

2171

2009-2010 Regular Sessions

I N S E N A T E

February 12, 2009

Introduced by Sens. DUANE, KRUGER, ESPADA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT authorizing the New York state division of housing and community renewal to study state and locally aided housing programs and make recommendations for the preservation, modernization, and increase in the supply of such housing; to amend the private housing finance law, in relation to providing a moratorium on the voluntary dissolution of limited profit, limited dividend and redevelopment housing companies; and providing for the repeal of certain provisions upon the expiration thereof

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

1 Section 1. New York state and its localities have invested for more  
2 than a half century in the creation of low and middle income housing to  
3 benefit those most in need and to the general benefit of state and local  
4 economies. In many cases such housing has fallen into disrepair or is  
5 being lost as affordable housing due to statutory provisions allowing  
6 owners to dissolve housing companies. The unmet need for affordable  
7 housing is presently greater than at any time in the state's history. A  
8 temporary moratorium on the dissolution of any housing company is neces-  
9 sary for the New York state division of housing and community renewal to  
10 complete its work and make recommendations.

11 S 2. The division of housing and community renewal shall undertake a  
12 comprehensive study of the present status of state and locally aided low  
13 and middle income housing programs and make recommendations with respect  
14 to the preservation, modernization, and expansion of the number of hous-  
15 ing units provided by such programs. Such recommendations shall include,  
16 but not be limited to, methods that may be employed by state and local  
17 governments to retain and expand the existing inventory of state and  
18 locally aided low and middle income housing so as to preserve such

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

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1 inventory of affordable housing for the persons and families such hous-  
2 ing is designed to serve.

3 S 3. The division of housing and community renewal shall make a report  
4 to the governor and the legislature of its findings, conclusions and  
5 recommendations no later than one year after the effective date of this  
6 act and shall submit with its report such legislative proposals as it  
7 deems necessary to implement its recommendations.

8 S 4. To the maximum extent feasible, the division of housing and  
9 community renewal shall be entitled to request and receive and shall  
10 utilize and be provided with such facilities, resources and data of any  
11 court, department, division, board, bureau, commission or agency of the  
12 state or any political subdivision thereof as it may reasonably request  
13 to carry out properly its responsibilities pursuant to this act.

14 S 5. Section 35 of the private housing finance law is amended by  
15 adding a new subdivision 5 to read as follows:

16 5. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO COMPANY  
17 SHALL BE VOLUNTARILY DISSOLVED, WITHOUT THE CONSENT OF THE COMMISSIONER  
18 OR SUPERVISING AGENCY, AS THE CASE MAY BE, ON OR AFTER THE EFFECTIVE  
19 DATE OF THIS SUBDIVISION.

20 S 6. Section 96 of the private housing finance law is amended by  
21 adding a new subdivision 3 to read as follows:

22 3. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO COMPANY  
23 SHALL BE VOLUNTARILY DISSOLVED OR TERMINATED, WITHOUT THE CONSENT OF THE  
24 COMMISSIONER, ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

25 S 7. Section 123 of the private housing finance law is amended by  
26 adding a new subdivision 8 to read as follows:

27 8. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO REDEVELOP-  
28 MENT COMPANY SHALL DISSOLVE OR TERMINATE, WITHOUT THE CONSENT OF THE  
29 LOCAL LEGISLATIVE BODY, ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVI-  
30 SION.

31 S 8. This act shall take effect immediately; provided, that sections  
32 five, six and seven of this act shall expire and be deemed repealed  
33 December 31, 2010. Effective immediately, the addition, amendment  
34 and/or repeal of any rule or regulation necessary for the implementation  
35 of this act on its effective date is authorized to be made on or before  
36 such effective date.