authorize to make such requisitions, or pursuant to a bond
50 resolution or trust indenture.

51 4. Any moneys on deposit in the accounts of the trust not required for
52 immediate expenditure shall be invested in obligations in which a muni-
53 cipality may be authorized to invest in accordance with section eleven
54 of the general municipal law, provided, however, that such funds shall
55 not be invested in instruments commonly known as repurchase agreements.
56 The trust shall have the power, notwithstanding the provisions of this

1 section, to contract with the holders of any of its bonds, notes and
2 other obligations as to the custody, collection, securing, investment
3 and payment of any money of the trust or any money held in trust or
4 otherwise for the payment of bonds, notes and other obligations or in
5 any way to secure bonds, notes and other obligations, and to carry out
6 any such contract.

7 § 639. Legal investment and deposit. The bonds, notes or other obli-
8 gations of the trust are hereby made securities in which all public
9 officers and bodies of the state and all public corporations, munici-
10 palities and municipal subdivisions, all insurance companies and associ-
11 ations and other persons carrying on an insurance business, all banks,
12 bankers, trust companies, savings banks and savings associations includ-
13 ing savings and loan associations, building and loan associations,
14 investment companies and other persons carrying on a banking business,
15 all administrators, conservators, guardians, executors, trustees and
16 other fiduciaries, and all other persons whatsoever who are now or may
17 hereafter be authorized to invest in bonds or in other obligations of
18 the state, may properly and legally invest funds, including capital, in
19 their control or belonging to them. The bonds, notes or other obli-
20 gations are also hereby made securities which may be deposited with and
21 may be received by all public officers and bodies of the state and all
22 municipalities and public corporations for any purpose for which the
23 deposit of bonds, notes or other obligations of the state is now or may
24 hereafter be authorized.

25 § 640. Tax exemption and tax contract by the state. 1. It is hereby
26 determined that the creation of the trust and the carrying out of its
27 corporate purposes is in all respects for the benefit of the people of
28 the state of New York and is a public purpose. Accordingly, the trust
29 shall be regarded as performing an essential governmental function in
30 the exercise of the powers conferred upon it by this article, and the
31 trust shall not be required to pay any fees, taxes, special ad valorem
32 levies or assessments of any kind, including, but not limited to, fran-
33 chise taxes, sales taxes or other taxes, upon or with respect to any
34 property owned by it or under its jurisdiction, control or supervision,
35 or upon the uses thereof, or upon or with respect to its activities or
36 operations in furtherance of the powers conferred upon it by this arti-
37 cle, or upon or with respect to any fares, tolls, rentals, rates, charg-
38 es, fees, revenues or other income received by the trust.

39 2. Any bonds, notes or other obligations issued pursuant to this arti-
40 cle together with the income therefrom shall at all times be exempt from
41 taxation.

42 3. The state hereby covenants with the purchasers and with all subse-
43 quent holders and transferees of bonds, notes or other obligations
44 issued by the trust pursuant to this article, in consideration of the
45 acceptance of and payment for the bonds, notes or other obligations,
46 that the bonds, notes or other obligations of the trust issued pursuant
47 to this article and the income therefrom and all revenues, monies, and
48 other property pledged to pay or to secure the payment of such bonds,
49 notes or other obligations shall at all times be free from taxation.

50 § 641. Actions against the trust. 1. Except in an action for wrongful
51 death, no action or proceeding shall be prosecuted or maintained against
52 the trust for personal injury or damage to real or personal property
53 alleged to have been sustained by reason of the negligence or wrongful
54 act of the trust or of any member of the board, officer, agent or
55 employee thereof, unless (a) it shall appear by and as an allegation in
56 the complaint or moving papers that a notice of claim shall have been

1 made and served upon the trust, within the time limit prescribed by and
2 in compliance with section fifty-e of the general municipal law, (b) it
3 shall appear by and as an allegation in the complaint or moving papers
4 that at least thirty days have elapsed since the service of such notice
5 and that adjustment or payment thereof has been neglected or refused,
6 and (c) the action or proceeding shall be commenced within the period
7 provided under section fifty-i of the general municipal law. An action
8 against the trust for wrongful death shall be commenced in accordance
9 with the notice of claim and time limitation provisions of title eleven
10 of article nine of the public authorities law.

11 2. Wherever a notice of claim is served upon the trust, it shall have
12 the right to demand an examination of the claimant relative to the
13 occurrence and extent of the injuries or damages for which claim is
14 made, in accordance with the provisions of section fifty-h of the gener-
15 al municipal law.

16 3. The trust may require any person presenting for settlement an
17 account or claim for any cause whatsoever against the trust to be sworn
18 before a member of the board, counsel or an attorney, officer or employ-
19 ee thereof designated for such purpose, concerning such account or claim
20 and when so sworn, to answer orally as to any facts relative to such
21 account or claim. The trust shall have power to settle or adjust any
22 claims in favor of or against the trust.

23 4. The rate of interest to be paid by the trust upon any judgment for
24 which it is liable, other than a judgment on bonds, notes or other obli-
25 gations, shall not exceed the rate of interest on judgments and accrued
26 claims against municipal authorities as provided in the general municip-
27 al law. Interest on payments of principal or interest on any bonds,
28 notes or other obligations in default shall accrue at the rate specified
29 in the general municipal law until paid or otherwise satisfied.

30 5. The venue of every action, suit or special proceeding brought
31 against the trust shall be laid in the county of New York.

32 § 642. Civil service and pension system membership. 1. The trust, for
33 the purpose of administering the civil service law, shall be subject to
34 the provisions of the civil service law and the rules of the city
35 department of citywide administrative services or any successor acting
36 as the municipal commission of the city. The president of the trust
37 shall be empowered to act for the trust in all matters relating to
38 compliance with this subdivision.

39 2. With respect to persons employed by NYCHA on the effective date of
40 this section, the trust and NYCHA shall be deemed to be the same public
41 employer only for purposes of transfer of employment under the civil
42 service law, which may be made only with the approval of the NYCHA CEO
43 and the president of the trust. No civil service right of an employee of
44 NYCHA employed on the effective date of this article shall be lost,
45 impaired or affected by reason of the enactment of this section into
46 law.

47 3. Any person on an eligible list for a position with NYCHA shall
48 continue to hold such position on such list and shall be entitled to the
49 same civil service rights. The trust shall continue to use any new or
50 existing civil service lists promulgated by the department of citywide
51 administrative services until such time as successor titles are estab-
52 lished. Employees of the trust shall have the same rights and benefits
53 as employees of NYCHA.

54 4. Any officer or employee of NYCHA who is transferred to the trust
55 pursuant to this section and who at the time of such transfer was a
56 member of the New York city employees' retirement system shall continue

1 to be a member of such system as long as he or she or they continues in
2 such service, and shall continue to have all the rights, privileges and
3 obligations of membership in such system. Employment by the trust shall
4 constitute city-service for the purposes of chapter one of title thir-
5 teen of the administrative code of the city of New York.

6 § 643. Collective negotiation. 1. The city of New York collective
7 bargaining law shall apply to the trust.

8 2. For the purpose of article fourteen of the civil service law and
9 the New York city collective bargaining law, as applicable, the trust,
10 acting by and through its president, shall be deemed to be the public
11 employer and as such shall negotiate with and enter into written agree-
12 ments with employee organizations representing the staff of the trust
13 that have been certified or recognized in accordance with applicable
14 law. In carrying on such negotiations, the president of the trust may
15 consult with and seek assistance from the city office of labor relations
16 and NYCHA. The president of the trust shall consult with the appropriate
17 public employee organization on the establishment of, and bargain all
18 terms and conditions of, any new titles established for the trust which
19 have a community of interest with titles already represented by the
20 public employee organization which presently has representation rights
21 for those titles for NYCHA or for the city. Any such titles for which
22 terms and conditions are bargained pursuant to this subdivision shall be
23 deemed to be successor titles within the meaning of applicable law and,
24 so long as the responsibilities of employees in these titles are reason-
25 ably related to the responsibilities of employees currently represented
26 by a public employee organization, shall be accreted to the appropriate
27 bargaining certificates for which such public employee organization
28 shall be voluntarily recognized as the bargaining agent under procedures
29 acceptable to the office of collective bargaining.

30 § 644. Application of state and local human rights laws. Notwithstand-
31 ing any provision of law to the contrary, article fifteen of the execu-
32 tive law and title eight of the administrative code of the city of New
33 York shall apply to the trust.

34 § 645. Limited liability. 1. As used in this section, the term
35 "employee" shall mean the members of the board, president, officers,
36 employees, or a former employee, his or her estate or judicially
37 appointed personal representative.

38 2. Neither the members of the board nor any officers or employee of
39 the trust acting on behalf thereof, while acting within the scope of
40 such person's authority, shall be subject to any liability resulting
41 from carrying out any of the powers expressly given in this article.

42 3. At the request of the employee, and upon compliance by the employee
43 with the provisions of this section, the trust shall provide for the
44 defense of an employee in any civil action or proceeding in any state or
45 federal court, arising out of any alleged act or omission which the
46 trust finds occurred while the employee was acting within the scope of
47 his or her public employment and in the discharge of his or her public
48 duties and was not in violation of any rule or regulation of the trust
49 at the time the alleged act or omission occurred. This duty to provide
50 for a defense and indemnification shall not arise where such civil
51 action or proceeding is brought by or on behalf of the trust against the
52 employee.

53 4. The trust shall indemnify and hold harmless its employees in the
54 amount of any civil judgment obtained against such employees in any
55 state or federal court, or in the amount of any settlement of a claim
56 approved by the trust provided that the act or omission from which such

1 judgment or settlement arose occurred while the employee was acting
2 within the scope of his or her public employment and in the discharge of
3 his or her public duties and was not in violation of any rule or regu-
4 lation of the trust at the time the alleged damages were sustained. The
5 duty to indemnify and hold harmless prescribed by this section shall not
6 arise where the injury or damage resulted from an intentional wrongdo-
7 ing, or recklessness on the part of the employee. Nothing in this
8 section shall authorize the trust to indemnify or hold harmless an
9 employee with respect to punitive or exemplary damages, fines or penal-
10 ties.

11 5. The duty to defend and indemnify and hold harmless prescribed by
12 this section shall be conditioned upon (a) delivery by the employee to
13 the president or general counsel of the trust at the office of the trust
14 of the original or a copy of any summons, complaint, claim, process,
15 notice, demand or pleading within ten days after the employee is served
16 with such document, and (b) the full cooperation of the employee in the
17 defense of such action or proceeding and in defense of any action or
18 proceeding against the trust based upon the same act or omission, and in
19 the prosecution of any appeal. Such delivery shall be deemed a request
20 by the employee that the trust provide for his or her defense pursuant
21 to this section. In the event that the trust shall assume an employee's
22 defense and thereafter the employee fails or refuses to cooperate in the
23 formation or presentation of his or her defense, the court shall permit
24 the trust to withdraw its representation ten days after giving written
25 notice to the employee of its intention to discontinue such represen-
26 tation.

27 6. In the event that the act or omission upon which the court proceed-
28 ing against the employee is based was or is also the basis of a disci-
29 plinary proceeding by the trust against the employee, representation and
30 indemnification by the trust, as set forth in this section, may be with-
31 held (a) until such disciplinary proceeding has been resolved, and (b)
32 unless the resolution of the disciplinary proceeding exonerated the
33 employee as to such act or omission.

34 7. Subject to the conditions set forth in this section, such employee
35 shall be entitled to representation by the general counsel of the trust
36 or by any attorney or attorneys designated by the general counsel,
37 provided, however, that the employee shall be entitled to be represented
38 by private counsel of his or her choice in any civil action or proceed-
39 ing whenever the trust determines that representation would be inappro-
40 priate, or whenever a court, upon appropriate motion or otherwise by a
41 special proceeding, determines that a conflict of interest exists and
42 that the employee is entitled to be represented by private counsel of
43 the employee's choice. The general counsel of the trust shall notify the
44 employee in writing of such determination that the employee is entitled
45 to be represented by private counsel. Provided, however, that the trust
46 may require, as a condition to payment of the fees and expenses of such
47 representation, that appropriate groups of such employees be represented
48 by the same counsel. Reasonable attorneys' fees and litigation expenses
49 shall be paid by the trust to such private counsel from time to time
50 during the pendency of a civil action or proceeding.

51 8. Any dispute with respect to representation of multiple employees by
52 a single counsel or the reasonableness of attorneys' fees or the amount
53 of litigation expenses shall be resolved by the court upon motion or by
54 way of a special proceeding.

55 9. The benefits of this section shall inure only to employees as
56 defined in this section and shall not enlarge or diminish the rights of

1 any other party nor shall any provision of this section be construed to
2 affect, alter or repeal any provision of the workers' compensation law.

3 10. The provisions of this section shall not be construed in any way
4 to impair, alter, limit or modify the rights and obligations of any
5 insurer under any policy of insurance.

6 11. Except as otherwise specifically provided in this section, the
7 provisions of this section shall not be construed in any way to impair,
8 alter, limit, modify, abrogate or restrict any immunity available to or
9 conferred upon any unit, entity, member, officer or employee of the
10 trust, or any right to defense or indemnification provided for any
11 member, officer or employee by, in accordance with, or by reason of, any
12 other provision of state, federal or local law or common law.

13 12. Every action or proceeding instituted pursuant to the provisions
14 of this section shall be commenced pursuant to section six hundred
15 forty-one of this article, and subject to any condition or limitation
16 set forth in such section.

17 13. The provisions of this section shall apply to the actions and
18 proceedings set forth herein notwithstanding any inconsistent provisions
19 of state or local law.

20 § 646. Audit and annual reports. The trust shall have an internal
21 audit function and shall annually prepare and submit reports as required
22 by this section, provided that no report shall be required during the
23 earlier of the first year after the trust commences its operations or
24 one year and nine months after the effective date of this section.

25 1. Within one one hundred twenty days of the end of the city's fiscal
26 year, the trust shall submit to the mayor of the city, the recognized
27 citywide council of presidents, or an equivalent successor body, and the
28 NYCHA board a report on its operations during such fiscal year. An annu-
29 al audit of the trust shall be conducted by an independent certified
30 public accountant, and the trust's independently audited financial
31 statements shall be included in this report. The report shall also
32 detail the extent of completion of all projects for development, design,
33 construction, reconstruction, improvement, rehabilitation, repairing and
34 operation of housing facilities, including, by project, identified
35 shortfalls in schedule performance and providing explanation for such
36 shortfalls. Such report shall detail the extent of completion as existed
37 on the last day of the city's fiscal year. Such report shall also
38 include a description of each alternative project delivery contract,
39 information regarding the procurement process for each such alternative
40 project delivery contract including the list of responding entities that
41 demonstrated the general capability to perform such alternative project
42 delivery contract pursuant to paragraph (a) of subdivision one of
43 section six hundred thirty-four of this article, the total cost of each
44 alternative project delivery contract, an explanation of the estimated
45 savings attributable from the alternative project delivery contract
46 structure used, and the participation rate of and total dollar value of
47 monies paid to minority and women owned business enterprises under such
48 contract. Such report shall also include a description of the employment
49 and other economic opportunities directed to residents of the housing
50 facilities, such as reporting related to section three of the federal
51 housing and urban development act of nineteen hundred sixty-eight, as
52 amended, pursuant to subdivision three of section six hundred thirty-one
53 of this article. Such report shall also include (i) an assessment of
54 the effectiveness of internal controls, (ii) organization chart, (iii)
55 salary information for all employees, (iv) debt issuance information
56 (including outstanding debt and any new debt to be issued, costs of

1 issuance data, bonds redeemed), (v) certain summary financial informa-
2 tion, including receipts and disbursements, as well as assets and
3 liabilities, (vi) annual procurement report, (vii) investment of agency
4 funds information, (viii) information regarding the disposition of
5 tenant complaints, maintenance of apartments and facilities, and other
6 information pertaining to the rights of tenants to remain in their
7 apartment; and (ix) information regarding the level of outreach to, and
8 participation of, residents related to the trust. The trust shall tran-
9 smit the portion of such report relating to alternative project delivery
10 contracts to the governor, the temporary president of the senate and the
11 speaker of the assembly. Such report shall be made publicly available.

12 2. On the last business day in November of each calendar year, the
13 trust shall submit a report describing its strategic planning framework
14 for the upcoming calendar year to the mayor of the city and to the NYCHA
15 board. Such report shall describe any capital improvements to be under-
16 taken and the approximate costs of such improvements and shall provide
17 information regarding operations, programs, and services of the trust.
18 The trust shall present a draft of this report at a meeting of the board
19 scheduled to occur no less than forty-five calendar days prior to the
20 last business day in November. The trust shall make such draft available
21 for public review no less than fifteen calendar days before such meet-
22 ing. The trust shall offer the public an opportunity to provide oral
23 comment on the report at such meeting and to submit written comments to
24 the trust until a specified date prior to the date on which the report
25 is finalized. The trust shall consider all comments received during such
26 period prior to finalizing the report required by this subdivision.

27 § 647. Jurisdiction over trust. 1. The trust shall not be deemed a
28 "covered organization" as defined in the New York state financial emer-
29 gency act for the city of New York.

30 2. The department of investigation of the city shall be authorized to
31 conduct investigations relating to the trust pursuant to chapter thir-
32 ty-four of the New York city charter.

33 3. The comptroller of the city, or his or her legally authorized
34 representative, is hereby authorized and empowered from time to time to
35 examine the books and accounts of the trust including its receipts,
36 disbursements, contracts, reserve funds, sinking funds, investments, and
37 any other matters relating to its financial standing.

38 § 648. Effect of inconsistent provisions. Insofar as the provisions of
39 this article are inconsistent with the provisions of any other law,
40 general, special or local or of the New York city charter or any local
41 law, ordinance or resolution of the city, the provision of this article
42 shall be controlling, provided that nothing contained in this section
43 shall be held to supplement or otherwise expand the powers or duties of
44 the trust otherwise set forth in this article.

45 § 649. Severability. If any provision of this article or its applica-
46 tion to any person or circumstance is held unconstitutional or invalid,
47 in whole or in part, by any court, such holding of unconstitutionality
48 or invalidity shall in no way affect or impair any other provision of
49 this article or the application of any such provision to any other
50 person or circumstance, and to this end the provisions of this article
51 are severable.

52 § 2. Paragraph b of subdivision 3 of section 13-101 of the administra-
53 tive code of the city of New York, as amended by chapter 16 of the laws
54 of 1997, is amended to read as follows:

55 b. Service as a paid employee of the triborough bridge authority, the
56 Henry Hudson parkway authority, the Marine parkway authority, the New

1 York city tunnel authority, the New York city parkway authority, the New
2 York city housing authority, the New York city public housing preserva-
3 tion trust, the triborough bridge and tunnel authority, the New York
4 city transit authority, the New York city housing development corpo-
5 ration, the New York city health and hospitals corporation, the New York
6 city off-track betting corporation, the New York city school
7 construction authority, the New York city municipal water finance
8 authority, the New York city water board, the transit construction fund,
9 the New York city transitional finance authority, the New York city
10 sports authority and the New York city rehabilitation mortgage insurance
11 corporation shall constitute city-service as herein defined.

12 § 3. Paragraph 1 of subdivision c of section 13-133 of the administra-
13 tive code of the city of New York, subparagraph (C) as added by chapter
14 738 of the laws of 1988, subparagraphs (D) and (E) as added by chapter
15 609 of the laws of 1995, subparagraph (F) as added by chapter 16 of the
16 laws of 1997, and subparagraph (G) as added by chapter 3 of the laws of
17 2013, is amended to read as follows:

18 (1) (A) The comptroller shall make monthly payments, in twelve equal
19 installments, with respect to obligations which the city incurs to pay
20 sums to the retirement system.

21 (B) The New York city health and hospitals corporation shall make
22 monthly payments, in twelve equal installments, with respect to obli-
23 gations which it incurs to pay sums to the retirement system.

24 (C) The New York city school construction authority shall make monthly
25 payments, in twelve equal installments, with respect to obligations
26 which it incurs to pay sums to the retirement system.

27 (D) The New York city municipal water finance authority shall make
28 monthly payments, in twelve equal installments, with respect to obli-
29 gations, if any, which it incurs to pay sums to the retirement system.

30 (E) The New York city water board shall make monthly payments, in
31 twelve equal installments, with respect to obligations, if any, which it
32 incurs to pay sums to the retirement system.

33 (F) The New York city transitional finance authority shall make month-
34 ly payments, in twelve equal installments, with respect to obligations
35 which it incurs to pay sums to the retirement system.

36 (G) The New York city public housing preservation trust shall make
37 monthly payments, in twelve equal installments, with respect to obli-
38 gations which it incurs to pay sums to the retirement system.

39 (H) Where a responsible obligor (as defined in paragraph ten of subdi-
40 vision a of section 13-638.2 of this title) is required to make payments
41 to the retirement system pursuant to applicable provisions of law in
42 fiscal year two thousand twelve--two thousand thirteen, and in any
43 fiscal year thereafter, and the provisions of this subdivision or the
44 provisions of any other applicable law do not otherwise specifically
45 require such responsible obligor to make such payments by a particular
46 date or dates during such fiscal year, such responsible obligor shall
47 make such payments either (i) in total on or before January first of
48 such fiscal year, or (ii) in twelve equal monthly installments, as
49 determined by the actuary, with each monthly installment to be paid on
50 or before the last day of each month.

51 § 4. This act shall take effect on the sixtieth day after it shall
52 have become a law. Provided that any public officer or employee, includ-
53 ing but not limited to the mayor of the city of New York and the chief
54 executive officer of the New York city housing authority, is authorized
55 to take any action that is necessary for the timely implementation of
56 this act prior to its effective date.