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2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. CYMBROWITZ, FALL, BENEDETTO, BURDICK, COOK, TAPIA, CUSICK, J. RIVERA, SEAWRIGHT, GIBBS, DINOWITZ, EICHENSTEIN, FERNANDEZ -- 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

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.

9 629. Powers and duties of the trust.

10 630. Transfer of property.

11 631. Exemption from land use review procedures and other
12 requirements.

13 632. Resident protections and opportunities.

14 633. Compliance with codes.

15 634. Contracts of the trust.

16 635. Alternative project delivery contracts.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 636. Additional authority.

2 637. Additional requirements for alternative project delivery
3 contracts.

4 638. Borrowing by the trust and for its benefit; effects of
5 certain defaults.

6 639. Resources of the trust.

7 640. Legal investment and deposit.

8 641. Tax exemption and tax contract by the state.

9 642. Actions against the trust.

10 643. Civil service and pension system membership.

11 644. Collective negotiation.

12 645. Application of state and local human rights laws.

13 646. Limited liability.

14 647. Audit and annual reports.

15 648. Jurisdiction over trust.

16 649. Effect of inconsistent provisions.

17 650. Severability.

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

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

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

44 1. "Alternative project delivery contract" means any project delivery
45 method authorized by this article, including construction manager build,
46 construction manager at risk, and design-build, pursuant to which one or
47 more contracts for the provision of design or construction management
48 and construction services are awarded pursuant to an open and compet-
49 itive method of procurement, as specified in section six hundred thir-
50 ty-five of this article.

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

54 (a) the quality of the proposer's performance on previous projects;

55 (b) the timeliness of the proposer's performance on previous projects;

1 (c) the level of customer satisfaction with the proposer's performance
2 on previous projects;

3 (d) the proposer's record of performing previous projects on budget
4 and ability to minimize cost overruns;

5 (e) the proposer's ability to limit change orders;

6 (f) the proposer's ability to prepare appropriate project plans;

7 (g) the proposer's technical capacities;

8 (h) the individual qualifications of the proposer's key personnel;

9 (i) the proposer's ability to assess and manage risk and minimize risk
10 impact;

11 (j) the proposer's financial capability;

12 (k) the proposer's ability to comply with applicable requirements,
13 including the provisions of articles one hundred forty-five, one hundred
14 forty-seven and one hundred forty-eight of the education law;

15 (l) the proposer's past record of compliance with federal laws, state
16 and local laws, rules, licensing requirements, where applicable, and
17 executive orders, including, but not limited to, section three of the
18 housing and urban development act of nineteen hundred sixty-eight, as
19 amended, or any successor provision, article fifteen-A of the executive
20 law, any other applicable laws concerning minority- and women-owned
21 business enterprise participation, the labor law, and any other applica-
22 ble labor and prevailing wage laws;

23 (m) the proposer's record of complying with existing labor standards,
24 maintaining harmonious labor relations, and protecting the health and
25 safety of workers and payment of wages above any locally-defined living
26 wage;

27 (n) a quantitative factor to be used in evaluation of bids or offers
28 for awarding of contracts for bidders or offerors that are certified as
29 minority or women owned business enterprises pursuant to article
30 fifteen-A of the executive law or certified pursuant to section thirteen
31 hundred four of the New York city charter as minority or women owned
32 business enterprises, or where the bidder is a joint venture including
33 at least one such certified firm. Where the trust identifies a quantita-
34 tive factor pursuant to this paragraph, the trust shall specify that
35 businesses certified as minority or women owned business enterprises
36 pursuant to article fifteen-A of the executive law as well as those
37 certified as minority or women owned business enterprises pursuant to
38 section thirteen hundred four of the New York city charter, or joint
39 ventures including at least one such certified firm, are eligible to
40 qualify for such factor. Nothing in this paragraph shall be construed to
41 require that such businesses be concurrently certified as minority or
42 women owned business enterprises under such article and such section to
43 qualify for such quantitative factor; and

44 (o) a quantitative factor to be used in evaluation of bids or offers
45 for awarding of contracts for bidders or offerors that constitute busi-
46 ness concerns that provide economic opportunities for low and very low-
47 income persons. Such basis shall reflect, wherever possible, objective
48 and quantifiable analysis.

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

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

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

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

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

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

6 6. "Construction manager build" means a project delivery method where-
7 by a construction manager:

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

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

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

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

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

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

23 10. "Housing facilities" means the land and buildings thereon owned or
24 operated by NYCHA and the improvements made to such land and buildings
25 for use in connection with development or operation of dwelling accommo-
26 datations for low-income families.

27 11. "Low-income families" means low-, very low-, and extremely low-in-
28 come families as defined in paragraph two of subsection (b) of section
29 1437a of title forty-two of the United States code or any successor
30 provision.

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

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

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

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

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

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

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

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

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

52 18. "Project labor agreement" shall have the same meaning as described
53 in subdivision one of section two hundred twenty-two of the labor law. A
54 project labor agreement shall require participation in apprentice train-
55 ing programs in accordance with paragraph (e) of subdivision two of
56 section two hundred twenty-two of the labor law.

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

3 20. "Trust" means the New York city public housing preservation trust.
4 § 628. New York city public housing preservation trust. 1. There is
5 hereby established a public benefit corporation to be known as the "New
6 York city public housing preservation trust". The purpose of such trust
7 shall be the design, development, construction, reconstruction, improve-
8 ment, modernization, rehabilitation, repairing and operation of housing
9 facilities.

10 2. The trust shall be governed by and its powers shall be exercised by
11 a board of trustees consisting of nine members. The members shall be the
12 NYCHA CEO, the NYCHA CFO, the deputy mayor for housing and economic
13 development of the city of New York, or another deputy mayor designated
14 by the mayor if there is no deputy mayor with that designation, three
15 members appointed by the NYCHA CEO, including two housing facility resi-
16 dent members and one member at large, provided that one such housing
17 facility resident member shall be selected from two candidates nominated
18 by the recognized citywide council of presidents, or an equivalent
19 successor body, and one such housing facility resident member shall be
20 selected from two candidates nominated by the resident advisory board,
21 or an equivalent successor body, and three members appointed by the
22 mayor, including two housing facility resident members, provided that
23 one such housing facility resident member shall be selected from two
24 candidates nominated by the recognized citywide council of presidents,
25 or an equivalent successor body, and one member who shall represent
26 employees of NYCHA, as applicable, and be selected from two candidates
27 nominated by organizations representing employees of NYCHA or the trust,
28 as applicable. The NYCHA CEO shall be the chair of the trust. The
29 board of trustees of the trust shall appoint the president of the trust.
30 The term of each member, other than members serving by virtue of their
31 positions, shall be three years, except at initial appointment when the
32 terms shall be staggered so that no more than two members shall have
33 terms that end in any given year, provided that the term of only one
34 member appointed by the mayor shall end in any given year.

35 3. Each appointed member shall continue in office until a successor
36 has been appointed and qualified unless otherwise removed as follows. A
37 member may be removed by the NYCHA CEO or mayor, whichever appointed
38 such member, upon the filing in the office of the trust and serving upon
39 the member the reasons therefor. Such document setting forth the
40 reasons shall be made available to the general public which shall
41 include, but not be limited to, publishing such reasons on the websites
42 of the trust and NYCHA. In the event a vacancy occurs in the office of
43 an appointed member, the vacancy shall be filled in the same manner as
44 was the original appointment of the member whose office became vacant.

45 4. Appointed members may engage in private employment, or in a profes-
46 sion or business, unless otherwise prohibited by law, rule or regu-
47 lation, provided, however, that notwithstanding any applicable provision
48 of law, the members shall be subject to the limitations contained in
49 sections two thousand six hundred three, two thousand six hundred four,
50 two thousand six hundred five, and two thousand six hundred six of the
51 New York city charter. The trust shall be an agency and such members
52 shall be public servants for the purposes of such sections. In addition,
53 such members shall be subject to the provisions of section one thousand
54 one hundred sixteen of the New York city charter and shall for the
55 purposes of such section be considered officers of the city. Further,
56 such members, the president and certain critical employees of the trust

1 as designated by the board or the president, shall be subject to the
2 provisions of section 12-110 of the administrative code of the city of
3 New York pertaining to the filing of annual disclosure reports with the
4 city conflicts of interest board, and for such purpose, the members of
5 the board of trustees shall be deemed to be compensated members of the
6 trust.

7 5. The board shall provide for the holding of regular meetings, and
8 such special meetings, at the call of the chair of the trust, as may be
9 necessary. A majority of the members then in office shall constitute a
10 quorum for the transaction of business. The powers of the board shall be
11 vested in and exercised by a majority of the members thereof then in
12 office. Any one or more members of the board may participate in a meet-
13 ing of the trust by means of a conference telephone or similar communi-
14 cations equipment allowing all persons participating in the meeting to
15 hear each other at the same time. Participation by such means shall
16 constitute presence in person at a meeting.

17 6. Members of the board, other than members serving by virtue of their
18 positions, shall receive a stipend in the amount of two hundred fifty
19 dollars for every four hours of work performed for the trust, not to
20 exceed one thousand five hundred dollars per month. In addition,
21 members shall be reimbursed for the actual and necessary expenses
22 incurred by them in the performance of their official duties as members
23 of the board of trustees.

24 7. The board shall appoint a president of the trust and determine the
25 compensation of the president. The president, who shall not be a member
26 of the board, shall be the chief executive officer of the trust and
27 shall be responsible for the discharge of the executive and administra-
28 tive functions and powers of the trust, including the exercise of any
29 powers delegated by the board to the president. The president shall
30 serve at the pleasure of the board.

31 8. The trust shall continue so long as it shall have notes, bonds or
32 other obligations outstanding (including notes, bonds or obligations
33 hereafter issued or incurred) and until its existence shall be termi-
34 nated by law. Upon the termination of the existence of the trust, all
35 its rights and properties shall pass to and be vested in NYCHA.

36 9. Notwithstanding any provision of law to the contrary, no officer or
37 employee of the state, or of any civil division thereof, or of any
38 public corporation, as defined in the general construction law, includ-
39 ing NYCHA, shall be deemed to have forfeited or shall forfeit such
40 person's office or employment or any benefits provided under the retire-
41 ment and social security law or under any public retirement system main-
42 tained by the state or by the civil divisions thereof, or by any such
43 public corporation, by reason of such person's acceptance of membership
44 on the board of the trust or by virtue of such person being an officer
45 or employee of the trust.

46 § 629. Powers and duties of the trust. The trust shall have the
47 following powers and duties:

48 1. to sue and be sued;

49 2. to have a seal and alter the same at pleasure;

50 3. to make and, as necessary, to amend and repeal by-laws for the
51 trust and the management and regulation of its affairs not inconsistent
52 with the provisions of this article;

53 4. to appoint the president of the trust and fix the president's
54 compensation, pursuant to section six hundred twenty-eight of this arti-
55 cle, and to execute direct oversight of the president and other manage-
56 ment in the effective and ethical management of the trust, and establish

1 policies regarding the payment of salary, compensation and reimburse-
2 ments to, and establish rules for the time and attendance of the presi-
3 dent and management;

4 5. to engage or assist in the development, design, construction,
5 reconstruction, improvement, modernization, rehabilitation, repairing,
6 and operation of housing facilities;

7 6. to acquire or transfer real and personal property and improvements
8 thereon, or any interest therein, by any method, necessary or convenient
9 for the exercise of its functions, powers and duties;

10 7. to encumber residential property and buildings held by the trust
11 and limit use to residents who are low-income families as defined in
12 subdivision eleven of section six hundred twenty-seven of this article
13 and other residents as defined in subdivision seventeen of section six
14 hundred twenty-seven of this article;

15 8. to make and execute contracts and all other instruments necessary
16 or convenient for the exercise of its functions, powers and duties,
17 including procurement contracts consistent with applicable provisions of
18 this article. Notwithstanding any provision of law to the contrary,
19 including but not limited to article eight of this chapter, the trust
20 may enter into contracts, consistent with applicable provisions of this
21 article, with NYCHA or on behalf of and for the benefit of NYCHA;

22 9. to enter into agreements with the NYCHA or other entities for the
23 provision of management, maintenance and other services;

24 10. notwithstanding the provisions of section twenty-five hundred four
25 of the insurance law or any other provision of law to the contrary, to
26 procure or cause to be placed or procured insurance on behalf of itself
27 and others against any loss in connection with its activities, proper-
28 ties and other assets, in such amounts and from such insurers as it
29 deems desirable;

30 11. to enter into agreements with public agencies and public entities
31 for the receipt of services;

32 12. to borrow and loan funds and issue bonds, notes or other obli-
33 gations consistent with this article;

34 13. to form or participate as members or partners of private entities,
35 which may include but are not limited to, not-for-profit corporations,
36 housing development fund corporations, limited liability corporations,
37 and limited partnerships, to further the purposes and powers given and
38 granted by this section;

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

41 15. to apply for or accept from any source any gifts, grants,
42 donations, or conveyances of land, money, other real or personal proper-
43 ty, or other items of value, or loans of funds or property or financial
44 or other aid or credit assistance in any form, including any guaranty,
45 line of credit, or grant, from the federal government or any agency or
46 instrumentality thereof, from the state or any agency or instrumentality
47 thereof, from the city or any agency or instrumentality thereof, or from
48 any other source, for any or all of the purposes specified in this arti-
49 cle, and it may comply, subject to the provisions of this article, with
50 the terms and conditions thereof;

51 16. prior to the approval of any rule or regulation affecting rights
52 and protections afforded to residents of housing facilities, including,
53 but not limited to, resident protections and opportunities pursuant to
54 section six hundred thirty-two of this article, lease revisions, sched-
55 ules of special charges for services, repairs and utilities, and rules
56 and regulations to be incorporated into the lease by reference, the

1 trust shall post a notice containing the proposed rule or regulation on
2 the website of the trust and in a prominent location in the affected
3 housing facility. Such notice shall include (a) a statement of the basis
4 and purpose of the proposed rule, (b) the time and place of the meeting
5 at which the board will provide residents an opportunity to provide oral
6 comment on such proposed rule, provided that a meeting to provide resi-
7 dents an opportunity to provide oral comment shall not be required if
8 such rule is required by law with only minor, if any, exercise of
9 discretion by the trust, or does not adversely affect the protections
10 afforded to the residents of the housing facilities, and (c) an opportu-
11 nity to submit written comments and the final date for receipt of writ-
12 ten comments. The trust may adopt a rule or regulation after receiving
13 written comments on the proposed rule or regulation for a period of at
14 least thirty days. The trust shall consider all comments received in
15 such period prior to adopting such rule or regulation. In the event the
16 trust determines that immediate adoption of any rule or regulation is
17 necessary for the preservation of health, safety or general welfare and
18 that compliance with the foregoing requirements of this subdivision
19 would be contrary to the public interest, such proposed item may be
20 adopted on an emergency basis. The trust shall provide written justi-
21 fication for such determination and make such justification publicly
22 available including via its website and in a prominent location in the
23 affected housing facility. Any such immediate adoption shall only remain
24 in effect for sixty days, and during such time the trust shall comply
25 with the requirements of this subdivision in order for the adoption of
26 the rule or regulation to become permanent; and

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

29 § 630. Transfer of property. 1. NYCHA, acting by NYCHA board resol-
30 ution and in accordance with a disposition or similar plan approved by
31 the United States department of housing and urban development in accord-
32 ance with applicable federal law, which shall include a letter of
33 approval from the mayor or a designee of the mayor, may transfer to the
34 trust, with or without consideration and without any further authori-
35 zation, a leasehold interest in its housing facilities and any ancillary
36 personal property of such facilities. The aggregate number of residen-
37 tial units transferred to the trust pursuant to this section shall not
38 exceed twenty-five thousand. On an annual basis, NYCHA and the trust
39 shall review such limit and, if they determine that such limit should be
40 increased, NYCHA and the trust shall make recommendations to the legis-
41 lature regarding any such increase.

42 2. The trust shall not transfer, convey, assign, mortgage, pledge or
43 otherwise encumber any interest in, or permit or suffer any transfer,
44 conveyance, assignment, mortgage, pledge or other encumbrance of any
45 interest in any housing facilities, or any part thereof without prior
46 written consent of NYCHA. Such written consent shall include, but not
47 be limited to, all protections described in section six hundred thirty-
48 two of this article and in subdivision fourteen of section six hundred
49 thirty-eight of this article.

50 3. The trust shall ensure that any housing facilities transferred to
51 the trust pursuant to this section and any portions thereof are leased
52 in accordance with United States department of housing and urban devel-
53 opment eligibility and income-targeting requirements, to the extent
54 applicable to the units therein. Rents for such units shall not exceed
55 applicable program requirements for the provision of housing for low-in-
56 come families as established pursuant to federal law and regulations.

1 Where NYCHA rules, regulations or agreements exceed the resident
2 protection standards set forth in state or federal law or regulations,
3 any housing facilities transferred to the trust pursuant to this section
4 and any portions thereof shall be leased in accordance with the require-
5 ments set forth in the NYCHA rules, regulations, or agreements, as
6 applicable.

7 4. Prior to the voting process and the transfer of any housing facili-
8 ty, or any part thereof, NYCHA shall engage in a course of resident
9 engagement. Such resident engagement shall include: (a) Notice of
10 proposed options on the website of NYCHA and in a prominent location of
11 the affected housing facility in compliance with language access
12 requirements in federal and state law, as applicable;

13 (b) a summary description of the proposed options;

14 (c) the time and place of at least one public meeting at which NYCHA
15 shall provide residents of such facility information about the proposed
16 options and an opportunity to provide oral comment on the proposed
17 transfer;

18 (d) notification by mail to all residents of such housing facility,
19 which shall include information detailing the proposed options; and

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

24 5. Within sixty days of the effective date of this article, NYCHA will
25 issue a set of proposed requirements related to the voting eligibility,
26 form, substance, and timing of the voting process by residents of a
27 particular housing facility for a modernization strategy that addresses
28 the capital needs of the housing facility. There will be a comment peri-
29 od for the voting process, and the comment period shall include at least
30 one meeting open to the public. NYCHA will consider the comments before
31 issuance of the final requirements for the voting process. The comments,
32 and the responses to such comments, shall be published publicly, includ-
33 ing, but not limited to, on NYCHA's website. Within one hundred twenty
34 days of the effective date of this article, the final requirements for
35 the voting process shall be posted. The voting process shall include,
36 but will not be limited to, the ability of residents at a particular
37 housing facility to reject the options proposed for that particular
38 housing facility submitted as part of the voting process. If all options
39 are rejected at that particular housing facility, none of the proposed
40 options will be implemented at that particular housing facility until
41 another vote is undertaken at that particular housing facility. The
42 trust shall not transfer, convey, assign, mortgage, pledge or otherwise
43 encumber any interest in, or permit or suffer any transfer, conveyance,
44 assignment, mortgage, pledge or other encumbrance of any interest in
45 that particular housing facility, or any part thereof, prior to the
46 posting of the final requirements for the voting process, prior to the
47 vote at that particular housing facility, and prior to the satisfaction
48 of applicable federal law and regulations.

49 § 631. Exemption from land use review procedures and other require-
50 ments. 1. Except for the provisions of article eight of the environ-
51 mental conservation law and article fourteen of the parks, recreation
52 and historic preservation law, neither (a) the establishment or amend-
53 ment of a housing facility's disposition or similar plan pursuant to
54 agreement with the United States department of housing and urban devel-
55 opment and actions relating to the financing thereof, (b) the selection
56 of sites for projects, (c) any conveyance or other grant of property or

1 of any interest therein by NYCHA or any other person, firm or organiza-
2 tion to the trust, (d) the development of housing facilities by or
3 through the trust, including any contracts, approvals, consents, agree-
4 ments, permits or authorizations necessary to accomplish the same, and
5 (e) the reconveyance or transfer of property to NYCHA by the trust,
6 shall be subject to the provisions of any general, special or local law,
7 city charter, administrative code, ordinance or resolution governing
8 uniform land use review procedures, any other land use planning review
9 and approvals, historic preservation procedures, architectural reviews,
10 franchise approvals and other state or local review and approval proce-
11 dures governing the use of land and the improvements thereon within the
12 city. Capital projects for housing facilities to be undertaken by or
13 through the trust shall not be subject to the provisions of the New York
14 city charter relating to site selection, land use review procedures, art
15 commission review procedures, general standards and cost limits, project
16 scope and design procedures, or contract registration and vouchering
17 procedures.

18 2. The trust shall be subject to zoning regulations to the same extent
19 that NYCHA is subject to such regulations.

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

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

31 (b) ensuring that any resident required to relocate temporarily for
32 purposes of rehabilitation or redevelopment of such housing facility is
33 able to return to such housing facility following the completion of such
34 rehabilitation or redevelopment, and that the relocation expenses of
35 such temporary relocation be paid for by the trust or NYCHA as required
36 by applicable federal law;

37 (c) providing a resident of such housing facility the opportunity to
38 establish and operate a council to represent residents in such housing
39 facility to address concerns relating to such facility, pursuant to
40 subpart b of part nine hundred sixty-four of title twenty-four of the
41 code of federal regulations or any successor regulation, and to be
42 eligible for resident participation funding from the trust consistent
43 with funding available to residents of public housing pursuant to
44 section 964.150 of title twenty-four of the code of federal regulations
45 or any successor regulation, provided that any resident council that, at
46 the time of the transfer of a housing facility to the trust, is certi-
47 fied by NYCHA as the resident council shall be recognized by the trust
48 as the resident council of such housing facility;

49 (d) providing a resident of a housing facility an opportunity for an
50 informal hearing to grieve any dispute that such resident may have with
51 respect to an action of the trust with regard to such resident's lease,
52 consistent with the obligation of a public housing agency pursuant to
53 paragraph eight of subdivision (e) of section 966.4 of title twenty-four
54 of the code of federal regulations or any successor regulations and
55 pursuant to subpart b of part nine hundred sixty-six of title twenty-
56 four of the code of federal regulations or any successor regulations;

1 (e) providing a resident of a housing facility automatic renewal of
2 such resident's leases, except for good cause as specified in the lease
3 between such resident and the trust, consistent with the requirements
4 relating to a lease between a public housing agency and a tenant of a
5 dwelling unit pursuant to subparagraph (i) of paragraph two of subdivi-
6 sion (a) and subdivision (1) of section 966.4 of title twenty-four of
7 the code of federal regulations or any successor regulation;

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

11 (g) permitting a resident whose total tenant payment, as defined in
12 section 983.3 of title twenty-four of the code of federal regulations,
13 or any successor regulations, would equal or exceed the rent to owner,
14 as defined in section 983.3 of title twenty-four of the code of federal
15 regulations or any successor regulations, to remain in a housing facili-
16 ty and pay rent in an amount to be determined by the trust and NYCHA and
17 as set forth in the lease of such resident; and

18 (h) determining succession to a voucher pursuant to section eight of
19 the United States housing act of nineteen hundred thirty-seven, as
20 amended, or any successor provision, in accordance with the housing
21 voucher program administrative plan, and any amendments to such plan, of
22 NYCHA.

23 2. The resident protections described in subdivision one of this
24 section shall be enumerated in the ground lease or other appropriate
25 agreement between NYCHA and the trust and shall be further enumerated in
26 writing between the trust and each resident of a housing facility.
27 Nothing in this section shall preclude the trust or NYCHA from providing
28 additional resident protections, which may be enumerated in any such
29 ground lease or agreement.

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

38 4. The trust shall act in accordance with the full requirements of
39 part nine hundred sixty-four of title twenty-four of the code of federal
40 regulations or any successor regulation. The trust shall, among other
41 requirements, support resident participation in the operations of the
42 housing facilities and negotiate, with any resident management corpo-
43 rations, or equivalent that satisfies the requirements of such part, for
44 operation of a housing facility. The trust shall consider applications
45 of resident organizations, community organizations or other local organ-
46 izations for grant funding, as available, to provide training, technical
47 assistance, and education to residents to support active resident
48 participation in the planning and implementation of the conversion proc-
49 ess.

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

53 6. The trust shall create committees consisting of members as appro-
54 priate, which shall include, but not be limited to, trust employees and
55 residents of the housing facility where construction, reconstruction,
56 rehabilitation, alteration, renovation, maintenance and repair work is

1 being performed, and such committees shall meet as needed to provide
2 input, and oversight, along with recommendations, with respect to the
3 quality of such work performed by the vendors of the trust.

4 § 633. Compliance with codes. 1. The trust shall, in the design,
5 development, construction, reconstruction, improvement, modernization,
6 rehabilitation, repair, and operation of or otherwise providing for
7 housing facilities, comply and cause all contractors of the trust to
8 comply with applicable sanitary and building laws and regulations.

9 2. The trust shall adopt rules or regulations establishing sustainable
10 design guidelines for the development, construction, reconstruction,
11 improvement, modernization, rehabilitation, repair, and operation of, or
12 otherwise providing for, housing facilities, which shall include crite-
13 ria for beneficial electrification and renewable energy production in
14 furtherance of the goals of decarbonized buildings, use of sustainable
15 materials, and energy and water efficiency.

16 § 634. Contracts of the trust. 1. Notwithstanding any provision of law
17 to the contrary, the trust shall establish and maintain procurement
18 policies that shall set forth the methods and procedures by which the
19 trust shall procure contracts for goods and services, including but not
20 limited to services for design, development, construction, recon-
21 struction, improvement, modernization, rehabilitation, repair and opera-
22 tion, related to property owned or leased by the trust, in a manner
23 consistent with the provisions of this article. Such policies shall
24 specifically include:

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

29 (b) processes for awarding contracts for goods and services using
30 alternatives to competitive sealed bidding where competitive sealed
31 bidding is not practicable or not advantageous, in which case the trust
32 shall use the most competitive method of procurement that is appropriate
33 under the circumstances to select the proposer offering the best value
34 to the trust;

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

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

47 (e) processes for awarding alternative project delivery contracts, in
48 a manner consistent with the terms of section six hundred thirty-five of
49 this article;

50 (f) procedures for the fair and equitable resolution of contract
51 disputes, for appeals of responsiveness and responsibility determi-
52 nations by the trust, and for appeals of prequalification determi-
53 nations;

54 (g) a process for making purchases off contracts procured by public
55 agencies and public entities; and

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

3 (1) the existence of an emergency involving danger to life, safety or
4 property requires immediate action and cannot await a competitive proc-
5 ess for goods or services to be purchased, including, but not limited
6 to, services for construction, reconstruction, rehabilitation, alter-
7 ation, renovation, maintenance or repairs, which are essential to effi-
8 cient operation or the adequate provision of service by the trust and as
9 a consequence of unforeseen circumstance such purchase cannot await a
10 competitive process;

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

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

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

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

28 (6) the contract is a contract between the trust and another govern-
29 mental entity, including, but not limited to NYCHA.

30 2. Additional requirement for alternative project delivery contracts
31 or contracts awarded by competitive sealed bid. Construction performed
32 under a contract entered into by the trust pursuant to this article
33 shall be deemed a public work to be performed in accordance with the
34 provisions of article eight of the labor law, as well as subject to
35 sections two hundred, two hundred forty, two hundred forty-one and two
36 hundred forty-two of the labor law and enforcement of prevailing wage
37 requirements pursuant to applicable law or, for projects or public works
38 receiving federal aid, applicable federal requirements for prevailing
39 wage. Any contract entered into by competitive sealed bid or pursuant to
40 section six hundred thirty-five of this article, shall be undertaken
41 pursuant to a project labor agreement and include a clause requiring the
42 selected alternative project delivery contractor or selected sealed bid
43 contractor to obligate every tier of contractor working on the public
44 work to comply with the project labor agreement required by section six
45 hundred thirty-five of this article and this section, and shall include
46 project labor agreement compliance monitoring and enforcement provisions
47 consistent with any such project labor agreement.

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

52 4. The provisions of section one hundred six-b of the general municip-
53 al law shall apply to the trust.

54 5. Unless a federal requirement conflicts with any procurement proce-
55 dure set forth in this article, the trust shall be required to comply
56 with such procedure.

1 § 635. Alternative project delivery contracts. 1. Notwithstanding any
2 provision of law to the contrary, including but not limited to section
3 seventy-two hundred ten of the education law, and in conformity with the
4 requirements of this article, for any public work undertaken pursuant to
5 a project labor agreement the trust may use alternative project delivery
6 contracts.

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

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

44 (2) Step two. The second step shall be the selection of the proposal
45 which is the best value to the trust. The trust shall issue a request
46 for proposals to the responding entities listed pursuant to subparagraph
47 one of this paragraph. If such a responding entity consists of a team of
48 separate entities, the entities that comprise such a team shall remain
49 unchanged from the responding entity as listed pursuant to subparagraph
50 one of this paragraph unless otherwise approved by the trust. The
51 request for proposals shall set forth the public work's scope of work,
52 and other requirements, as determined by the trust, which may include
53 separate goals for work under the contract to be performed by businesses
54 certified as minority or women owned business enterprises pursuant to
55 article fifteen-A of the executive law, or certified pursuant to local
56 law as minority or women owned business enterprises, or goals estab-

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

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

44 (1) a cost-plus not to exceed guaranteed maximum price form of
45 contract in which the trust shall be entitled to monitor and audit all
46 costs. In establishing the schedule and process for determining a guar-
47 anteed maximum price, the contract between the trust and the contractor
48 shall include terms specifying the price for the design phase of the
49 work, the scope of the work, and any applicable cost factors relating to
50 construction phase work that were included in the contractor's proposal.
51 A fair and reasonable guaranteed maximum price for the construction
52 phase of the work, or portions of the construction phase of the work,
53 may be agreed to as one or more amendments to such contract based on
54 developments in the design of the project that occur after such contract
55 is executed. Each guaranteed maximum price amendment shall: (i)
56 describe the scope of the portion of the construction phase work subject

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

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

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

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

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

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

42 4. Each alternative project delivery contract entered into by the
43 trust pursuant to this article shall comply with the objectives and
44 goals relating to the performance of design and construction services by
45 minority and women owned business enterprises pursuant to section 6-129
46 of the administrative code of the city of New York, or, for projects or
47 public works receiving federal aid, applicable federal requirements for
48 disadvantaged business enterprises or minority and women owned business
49 enterprises and section three of the housing and urban development act
50 of nineteen hundred sixty-eight, as amended, or any successor provision,
51 if applicable.

52 5. (a) Notwithstanding any provision of law to the contrary, all
53 rights or benefits, including terms and conditions of employment, and
54 protection of civil service and collective bargaining status of all
55 employees of NYCHA and the trust solely in connection with the use of an

1 alternative project delivery contract pursuant to this section shall be
2 preserved and protected.

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

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

19 (d) Without limiting contractors' obligations under alternative
20 project delivery contracts to issue their own initial certifications of
21 substantial completion and final completion, public employees of the
22 trust shall review and determine whether the work performed by contrac-
23 tors is acceptable and has been performed in accordance with the appli-
24 cable alternative project delivery contracts, and if such public employ-
25 ees so determine, such public employees shall accept contractors'
26 substantial or final completion of the public works as applicable.
27 Performance by public employees of the trust of any review described in
28 this subdivision shall not be construed to modify or limit contractors'
29 obligations to perform the work in strict accordance with the applicable
30 alternative project delivery contract or the contractors' or any subcon-
31 tractors' obligations or liabilities under any law.

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

36 § 637. Additional requirements for alternative project delivery
37 contracts. Construction performed under a contract entered into by the
38 trust pursuant to this article shall be deemed a "public work" to be
39 performed in accordance with the provisions of article eight of the
40 labor law, as well as subject to sections two hundred, two hundred
41 forty, two hundred forty-one and two hundred forty-two of the labor law
42 and enforcement of prevailing wage requirements pursuant to applicable
43 law or, for projects or public works receiving federal aid, applicable
44 federal requirements for prevailing wage. Any contract entered into
45 pursuant to section six hundred thirty-five of this article shall
46 include a clause requiring the selected alternative project delivery
47 contractor to obligate every tier of contractor working on the public
48 work to comply with the project labor agreement required by section six
49 hundred thirty-five of this article, and shall include project labor
50 agreement compliance monitoring and enforcement provisions consistent
51 with any such project labor agreement.

52 § 638. Borrowing by the trust and for its benefit; effects of certain
53 defaults. 1. For the purposes of this section, the term "project" means
54 the development, design, construction, reconstruction, improvement,
55 rehabilitation, repairing and operation of housing facilities.

1 2. The trust shall have the power and is hereby authorized from time
2 to time to issue bonds, notes or other obligations in conformity with
3 applicable provisions of the uniform commercial code, in such principal
4 amounts as it may determine to be necessary to pay the cost of any
5 project and to fund reserves to secure such bonds, notes or other obli-
6 gations, including incidental expenses in connection therewith. The
7 trust shall have the power from time to time to refund any bonds, notes
8 or other obligations of the trust by the issuance of new bonds, notes or
9 other obligations, and may issue bonds, notes or other obligations part-
10 ly to refund bonds, notes or other obligations of the trust then
11 outstanding and partly to pay the cost of any project. Bonds, notes or
12 other obligations issued by the trust shall be payable as may be desig-
13 nated in the resolution of the trust under which the bonds, notes or
14 other obligations shall be authorized to be issued, subject to any
15 agreements with the holders of outstanding bonds, notes or other obli-
16 gations pledging any particular revenues or moneys. No bonds, notes or
17 other obligations of the trust or any entity referred to in subdivision
18 thirteen of section six hundred twenty-nine of this article shall be
19 issued or incurred without the prior written approval of the director of
20 management and budget of the city of New York.

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

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

26 5. Whenever the trust shall determine that the issuance of its bonds,
27 notes or other obligations is appropriate, the trust shall make a deter-
28 mination as to the arrangements necessary for the issuance and sale of
29 such bonds, notes or other obligations, including the underwriting of
30 such bonds, notes or other obligations through the public or private
31 sale of such bonds, notes or other obligations, and such determination
32 shall include compensation for services rendered as the trust deems
33 appropriate. Such determination shall be set forth in a resolution of
34 the trust, which shall authorize issuance of such bonds, notes or other
35 obligations. The bonds, notes or other obligations shall bear interest
36 at such fixed or variable rates and shall be in such denominations, be
37 in such form, either coupon or registered, be sold at such public or
38 private sale, be executed in such manner, be denominated in United
39 States currency, be payable in such medium of payment, at such place and
40 be subject to such terms of redemption as the trust may provide in such
41 resolution.

42 6. Any resolution or resolutions authorizing bonds, notes or other
43 obligations or any issue of bonds, notes or other obligations may
44 contain provisions which may be a part of the contract with the holders
45 of the bonds, notes or other obligations thereby authorized as to:

46 (a) pledging all or part of its revenues, including, but not limited
47 to, project-based or tenant-based assistance pursuant to section eight
48 of the United States housing act of nineteen hundred thirty-seven, as
49 amended, or any successor provision, and assistance provided to NYCHA
50 pursuant to section nine of the United States housing act of nineteen
51 hundred thirty-seven, as amended, or any successor provision, together
52 with any other moneys, securities or contracts, to secure the payment of
53 the bonds, notes or other obligations, subject to such agreements as may
54 then exist;

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

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

3 (d) limitations on the issuance of additional bonds, notes or other
4 obligations, the terms upon which additional bonds, notes or other obli-
5 gations may be issued and secured and the refunding of bonds, notes or
6 other obligations;

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

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

14 (g) defining the acts or omissions to act that may constitute a
15 default in the obligations and duties of the trust to the holders of
16 bonds, notes or other obligations and providing for the rights and reme-
17 di- es of the holders of bonds, notes or other obligations in the event of
18 such default, including as a matter of right the appointment of a
19 receiver, provided, however, that such rights and remedies shall not be
20 inconsistent with the general laws of the state and other provisions of
21 this article.

22 7. In addition to the powers herein conferred upon the trust to secure
23 its bonds, notes or other obligations, the trust shall have power in
24 connection with the issuance of bonds, notes or other obligations to
25 enter into such agreements for the benefit of the holders of bonds,
26 notes or other obligations as the trust may deem necessary, convenient
27 or desirable concerning the use or disposition of its revenues or other
28 moneys, including the entrusting, pledging or creation of any other
29 security interest in any such revenues, moneys and the doing of any act,
30 including refraining from doing any act, which the trust would have the
31 right to do in the absence of such agreements. The trust shall have
32 power to enter into amendments of any such agreements within the powers
33 granted to the trust by this article and to perform such agreements. The
34 provisions of any such agreements may be made a part of the contract
35 with the holders of bonds, notes or other obligations of the trust.

36 8. Notwithstanding any provision of the uniform commercial code to the
37 contrary, any pledge of or other security interest in revenues, moneys,
38 accounts, contract rights, general intangible or other personal property
39 made or created by the trust shall be valid, binding and perfected from
40 the time when such pledge is made or other security interest attaches
41 without any physical delivery of the collateral or further act, and the
42 lien of any such pledge or other security interest shall be valid, bind-
43 ing and perfected against all parties having claims of any kind in tort,
44 contract or otherwise against the trust irrespective of whether or not
45 such parties have notice thereof. No instrument by which such a pledge
46 or security interest is created nor any financing statement need be
47 recorded or filed.

48 9. Whether or not the bonds, notes or other obligations of the trust
49 are of such form and character as to be negotiable instruments under the
50 terms of the uniform commercial code, the bonds, notes or other obli-
51 gations are hereby made negotiable instruments within the meaning of and
52 for all the purposes of the uniform commercial code, subject only to the
53 provisions of the bonds, notes or other obligations for registration.

54 10. Neither the members of the board nor any person executing bonds
55 shall be liable personally thereon or be subject to any personal liabil-
56 ity or accountability solely by reason of the issuance thereof. The

1 bonds, notes or other obligations of the trust shall not be a debt of
2 NYCHA, the city, or the state, and neither NYCHA, the city nor the state
3 shall be liable thereon, nor shall they be payable out of any funds
4 other than those of the trust, and such bonds, notes or other obli-
5 gations shall contain on the face thereof a statement to such effect.

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

10 12. Notwithstanding any provision of article twelve of the private
11 housing finance law, section twenty-nine hundred seventy-six of the
12 public authorities law or any other general, special or local law to the
13 contrary, (a) the purposes of the New York city housing development
14 corporation and its powers granted in article twelve of the private
15 housing finance law also shall include, subject to the provisions of any
16 contract with holders of its bonds, notes or other obligations, the
17 making of loans to the trust and entities referred to in subdivision
18 thirteen of section six hundred twenty-nine of this article, and (b)
19 bonds, notes or other obligations of the New York city housing develop-
20 ment corporation issued for, or to refund bonds, notes or other obli-
21 gations issued for, such purpose or the purposes of paying costs of
22 issuance thereof or funding reserves to secure such bonds, notes or
23 other obligations (i) may be sold without any consultation or approval
24 otherwise required by subdivision two of section six hundred fifty-five
25 of the private housing finance law, (ii) shall not be included in any
26 calculation of outstanding bonds, notes or other obligations for
27 purposes of section six hundred fifty-six of the private housing finance
28 law and shall not be secured by any capital reserve fund established
29 pursuant thereto, and (iii) shall not be included in any calculation of
30 bonds, notes or other obligations issued by the New York city housing
31 development corporation for purposes of section twenty-nine hundred
32 seventy-six of the public authorities law.

33 13. In the event that any default on any bond, note or other obli-
34 gation that is secured by an assignment of, mortgage on, pledge of or
35 other encumbrance on any interest of the trust, or any entity referred
36 to in subdivision thirteen of section six hundred twenty-nine of this
37 article, in any housing facilities, has occurred and is continuing
38 beyond the applicable cure period, if any, provided to the trust or such
39 entity in the instrument granting such assignment, mortgage, pledge or
40 other encumbrance, notwithstanding any provision in such instrument, any
41 right of the beneficiary of such instrument to obtain such interest in
42 such housing facilities as a remedy to any such default shall, for a
43 period ending thirty days after the end of such cure period, be subject
44 to:

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

47 (b) the right of the state of New York to remedy, or cause to be reme-
48 died, such default; provided, however, that nothing in this subdivision
49 shall be construed to impose any obligation on the city of New York or
50 on the state of New York to remedy, or cause to be remedied, such
51 default.

52 14. Notwithstanding any default on any obligation referred to in
53 subdivision thirteen of this section, and any remedies exercised as a
54 result of such default, provisions relating to the restricted use of the
55 housing facilities for the provision and operation of housing for low-
56 income families and current residents shall at all times continue to be

1 in effect in perpetuity, and the housing facilities shall remain subject
2 to the provisions of subdivision three of section six hundred thirty of
3 this article and section six hundred thirty-two of this article. The
4 trust shall not pledge the fee ownership of the housing facilities as
5 part of a financing arrangement.

6 15. At least quarterly, the trust shall provide financial reports to
7 the director of management and budget of the city of New York containing
8 such information as the director of management and budget of the city of
9 New York may request.

10 § 639. Resources of the trust. 1. Subject to the provisions of this
11 article, the members of the board shall receive, accept, invest, admin-
12 ister, expend and disburse for its corporate purposes all money of the
13 trust from whatever sources derived including (a) the proceeds of bonds,
14 notes and other obligations, and (b) any other payments, gifts, or
15 appropriations to the trust from any other source.

16 2. Subject to the provisions of any contract with holders of bonds,
17 notes or other obligations, the money of the trust shall be paid to the
18 trust and shall not be commingled with any other money. The money of the
19 trust shall be deposited in accounts held in the trust's name in the
20 bank or banks in the state designated by the trust.

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

25 4. Any moneys on deposit in the accounts of the trust not required for
26 immediate expenditure shall be invested in obligations in which a muni-
27 cipality may be authorized to invest in accordance with section eleven
28 of the general municipal law, provided, however, that such funds shall
29 not be invested in instruments commonly known as repurchase agreements.
30 The trust shall have the power, notwithstanding the provisions of this
31 section, to contract with the holders of any of its bonds, notes and
32 other obligations as to the custody, collection, securing, investment
33 and payment of any money of the trust or any money held in trust or
34 otherwise for the payment of bonds, notes and other obligations or in
35 any way to secure bonds, notes and other obligations, and to carry out
36 any such contract.

37 § 640. Legal investment and deposit. The bonds, notes or other obli-
38 gations of the trust are hereby made securities in which all public
39 officers and bodies of the state and all public corporations, muni-
40 cipalities and municipal subdivisions, all insurance companies and associ-
41 ations and other persons carrying on an insurance business, all banks,
42 bankers, trust companies, savings banks and savings associations includ-
43 ing savings and loan associations, building and loan associations,
44 investment companies and other persons carrying on a banking business,
45 all administrators, conservators, guardians, executors, trustees and
46 other fiduciaries, and all other persons whatsoever who are now or may
47 hereafter be authorized to invest in bonds or in other obligations of
48 the state, may properly and legally invest funds, including capital, in
49 their control or belonging to them. The bonds, notes or other obli-
50 gations are also hereby made securities which may be deposited with and
51 may be received by all public officers and bodies of the state and all
52 municipalities and public corporations for any purpose for which the
53 deposit of bonds, notes or other obligations of the state is now or may
54 hereafter be authorized.

55 § 641. Tax exemption and tax contract by the state. 1. It is hereby
56 determined that the creation of the trust and the carrying out of its

1 corporate purposes is in all respects for the benefit of the people of
2 the state of New York and is a public purpose. Accordingly, the trust
3 shall be regarded as performing an essential governmental function in
4 the exercise of the powers conferred upon it by this article, and the
5 trust shall not be required to pay any fees, taxes, special ad valorem
6 levies or assessments of any kind, including, but not limited to, fran-
7 chise taxes, sales taxes or other taxes, upon or with respect to any
8 property owned by it or under its jurisdiction, control or supervision,
9 or upon the uses thereof, or upon or with respect to its activities or
10 operations in furtherance of the powers conferred upon it by this arti-
11 cle, or upon or with respect to any fares, tolls, rentals, rates, charg-
12 es, fees, revenues or other income received by the trust.

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

16 3. The state hereby covenants with the purchasers and with all subse-
17 quent holders and transferees of bonds, notes or other obligations
18 issued by the trust pursuant to this article, in consideration of the
19 acceptance of and payment for the bonds, notes or other obligations,
20 that the bonds, notes or other obligations of the trust issued pursuant
21 to this article and the income therefrom and all revenues, monies, and
22 other property pledged to pay or to secure the payment of such bonds,
23 notes or other obligations shall at all times be free from taxation.

24 § 642. Actions against the trust. 1. Except in an action for wrongful
25 death, no action or proceeding shall be prosecuted or maintained against
26 the trust for personal injury or damage to real or personal property
27 alleged to have been sustained by reason of the negligence or wrongful
28 act of the trust or of any member of the board, officer, agent or
29 employee thereof, unless (a) it shall appear by and as an allegation in
30 the complaint or moving papers that a notice of claim shall have been
31 made and served upon the trust, within the time limit prescribed by and
32 in compliance with section fifty-e of the general municipal law, (b) it
33 shall appear by and as an allegation in the complaint or moving papers
34 that at least thirty days have elapsed since the service of such notice
35 and that adjustment or payment thereof has been neglected or refused,
36 and (c) the action or proceeding shall be commenced within the period
37 provided under section fifty-i of the general municipal law. An action
38 against the trust for wrongful death shall be commenced in accordance
39 with the notice of claim and time limitation provisions of title eleven
40 of article nine of the public authorities law.

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

46 3. The trust may require any person presenting for settlement an
47 account or claim for any cause whatsoever against the trust to be sworn
48 before a member of the board, counsel or an attorney, officer or employ-
49 ee thereof designated for such purpose, concerning such account or claim
50 and when so sworn, to answer orally as to any facts relative to such
51 account or claim. The trust shall have power to settle or adjust any
52 claims in favor of or against the trust.

53 4. The rate of interest to be paid by the trust upon any judgment for
54 which it is liable, other than a judgment on bonds, notes or other obli-
55 gations, shall not exceed the rate of interest on judgments and accrued
56 claims against municipal authorities as provided in the general municipi-

1 pal law. Interest on payments of principal or interest on any bonds,
2 notes or other obligations in default shall accrue at the rate specified
3 in the general municipal law until paid or otherwise satisfied.

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

6 § 643. Civil service and pension system membership. 1. The trust, for
7 the purpose of administering the civil service law, shall be subject to
8 the provisions of the civil service law and the rules of the city
9 department of citywide administrative services or any successor acting
10 as the municipal commission of the city. The president of the trust
11 shall be empowered to act for the trust in all matters relating to
12 compliance with this subdivision.

13 2. With respect to persons employed by NYCHA on the effective date of
14 this section, the trust and NYCHA shall be deemed to be the same public
15 employer only for purposes of transfer of employment under the civil
16 service law, which may be made only with the approval of the NYCHA CEO
17 and the president of the trust. No civil service right of an employee of
18 NYCHA employed on the effective date of this article shall be lost,
19 impaired or affected by reason of the enactment of this section into
20 law.

21 3. Any person on an eligible list for a position with NYCHA shall
22 continue to hold such position on such list and shall be entitled to the
23 same civil service rights. The trust shall continue to use any new or
24 existing civil service lists promulgated by the department of citywide
25 administrative services until such time as successor titles are estab-
26 lished. Employees of the trust shall have the same rights and benefits
27 as employees of NYCHA.

28 4. Any officer or employee of NYCHA who is transferred to the trust
29 pursuant to this section and who at the time of such transfer was a
30 member of the New York city employees' retirement system shall continue
31 to be a member of such system as long as he or she or they continues in
32 such service, and shall continue to have all the rights, privileges and
33 obligations of membership in such system. Employment by the trust shall
34 constitute city-service for the purposes of chapter one of title thir-
35 teen of the administrative code of the city of New York.

36 § 644. Collective negotiation. 1. Except as otherwise provided by this
37 article, the trust, by means of a written determination of the president
38 of the trust transmitted to the mayor within one hundred twenty days of
39 the effective date of this section, may elect to have the New York city
40 collective bargaining law apply to the trust, subject to approval of the
41 mayor. Such law shall apply to the trust pending such determination and
42 approval. In the event that the trust does not so elect or the mayor
43 does not approve the election, the state public employment relations
44 board shall have exclusive jurisdiction for the purpose of administering
45 the provisions of article fourteen of the civil service law, and the
46 provisions of section two hundred twelve of the civil service law shall
47 not be applicable to the trust.

48 2. In the event that the trust elects to have the New York city
49 collective bargaining law apply to the trust, for the purpose of article
50 fourteen of the civil service law and the New York city collective
51 bargaining law, as applicable, the trust, acting by and through its
52 president, shall be deemed to be the public employer and as such shall
53 negotiate with and enter into written agreements with employee organiza-
54 tions representing the staff of the trust that have been certified or
55 recognized under such article. In carrying on such negotiations, the
56 president of the trust may consult with and seek assistance from the

1 city office of labor relations and NYCHA. The president of the trust
2 shall consult with the appropriate public employee organization on the
3 establishment of, and bargain all terms and conditions of, any new
4 titles established for the trust which have a community of interest with
5 titles already represented by the public employee organization which
6 presently has representation rights for those titles for NYCHA or for
7 the city. Any such titles for which terms and conditions are bargained
8 pursuant to this subdivision shall be deemed to be successor titles
9 within the meaning of applicable law and, so long as the responsibil-
10 ities of employees in these titles are reasonably related to the respon-
11 sibilities of employees currently represented by a public employee
12 organization, shall be accreted to the appropriate bargaining certifi-
13 icates for which such public employee organization shall be voluntarily
14 recognized as the bargaining agent under procedures acceptable to the
15 office of collective bargaining or the state public employment relations
16 board, as applicable.

17 § 645. Application of state and local human rights laws. Notwith-
18 standing any provision of law to the contrary, article fifteen of the
19 executive law and title eight of the administrative code of the city of
20 New York shall apply to the trust.

21 § 646. Limited liability. 1. As used in this section, the term
22 "employee" shall mean the members of the board, president, officers,
23 employees, or a former employee, his or her estate or judicially
24 appointed personal representative.

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

29 3. At the request of the employee, and upon compliance by the employee
30 with the provisions of this section, the trust shall provide for the
31 defense of an employee in any civil action or proceeding in any state or
32 federal court, arising out of any alleged act or omission which the
33 trust finds occurred while the employee was acting within the scope of
34 his or her public employment and in the discharge of his or her public
35 duties and was not in violation of any rule or regulation of the trust
36 at the time the alleged act or omission occurred. This duty to provide
37 for a defense and indemnification shall not arise where such civil
38 action or proceeding is brought by or on behalf of the trust against the
39 employee.

40 4. The trust shall indemnify and hold harmless its employees in the
41 amount of any civil judgment obtained against such employees in any
42 state or federal court, or in the amount of any settlement of a claim
43 approved by the trust provided that the act or omission from which such
44 judgment or settlement arose occurred while the employee was acting
45 within the scope of his or her public employment and in the discharge of
46 his or her public duties and was not in violation of any rule or regu-
47 lation of the trust at the time the alleged damages were sustained. The
48 duty to indemnify and hold harmless prescribed by this section shall not
49 arise where the injury or damage resulted from an intentional wrongdo-
50 ing, or recklessness on the part of the employee. Nothing in this
51 section shall authorize the trust to indemnify or hold harmless an
52 employee with respect to punitive or exemplary damages, fines or penal-
53 ties.

54 5. The duty to defend and indemnify and hold harmless prescribed by
55 this section shall be conditioned upon (a) delivery by the employee to
56 the president or general counsel of the trust at the office of the trust

1 of the original or a copy of any summons, complaint, claim, process,
2 notice, demand or pleading within ten days after the employee is served
3 with such document, and (b) the full cooperation of the employee in the
4 defense of such action or proceeding and in defense of any action or
5 proceeding against the trust based upon the same act or omission, and in
6 the prosecution of any appeal. Such delivery shall be deemed a request
7 by the employee that the trust provide for his or her defense pursuant
8 to this section. In the event that the trust shall assume an employee's
9 defense and thereafter the employee fails or refuses to cooperate in the
10 formation or presentation of his or her defense, the court shall permit
11 the trust to withdraw its representation ten days after giving written
12 notice to the employee of its intention to discontinue such represen-
13 tation.

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

21 7. Subject to the conditions set forth in this section, such employee
22 shall be entitled to representation by the general counsel of the trust
23 or by any attorney or attorneys designated by the general counsel,
24 provided, however, that the employee shall be entitled to be represented
25 by private counsel of his or her choice in any civil action or proceed-
26 ing whenever the trust determines that representation would be inappro-
27 priate, or whenever a court, upon appropriate motion or otherwise by a
28 special proceeding, determines that a conflict of interest exists and
29 that the employee is entitled to be represented by private counsel of
30 the employee's choice. The general counsel of the trust shall notify the
31 employee in writing of such determination that the employee is entitled
32 to be represented by private counsel. Provided, however, that the trust
33 may require, as a condition to payment of the fees and expenses of such
34 representation, that appropriate groups of such employees be represented
35 by the same counsel. Reasonable attorneys' fees and litigation expenses
36 shall be paid by the trust to such private counsel from time to time
37 during the pendency of a civil action or proceeding.

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

42 9. The benefits of this section shall inure only to employees as
43 defined in this section and shall not enlarge or diminish the rights of
44 any other party nor shall any provision of this section be construed to
45 affect, alter or repeal any provision of the workers' compensation law.

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

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

1 12. Every action or proceeding instituted pursuant to the provisions
2 of this section shall be commenced pursuant to section six hundred
3 forty-two of this article, and subject to any condition or limitation
4 set forth in such section.

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

8 § 647. Audit and annual reports. The trust shall have an internal
9 audit function and shall annually prepare and submit reports as required
10 by this section, provided that no report shall be required during the
11 first year after the effective date of this section.

12 1. Within one one hundred twenty days of the end of the city's fiscal
13 year, the trust shall submit to the mayor of the city, the recognized
14 citywide council of presidents, or an equivalent successor body, and the
15 NYCHA board a report on its operations during such fiscal year. An annu-
16 al audit of the trust shall be conducted by an independent certified
17 public accountant, and the trust's independently audited financial
18 statements shall be included in this report. The report shall also
19 detail the extent of completion of all projects for development, design,
20 construction, reconstruction, improvement, rehabilitation, repairing and
21 operation of housing facilities, including, by project, identified
22 shortfalls in schedule performance and providing explanation for such
23 shortfalls. Such report shall detail the extent of completion as existed
24 on the last day of the city's fiscal year. Such report shall also
25 include a description of each alternative project delivery contract,
26 information regarding the procurement process for each such alternative
27 project delivery contract including the list of responding entities that
28 demonstrated the general capability to perform such alternative project
29 delivery contract pursuant to paragraph (a) of subdivision one of
30 section six hundred thirty-five of this article, the total cost of each
31 alternative project delivery contract, an explanation of the estimated
32 savings attributable from the alternative project delivery contract
33 structure used, and the participation rate of and total dollar value of
34 monies paid to minority and women owned business enterprises under such
35 contract. Such report shall also include a description of the employment
36 and other economic opportunities directed to residents of the housing
37 facilities, such as reporting related to section three of the housing
38 and urban development act of nineteen hundred sixty-eight, as amended,
39 pursuant to subdivision three of section six hundred thirty-two of this
40 article. Such report shall also include (i) an assessment of the effec-
41 tiveness of internal controls, (ii) organization chart, (iii) salary
42 information for all employees, (iv) debt issuance information (including
43 outstanding debt and any new debt to be issued, costs of issuance data,
44 bonds redeemed), (v) certain summary financial information, including
45 receipts and disbursements, as well as assets and liabilities, (vi)
46 annual procurement report, (vii) investment of agency funds information,
47 (viii) information regarding the disposition of tenant complaints, main-
48 tenance of apartments and facilities, and other information pertaining
49 to the rights of tenants to remain in their apartment; and (ix) informa-
50 tion regarding the level of outreach to, and participation of, residents
51 related to the trust. The trust shall transmit the portion of such
52 report relating to alternative project delivery contracts to the gover-
53 nor, the temporary president of the senate and the speaker of the assem-
54 bly.

55 2. On the last business day in November of each calendar year, the
56 trust shall submit a report describing its strategic planning framework

1 for the upcoming calendar year to the mayor of the city and to the NYCHA
 2 board. Such report shall describe any capital improvements to be under-
 3 taken and the approximate costs of such improvements and shall provide
 4 information regarding operations, programs, and services of the trust.
 5 The trust shall present a draft of this report at a meeting of the board
 6 scheduled to occur no less than forty-five calendar days prior to the
 7 last business day in November. The trust shall make such draft available
 8 for public review no less than fifteen calendar days before such meet-
 9 ing. The trust shall offer the public an opportunity to provide oral
 10 comment on the report at such meeting and to submit written comments to
 11 the trust until a specified date prior to the date on which the report
 12 is finalized. The trust shall consider all comments received during such
 13 period prior to finalizing the report required by this subdivision.

14 § 648. Jurisdiction over trust. 1. The trust shall not be deemed a
 15 "covered organization" as defined in the New York state financial emer-
 16 gency act for the city of New York.

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

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

25 4. The trust shall not be deemed a "local authority" or a "state
 26 authority" for purposes of the public authorities law, and shall not
 27 otherwise be subject to provisions of such law with respect to public
 28 authorities, except as may be specifically provided for by this article.

29 § 649. Effect of inconsistent provisions. Insofar as the provisions of
 30 this article are inconsistent with the provisions of any other law,
 31 general, special or local or of the New York city charter or any local
 32 law, ordinance or resolution of the city, the provision of this article
 33 shall be controlling, provided that nothing contained in this section
 34 shall be held to supplement or otherwise expand the powers or duties of
 35 the trust otherwise set forth in this article.

36 § 650. Severability. If any provision of this article or its applica-
 37 tion to any person or circumstance is held unconstitutional or invalid,
 38 in whole or in part, by any court, such holding of unconstitutionality
 39 or invalidity shall in no way affect or impair any other provision of
 40 this article or the application of any such provision to any other
 41 person or circumstance, and to this end the provisions of this article
 42 are severable.

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

46 b. Service as a paid employee of the triborough bridge authority, the
 47 Henry Hudson parkway authority, the Marine parkway authority, the New
 48 York city tunnel authority, the New York city parkway authority, the New
 49 York city housing authority, the New York city public housing preserva-
 50 tion trust, the triborough bridge and tunnel authority, the New York
 51 city transit authority, the New York city housing development corpo-
 52 ration, the New York city health and hospitals corporation, the New York
 53 city off-track betting corporation, the New York city school
 54 construction authority, the New York city municipal water finance
 55 authority, the New York city water board, the transit construction fund,
 56 the New York city transitional finance authority, the New York city

1 sports authority and the New York city rehabilitation mortgage insurance
2 corporation shall constitute city-service as herein defined.

3 § 3. Paragraph 1 of subdivision c of section 13-133 of the administra-
4 tive code of the city of New York, subparagraph (C) as added by chapter
5 738 of the laws of 1988, subparagraphs (D) and (E) as added by chapter
6 609 of the laws of 1995, subparagraph (F) as added by chapter 16 of the
7 laws of 1997, and subparagraph (G) as added by chapter 3 of the laws of
8 2013, is amended to read as follows:

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

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

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

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

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

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

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

30 (H) Where a responsible obligor (as defined in paragraph ten of subdivi-
31 sion a of section 13-638.2 of this title) is required to make payments
32 to the retirement system pursuant to applicable provisions of law in
33 fiscal year two thousand twelve--two thousand thirteen, and in any
34 fiscal year thereafter, and the provisions of this subdivision or the
35 provisions of any other applicable law do not otherwise specifically
36 require such responsible obligor to make such payments by a particular
37 date or dates during such fiscal year, such responsible obligor shall
38 make such payments either (i) in total on or before January first of
39 such fiscal year, or (ii) in twelve equal monthly installments, as
40 determined by the actuary, with each monthly installment to be paid on
41 or before the last day of each month.

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