

9136

2009-2010 Regular Sessions

I N A S S E M B L Y

September 4, 2009

Introduced by M. of A. JEFFRIES, V. LOPEZ, CAMARA, JAFFEE, WRIGHT, CRES-
PO, PEOPLES, BENJAMIN, MILLMAN, ROBINSON, REILLY, LIFTON, BARRON,
CYMBROWITZ, ROSENTHAL, BING -- Multi-Sponsored by -- M. of A. DenDEKK-
ER, FARRELL, GLICK, HEASTIE, LENTOL, PHEFFER -- (at request of the
State of New York Mortgage Agency) -- read once and referred to the
Committee on Housing

AN ACT to amend the public authorities law, in relation to the insurance
of certain preservation loans by the state of New York mortgage agency
mortgage insurance fund

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

1 Section 1. Section 2428 of the public authorities law is amended by
2 adding a new subdivision 2-a to read as follows:
3 2-A. THE AGENCY MAY ISSUE A COMMITMENT TO PROVIDE AND MAY INSURE A
4 PRESERVATION LOAN IN AN AMOUNT EQUAL TO THE FULL OUTSTANDING PRINCIPAL
5 INDEBTEDNESS OF SUCH PRESERVATION LOAN IF: (A) THE EXISTING INDEBTEDNESS
6 SHALL HAVE BEEN ORIGINATED DURING THE PERIOD FROM JANUARY FIRST, TWO
7 THOUSAND FOUR THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHT, (B) THE
8 AMOUNT OF EACH INSURED PRESERVATION LOAN SHALL NOT EXCEED ONE HUNDRED
9 FIFTY MILLION DOLLARS, (C) SUCH PRESERVATION LOAN SHALL PRESERVE AFFORD-
10 ABLE HOUSING ACCOMMODATIONS, AND (D) THE PRESERVATION LOAN SHALL HAVE
11 BEEN MADE BY A PUBLIC BENEFIT CORPORATION OF THE STATE OF NEW YORK WHICH
12 PUBLIC BENEFIT CORPORATION HAS ISSUED OR WILL ISSUE BONDS OR NOTES, SOME
13 OR ALL OF THE PROCEEDS OF WHICH BONDS OR NOTES SHALL HAVE BEEN, OR WILL
14 BE, USED TO MAKE SUCH PRESERVATION LOAN, OR THE PRESERVATION LOAN SHALL
15 HAVE BEEN MADE BY A PUBLIC EMPLOYEE PENSION FUND.
16 S 2. Paragraph (c) of subdivision 8 of section 2428 of the public
17 authorities law, as amended by chapter 113 of the laws of 2000, is
18 amended to read as follows:
19 (c) The agency shall not issue a commitment to insure nor shall it
20 provide loan insurance for a preservation loan unless (i) such loan is

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

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1 made with respect to a one to four family dwelling; or (ii) such loan is
2 made with respect to a building, which on the effective date of this
3 subparagraph, is owned by a cooperative housing corporation formed for
4 the purpose of the cooperative ownership of residential real estate in
5 the state where such refinancing is not otherwise available and such
6 loan will facilitate or accommodate affordable homeownership opportu-
7 nities; or (iii) such loan is made with respect to the real property and
8 improvements owned by a cooperative housing corporation formed for the
9 purpose of the cooperative ownership of residential manufactured homes
10 in the state where such refinancing is not otherwise available and such
11 loan will facilitate or accommodate affordable homeownership opportu-
12 nities; OR (IV) SUCH LOAN IS MADE WITH RESPECT TO MULTI-FAMILY RESIDEN-
13 TIAL BUILDINGS WITH EXISTING INDEBTEDNESS ORIGINATED DURING THE PERIOD
14 FROM JANUARY FIRST, TWO THOUSAND FOUR THROUGH DECEMBER THIRTY-FIRST, TWO
15 THOUSAND EIGHT, WHERE SUCH LOAN WILL FACILITATE OR ACCOMMODATE THE PRES-
16 ERVATION OF AFFORDABLE HOUSING ACCOMMODATIONS.

17 S 3. Construction. This act and all powers granted hereby shall be
18 liberally construed to effectuate its intent and their purposes, without
19 implied limitations thereon. This act shall constitute full and complete
20 authority for all things herein contemplated to be done. All rights and
21 powers herein granted shall be cumulative with those derived from other
22 sources and shall not, except as expressly stated herein, be construed
23 in limitation thereof. Insofar as the provisions of this act are incon-
24 sistent with the provisions of any other act, general or special, the
25 provisions of this act shall be controlling.

26 S 4. Severability clause. If any clause, sentence, paragraph, section
27 or part of this act be adjudged by any court of competent jurisdiction
28 to be invalid, such judgment shall not affect, impair or invalidate the
29 remainder hereof but shall be applied in its operation to the clause,
30 sentence, paragraph, section or part hereof directly involved in the
31 controversy in which such judgment shall have been rendered.

32 S 5. This act shall take effect immediately; provided however that the
33 amendments to paragraph (c) of subdivision 8 of section 2428 of the
34 public authorities law made by section two of this act shall not affect
35 the expiration of such subdivision and shall be deemed to expire there-
36 with.