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

5099

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, the private housing finance law and the public authorities law, in relation to public employee housing and promulgating rules and regulations for programs administered where state appropriations are received

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

Section 1. The civil service law is amended by adding a new section 159-d to read as follows:

S 159-D. PUBLIC EMPLOYEE HOMEOWNERSHIP ASSISTANCE FUND. 1. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, WHERE AN AGREEMENT BETWEEN A PUBLIC EMPLOYER AND AN EMPLOYEE ORGANIZATION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER SO PROVIDES, A PUBLIC EMPLOYER MAY ESTABLISH A PUBLIC EMPLOYEE HOMEOWNERSHIP ASSISTANCE FUND TO PROVIDE EMPLOYEES IN A POSITION REPRESENTED BY SUCH EMPLOYEE ORGANIZATION WITH FINANCIAL ASSISTANCE IN THE PURCHASE OF A HOME INCLUDING BUT NOT LIMITED TO DOWN PAYMENT ASSISTANCE. TERMS AND CONDITIONS OF BENEFITS PROVIDED THROUGH THIS FUND SHALL BE ADMINISTERED PURSUANT TO THE AGREEMENT. THE PUBLIC EMPLOYEE HOMEOWNERSHIP ASSISTANCE FUND SHALL BE FUNDED AT A LEVEL AND FOR THE PERIOD OF TIME AS DETERMINED BY SUCH AGREEMENT AND ANY INTEREST OR OTHER EARNINGS ATTRIBUTABLE TO THE MONEY HELD IN SUCH FUND SHALL BE UTILIZED WITH SUCH MONEY FOR THE PURPOSE SET FORTH IN THIS SECTION.

2. FOR THE PURPOSES OF THIS SECTION THE TERM:

(A) "PUBLIC EMPLOYER" SHALL MEAN (I) THE STATE OF NEW YORK, (II) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, (III) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY, (IV) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT, (V) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION, OR (VI) ANY OTHER PUBLIC CORPORATION, AGEN-

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

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CY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE.

(B) "EMPLOYEE ORGANIZATION" MEANS AN ORGANIZATION WHICH REPRESENTS EMPLOYEES OF THE PUBLIC EMPLOYER PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER.

S 2. Section 44 of the private housing finance law is amended by adding a new subdivision 32 to read as follows:

32. TO PROMULGATE RULES AND REGULATIONS FOR EACH PROGRAM IT ADMINISTERS AND FOR WHICH STATE APPROPRIATIONS ARE RECEIVED, PROVIDING WHEREVER PRACTICABLE A PREFERENCE FOR PUBLIC EMPLOYEES NOT TO EXCEED FIVE PERCENT OF TOTAL PROGRAM PARTICIPATION. FOR THE PURPOSES OF THIS SECTION A PUBLIC EMPLOYEE SHALL MEAN ANY PERSON HOLDING A POSITION BY APPOINTMENT OR EMPLOYMENT IN THE SERVICE OF (1) THE STATE OF NEW YORK, (2) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, (3) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY, (4) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT, (5) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION, OR (6) ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE. IN ORDER TO BE ELIGIBLE, A PUBLIC EMPLOYEE MUST BE OTHERWISE QUALIFIED FOR PARTICIPATION IN THE PROGRAM FOR WHICH THE PREFERENCE IS GRANTED, INCLUDING BUT NOT LIMITED TO SATISFACTION OF INCOME LIMITATIONS.

S 3. Subdivision 12 of section 45-a of the private housing finance law, as amended by chapter 261 of the laws of 1988, is amended and a new subdivision 13 is added to read as follows:

[10.] 12. Notwithstanding the provisions of article one-A of the public authorities law, contracts entered into by the corporation pursuant to articles eighteen and eighteen-A of this chapter shall not be subject to the provisions of article one-A of the public authorities law.

13. THE CORPORATION IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS FOR EACH PROGRAM IT ADMINISTERS AND FOR WHICH STATE APPROPRIATIONS ARE RECEIVED, PROVIDING WHEREVER PRACTICABLE A PREFERENCE FOR PUBLIC EMPLOYEES NOT TO EXCEED FIVE PERCENT OF TOTAL PROGRAM PARTICIPATION. FOR THE PURPOSES OF THIS SECTION A PUBLIC EMPLOYEE SHALL MEAN ANY PERSON HOLDING A POSITION BY APPOINTMENT OR EMPLOYMENT IN THE SERVICE OF (A) THE STATE OF NEW YORK, (B) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, (C) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY, (D) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT, (E) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION, OR (F) ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE. IN ORDER TO BE ELIGIBLE, A PUBLIC EMPLOYEE MUST BE OTHERWISE QUALIFIED FOR PARTICIPATION IN THE PROGRAM FOR WHICH THE PREFERENCE IS GRANTED, INCLUDING BUT NOT LIMITED TO SATISFACTION OF INCOME LIMITATIONS.

S 4. Section 45-b of the private housing finance law is amended by adding a new subdivision 11 to read as follows:

11. THE CORPORATION IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS FOR EACH PROGRAM IT ADMINISTERS AND FOR WHICH STATE APPROPRIATIONS ARE RECEIVED, PROVIDING WHEREVER PRACTICABLE A PREFERENCE FOR PUBLIC EMPLOYEES NOT TO EXCEED FIVE PERCENT OF TOTAL PROGRAM PARTICIPATION. FOR THE PURPOSES OF THIS SECTION A PUBLIC EMPLOYEE SHALL MEAN ANY PERSON HOLDING A POSITION BY APPOINTMENT OR EMPLOYMENT

IN THE SERVICE OF (A) THE STATE OF NEW YORK, (B) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, (C) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY, (D) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT, (E) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION, OR (F) ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE. IN ORDER TO BE ELIGIBLE, A PUBLIC EMPLOYEE MUST BE OTHERWISE QUALIFIED FOR PARTICIPATION IN THE PROGRAM FOR WHICH THE PREFERENCE IS GRANTED, INCLUDING BUT NOT LIMITED TO SATISFACTION OF INCOME LIMITATIONS.

S 5. Section 2404 of the public authorities law is amended by adding a new subdivision 31 to read as follows:

(31) TO PROMULGATE RULES AND REGULATIONS FOR EACH PROGRAM IT ADMINISTERS AND FOR WHICH STATE APPROPRIATIONS ARE RECEIVED, PROVIDING WHEREVER PRACTICABLE A PREFERENCE FOR PUBLIC EMPLOYEES NOT TO EXCEED FIVE PERCENT OF TOTAL PROGRAM PARTICIPATION. FOR THE PURPOSES OF THIS SECTION A PUBLIC EMPLOYEE SHALL MEAN ANY PERSON HOLDING A POSITION BY APPOINTMENT OR EMPLOYMENT IN THE SERVICE OF (A) THE STATE OF NEW YORK, (B) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION OR CIVIL DIVISION OF THE STATE, (C) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC SCHOOL, COLLEGE OR UNIVERSITY, (D) A PUBLIC IMPROVEMENT OR SPECIAL DISTRICT, (E) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION, OR (F) ANY OTHER PUBLIC CORPORATION, AGENCY, INSTRUMENTALITY OR UNIT OF GOVERNMENT WHICH EXERCISES GOVERNMENTAL POWER UNDER THE LAWS OF THE STATE. IN ORDER TO BE ELIGIBLE, A PUBLIC EMPLOYEE MUST BE OTHERWISE QUALIFIED FOR PARTICIPATION IN THE PROGRAM FOR WHICH THE PREFERENCE IS GRANTED, INCLUDING BUT NOT LIMITED TO SATISFACTION OF INCOME LIMITATIONS.

S 6. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that any and all rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such effective date.