

2301--A

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I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, CANESTRARI, JACOBS, DESTITO, REILLY, PERRY, GOTTFRIED -- Multi-Sponsored by -- M. of A. AMEDORE, CLARK, COOK, GALEF, KOLB, MAGEE -- read once and referred to the Committee on Agriculture -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the New York state urban development corporation act, in relation to the planning and development of urban and regional farmers' markets facilities

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

1 Section 1. Section 16-n of section 1 of chapter 174 of the laws of
2 1968, constituting the New York state urban development corporation act,
3 as added by chapter 428 of the laws of 2006, is renumbered section
4 16-t.
5 S 2. Section 1 of chapter 174 of the laws of 1968, constituting the
6 New York state urban development corporation act, is amended by adding a
7 new section 16-u to read as follows:
8 S 16-U. URBAN AND REGIONAL FARMERS' MARKETS FACILITIES CONSTRUCTION
9 PROGRAM. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:
10 (A) "URBAN OR REGIONAL FARMER'S MARKET CONSTRUCTION PROJECT" SHALL
11 MEAN A PROJECT FOR THE ESTABLISHMENT, EXPANSION AND DEVELOPMENT OF A
12 YEAR-ROUND URBAN OR REGIONAL FARMER'S MARKET PRIMARILY LEASING SPACE TO
13 FARMERS, FARMER/PROCESSORS AND CRAFT BUSINESSES FROM WITHIN THE REGION
14 OF THE GREENMARKET TO SELL DIRECTLY TO CUSTOMERS.
15 (B) "NOT-FOR-PROFIT CORPORATION" SHALL MEAN AGRICULTURAL COOPERATIVES,
16 REGIONAL MARKET AUTHORITIES, CORPORATION BUSINESS IMPROVEMENT DISTRICTS
17 AND REGIONAL AND COMMUNITY DEVELOPMENT ORGANIZATIONS ORGANIZED UNDER THE
18 PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW OR OTHER STATE LAW
19 PROVIDING FOR NONPROFIT CORPORATIONS.

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

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1 (C) "HIGHLY DISTRESSED" SHALL HAVE THE SAME MEANING AS PROVIDED FOR IN
2 SECTION SIXTEEN-D OF THIS ACT.

3 (D) "ECONOMICALLY DISTRESSED AREAS" SHALL HAVE THE SAME MEANING AS
4 PROVIDED FOR IN SECTION SIXTEEN-D OF THIS ACT.

5 2. THE CORPORATION SHALL, FROM APPROPRIATIONS MADE AVAILABLE FOR THE
6 PURPOSE, ESTABLISH AN URBAN AND REGIONAL FARMERS' MARKETS FACILITIES
7 CONSTRUCTION PROGRAM WHICH SHALL OFFER CONSTRUCTION GRANTS PURSUANT TO
8 PARAGRAPHS (A) AND (B) OF SUBDIVISION 3 OF THIS SECTION AND REVOLVING
9 LOANS AND LOAN GUARANTEES PURSUANT TO PARAGRAPHS (C) AND (D) OF SUBDIVI-
10 SION 3 OF THIS SECTION.

11 3. TO THE EXTENT THAT MONIES ARE APPROPRIATED FOR THE URBAN AND
12 REGIONAL FARMERS' MARKETS FACILITIES CONSTRUCTION PROGRAM, THE CORPO-
13 RATION SHALL PROVIDE FINANCING FOR URBAN OR REGIONAL FARMER'S MARKET
14 FACILITIES CONSTRUCTION PROJECTS FOR THE ESTABLISHMENT, EXPANSION AND
15 DEVELOPMENT OF URBAN AND REGIONAL FARMERS' MARKETS FACILITIES WHICH ARE
16 INTENDED TO SERVE THE NEEDS OF THE REGIONAL AGRICULTURAL COMMUNITY AND
17 THE COMMUNITY REVITALIZATION OF THE HOST CITY. THE CORPORATION, IN
18 CONSULTATION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, SHALL DEVELOP
19 A JOINT REQUEST FOR APPLICATIONS WITH THE DEPARTMENT OF AGRICULTURE AND
20 MARKETS' COMMENTS ON SOLICITING POTENTIAL APPLICANTS SEEKING ASSISTANCE
21 FOR THE DEVELOPMENT OF URBAN AND REGIONAL FARMERS' MARKETS FACILITIES.
22 AN APPLICANT MUST BE A NOT-FOR-PROFIT CORPORATION, MUNICIPAL CORPORATION
23 OR PUBLIC BENEFIT CORPORATION. IN DETERMINING AWARD RECIPIENTS, THE
24 CORPORATION SHALL CONSIDER, AMONG OTHER FACTORS, THE DEPARTMENT OF AGRI-
25 CULTURE AND MARKETS' COMMENTS ON THE APPLICATIONS. SUCH FINANCING SHALL
26 CONSIST OF GRANTS, REVOLVING LOANS AND LOAN GUARANTEES FOR THE ESTAB-
27 LISHMENT, EXPANSION, AND DEVELOPMENT OF URBAN AND REGIONAL FARMERS'
28 MARKETS FACILITIES.

29 (A) GRANTS SHALL BE USED FOR GENERAL PROJECT DEVELOPMENT COSTS,
30 INCLUDING, BUT NOT LIMITED TO:

31 (I) THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION
32 OF THE SITE; AND

33 (II) THE PURCHASE OF NECESSARY EQUIPMENT.

34 (B) FOR THE PURPOSES OF THIS SUBDIVISION GRANTS SHALL NOT EXCEED
35 EIGHTY PERCENT OF THE TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNI-
36 TIES; SHALL NOT EXCEED SEVENTY PERCENT OF THE TOTAL PROJECT COST IN
37 ECONOMICALLY DISTRESSED AREAS; AND SHALL NOT EXCEED SIXTY PERCENT OF THE
38 TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.

39 (C) URBAN AND REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING
40 LOAN AND LOAN GUARANTEES. THE CORPORATION SHALL PROVIDE REVOLVING LOANS
41 AND LOAN GUARANTEES FOR THE ESTABLISHMENT BY NOT-FOR-PROFIT CORPO-
42 RATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS OF URBAN
43 AND REGIONAL FARMER'S MARKET FACILITIES. SUCH REVOLVING LOANS AND LOAN
44 GUARANTEES SHALL BE FOR CONSTRUCTION COSTS, INCLUDING, BUT NOT LIMITED
45 TO THE DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION AND MAY INCLUDE
46 INTERIM FINANCING.

47 (D) URBAN AND REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING
48 LOAN AND LOAN GUARANTEE FUND. FOR THE PURPOSES OF THIS SUBDIVISION, THE
49 CORPORATION SHALL ESTABLISH AN URBAN AND REGIONAL FARMER'S MARKET FACIL-
50 ITY CONSTRUCTION REVOLVING LOAN AND LOAN GUARANTEE FUND ACCOUNT. THE
51 CORPORATION SHALL DETERMINE THE TERMS AND INTEREST RATES OF SUCH LOANS
52 TO NOT-FOR-PROFIT CORPORATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT
53 CORPORATIONS, EXCEPT THAT NO LOAN SHALL EXCEED EIGHTY PERCENT OF THE
54 TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNITIES; SEVENTY PERCENT OF
55 THE TOTAL PROJECT COST IN ECONOMICALLY DISTRESSED AREAS; AND SIXTY
56 PERCENT OF THE TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.

1 IN INSTANCES WHERE AN OTHERWISE QUALIFIED APPLICANT LACKS EQUITY IN A
2 PROJECT, EQUITY PARTICIPATION MAY INCLUDE ANY COMMITMENT FOR GRANTS.
3 PAYMENTS CONSISTING OF THE REPAYMENT OF THE PRINCIPAL AMOUNT OF THE LOAN
4 AND INTEREST SHALL BE DEPOSITED BY THE CORPORATION INTO THE URBAN AND
5 REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING LOAN FUND
6 ACCOUNT FROM WHICH THE LOAN WAS MADE.
7 4. FINANCING FOR URBAN AND REGIONAL FARMERS' MARKETS FACILITIES
8 CONSTRUCTION PROJECTS AUTHORIZED PURSUANT TO THIS SUBDIVISION, SHALL
9 ONLY BE MADE UPON A DETERMINATION BY THE CORPORATION, IN CONSULTATION
10 WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND THE DEPARTMENT OF AGRI-
11 CULTURE AND MARKETS THAT SUCH A FACILITY WILL IMPROVE THE AGRICULTURAL
12 AND URBAN ECONOMIES. SUCH REVOLVING LOANS, LOAN GUARANTEES AND GRANTS
13 SHALL ONLY BE MADE FOR FACILITIES WHERE THERE ARE INADEQUATE AGRICUL-
14 TURAL DIRECT MARKETING FACILITIES. SUCH CENTERS SHALL DEMONSTRATE THE
15 POTENTIAL TO OBTAIN, FROM APPROPRIATE GOVERNMENTAL AGENCIES, ALL NECES-
16 SARY APPROVALS, LICENSES, AND OTHER SUPPORTS REQUIRED TO OPERATE THE
17 FACILITY.
18 S 3. This act shall take effect immediately.