

1376

2011-2012 Regular Sessions

I N   S E N A T E

January 7, 2011

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Introduced by Sens. PERKINS, BRESLIN, DIAZ, DILAN, DUANE, HASSELL-THOMPSON, KRUEGER, KRUGER, MONTGOMERY, OPPENHEIMER, PARKER, SERRANO, SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT in relation to enacting the housing New York program act for the twenty-first century and to amend the private housing finance law, in relation to the housing New York corporation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The housing New York program act for the twenty-first  
2     century is hereby enacted to read as follows:

3             HOUSING NEW YORK PROGRAM ACT FOR THE TWENTY-FIRST CENTURY

4     Section 1. Short title.  
5             2. Legislative findings and purpose.  
6             3. Definitions.  
7             4. Housing New York program for the twenty-first century.  
8             5. Minimization of displacement.  
9             6. Affordability.  
10            7. Rent regulation.  
11            8. Standards and criteria.  
12            9. Allocation of program funds.  
13            10. Income determinations.  
14            11. Maintenance of effort.  
15            12. Contracts.  
16            13. Reports.  
17            14. Act not to supersede other requirements.  
18            15. Severability.

19     Section 1. Short title. This act shall be known and may be cited as  
20     the "housing New York program act for the twenty-first century".

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

LBD02774-01-1

1 S 2. Legislative findings and purpose. It is hereby found and declared  
2 that there exists in the city of New York a seriously inadequate supply  
3 of safe, sanitary and affordable dwelling accommodations for persons and  
4 families for whom the ordinary operations of private enterprise cannot  
5 provide such accommodations as provided herein and that such shortage is  
6 progressively more severe to the degree that the incomes of such persons  
7 are lower; that there exists in such city a significant number of one to  
8 two unit and multiple dwellings which are deteriorated or vacant; that  
9 the existence of such conditions creates a serious threat to the health,  
10 safety, welfare, comfort and security of the people of the state and  
11 further depletes the supply of safe, sanitary and affordable dwelling  
12 accommodations; and that substantial commitments of funds will be  
13 required to alleviate the present shortage of safe, sanitary and afford-  
14 able dwelling accommodations for persons and families of low and moder-  
15 ate income.

16 The legislature further finds that: (1) in order to assure that funds,  
17 which are now or may in the future become available from public sources  
18 for the provision of dwelling accommodations, are used to benefit  
19 persons of low and moderate income, who face the most serious shortage  
20 of safe, sanitary and affordable housing; (2) in order to assure that  
21 such funds are otherwise used in the most beneficial manner; and (3) in  
22 order to provide new funds for such purposes through the Battery Park  
23 city authority and the subsidiary corporation of the New York city hous-  
24 ing development corporation pursuant to this act, the housing New York  
25 program act for the twenty-first century should be established by the  
26 legislature.

27 S 3. Definitions. As used in this act, unless a different meaning  
28 clearly appears from the context:

29 1. "City" shall mean (a) the city of New York, (b) its agencies and  
30 instrumentalities (other than the housing New York corporation), and (c)  
31 except for the purposes of section twelve of this act, the New York city  
32 housing development corporation;

33 2. "Housing New York corporation" shall mean the subsidiary corpo-  
34 ration of the New York city housing development corporation created by  
35 section 654-c of the private housing finance law;

36 3. "Housing New York program for the twenty-first century" shall mean  
37 the housing New York program for the twenty-first century established  
38 pursuant to section four of this act;

39 4. "Housing program funds" shall mean those moneys described in subdi-  
40 vision one of section four of this act;

41 5. "Dwelling accommodations" shall mean one or more residential dwell-  
42 ing units, which are located in buildings or structures eligible for  
43 assistance under the programs and activities set forth in subdivision  
44 two of section four of this act;

45 6. "Median income for the area in which dwelling accommodations are  
46 located" shall mean median income calculated in accordance with the  
47 regulations of the United States department of housing and urban devel-  
48 opment governing eligibility for occupancy as a lower income family by a  
49 family of four in the metropolitan statistical area which includes the  
50 city of New York for purposes of section eight of the United States  
51 housing act of nineteen hundred thirty-seven, as such act is amended to  
52 the date of enactment of this act;

53 7. "Minority-owned business enterprise" shall mean a business enter-  
54 prise, including a sole proprietorship, partnership or corporation that  
55 is: (a) at least fifty-one percent owned by one or more minority group  
56 members; (b) an enterprise in which such minority ownership is real,

1 substantial and continuing; (c) an enterprise in which such minority  
2 ownership has and exercises the authority to control independently the  
3 day-to-day business decisions of the enterprise; and (d) an enterprise  
4 authorized to do business in this state and independently owned and  
5 operated;

6 8. "Minority group member" shall mean a United States citizen or  
7 permanent resident alien who is and can demonstrate membership in one of  
8 the following groups: (a) Black persons having origins in any of the  
9 Black African racial groups; (b) Hispanic persons of Mexican, Puerto  
10 Rican, Dominican, Cuban, Central or South American of either Indian or  
11 Hispanic origin, regardless of race; (c) Native American or Alaskan  
12 native persons having origins in any of the original peoples of North  
13 America; and (d) Asian and Pacific Islander persons having origins in  
14 any of the Far East countries, South East Asia, the Indian subcontinent  
15 or the Pacific Islands; and

16 9. "Utilization plan" shall mean a plan prepared by a contractor and  
17 submitted in connection with a proposed state contract. The utilization  
18 plan shall identify certified minority-owned or women-owned business  
19 enterprises, if known, that have committed to perform work in connection  
20 with the proposed state contract as well as any such enterprises, if  
21 known, which the contractor intends to use in connection with the  
22 contractor's performance of the proposed state contract. The plan shall  
23 specifically contain a list, including the name, address and telephone  
24 number, of each certified enterprise with which the contractor intends  
25 to subcontract.

26 S 4. Housing New York program for the twenty-first century. 1. There  
27 is hereby established a program to be known as the "housing New York  
28 program for the twenty-first century" pursuant to which the city of New  
29 York, its agencies and instrumentalities (other than the housing New  
30 York corporation) and the New York city housing development corporation  
31 shall acquire, rehabilitate, construct, enlarge, improve and renovate  
32 dwelling accommodations and provide assistance in order to have such  
33 activities performed, subject to the terms and conditions of this act.  
34 Such program shall be financed with the total amount of funds which are  
35 made available from the following sources during the twenty year period  
36 commencing July first, next succeeding the date on which this act shall  
37 have taken effect:

38 (a) moneys provided to the city by the housing New York corporation  
39 pursuant to section 654-c of the private housing finance law; and

40 (b) moneys committed to the housing New York program for the twenty-  
41 first century by the city.

42 2. Housing program funds shall only be utilized in programs and activ-  
43 ities of the city for the provision of dwelling accommodations, and the  
44 real and personal property acquired, owned, constructed, equipped,  
45 improved, enlarged, rehabilitated or renovated to provide such accommo-  
46 dations and incidental and appurtenant commercial, social, recreational  
47 or communal facilities, which programs and activities may include those  
48 under articles 8, 8-A, 11 and 15 of the private housing finance law and  
49 those programs and activities designed to:

50 (a) preserve, repair, renovate, upgrade, improve, modernize, rehabili-  
51 tate or otherwise prolong the useful life of dwelling accommodations;

52 (b) construct dwelling accommodations and undertake site preparation  
53 related thereto;

54 (c) restore abandoned, vacant or occupied city or privately-owned  
55 dwelling accommodations to habitable condition;

1 (d) assist in the acquisition of buildings which contain or are  
2 expected to contain dwelling accommodations;

3 (e) facilitate the disposition of city-owned buildings which contain  
4 or are expected to contain dwelling accommodations; and

5 (f) provide infrastructure improvements related to and undertaken as  
6 part of programs and activities for owner-occupied buildings which  
7 contain no more than four dwelling accommodations; provided, however,  
8 that no more than ten percent of the amount of housing program funds  
9 shall be utilized for the purposes of this paragraph.

10 The city is hereby authorized to carry out, by loans or otherwise,  
11 programs and activities designed to achieve the purposes described in  
12 paragraphs (a) through (f) of this subdivision, all in accordance with  
13 any applicable provisions of law.

14 3. All expenditures by the city of housing program funds shall be  
15 appropriated by the city council of the city of New York.

16 S 5. Minimization of displacement. Within nine months following the  
17 effective date of this act, the city shall issue and promulgate, in  
18 accordance with the New York city charter, rules and regulations which  
19 describe the procedures pursuant to which the city shall meet the  
20 following goals:

21 1. The city shall use its best efforts to ensure that programs and  
22 activities carried out pursuant to the housing New York program for the  
23 twenty-first century are structured so as to minimize the likelihood of  
24 any involuntary physical or economic displacement of tenants and owners  
25 who reside in dwelling accommodations which are the subject of such  
26 programs and activities other than temporarily, as a direct result of  
27 rehabilitation work which is performed in such tenant's or owner's  
28 building or dwelling accommodations, in which case suitable temporary  
29 relocation arrangements shall be provided.

30 2. In assembling sites for new construction projects which will  
31 utilize housing program funds, and undertaking any demolition work  
32 necessary to prepare such sites, the city shall avoid the displacement  
33 of any existing tenants and owners of structurally sound dwelling accom-  
34 modations to the greatest extent feasible and in addition, give a prior-  
35 ity in occupying the project constructed with housing program funds to  
36 any tenant or owner so displaced, if they are income eligible to do so.

37 3. The city shall keep a record of all tenants and owners who are  
38 involuntarily physically displaced by virtue of rehabilitation work  
39 carried out with housing program funds or work necessary to prepare new  
40 construction sites which utilize housing program funds and take reason-  
41 able steps to determine the number of tenants economically displaced by  
42 virtue of such work.

43 Nothing contained in this section shall be deemed to make less  
44 restrictive any inconsistent requirement of state or local law or regu-  
45 lation which provides protections against involuntary displacement of  
46 occupants of housing accommodations.

47 S 6. Affordability. In structuring programs and activities pursuant to  
48 the housing New York program for the twenty-first century, the city  
49 shall take reasonable steps to assure that dwelling accommodations  
50 assisted by housing program funds remain affordable to the income groups  
51 occupying such accommodations for a substantially long period of time,  
52 such periods to be determined by the city in accordance with section  
53 eight of this act.

54 S 7. Rent regulation. Notwithstanding the provisions of, or any regu-  
55 lation promulgated pursuant to, the rent stabilization law of nineteen  
56 hundred sixty-nine or the emergency tenant protection act of nineteen

1 seventy-four, in the case of a dwelling accommodation in a multiple  
2 dwelling operated as rental property, which benefits from housing  
3 program funds, if: (1) such dwelling accommodation at the time  
4 construction or rehabilitation work carried out with housing program  
5 funds is completed, is not subject to the rent stabilization law of  
6 nineteen hundred sixty-nine, the emergency tenant protection act of  
7 nineteen seventy-four, the local emergency housing rent control act or  
8 local law enacted pursuant thereto, or regulation by the city such  
9 dwelling accommodation shall be made subject to the rent stabilization  
10 law of nineteen hundred sixty-nine by the provisions of this section for  
11 a period which shall be determined by the city and thereafter until the  
12 first vacancy which occurs in such dwelling accommodation, or (2) such  
13 dwelling accommodation is subject to any of the laws, acts or regu-  
14 lations described in subdivision one of this section at the time  
15 construction or rehabilitation work carried out with housing program  
16 funds is completed, such dwelling accommodation shall continue to be  
17 subject to such laws, acts or regulations to the same extent, in the  
18 same manner and for the same period of time provided in any statute  
19 which provides coverage for such housing accommodation under such laws,  
20 acts or regulations and shall not be affected by the provisions of this  
21 section for the duration of such coverage, provided, however, that the  
22 city may provide that upon the termination of coverage of such housing  
23 accommodations under any of the laws, acts or regulations described in  
24 subdivision one of this section such housing accommodations shall be  
25 subject to the rent stabilization law of nineteen hundred sixty-nine for  
26 a period which shall be determined by the city and thereafter until the  
27 first vacancy which occurs in such housing accommodation. The provisions  
28 of this act shall not be deemed to provide rent regulation pursuant to  
29 the rent stabilization law of nineteen hundred sixty-nine for any period  
30 of time subsequent to the expiration or termination of such law.

31 S 8. Standards and criteria. 1. In determining how long a period of  
32 time the city will seek to retain dwelling accommodations as affordable  
33 to the income groups occupying them, pursuant to section six of this  
34 act, and, where applicable, how long a period of time such dwelling  
35 accommodations shall be subject to the rent stabilization law of nine-  
36 teen hundred sixty-nine, pursuant to section seven of this act, the city  
37 shall be bound by any minimum period required by any federal, state or  
38 local law, and shall also take into consideration the term of any loan  
39 provided to benefit the housing accommodation through such program or  
40 activity. The city may also consider the cost and useful life of the  
41 works or improvements provided for the dwelling accommodation, the city  
42 program or activity through which the dwelling accommodation is  
43 assisted, the category of income of the occupants of such dwelling  
44 accommodation and the area or areas in which such dwelling accommodation  
45 is located. The city shall issue and promulgate, in accordance with the  
46 New York city charter, rules and regulations which outline the criteria  
47 and procedures it shall use to meet the requirements of this section.

48 2. Notwithstanding the provisions of subdivision one of this section,  
49 in the event housing program funds are provided to the New York city  
50 housing development corporation in connection with any loan made by such  
51 corporation pursuant to subdivision 23-c of section 654 of the private  
52 housing finance law to finance the construction of dwelling accommo-  
53 dations: (a) the period of time such dwelling accommodations shall be  
54 subject to the rent stabilization law of nineteen hundred sixty-nine  
55 shall be a minimum of fifteen years, or such longer period as may be  
56 provided in any law other than this act, and thereafter each such dwell-

1 ing accommodation shall remain subject to such law until the first  
2 vacancy which occurs in such accommodation subsequent to the expiration  
3 of such period; and (b) with regard to newly constructed dwelling accom-  
4 modations financed by such corporation which are intended to benefit  
5 persons and families whose incomes do not exceed eighty percent of the  
6 median income for the area in which such dwelling accommodations are  
7 located, for a period of fifteen years persons and families who move  
8 into such dwelling accommodations shall have incomes which do not exceed  
9 eighty percent of such median income and such dwelling accommodations  
10 shall remain affordable to such persons and families for a minimum peri-  
11 od of fifteen years.

12 S 9. Allocation of program funds. At least forty percent of the funds  
13 committed to the housing New York program for the twenty-first century  
14 shall be utilized to supply dwelling accommodations for persons and  
15 families whose incomes do not exceed fifty-five percent of the median  
16 income for the area in which such dwelling accommodations are located  
17 and in addition, no more than twenty-five percent of such funds may be  
18 utilized to supply dwelling accommodations for persons and families  
19 whose incomes exceed ninety percent of such median income, but in no  
20 event shall any housing program funds be utilized to provide dwelling  
21 accommodations for persons and families whose incomes are greater than  
22 one hundred seventy-five percent of the median income for the area in  
23 which such dwelling accommodations are located. In addition, the city  
24 shall use its best efforts to achieve by the end of each consecutive  
25 five-year period during which the housing New York program remains in  
26 effect beginning with a five-year period commencing July first, next  
27 succeeding the date on which this act shall have taken effect, the allo-  
28 cation of housing program funds described in the preceding sentence of  
29 this section.

30 S 10. Income determinations. In determining which income groups are  
31 being served by housing program funds for the purposes of section nine  
32 of this act, the city shall utilize and may rely on the following  
33 certifications, assumptions and calculations:

34 1. In the case of vacant dwelling accommodations assisted with housing  
35 program funds or dwelling accommodations newly constructed with housing  
36 program funds, the city shall require that the owners thereof: (a)  
37 certify that each intended occupant has submitted an income affidavit,  
38 in a form prescribed by the city, (b) certify the category of income in  
39 which the occupant belongs, and (c) continue to certify compliance with  
40 respect to the income eligibility of new tenants or purchasers for the  
41 period of affordability established for such dwelling accommodation  
42 pursuant to section eight of this act. The city shall periodically audit  
43 selected certifications provided pursuant to this section to determine  
44 the accuracy of the representations contained therein.

45 2. In the case of other dwelling accommodations assisted with housing  
46 program funds: (a) occupied dwelling accommodations owned by the city,  
47 dwelling accommodations occupied by persons and families transferred  
48 from emergency shelters for the homeless and dwelling accommodations  
49 occupied by persons and families eligible for or receiving public  
50 assistance as shall be deemed to be occupied by persons and families  
51 whose incomes do not exceed fifty-five percent of median income; and (b)  
52 occupied dwelling accommodations not owned by the city and located in an  
53 area eligible for mortgage insurance provided by the rehabilitation  
54 mortgage insurance corporation which have annual rent levels after the  
55 completion of rehabilitation work carried out pursuant to this act, of  
56 less than thirty percent of ninety percent of median income shall be

1 deemed to be occupied by persons and families whose incomes are in  
2 excess of fifty-five percent of median income and equal to or less than  
3 ninety percent of median income.

4 3. In the case where (a) an entire building or structure is assisted  
5 under the housing New York program for the twenty-first century; (b)  
6 such building or structure contains more than one dwelling accommo-  
7 dation; and (c) the categories of income of the occupants of such build-  
8 ing or structure are not uniform throughout, the city shall determine  
9 the amount of housing program funds which benefit each particular  
10 dwelling accommodation by dividing the amount of such funds provided to  
11 benefit the building or structure by the number of rental rooms in such  
12 building or structure and multiplying the quotient derived therefrom by  
13 the number of rental rooms for each particular dwelling accommodation.

14 S 11. Maintenance of effort. The city shall not use any housing  
15 program funds to substitute for locally funded operating or capital  
16 expenditures which the city would have allocated to programs to provide  
17 dwelling accommodations through its normal budgetary process in the  
18 absence of the housing New York program for the twenty-first century.  
19 All housing program funds shall be utilized by the city to increase  
20 locally funded operating or capital expenditures to provide dwelling  
21 accommodations to a level which is greater than the level which would  
22 have existed if housing program funds had not been available. Nothing in  
23 this section shall require the city to allocate funds for housing  
24 purposes if in the city's judgment such allocation would require an  
25 increase in taxation or reduction in other city services.

26 S 12. Contracts. In connection with development and construction  
27 contracts for dwelling accommodations funded with housing program funds,  
28 minority-owned and women-owned business enterprises and minority group  
29 members and women shall be given the opportunity for meaningful partic-  
30 ipation. The city shall establish measures and procedures to secure  
31 meaningful participation by minority-owned and women-owned business  
32 enterprises on contracts for dwelling accommodations funded with housing  
33 program funds, including requiring submission of a utilization plan by  
34 the contractor. Such measures and procedures shall also promote the  
35 employment of minority group members and women on such contracts. The  
36 provisions of this section shall not be construed to limit the ability  
37 of any minority-owned or women-owned business enterprise to bid on any  
38 contract. In order to implement the requirements and objectives of this  
39 section in connection with such dwellings accommodations, the city shall  
40 be responsible for monitoring compliance with the provisions hereof,  
41 providing advice on the availability of competitive qualified minority-  
42 owned and women-owned business enterprises to perform contracts proposed  
43 to be awarded, and making recommendations to improve the access of  
44 minority-owned and women-owned business enterprises to these contracts.  
45 On or before April first, two years after this act shall have taken  
46 effect, and on or before the end of each three month period thereafter  
47 during which housing program funds are expended by the city, the city  
48 shall prepare and make available to the public a report detailing the  
49 measures and procedures established by the city in accordance with this  
50 section, the dollar value of all contracts awarded to such enterprises  
51 and employees and the number of such enterprises and employees which  
52 benefit from such contracts.

53 S 13. Reports. On or before January thirty-first, next succeeding the  
54 date on which this act shall have taken effect and on or before January  
55 thirty-first of every calendar year thereafter during which housing  
56 program funds are expended by the city, the city shall submit a report

1 to the governor, the temporary president of the senate, the speaker of  
2 the assembly, the minority leader of the senate and the minority leader  
3 of the assembly. Such report shall:

4 1. Describe the housing New York program for the twenty-first century  
5 activities carried out during the prior calendar year and the housing  
6 New York program for the twenty-first century activities which the city  
7 plans to carry out during the upcoming calendar year. Such report shall  
8 include, but not be limited to:

9 (a) (i) a description of the specific rehabilitation and construction  
10 work undertaken and anticipated to be undertaken pursuant to the program  
11 including the addresses of all buildings assisted, and for each such  
12 building: the type of rehabilitation or construction work performed, the  
13 status of such work as of the date the report is prepared, the eligibil-  
14 ity and program criteria utilized therefor and the city agency or  
15 instrumentality responsible for the administration and disbursement of  
16 housing program funds; and (ii) for the previous year, the number of  
17 units and the amount of funds utilized to provide such units in each  
18 such building or structure which are occupied by each of the categories  
19 of income described in paragraph (d) of this subdivision and the methods  
20 and calculations used pursuant to section ten of this act to determine  
21 such categories of income;

22 (b) a breakdown of the amount of program funds obligated and disbursed  
23 and anticipated to be obligated and disbursed to add new units to the  
24 city's housing stock, either by substantial rehabilitation or new  
25 construction and the number of units so added or anticipated to be  
26 added, and the amount obligated and disbursed and anticipated to be  
27 obligated and disbursed to rehabilitate existing occupied units and the  
28 number of such units;

29 (c) the source and amount of total funds available for the housing New  
30 York program for the twenty-first century and the amount of such funds  
31 obligated and disbursed and anticipated to be obligated and disbursed  
32 during the previous calendar year and the upcoming calendar year;

33 (d) the number of units, and the amount of housing program funds used  
34 to assist those units, and, as a subcategory, the number of units and  
35 the amount of housing program funds used to assist those units which  
36 funds have been received by the city from the housing New York corpo-  
37 ration pursuant to section 654-c of the private housing finance law, for  
38 units which have been and are expected to be occupied by persons and  
39 families whose incomes do not exceed fifty-five percent of the median  
40 income, for persons and families whose incomes exceed fifty-five percent  
41 but do not exceed ninety percent of median income and for persons and  
42 families whose incomes exceed ninety percent but do not exceed one  
43 hundred seventy-five percent of median income and the methods and calcu-  
44 lations which the city has used pursuant to section ten of this act in  
45 determining that these units have been or are expected to be occupied by  
46 such persons; and

47 (e) a description of how the city has fulfilled the requirements of  
48 section eleven of this act. Such description shall include, but not be  
49 limited to:

50 (i) a statement of the aggregate amount of locally funded operating  
51 and capital expenditures the city utilized to provide dwelling accommo-  
52 dations, including, but not limited to, housing program funds, during  
53 the previous and present city fiscal years and the sources of such  
54 funds;

55 (ii) the aggregate amount, or an estimate of such amount, whichever  
56 the case may be, of locally funded operating and capital expenditures



1 which were or would have been utilized to provide dwelling accommo-  
2 dations in the previous and present fiscal years in the absence of hous-  
3 ing program funds and the percentage change in such amount between the  
4 previous and present fiscal year; and

5 (iii) in the event the aggregate amount of locally funded expenditures  
6 on housing (exclusive of housing program funds) appropriated in the  
7 expense and capital budgets as adopted in accordance with the charter of  
8 the city of New York is less than the aggregate amount of locally funded  
9 expenditures on housing (exclusive of housing program funds) appropri-  
10 ated in the expense and capital budgets as adopted in accordance with  
11 the charter of the city of New York for the previous fiscal year, the  
12 report shall set forth the reasons for such decline;

13 (f) a listing, pursuant to the requirements of section five of this  
14 act, of all those cases where tenants and owners have been involuntarily  
15 displaced from their homes by virtue of rehabilitation work carried out  
16 with housing program funds, or demolition work undertaken in order to  
17 construct buildings with housing program funds, and a statement, in each  
18 case as to why such displacement was necessary; and

19 (g) a summary, prepared on an annual basis of the reports which the  
20 city is required to make available to the public pursuant to section  
21 twelve of this act.

22 2. Such report shall also include the percentage of total housing  
23 program funds which have been utilized, up to the date of preparation of  
24 the report, to provide dwelling accommodations to persons and families  
25 in each of the categories of income described in paragraph (d) of subdi-  
26 vision one of this section and, if such percentages differ from that  
27 required by section nine of this act, a description of how the city  
28 plans to meet the requirements of such section.

29 3. On or before July first, two years after this act shall have taken  
30 effect, and on or before the termination of each three year period ther-  
31 eafter during which housing program funds are expended by the city, the  
32 city shall submit, to the governor, the temporary president of the  
33 senate, the speaker of the assembly, the minority leader of the senate  
34 and the minority leader of the assembly a projected plan for how the  
35 total amount of housing program funds will be spent over the life of the  
36 housing New York program for the twenty-first century. Such plan shall  
37 include, but not be limited to, all of the information, to the extent  
38 known, required by this section.

39 S 14. Act not to supersede other requirements. Nothing in this act  
40 shall be deemed to make less restrictive any inconsistent requirement of  
41 state law or regulation relating to the financing, construction or reno-  
42 vation of dwelling accommodations assisted with housing program funds.

43 S 15. Severability. If any clause, sentence, paragraph, section, or  
44 part of this act shall be adjudged by any court of competent jurisdic-  
45 tion to be invalid such judgment shall not affect, impair, or invalidate  
46 the remainder thereof, but shall be confined in its operation to the  
47 clause, sentence, paragraph, section or part thereof directly involved  
48 in the controversy in which such judgment shall have been rendered.

49 S 2. Paragraph (a) of subdivision 1, subdivisions 2 and 3, paragraph  
50 (c) of subdivision 12 and subdivision 14 of section 654-c of the private  
51 housing finance law, as added by chapter 32 of the laws of 1986, are  
52 amended to read as follows:

53 (a) "Housing New York program" shall mean the housing New York program  
54 established pursuant to section four of the housing New York program act  
55 AND THE "HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY" SHALL  
56 MEAN THE HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY ESTAB-

1 LISHED PURSUANT TO SECTION FOUR OF THE HOUSING NEW YORK PROGRAM ACT FOR  
2 THE TWENTY-FIRST CENTURY.

3 2. There is hereby established a public benefit corporation known as  
4 the "housing New York corporation" as a subsidiary corporation of the  
5 corporation solely for the purpose of borrowing money and granting such  
6 moneys to the city for the purposes and in accordance with the  
7 provisions of the housing New York program AND THE HOUSING NEW YORK  
8 PROGRAM FOR THE TWENTY-FIRST CENTURY.

9 3. It is hereby found and declared that the legislature, pursuant to  
10 the housing New York program act AND THE HOUSING NEW YORK PROGRAM ACT  
11 FOR THE TWENTY-FIRST CENTURY, has established [a] THE housing New York  
12 program AND THE HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY  
13 under which the city will cause the acquisition, construction, equip-  
14 ping, improving, rehabilitation and renovation of dwelling accommo-  
15 dations within the city of New York for persons and families for whom  
16 the ordinary operations of private enterprise cannot supply such accom-  
17 modations; that such [program is] PROGRAMS ARE necessary in order to  
18 increase the presently inadequate supply of dwelling accommodations in  
19 such city for such persons and families; that such [program shall]  
20 PROGRAMS require a substantial commitment of funds from public sources;  
21 and that the need for such moneys necessitates that the subsidiary  
22 corporation created by this section be granted the powers and be made  
23 subject to the requirements of this section. The legislature therefore  
24 finds that such subsidiary corporation, subject to the terms and condi-  
25 tions specified herein, should be given the power to borrow funds and  
26 grant such moneys to the city of New York, and any agency or instrumen-  
27 tality thereof (other than such subsidiary corporation) or the corpo-  
28 ration for use by such entity in the housing New York program AND THE  
29 HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY; that the financ-  
30 ing of residential housing facilities in accordance with the housing New  
31 York program AND THE HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST  
32 CENTURY is a public purpose for which moneys may be granted, and  
33 exemptions from taxation on the income of bonds or notes of such subsid-  
34 iary corporation and on such subsidiary corporation's income and proper-  
35 ty granted, as specified herein; and that the powers and duties of such  
36 subsidiary corporation as recited in this section are necessary and  
37 proper for achieving the ends herein recited. Therefore such subsidiary  
38 corporation is hereby authorized and empowered:

39 (a) to borrow money by issuing bonds and notes for the purposes of (i)  
40 granting such moneys to the city to finance the acquisition,  
41 construction, equipping, improvement, enlargement, rehabilitation and  
42 renovation of residential housing facilities for the purposes and in  
43 accordance with the provisions of the housing New York program AND THE  
44 HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY and (ii) refunding  
45 any bonds or notes of such subsidiary corporation issued pursuant to  
46 this section;

47 (b) to grant moneys to the city for the purpose of financing the  
48 acquisition, construction, equipping, improvement, enlargement, rehabil-  
49 itation and renovation of residential housing facilities for the  
50 purposes and in accordance with the provisions of the housing New York  
51 program AND THE HOUSING NEW YORK PROGRAM FOR THE TWENTY-FIRST CENTURY  
52 and to enter into any agreement specifying terms and conditions with  
53 respect thereto;

54 (c) subject to the provisions of any contract with the holders of any  
55 of its bonds or notes, to pledge any revenues or assets of such subsid-  
56 iary corporation, including, but not limited to, any excess revenues of

1 the Battery Park city authority as shall be payable to such subsidiary  
2 corporation pursuant to an agreement between the Battery Park city  
3 authority and such subsidiary corporation as such subsidiary corporation  
4 shall deem necessary, to secure any bonds or notes issued or any agree-  
5 ments entered into pursuant to this section;

6 (d) to procure insurance, letters of credit or other credit enhance-  
7 ments with respect to its bonds or notes issued pursuant to this section  
8 and to pay the premiums and fees therefor;

9 (e) to adopt, amend or rescind rules and regulations appropriate to  
10 carry out its corporate purposes and to establish such requirements and  
11 enter into such agreements to achieve the objectives of this section;  
12 and

13 (f) to exercise any and all other powers authorized by this section  
14 and not inconsistent with the provisions of this section.

15 (c) the city shall use the moneys granted to it pursuant to this  
16 section to finance residential housing facilities in accordance with the  
17 provisions of the housing New York program AND THE HOUSING NEW YORK  
18 PROGRAM FOR THE TWENTY-FIRST CENTURY and shall comply with the terms and  
19 conditions of the housing New York program act, THE HOUSING NEW YORK  
20 PROGRAM ACT FOR THE TWENTY-FIRST CENTURY and this section; and

21 14. For the purposes of financing the acquisition, construction,  
22 equipping, improvement, enlargement, rehabilitation and renovation of  
23 residential housing facilities pursuant to this section, such subsidiary  
24 corporation may borrow money by issuing bonds or notes in an aggregate  
25 principal amount not exceeding [four] EIGHT hundred million dollars plus  
26 a principal amount of bonds or notes issued (i) to fund any related debt  
27 service reserve fund, (ii) to provide capitalized interest, and (iii) to  
28 provide fees and other charges and expenses, including underwriters'  
29 discount, related to the issuance of such bonds or notes and the mainte-  
30 nance of such reserves, all as determined by such subsidiary corpo-  
31 ration, excluding bonds or notes issued to refund outstanding bonds or  
32 notes issued pursuant to this section. Any bonds or notes of such  
33 subsidiary corporation shall not be or be deemed to be obligations of  
34 the corporation or subject to or included in any authorization of or  
35 limitation on indebtedness of the corporation.

36 In computing the total principal amount of bonds or notes that may at  
37 any time be issued for any purpose under this section, the amount of the  
38 outstanding bonds or notes that constitutes interest under the United  
39 States Internal Revenue Code of nineteen hundred fifty-four, as amended  
40 to the effective date of this section, shall be excluded.

41 S 3. This act shall take effect immediately.