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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. AMEDORE, TOBACCO -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the New York state urban development corporation act, in relation to creating a waterfront revitalization demonstration program

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

Section 1. Statement of legislative intent. Many of New York state's oldest cities, towns and villages owe their very existence to an advantageous location on the state's vast network of natural and man-made waterways and waterfronts. From the earliest years of settlement through the early years of the twentieth century, these municipalities depended on their waterfronts as the focal points for commerce, industry, recreation and, in many instances, transportation. New York state emerged as the empire state in the nineteenth century when its waterfront-based manufacturing industry enabled it to become the dominant manufacturing center of the world. In recent times, however, a variety of factors have contributed to the decline and deterioration of the state's once vital waterfronts, including the erosion of the state's manufacturing base, the abandonment of aging structures, and the construction of highways and rail lines which often cut off cities, towns and villages from the waterfronts which once were the center of municipal attention.

The potential of such waterfronts to contribute to the revitalization of these older communities and to improve the quality of life for their residents remains despite these years of neglect. The improvement of these waterfronts can result in the revitalization of adjacent central business districts, the attraction of new commerce and industry, the enhancement of tourist opportunities, new recreational opportunities and the reclamation of our historic heritage. Conversely, continued deterioration can lead to the spreading of economic blight.

Therefore, the legislature declares that the revitalization of the state's historic waterfronts will contribute to the economic and social

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

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vitality of waterfront communities and that state assistance in this regard is necessary and proper for achieving this public purpose.

S 2. Subdivision 1 of section 16-e of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new paragraph (i) to read as follows:

(I) "WATERFRONT REVITALIZATION DEMONSTRATION PROJECT" SHALL MEAN ANY PROJECT INTENDED TO IMPROVE OR REVITALIZE A WATERFRONT AREA LOCATED ON THE HUDSON RIVER NORTH OF THE BOUNDARY OF THE CITY OF NEW YORK AND ON THE MOHAWK RIVER.

S 3. Subdivisions 2 and 3 of section 16-e of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as added by chapter 169 of the laws of 1994, are amended to read as follows:

(2) Loans and grants. The corporation may make loans and grants for regional strategic planning, business development projects, business infrastructure and infrastructure investment projects, skills training assistance projects, economic development assistance projects, WATERFRONT REVITALIZATION DEMONSTRATION PROJECTS, and child care assistance projects, that create or retain permanent private-sector jobs. Such projects and programs except as specifically provided herein:

(a) Must be consistent with a regional strategic plan for economic development, as coordinated by the chairman of the corporation and approved by the director of the budget, with copies filed with the speaker of the assembly and the temporary president of the senate;

(b) Must create or retain substantial permanent private-sector jobs in the case of business development loans and business infrastructure projects, or in the case of a child care assistance project the corporation determines that the child day care center will improve or maintain the productivity of the sponsoring company or companies, OR IN THE CASE OF A WATERFRONT REVITALIZATION DEMONSTRATION PROJECT, THE CORPORATION DETERMINES THAT SUCH PROJECT WILL IMPROVE OR MAINTAIN THE ECONOMIC VITALITY OR STABILITY OF AN AREA OR CONTRIBUTE TO THE POTENTIAL OF THE AREA FOR TOURIST ATTRACTION AND RECREATIONAL USE;

(c) Must be reasonably likely to be completed within the time and cost estimates presented in the proposal; and

(d) Must be unable to obtain sufficient funding on reasonable terms from other public or private sources to permit the project to proceed without the requested assistance[; and].

(3) Ineligible projects. Ineligible projects shall include retail businesses, overnight lodging facilities, EXCEPT FOR RETAIL BUSINESS OR OVERNIGHT LODGING FACILITIES WHICH ARE PART OF A WATERFRONT REVITALIZATION PROJECT, debt refinancing, or the relocation of a business from one municipality within the state to another municipality, provided, however, that such a project shall not be deemed ineligible if all municipalities from which such business will be relocated are notified in writing of the corporation's approval of such funding and the chief executive officers of the municipalities do not object to the corporation in writing within a period of twenty days of receipt of the notification.

S 4. Section 16-e of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new subdivision 12-a to read as follows:

(12-A) WATERFRONT REVITALIZATION DEMONSTRATION PROJECTS. (A) THE CORPORATION MAY MAKE GRANTS AND LOANS TO MUNICIPALITIES, INDUSTRIAL DEVELOPMENT AGENCIES AND LOCAL, COUNTY OR REGIONAL DEVELOPMENT CORPORATIONS DESIGNATED BY A LOCAL GOVERNMENT FOR SPECIFIC WATERFRONT REVI-

TALIZATION PROJECTS LOCATED ON THE HUDSON RIVER NORTH OF THE BOUNDARY OF THE CITY OF NEW YORK AND ON THE MOHAWK RIVER.

(B) PRIORITY CONSIDERATION AND PREFERENCE SHALL BE GIVEN TO WATERFRONT REVITALIZATION PROJECTS LOCATED IN AREAS ENCOMPASSED BY, OR FORMING THE BORDER OF, EMPIRE ZONES ESTABLISHED PURSUANT TO ARTICLE 18-B OF THE GENERAL MUNICIPAL LAW.

(C) ASSISTANCE FOR WATERFRONT REVITALIZATION PROJECTS SHALL NOT EXCEED FORTY-NINE PERCENT OF THE TOTAL PROJECT COST OR SEVEN HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS LESS. LOANS FOR SUCH PROJECTS SHALL BE AT INTEREST RATES DETERMINED BY THE CORPORATION THAT ARE NECESSARY TO MAKE THE PROJECT FEASIBLE.

(D) NO MORE THAN FIFTY PERCENT OF THE FUNDS AVAILABLE FROM THE CORPORATION FOR ANY WATERFRONT REVITALIZATION PROJECT NOT LOCATED IN AN EMPIRE ZONE, AND NO MORE THAN SIXTY PERCENT OF THE FUNDS AVAILABLE FROM THE CORPORATION FOR ANY WATERFRONT REVITALIZATION PROJECT LOCATED IN AN EMPIRE ZONE SHALL BE DISBURSED AS A GRANT.

S 5. This act shall take effect immediately.