1) Being on the income affidavits is a major factor in determining succession. It should be made clear to all incoming cooperators that being on the income affidavits is required as part of the succession process. If a family member's name failed to appear on the required income affidavits, we support a rule requiring the presumption that that family member seeking succession did not reside in the Mitchell-Lama dwelling unit as his or her primary residence.

2) We strongly support making documents in their entirety accessible to all cooperators by posting them on BuildingLink or other resident-accessible websites. **We see no reason for any redaction.** Those documents should include all retainer agreements, contracts for services or construction and repairs, election documents submitted to the HPD, board resolutions (including how each board member voted), board of directors’ meeting minutes, etc. The board minutes should include a narrative report of what happened at an executive session and be so written that no confidential or personal information is contained. Transcripts and testimony from any public hearings like those concerning a request for a carrying charge increase should also be posted in a timely fashion.

3) Board member training sessions and retraining sessions should be mandatory with the cost of such courses borne by the housing company and the board required to document annually what training courses each board member took.

4) It is good that the HPD M-L rules are being brought into conformity with the 2021 M-L reform amendments. We want to argue that the HPD also make some rules stronger than the law. In particular the 80% affirmative vote threshold should apply to all dissolutions of a M-L co-op. The HPD should defend and preserve the M-L co-ops and rentals from all efforts to leave the program. Allowing the 2/3 lower threshold for conversion to an HDFC co-op fails to preserve affordable buy-in costs. Mitchell-Lama co-ops have both deep monthly affordability and deep buy-in affordability. HDFC co-ops, by allowing some profit, break deep buy-in affordability and in so doing jeopardize diversity and exclude most lower income New Yorkers who are eligible for M-L co-ops.

5) We welcome the prohibition of proxies in shareholder voting. That should include prohibiting the use of absentee ballots as de facto proxies by requiring that absentee ballots be available **only upon request** from individual cooperators. The intention of the new law is to encourage in-person voting. Election companies should be required to have a clear absentee ballot-request process but be prohibited from sending absentee ballots to any cooperator who did not request it. Also, to ensure secret votes, no control number or barcode should be allowed on any ballot or absentee ballot and the new rule should include the two envelope absentee ballot method that is in the M-L reform amendments. At our co-op's elections, the *Election Services United* election company has been guilty of all these practices including specifically encouraging all cooperators to vote by absentee ballots so the company can know if there is a quorum. The HPD should disallow in its rules all such practices.

6) We and other RNA House cooperators support that finally you are prohibiting the housing company’s attorney or accountant from serving as the election monitor. When there is opposition to the current Board leadership, the attorney and accountant have already been in a relationship with the incumbents and may find it hard to be neutral. But also, the RNA House corporation attorney has stated his opinion that the current Mitchell-Lama co-ops should not be preserved because in his opinion they are a drain on the NYC taxpayers. He and others like him should be kept away from co-op board elections.

7) For elections to engender cooperator confidence, the HPD rules should require that the election company or election committee count the votes a) directly after the election, b) onsite at the co-op and c) with cooperator observers.

8) Your proposed rule setting time lines to prevent voting on a stale feasibility study should have a parallel rule covering the Red Herring privatization process and the Art II to Art XI conversion Proxy Statement process.

10) To support and encourage democratic co-op practices, the new HPD rule should be clear that all common spaces should be available to cooperators and cooperator groups and organizations. The new rule includes this wording §9(5): ". . .shareholder and/or tenants' groups, committees or other shareholder and/or tenants' organizations shall have the right to meet without being required to pay a fee **in any location on the premises**." But the HPD new rule as proposed follows this sentence with a comma which can make it appear that the rule is only eliminating the charge for cooperator organizations to use the community room or other locations for which there has been a charge. In fact the intention of the M-L reform amendment and NYS law RPL 230 is to facilitate and allow full use of all common areas for cooperator organizational purposes. This misinterpretation is clear when in the narrative before the actual proposed rule changes, the HPD wrote: "Prohibit charges to shareholder and/or tenants’ groups, committees or other shareholder and/or tenants’ organizations for the use of a community or social room for organizational events." That misinterpretation leaves out the right for cooperator organizations to have events and organizational activities in the lobbies, mail areas, backyards and plazas and in front of the buildings. To its credit, HPD has put that use in the new rule in conformity with the 2021 M-L reform amendments.

Finally, it is helpful that the HPD undertakes timely rule changes to address repeated shareholder concerns. In particular, the HPD should continue the process of working toward proper and more reliable supervision of co-op board elections and toward more empowerment of shareholders. We offer our comments above in support of this rule change process.

Thank you for your consideration.

Respectfully,

32 RNA House Cooperator/Shareholders

(Names sent with this document to HPD March 10, 2023)