S T A T E O F N E W Y O R K

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I N S E N A T E

May 30, 2014

Introduced by Sens. YOUNG, BALL, NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the private housing finance law, in relation to disabled veteran access to home for heroes contracts

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

Section 1. The private housing finance law is amended by adding a new article 28 to read as follows:

ARTICLE XXVIII

NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

SECTION 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.
1241. DEFINITIONS.
1242. ACCESS TO HOME FOR HEROES CONTRACTS.

S 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT MANY DISABLED VETERANS IN NEW YORK STATE FACE A SIGNIFICANT IMPEDIMENT TO ACCESSIBLE AND AFFORDABLE HOUSING AS A RESULT OF SERVICE RELATED INJURIES, AGE OR HEALTH RELATED DISABILITIES. THESE MEN AND WOMEN HAVE SERVED OUR COUNTRY AND STATE WITH HONOR AND DISTINCTION AND DESERVE TO ACHIEVE MAXIMUM INDEPENDENCE, SOCIAL INTERACTION AND COMMUNITY INTEGRATION. PROVIDING FINANCIAL ASSISTANCE WITH THE COST OF ADAPTING THE DWELLING UNITS OF OUR DISABLED VETERANS, IS FUNDAMENTAL TO PROVIDING FOR THE PROMISE OF LIVING SAFELY, COMFORTABLY AND PRODUCTIVELY IN THE MOST INTEGRATED SETTING OF THEIR CHOICE.

S 1241. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "CORPORATION" SHALL MEAN THE HOUSING TRUST FUND CORPORATION ESTABLISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

2. "ELIGIBLE APPLICANT" SHALL MEAN A CITY, TOWN, VILLAGE OR NOT-FOR-PROFIT CORPORATION IN EXISTENCE FOR A PERIOD OF ONE OR MORE YEARS PRIOR TO APPLICATION, WHICH IS, OR WILL BE AT THE TIME OF AWARD, INCORPORATED UNDER THE NOT-FOR-PROFIT CORPORATION LAW AND HAS SUBSTANTIAL EXPERIENCE IN ADAPTING OR RETROFITTING HOMES FOR PERSONS WITH DISABILITIES.

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

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3. "VETERAN" SHALL MEAN A RESIDENT OF THIS STATE, WHO HAS SERVED ON ACTIVE DUTY IN THE UNITED STATES ARMY, NAVY, AIR FORCE, MARINE CORPS, COAST GUARD, AND/OR THE ARMY NATIONAL GUARD, AIR NATIONAL GUARD, NEW YORK GUARD AND/OR THE NEW YORK NAVAL MILITIA, WHO HAS BEEN RELEASED FROM SUCH SERVICE BY HONORABLE DISCHARGE OR GENERAL DISCHARGE.

4. "DISABLED VETERAN" SHALL MEAN A VETERAN WHO IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS OR THE DEPARTMENT OF DEFENSE AS ENTITLED TO RECEIVE DISABILITY PAYMENTS UPON THE CERTIFICATION OF SUCH DEPARTMENT FOR A DISABILITY INCURRED BY HIM OR HER IN TIME OF WAR.

5. "ACCESS TO HOME FOR HEROES PROGRAMS" OR "PROGRAMS" SHALL MEAN A SERIES OF ACTIVITIES BY AN ELIGIBLE APPLICANT TO ADMINISTER FUNDS TO PROVIDE GRANTS TO HOMEOWNERS AND RENTERS AND TO OVERSEE THE ADAPTATION OR RETROFITTING OF ELIGIBLE PROPERTIES.

6. "ELIGIBLE PROPERTY" SHALL MEAN A HOUSING UNIT THAT IS THE PRIMARY RESIDENCE OF A DISABLED VETERAN OR VETERAN WITH A PHYSICAL DISABILITY AND A TOTAL HOUSEHOLD INCOME THAT DOES NOT EXCEED ONE HUNDRED AND TWENTY PERCENT OF AREA MEDIAN INCOME. A PROPERTY SHALL NOT BE CONSIDERED AN ELIGIBLE PROPERTY IF THE OWNER OF THE PROPERTY IS OTHERWISE OBLIGATED BY FEDERAL, STATE OR LOCAL LAW TO PROVIDE THE IMPROVEMENTS FUNDED UNDER THIS ARTICLE.

S 1242. ACCESS TO HOME FOR HEROES CONTRACTS. 1. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE ACCESS TO HOME FOR HEROES PROGRAM, THE CORPORATION IS HEREBY AUTHORIZED TO ENTER INTO CONTRACTS WITH ELIGIBLE APPLICANTS TO PROVIDE FINANCIAL ASSISTANCE FOR THE ACTUAL COSTS OF AN ACCESS TO HOME FOR HEROES PROGRAM. THE FINANCIAL ASSISTANCE SHALL BE IN THE FORM OF GRANTS. NO MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT AWARDED PURSUANT TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO ACCESS TO HOME PROGRAMS LOCATED WITHIN ANY SINGLE MUNICIPALITY. THE CORPORATION SHALL MAKE A CONCERTED EFFORT TO PROVIDE GEOGRAPHIC DISTRIBUTION IN THE AWARDING OF PROGRAM FUNDS TO AFFORD MAXIMUM STATEWIDE IMPACT FOR DISABLED VETERANS.

2. THE TOTAL PAYMENT PURSUANT TO ANY ONE CONTRACT SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS AND THE CONTRACT SHALL PROVIDE FOR COMPLETION OF THE PROGRAM WITHIN A REASONABLE PERIOD, AS SPECIFIED THEREIN, WHICH SHALL NOT IN ANY EVENT EXCEED THREE YEARS FROM ITS COMMENCEMENT. UPON REQUEST, THE CORPORATION MAY EXTEND THE TERM OF THE CONTRACT FOR UP TO TWO ADDITIONAL ONE YEAR PERIODS FOR GOOD CAUSE SHOWN BY THE ELIGIBLE APPLICANT.

3. THE CORPORATION MAY AUTHORIZE THE ELIGIBLE APPLICANT TO SPEND UP TO SEVEN AND ONE-HALF PERCENT OF THE CONTRACT AMOUNT FOR APPROVED ADMINISTRATIVE COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM.

4. THE CORPORATION SHALL REQUIRE THAT, IN ORDER TO RECEIVE FUNDS PURSUANT TO THIS ARTICLE, THE ELIGIBLE APPLICANT SHALL SUBMIT A PLAN WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROGRAM FEASIBILITY, IMPACT ON THE COMMUNITY, BUDGET FOR EXPENDITURE OF PROGRAM FUNDS, A SCHEDULE FOR COMPLETION OF THE PROGRAM, AFFIRMATIVE ACTION AND MINORITY BUSINESS PARTICIPATION.

S 2. This act shall take effect immediately.