

2744

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 21, 2009

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Introduced by M. of A. O'DONNELL, GLICK, BROOK-KRASNY -- Multi-Sponsored  
by -- M. of A. GOTTFRIED, JOHN -- read once and referred to the  
Committee on Housing

AN ACT to amend the private housing finance law and the state finance  
law, in relation to dedicating Mitchell-Lama buyout revenues to  
affordable housing

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

1     Section 1. Legislative findings and intent. Mitchell-Lama housing was  
2 built in the 1950's as a response to the housing crisis after World War  
3 II. This housing created new vibrant communities that attracted busi-  
4 nesses, schools, day care centers and stimulated economic activity that  
5 has allowed New York city to thrive. Without programs like Mitchell-  
6 Lama, New York City would only be inhabitable for the very rich or the  
7 very poor. Mitchell-Lama housing allows people of all economic means to  
8 live together in decent, affordable housing. This community is being  
9 threatened by the specter of buy-outs. Applying buy-out revenues to  
10 provide more affordable housing will preserve and promote the well being  
11 of our state's communities.

12     S 2. The private housing finance law is amended by adding a new  
13 section 36-b to read as follows:

14     S 36-B. BUYOUT REVENUES TO BE DEDICATED TO AFFORDABLE HOUSING.  
15 NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ANY REVENUES DERIVED  
16 BY THE STATE FROM A BUYOUT OF A STATE-AIDED PROJECT SHALL BE DEPOSITED  
17 TO THE CREDIT OF THE MITCHELL-LAMA BUYOUT AFFORDABLE HOUSING FUND ESTAB-  
18 LISHED PURSUANT TO SECTION NINETY-TWO-FF OF THE STATE FINANCE LAW AND  
19 USED FOR THE PURPOSES OF PROVIDING AFFORDABLE HOUSING TO PROJECTS AND  
20 PERSONS THAT MEET THE ELIGIBILITY CRITERIA PROVIDED FOR IN THIS ARTICLE  
21 AND NO OTHER. ANY REVENUES DERIVED BY A MUNICIPALITY FROM THE BUYOUT OF  
22 A MUNICIPALLY-AIDED PROJECT SHALL BE DEPOSITED TO A SPECIAL MUNICIPAL

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

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1 FUND CONSISTING SOLELY OF SUCH REVENUES AND SHALL BE USED SOLELY FOR  
2 AFFORDABLE HOUSING PURPOSES.

3 S 3. The state finance law is amended by adding a new section 92-ff to  
4 read as follows:

5 S 92-FF. MITCHELL-LAMA BUYOUT AFFORDABLE HOUSING FUND. 1. THERE IS  
6 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE  
7 COMMISSIONER OF TAXATION AND FINANCE A FUND TO BE KNOWN AS THE "MITC-  
8 HELL-LAMA BUYOUT AFFORDABLE HOUSING FUND".

9 2. THE MITCHELL-LAMA BUYOUT AFFORDABLE HOUSING FUND SHALL BE CLASSI-  
10 FIED BY THE COMPTROLLER WITHIN THE CAPITAL PROJECT FUND TYPE AND SHALL  
11 CONSIST OF ALL MONEYS COLLECTED THEREFOR OR CREDITED, APPROPRIATED OR  
12 TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW OR ANY  
13 OTHER MONEYS MADE AVAILABLE FOR THE PURPOSES OF THE FUND.

14 3. MONEYS OF THE FUND MAY BE INVESTED BY THE STATE COMPTROLLER AND  
15 INCOME FROM SUCH INVESTMENTS SHALL BE CREDITED TO SUCH FUND.

16 4. MONEYS OF THE FUND SHALL BE APPROPRIATED BY THE LEGISLATURE AND  
17 PAID OUT PURSUANT TO THE TERMS OF SUCH APPROPRIATION AND ONLY FOR  
18 AFFORDABLE HOUSING PURPOSES AS SPECIFIED IN SECTION THIRTY-SIX-B OF THE  
19 PRIVATE HOUSING FINANCE LAW.

20 S 4. This act shall take effect on the first of January next succeed-  
21 ing the date on which it shall have become a law.