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I N   S E N A T E

February 4, 2010

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Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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.  
20    (C) "HIGHLY DISTRESSED" SHALL HAVE THE SAME MEANING AS PROVIDED FOR IN  
21    SECTION SIXTEEN-D OF THIS ACT.  
22    (D) "ECONOMICALLY DISTRESSED AREAS" SHALL HAVE THE SAME MEANING AS  
23    PROVIDED FOR IN SECTION SIXTEEN-D OF THIS ACT.  
24    2. THE CORPORATION SHALL, FROM APPROPRIATIONS MADE AVAILABLE FOR THE  
25    PURPOSE, ESTABLISH AN URBAN AND REGIONAL FARMERS' MARKETS FACILITIES  
26    CONSTRUCTION PROGRAM WHICH SHALL OFFER CONSTRUCTION GRANTS PURSUANT TO  
27    PARAGRAPHS (A) AND (B) OF SUBDIVISION 3 OF THIS SECTION AND REVOLVING

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

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1 LOANS AND LOAN GUARANTEES PURSUANT TO PARAGRAPHS (C) AND (D) OF SUBDIVI-  
2 SION 3 OF THIS SECTION.

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

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

23 (I) THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION  
24 OF THE SITE; AND

25 (II) THE PURCHASE OF NECESSARY EQUIPMENT.

26 (B) FOR THE PURPOSES OF THIS SUBDIVISION GRANTS SHALL NOT EXCEED  
27 EIGHTY PERCENT OF THE TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNI-  
28 TIES; SHALL NOT EXCEED SEVENTY PERCENT OF THE TOTAL PROJECT COST IN  
29 ECONOMICALLY DISTRESSED AREAS; AND SHALL NOT EXCEED SIXTY PERCENT OF THE  
30 TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.

31 (C) URBAN AND REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING  
32 LOAN AND LOAN GUARANTEES. THE CORPORATION SHALL PROVIDE REVOLVING LOANS  
33 AND LOAN GUARANTEES FOR THE ESTABLISHMENT BY NOT-FOR-PROFIT CORPO-  
34 RATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS OF URBAN  
35 AND REGIONAL FARMER'S MARKET FACILITIES. SUCH REVOLVING LOANS AND LOAN  
36 GUARANTEES SHALL BE FOR CONSTRUCTION COSTS, INCLUDING, BUT NOT LIMITED  
37 TO THE DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION AND MAY INCLUDE  
38 INTERIM FINANCING.

39 (D) URBAN AND REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING  
40 LOAN AND LOAN GUARANTEE FUND. FOR THE PURPOSES OF THIS SUBDIVISION, THE  
41 CORPORATION SHALL ESTABLISH AN URBAN AND REGIONAL FARMER'S MARKET FACIL-  
42 ITY CONSTRUCTION REVOLVING LOAN AND LOAN GUARANTEE FUND ACCOUNT. THE  
43 CORPORATION SHALL DETERMINE THE TERMS AND INTEREST RATES OF SUCH LOANS  
44 TO NOT-FOR-PROFIT CORPORATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT  
45 CORPORATIONS, EXCEPT THAT NO LOAN SHALL EXCEED EIGHTY PERCENT OF THE  
46 TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNITIES; SEVENTY PERCENT OF  
47 THE TOTAL PROJECT COST IN ECONOMICALLY DISTRESSED AREAS; AND SIXTY  
48 PERCENT OF THE TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.  
49 IN INSTANCES WHERE AN OTHERWISE QUALIFIED APPLICANT LACKS EQUITY IN A  
50 PROJECT, EQUITY PARTICIPATION MAY INCLUDE ANY COMMITMENT FOR GRANTS.  
51 PAYMENTS CONSISTING OF THE REPAYMENT OF THE PRINCIPAL AMOUNT OF THE LOAN  
52 AND INTEREST SHALL BE DEPOSITED BY THE CORPORATION INTO THE URBAN AND  
53 REGIONAL FARMER'S MARKET FACILITY CONSTRUCTION REVOLVING LOAN FUND  
54 ACCOUNT FROM WHICH THE LOAN WAS MADE.

55 4. FINANCING FOR URBAN AND REGIONAL FARMERS' MARKETS FACILITIES  
56 CONSTRUCTION PROJECTS AUTHORIZED PURSUANT TO THIS SUBDIVISION, SHALL

1 ONLY BE MADE UPON A DETERMINATION BY THE CORPORATION, IN CONSULTATION  
2 WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND THE DEPARTMENT OF AGRI-  
3 CULTURE AND MARKETS THAT SUCH A FACILITY WILL IMPROVE THE AGRICULTURAL  
4 AND URBAN ECONOMIES. SUCH REVOLVING LOANS, LOAN GUARANTEES AND GRANTS  
5 SHALL ONLY BE MADE FOR FACILITIES WHERE THERE ARE INADEQUATE AGRICUL-  
6 TURAL DIRECT MARKETING FACILITIES. SUCH CENTERS SHALL DEMONSTRATE THE  
7 POTENTIAL TO OBTAIN, FROM APPROPRIATE GOVERNMENTAL AGENCIES, ALL NECES-  
8 SARY APPROVALS, LICENSES, AND OTHER SUPPORTS REQUIRED TO OPERATE THE  
9 FACILITY.  
10 S 3. This act shall take effect immediately.