

5727

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

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

AN ACT to amend the private housing finance law, in relation to creating the "empire state housing investment fund act of 2009"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "empire state housing investment fund act of 2009".

3 S 2. The private housing finance law is amended by adding a new arti-
4 cle 18-B to read as follows:

5 ARTICLE XVIII-B

6 EMPIRE STATE HOUSING INVESTMENT FUND ACT

7 SECTION 1107. LEGISLATIVE FINDINGS.

8 1107-A. DEFINITIONS.

9 1107-B. EMPIRE HOUSING INVESTMENT FUND ESTABLISHED.

10 1107-C. DISTRIBUTION REQUIREMENTS.

11 1107-D. LOCAL HOUSING TRUST FUNDS CERTIFICATION AND ELIGIBILITY
12 FOR FUNDING.

13 1107-E. PROJECTS ELIGIBLE FOR ASSISTANCE.

14 1107-F. RESTRICTIONS AND STIPULATIONS.

15 1107-G. ELIGIBLE APPLICANTS.

16 1107-H. DUTIES OF THE PROGRAM ADMINISTRATOR.

17 1107-I. EMPIRE STATE HOUSING INVESTMENT FUND ADVISORY COMMISSION
18 ESTABLISHED.

19 1107-J. ANNUAL REPORTING.

20 1107-K. SEVERABILITY.

21 S 1107. LEGISLATIVE FINDINGS. THE LEGISLATURE HEREBY FINDS AND
22 DECLARES:

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

LBD14052-01-9

1 1. THAT THERE IS A SERIOUS SHORTAGE OF DECENT AFFORDABLE HOUSING IN
2 THE STATE FOR PERSONS OF LOW INCOME, VERY LOW INCOME, EXTREMELY LOW
3 INCOME, AND POVERTY-LEVEL INCOME;

4 2. THAT THE COST OF PROVIDING SUCH HOUSING WITHOUT PUBLIC PARTIC-
5 IPATION AND ASSISTANCE IS PROHIBITIVELY HIGH;

6 3. THAT THERE EXISTS THROUGHOUT THE STATE A SIGNIFICANT NUMBER OF
7 DWELLINGS WHICH ARE DETERIORATING AND ARE VACANT OR UNDERUTILIZED;

8 4. THAT THE EXISTENCE OF SUCH PROPERTIES CREATES A SERIOUS THREAT TO
9 THE HEALTH AND SAFETY OF PERSONS WHO LIVE IN OR NEAR THEM, LIMITS THE
10 AVAILABILITY OF DECENT AFFORDABLE HOUSING TO OTHERS, CONTRIBUTES TO THE
11 BLIGHT AND DETERIORATION OF NEIGHBORHOODS, AND DRAINS MUNICIPAL
12 RESOURCES AND EXPENDITURES; THE REHABILITATION OF THESE PROPERTIES WOULD
13 STEM THE DETERIORATION OF NEIGHBORHOODS AND PROMOTE THE PRESERVATION AND
14 CREATION OF SAFE AND SANITARY LOW-INCOME HOUSING;

15 5. THAT THE POTENTIAL EXISTS TO MAKE SUCH HOUSING AVAILABLE TO PERSONS
16 OF LOW INCOME THROUGH PROJECTS CARRIED OUT BY ELIGIBLE APPLICANTS TO
17 REHABILITATE THESE DWELLING ACCOMMODATIONS, BRING THEM INTO COMPLIANCE
18 WITH ALL APPLICABLE LAWS AND REGULATIONS, AND REMOVE ALL HAZARDOUS CODE
19 CONDITIONS;

20 6. THAT THE NEW CONSTRUCTION OF HOUSING FOR PERSONS OF LOW INCOME IN
21 AREAS IN WHICH REHABILITATION OPPORTUNITIES ARE LIMITED OR WHERE NEW
22 CONSTRUCTION WOULD PROVE TO BE MORE EFFECTIVE WOULD ALSO HELP SERVE THE
23 PURPOSES OF STABILIZING EXISTING LOW-INCOME COMMUNITIES;

24 7. THAT THE IMPLEMENTATION OF SUCH PROJECTS SERVES A SIGNIFICANT
25 PUBLIC PURPOSE AND MAY APPROPRIATELY BE PERFORMED BY ELIGIBLE APPLI-
26 CANTS;

27 8. THAT PAYMENT FOR SUCH SERVICES, TAX EXEMPTIONS AND OTHER PUBLIC
28 PARTICIPATION IN SUCH PROJECTS WOULD BRING DOWN THE COST OF SUCH HOUSING
29 AND MAKE IT AFFORDABLE TO LOW-INCOME PERSONS;

30 9. THAT IT IS THE POLICY OF THE STATE TO PRESERVE AND CREATE SUCH
31 HOUSING AND TO PROVIDE FOR THE AID, CARE AND SUPPORT OF THE NEEDY;

32 10. THAT NEW STATE RESOURCES MUST BE DIRECTED TO ALLEVIATE THE SHORT-
33 AGE OF AFFORDABLE HOUSING; AND

34 11. THAT NEW STATE RESOURCES SHOULD BE PROVIDED TO MAXIMIZE THE LEVER-
35 AGING OF FEDERAL AND LOCAL RESOURCES, AS WELL AS SUPPORT FROM THE
36 PRIVATE SECTOR.

37 S 1107-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING WORDS
38 AND TERMS SHALL HAVE THE FOLLOWING MEANINGS:

39 1. "ACCESSIBILITY" SHALL MEAN ACCESSIBLE UNITS THAT ARE MOVE-IN READY
40 FOR PEOPLE WITH PHYSICAL DISABILITIES, AS WELL AS THOSE WITH HEARING AND
41 VISUAL IMPAIRMENTS. ACCESSIBLE UNITS SHALL HAVE, AT THE MINIMUM, THE
42 FOLLOWING FEATURES INSTALLED: RODS, CABINETS AND SHELVES SHALL BE A
43 MAXIMUM OF FIFTY-FOUR INCHES ABOVE THE FINISHED FLOOR FOR A SIDE
44 APPROACH. THERE SHALL BE SIXTY INCHES FLOOR CLEARANCES IN THE KITCHEN
45 AND BATHROOM FOR A WHEELCHAIR TO COMPLETE A ONE HUNDRED EIGHTY-DEGREE
46 TURN, AND THIRTY-SIX INCHES CONTINUOUS WIDTH GROUND FLOOR HALLS AND
47 DOORWAYS FOR WHEELCHAIR PASSAGE. ACCESSIBLE UNITS SHALL BE IN COMPLIANCE
48 WITH THE APPLICABLE STANDARDS SET FORTH IN THE BUILDING CODE OF NEW YORK
49 STATE, NEW YORK CITY BUILDING CODE, SECTION 504 OF THE REHABILITATION
50 ACT OF 1973, THE FEDERAL FAIR HOUSING ACT AND THEIR RESPECTIVE REGU-
51 LATIONS AND GUIDELINES.

52 2. "ADAPTABILITY" SHALL MEAN ADAPTABLE FEATURES THAT CAN BE CONVERTED
53 INTO ACCESSIBLE UNITS EASILY BY UNSKILLED LABOR WITHOUT STRUCTURAL OR
54 MATERIAL CHANGES. EXAMPLES INCLUDE COUNTERTOPS OR CLOSET RODS WHOSE
55 HEIGHT IS ADJUSTABLE, REMOVABLE CABINETS AND WALL REINFORCEMENTS IN
56 PLACE FOR GRAB BAR INSTALLATION. ADAPTABLE UNITS SHALL BE IN COMPLIANCE

1 WITH THE APPLICABLE STANDARDS SET FORTH IN THE BUILDING CODE OF NEW YORK
2 STATE, NEW YORK CITY BUILDING CODE, SECTION 504 OF THE REHABILITATION
3 ACT OF 1973, THE FEDERAL FAIR HOUSING ACT AND THEIR RESPECTIVE REGU-
4 LATIONS AND GUIDELINES.

5 3. "ADVOCACY ORGANIZATION" SHALL MEAN A NOT-FOR-PROFIT ORGANIZATION
6 WHICH CONDUCTS, IN PART OR IN WHOLE, ACTIVITIES TO INFLUENCE PUBLIC
7 POLICY ON BEHALF OF LOW-INCOME OR VERY LOW-INCOME HOUSEHOLDS.

8 4. "AFFORDABLE HOUSING" SHALL MEAN RESIDENTIAL HOUSING THAT, SO LONG
9 AS THE SAME IS OCCUPIED BY LOW-INCOME HOUSEHOLDS, VERY LOW-INCOME HOUSE-
10 HOLDS, OR EXTREMELY LOW-INCOME HOUSEHOLDS REQUIRES PAYMENT OF MONTHLY
11 HOUSING COSTS, INCLUDING UTILITIES OTHER THAN TELEPHONE, OF NO MORE THAN
12 FORTY PERCENT OF THE FAMILY'S INCOME AS STATED FOR SUCH HOUSEHOLDS AS
13 DEFINED IN THIS SECTION.

14 5. "COMMISSION" SHALL MEAN THE HOUSING INVESTMENT FUND ADVISORY
15 COMMISSION.

16 6. "COMMUNITY-BASED ORGANIZATION" SHALL MEAN A NOT-FOR-PROFIT ENTITY
17 WHOSE GOVERNING BODY INCLUDES A MAJORITY OF MEMBERS WHO RESIDE IN THE
18 COMMUNITY SERVED BY THE ORGANIZATION.

19 7. "FUND" SHALL MEAN THE EMPIRE STATE HOUSING INVESTMENT FUND ESTAB-
20 LISHED PURSUANT TO SECTION ELEVEN HUNDRED SEVEN-B OF THIS ARTICLE.

21 8. "ELIGIBLE APPLICANT" SHALL MEAN A PROPRIETORSHIP, PARTNERSHIP,
22 FOR-PROFIT CORPORATION, NOT-FOR-PROFIT CORPORATION OR UNIT OF LOCAL
23 GOVERNMENT WHICH SEEKS TO USE FUND RESOURCES AS PROVIDED FOR IN THIS
24 ARTICLE.

25 9. "EXTREMELY LOW-INCOME HOUSEHOLD" SHALL MEAN A SINGLE PERSON, FAMILY
26 OR UNRELATED PERSONS LIVING TOGETHER WHOSE ADJUSTED INCOME IS LESS THAN
27 THIRTY PERCENT OF THE MEDIAN INCOME OF THE AREA OF RESIDENCE, ADJUSTED
28 FOR FAMILY SIZE, AS SUCH ADJUSTED INCOME AND MEDIAN INCOME FOR THE AREA
29 ARE DETERMINED FROM TIME TO TIME BY THE UNITED STATES DEPARTMENT OF
30 HOUSING AND URBAN DEVELOPMENT FOR PURPOSES OF SECTION 8 OF THE UNITED
31 STATES HOUSING ACT OF 1937.

32 10. "LOCAL HOUSING TRUST FUND" OR "TRUST FUND" SHALL MEAN AN AFFORDA-
33 BLE HOUSING PROGRAM ESTABLISHED BY A TOWN, VILLAGE, CITY, COUNTY, OTHER
34 LOCAL JURISDICTION, OR MULTI-JURISDICTIONAL ENTITY.

35 11. "LOCAL RESOURCES" SHALL MEAN THAT THE LOCAL HOUSING TRUST FUND
36 (LHTF) RECEIVES DEDICATED CASH CONTRIBUTIONS AND/OR DONATED PROPERTY. TO
37 BE CONSIDERED ELIGIBLE AS A LOCAL RESOURCE, THE FOLLOWING CONDITIONS
38 MUST BE MET:

39 (A) DOCUMENTATION OF CONTRIBUTIONS ALREADY RECEIVED, AN ADOPTED RESOL-
40 UTION OR ORDINANCE, AND/OR A WRITTEN LETTER OF COMMITMENT FROM THE
41 SOURCE PROVIDING THE CONTRIBUTION TO THE LHTF MUST BE PROVIDED AT THE
42 TIME OF APPLICATION (THE SUBMITTED DOCUMENTATION MUST PROVIDE EVIDENCE
43 OF THE SOURCE PROVIDING THE LOCAL MATCH CONTRIBUTION TO THE LHTF AND
44 MUST SPECIFY THE TYPE AND AMOUNT OF THE CONTRIBUTION, INCLUDING THE
45 SPECIFIED VALUE OF ANY DONATED PROPERTY OR SERVICES);

46 (B) THE LHTF MUST BE THE DIRECT RECIPIENT OF THE CONTRIBUTION WITH
47 CONTROL OVER ITS EXPENDITURE AND/OR USE;

48 (C) NO MORE THAN TEN PERCENT OF THE TOTAL RESOURCES MAY BE ASSOCIATED
49 WITH THE GENERAL ADMINISTRATIVE EXPENSES OF THE LHTF; AND

50 (D) THE PROPOSED LOCAL CONTRIBUTION MUST NOT HAVE BEEN USED TO QUALIFY
51 FOR A PRIORITY IN ANY PRIOR APPLICATION TO SUCH FUND.

52 12. "LOW-INCOME CENSUS TRACT" SHALL MEAN A CENSUS TRACT IN WHICH AT
53 LEAST FIFTY-ONE PERCENT OF HOUSEHOLDS HAVE INCOMES AT OR BELOW EIGHTY
54 PERCENT OF THE MEDIAN INCOME OF THE AREA OF RESIDENCE AND IS THE SUBJECT
55 OF A LOCAL REDEVELOPMENT PLAN.

1 13. "LOW-INCOME HOUSEHOLD" SHALL MEAN A SINGLE PERSON, FAMILY OR UNRE-
2 LATED PERSONS LIVING TOGETHER WHOSE ADJUSTED INCOME IS MORE THAN FIFTY
3 PERCENT BUT LESS THAN EIGHTY PERCENT OF THE MEDIAN INCOME OF THE AREA OF
4 RESIDENCE, ADJUSTED FOR FAMILY SIZE, AS SUCH ADJUSTED INCOME AND MEDIAN
5 INCOME FOR THE AREA ARE DETERMINED FROM TIME TO TIME BY THE UNITED
6 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR PURPOSES OF
7 SECTION 8 OF THE UNITED STATES HOUSING ACT OF 1937.

8 14. "MODERATE INCOME HOUSEHOLD" SHALL MEAN A SINGLE PERSON, FAMILY OR
9 UNRELATED PERSONS LIVING TOGETHER WHOSE ADJUSTED INCOME IS MORE THAN
10 EIGHTY PERCENT BUT LESS THAN ONE HUNDRED TWENTY PERCENT OF THE MEDIAN
11 INCOME OF THE AREA OF RESIDENCE, ADJUSTED FOR FAMILY SIZE, AS SUCH
12 ADJUSTED INCOME AND MEDIAN INCOME FOR THE AREA ARE DETERMINED FROM TIME
13 TO TIME BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
14 FOR PURPOSES OF SECTION 8 OF THE UNITED STATES HOUSING ACT OF 1937.

15 15. "MULTI-FAMILY HOUSING" SHALL MEAN A BUILDING OR BUILDINGS PROVID-
16 ING HOUSING TO THREE OR MORE HOUSEHOLDS.

17 16. "NEW YORK CITY" SHALL MEAN THE COUNTIES OF NEW YORK, BRONX, KINGS,
18 QUEENS, AND RICHMOND.

19 17. "POVERTY LEVEL HOUSEHOLD" SHALL MEAN A SINGLE PERSON, FAMILY OR
20 UNRELATED PERSONS LIVING TOGETHER WHOSE ADJUSTED INCOME IS BELOW ONE
21 HUNDRED FORTY PERCENT OF THE FEDERAL POVERTY LEVEL, AS DETERMINED BY THE
22 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES.

23 18. "PROGRAM ADMINISTRATOR" SHALL MEAN THE HOUSING FINANCE AGENCY.

24 19. "REHABILITATION" SHALL MEAN ALL WORK NECESSARY TO BRING A RESIDEN-
25 TIAL PROPERTY INTO COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS
26 INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION, REPLACEMENT OR REPAIR
27 OF HEATING, PLUMBING, ELECTRICAL AND RELATED SYSTEMS AND THE ELIMINATION
28 OF ALL HAZARDOUS VIOLATIONS IN THE STRUCTURE. REHABILITATION MAY ALSO
29 INCLUDE RECONSTRUCTION OR WORK TO IMPROVE THE HABITABILITY OR PROLONG
30 THE USEFUL LIFE OF A RESIDENTIAL PROPERTY.

31 20. "RURAL COMMUNITY" SHALL MEAN A RURAL COMMUNITY IN ANY CITY, TOWN
32 OR VILLAGE WITHIN THE STATE HAVING A POPULATION OF LESS THAN TWENTY-FIVE
33 THOUSAND.

34 21. "TRUST FUND MONEYS" SHALL MEAN ALL MONEYS, DEPOSITS, REVENUES,
35 INCOME, INTEREST, DIVIDENDS, RECEIPTS, TAXES, PROCEEDS AND OTHER AMOUNTS
36 OR FUNDS DEPOSITED OR TO BE DEPOSITED IN THE FUND PURSUANT TO SECTION
37 ELEVEN HUNDRED SEVEN-B OF THIS ARTICLE AND ANY PROCEEDS, INVESTMENTS OR
38 INCREASE THEREOF.

39 22. "VISITABILITY" SHALL MEAN A UNIT THAT INCLUDES GROUND FLOOR
40 FEATURES THAT PROVIDE ENOUGH ACCESS TO MAKE IT USABLE, COMFORTABLE, AND
41 SAFE FOR RESIDENTS AND VISITORS, WITH OR WITHOUT DISABILITIES. MINIMAL
42 FEATURES INCLUDE AT LEAST ONE NO-STEP ENTRY ON AN ACCESSIBLE ROUTE, ALL
43 INTERIOR PASSAGE DOORS ON THE GROUND FLOOR OF THE HOME PROVIDING A MINI-
44 MUM OF THIRTY-TWO INCHES OF CLEAR PASSAGE SPACE, ELECTRICAL AND CLIMATE
45 CONTROLS AT REACHABLE HEIGHTS, AT LEAST A HALF-BATH ON THE GROUND FLOOR
46 OF THE UNIT LARGE ENOUGH TO ACCOMMODATE A PERSON IN A WHEELCHAIR AND
47 ALLOW THAT PERSON TO CLOSE THE DOOR, AND WALL REINFORCEMENTS IN PLACE
48 FOR GRAB BAR INSTALLATION. AT SUCH TIME AS THE AMERICAN NATIONAL STAND-
49 ARDS INSTITUTE SHALL INCLUDE STANDARDS FOR VISITABILITY, THOSE STANDARDS
50 SHALL SUPERSEDE THE PRECEDING DEFINITIONS.

51 23. "UPSTATE CITIES" SHALL MEAN ANY CITY, TOWN, OR VILLAGE WITH A
52 POPULATION OF AT LEAST TWENTY-FIVE THOUSAND OUTSIDE OF THE COUNTIES OF
53 THE NEW YORK CITY METROPOLITAN AREA.

54 24. "VERY LOW-INCOME HOUSEHOLD" SHALL MEAN A SINGLE PERSON, FAMILY OR
55 UNRELATED PERSONS LIVING TOGETHER WHOSE ADJUSTED INCOME IS NOT MORE THAN
56 FIFTY PERCENT OF THE MEDIAN INCOME OF THE AREA OF RESIDENCE, ADJUSTED

1 FOR FAMILY SIZE, AS SUCH ADJUSTED INCOME AND MEDIAN INCOME FOR THE AREA
2 ARE DETERMINED FROM TIME TO TIME BY THE UNITED STATES DEPARTMENT OF
3 HOUSING AND URBAN DEVELOPMENT FOR PURPOSES OF SECTION 8 OF THE UNITED
4 STATES HOUSING ACT OF 1937.

5 S 1107-B. EMPIRE HOUSING INVESTMENT FUND ESTABLISHED. 1. THERE IS
6 HEREBY CREATED THE EMPIRE STATE HOUSING INVESTMENT FUND TO DEDICATE
7 PUBLIC RESOURCES TO EXPAND THE SUPPLY OF AFFORDABLE HOUSING AND MEET THE
8 HOUSING NEEDS OF LOW-INCOME HOUSEHOLDS IN THE STATE OF NEW YORK. SUCH
9 FUND SHALL BE HELD AS A SEPARATE FUND WITHIN THE STATE TREASURY, ADMIN-
10 ISTERED BY THE PROGRAM ADMINISTRATOR, WITH ADVICE AND OVERSIGHT BY THE
11 COMMISSION ESTABLISHED IN SECTION ELEVEN HUNDRED SEVEN-I OF THIS ARTI-
12 CLE.

13 2. THERE SHALL BE DEPOSITED IN THE TRUST FUND SUCH AMOUNTS AS MAY
14 BECOME AVAILABLE UNDER THE PROVISIONS OF THIS ARTICLE, INCLUDING, BUT
15 NOT LIMITED TO:

16 (A) THE ACTUAL OR ESTIMATED EXCESS BALANCE OF THE MORTGAGE INSURANCE
17 FUND CERTIFIED PURSUANT TO SUBDIVISION TWO OF SECTION TWENTY-FOUR
18 HUNDRED TWENTY-NINE-B OF THE PUBLIC AUTHORITIES LAW;

19 (B) GRANTS RECEIVED BY THE STATE PURSUANT TO THE NATIONAL HOUSING
20 TRUST FUND ESTABLISHED BY SECTION 1338 OF THE HOUSING AND ECONOMIC
21 RECOVERY ACT OF 2008;

22 (C) ANY APPROPRIATIONS, GRANTS, OR GIFTS OF FUNDS OR PROPERTY, OR
23 FINANCIAL OR OTHER AID FROM ANY FEDERAL OR STATE AGENCY, OR OTHER PUBLIC
24 ORGANIZATION OR PRIVATE INDIVIDUAL OR ENTITY MADE TO THE TRUST FUND;

25 (D) ALL RECEIPTS, INCLUDING DIVIDENDS, PRINCIPAL AND INTEREST ON
26 REPAYMENTS ATTRIBUTABLE TO ANY LOANS OR AGREEMENTS FUNDED FROM THE TRUST
27 FUND;

28 (E) ANY INCOME RECEIVED AS A RESULT OF THE INVESTMENT OF MONEYS IN THE
29 TRUST FUND; AND

30 (F) ALL FEES OR CHARGES COLLECTED BY THE PROGRAM ADMINISTRATOR PURSU-
31 ANT TO THIS ARTICLE;

32 3. UNENCUMBERED AND UNOBLIGATED MONEYS REMAINING IN THE TRUST FUND AT
33 THE CLOSE OF EACH FISCAL YEAR SHALL REMAIN AVAILABLE FOR EXPENDITURE FOR
34 THE SAME PURPOSES IN THE SUCCEEDING FISCAL YEAR.

35 S 1107-C. DISTRIBUTION REQUIREMENTS. 1. UP TO SIXTY PERCENT OF AVAIL-
36 ABLE MONEYS IN THE FUND MAY BE AWARDED ON A COMPETITIVE BASIS TO LOCAL
37 HOUSING TRUST FUNDS CERTIFIED PURSUANT TO SECTION ELEVEN HUNDRED SEVEN-D
38 OF THIS ARTICLE. NO LOCAL HOUSING TRUST FUND SHALL RECEIVE AN AWARD
39 GREATER THAN TEN PERCENT OF THE FUNDING BALANCE AVAILABLE UNDER THIS
40 SUBDIVISION. PREFERENCE FOR FUNDING SHALL BE GIVEN TO:

41 (A) LOCAL HOUSING TRUST FUNDS CREATED JOINTLY BY TWO OR MORE MUNICI-
42 PALITIES FOR THE PURPOSE OF CREATING MIXED-INCOME, ACCESSIBLE COMMUNI-
43 TIES AND ESTABLISHING AFFORDABLE HOUSING OPPORTUNITIES EQUITABLY
44 THROUGHOUT THE PARTICIPATING JURISDICTIONS; OR

45 (B) LOCAL HOUSING TRUST FUNDS THAT RECEIVE DEDICATED LOCAL RESOURCES,
46 INCLUDING BUT NOT LIMITED TO PUBLIC OR PRIVATE FUNDING, PUBLIC PROPERTY,
47 AND INFRASTRUCTURE INVESTMENTS.

48 2. AT LEAST FORTY PERCENT OF AVAILABLE MONEYS IN THE FUND SHALL BE
49 AWARDED DIRECTLY TO PROJECT APPLICANTS ON A COMPETITIVE BASIS. DURING
50 EACH FISCAL YEAR IN WHICH FUNDS ARE AVAILABLE, THE PROGRAM ADMINISTRATOR
51 SHALL ANNOUNCE PUBLICLY AT LEAST TWICE ANNUALLY A FUNDING APPLICATION
52 PERIOD OF AT LEAST SIXTY DAYS DURATION. THE PROGRAM ADMINISTRATOR SHALL
53 DEVELOP, WITH ADVICE AND INPUT FROM THE COMMISSION ESTABLISHED PURSUANT
54 TO SECTION ELEVEN HUNDRED SEVEN-I OF THIS ARTICLE, CRITERIA TO EVALUATE
55 APPLICATIONS FOR ASSISTANCE PURSUANT TO SECTION ELEVEN HUNDRED SEVEN-E
56 OF THIS ARTICLE.

1 3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION,
2 THE PROGRAM ADMINISTRATOR MAY AWARD LIMITED FUNDS ON AN EMERGENCY BASIS
3 WHERE NECESSARY TO PRESERVE EXISTING AFFORDABLE HOUSING.

4 4. EACH YEAR, THE PROGRAM ADMINISTRATOR SHALL DETERMINE THE AMOUNT OF
5 FUNDS ALLOCATED TO LOCAL HOUSING TRUST FUNDS PURSUANT TO SUBDIVISION ONE
6 OF THIS SECTION AND CERTIFY ANY UNUSED FUNDS TO BE AVAILABLE FOR PROJECT
7 AWARDS PURSUANT TO SUBDIVISION TWO OF THIS SECTION PRIOR TO THE END OF
8 THE FISCAL YEAR.

9 5. NO MORE THAN FIFTY PERCENT OF TOTAL FUNDS SHALL BE ALLOCATED TO ANY
10 ONE MUNICIPALITY.

11 6. IN MAKING AWARDS PURSUANT TO SUBDIVISIONS ONE AND TWO OF THIS
12 SECTION, TO THE EXTENT FEASIBLE, THE FUND WILL ALLOCATE RESOURCES TO
13 MEET HOUSING NEEDS AND ACHIEVE A GEOGRAPHIC DISTRIBUTION OF FUNDING
14 ACROSS THE STATE.

15 7. IN MAKING GRANTS OR LOANS UNDER SUBDIVISIONS ONE AND TWO OF THIS
16 SECTION, THE PROGRAM ADMINISTRATOR AND THE ADMINISTRATOR OF ANY RECIPI-
17 ENT LOCAL HOUSING TRUST FUND SHALL GIVE PRIORITY TO:

18 (A) UNITS THAT SERVE HOUSEHOLDS WITH THE LOWEST INCOMES;

19 (B) PROJECTS OR UNITS THAT IMPROVE CONDITIONS IN EXISTING LOW-INCOME
20 COMMUNITIES AND AVOID DISPLACEMENT OF LOW-INCOME PEOPLE;

21 (C) MIXED-INCOME, MIXED COMMUNITY, OR MIXED USE PROJECTS; AND

22 (D) PROJECTS THAT EXCEED THE MINIMUM ACCESSIBILITY REQUIREMENTS ESTAB-
23 LISHED IN SECTION 504 OF THE REHABILITATION ACT.

24 S 1107-D. LOCAL HOUSING TRUST FUNDS CERTIFICATION AND ELIGIBILITY FOR
25 FUNDING. 1. LOCAL HOUSING TRUST FUNDS SHALL APPLY TO THE PROGRAM ADMIN-
26 ISTRATOR ANNUALLY TO BE CERTIFIED TO RECEIVE SUPPORT FROM THE TRUST
27 FUND.

28 2. TO BE CERTIFIED, A LOCAL HOUSING TRUST FUND MUST:

29 (A) IN THE CASE OF NON-GOVERNMENTAL ENTITIES, SUBMIT ORGANIZATIONAL
30 DOCUMENTS, INCLUDING ARTICLES OF INCORPORATION, BYLAWS, RESOLUTIONS,
31 OPERATING AGREEMENTS, PARTNERSHIP AGREEMENTS, IRS 501(C)(3) LETTERS, AND
32 A CURRENT LISTING OF ALL MEMBERS OF THE LHTF'S BOARD OF DIRECTORS,
33 INCLUDING NAME, ADDRESS, BEGINNING AND ENDING DATES OF TERM, AND, AS
34 APPLICABLE, WHETHER THE BOARD MEMBER IS A PUBLIC OFFICIAL AND/OR AFFIL-
35 IATED WITH LOCAL GOVERNMENT AND, IF SO, IN WHAT CAPACITY;

36 (B) IN THE CASE OF GOVERNMENTAL ENTITIES, HAVE ESTABLISHED A COMMUNITY
37 ADVISORY BOARD, AND PROVIDE A CURRENT LISTING OF ALL MEMBERS, INCLUDING
38 NAME, ADDRESS, BEGINNING AND ENDING DATES OF TERM, AND, AS APPLICABLE,
39 WHETHER THE BOARD MEMBER IS A PUBLIC OFFICIAL AND/OR AFFILIATED WITH
40 LOCAL GOVERNMENT AND, IF SO, IN WHAT CAPACITY;

41 (C) PRODUCE AND/OR PRESERVE AFFORDABLE HOUSING AS ITS PRIMARY MISSION;

42 (D) CONVENE REGULARLY SCHEDULED MEETINGS AT WHICH MINUTES ARE KEPT;

43 (E) HOLD AT LEAST ONE PUBLIC HEARING A YEAR IN ORDER TO SOLICIT
44 COMMENTS FROM THE PUBLIC AS TO ITS ANNUAL PLAN AND BUDGET, ANY APPLICA-
45 TION OR APPLICATIONS TO BE SUBMITTED TO THE FUND, THE TYPE OF PROJECT OR
46 PROJECTS THAT WILL BE FINANCED, AND HOW SUCH FUNDS SHOULD BE ALLOCATED;

47 (F) IN THE CASE OF A MULTI-JURISDICTIONAL LOCAL HOUSING TRUST FUND,
48 HAVE INSTITUTED A LOCAL GOVERNING BOARD RECOGNIZED BY THE COUNTY OR
49 COUNTIES AND/OR INCORPORATED CITY OR CITIES IN THE GEOGRAPHIC AREA THE
50 LHTF SERVES THAT IS RESPONSIBLE FOR COORDINATING LOCAL HOUSING PROGRAMS.
51 A RESOLUTION OR ORDINANCE FROM EACH COUNTY AND/OR INCORPORATED CITY THAT
52 WILL BE PARTICIPATING IN THE LHTF IS REQUIRED;

53 (G) DEMONSTRATE SUPPORT FROM OTHER LOCAL ENTITIES, INCLUDING BUT NOT
54 LIMITED TO LOCAL GOVERNMENT ENTITIES, NONPROFIT ORGANIZATIONS, NEIGHBOR-
55 HOOD ORGANIZATIONS, FOR-PROFIT HOUSING ORGANIZATIONS, AND LOCAL SERVICE
56 PROVIDERS IN THE FORM OF RESOLUTIONS OR LETTERS OF SUPPORT;

1 (H) DEMONSTRATE THAT IT POSSESSES SUFFICIENT ADMINISTRATIVE CAPACITY
2 TO REDISTRIBUTE ANY FUNDS AWARDED AND THE EXPERIENCE NECESSARY TO
3 SUCCESSFULLY PLAN AND EXECUTE THE PROPOSED ACTIVITIES IN A TIMELY
4 MANNER; AND

5 (I) SUBMIT A HOUSING PLAN, UPDATED BIANNUALLY, THAT:

6 (I) DEFINES THE ENTIRE GEOGRAPHIC AREA THE APPLICANT SERVES;

7 (II) IDENTIFIES GAPS IN HOUSING NEEDS AND THE SPECIFIC ACTIVITIES
8 PROPOSED TO ADDRESS THEM, INCLUDING ANY PRIORITIES THAT HAVE BEEN IDEN-
9 TIFIED;

10 (III) DESCRIBES THE ECONOMIC, SOCIAL, HEALTH AND/OR OTHER BENEFITS
11 THAT ARE ANTICIPATED TO RESULT IN THE DEFINED GEOGRAPHIC AREA;

12 (IV) IDENTIFIES HOW PROPOSED ACTIVITIES WILL ACT TO AVOID DISPLACEMENT
13 AND IMPROVE CONDITIONS IN AREAS WITH CONCENTRATED POPULATIONS OF LOW-IN-
14 COME RESIDENTS;

15 (V) IDENTIFIES THE TYPES OF PROJECTS OR ACTIVITIES IN WHICH THE FUND
16 WILL INVEST; THE TYPES OF INVESTMENTS THE FUND WILL MAKE (LOANS OR
17 GRANTS); REQUIRED TERMS AND CONDITIONS OF THE INVESTMENT, INCLUDING
18 SECURITY, REGULATORY AGREEMENTS, AND/OR PERIODS OF AFFORDABILITY;

19 (VI) FUNDING LIMITS PER UNIT OR PER PROJECT;

20 (VII) INCOME LIMITS AND/OR TARGETING GOALS;

21 (VIII) DEVELOPER/OWNER ELIGIBILITY REQUIREMENTS;

22 (IX) UNDERWRITING REQUIREMENTS; AND

23 (X) BORROWER OR PROJECT MATCHING OR LEVERAGE REQUIREMENTS.

24 3. INFORMATION NECESSARY TO ESTABLISH SATISFACTION OF THESE REQUIRE-
25 MENTS MUST BE SUBMITTED TO THE PROGRAM ADMINISTRATOR, AS SET FORTH IN
26 PROGRAM RULES AND REGULATIONS PROMULGATED BY THE PROGRAM ADMINISTRATOR.

27 4. THE PROGRAM ADMINISTRATOR SHALL NOTIFY THE LOCAL HOUSING TRUST FUND
28 APPLICANT OF ITS APPROVAL FOR CERTIFICATION OR THE REASONS FOR DENIAL.

29 5. THE PROGRAM ADMINISTRATOR SHALL MAINTAIN A LIST OF CERTIFIED LOCAL
30 HOUSING TRUST FUNDS ON ITS WEB SITE.

31 6. THE PROGRAM ADMINISTRATOR SHALL REVIEW EACH APPLICATION FOR AN
32 AWARD FROM THE FUND INDEPENDENTLY FROM THE REQUEST FOR CERTIFICATION. A
33 LHTF APPLICANT THAT HAS BEEN CERTIFIED MAY OR MAY NOT MEET THE PARTIC-
34 ULAR PROGRAM GUIDELINES FOR AN AWARD FROM THE FUND.

35 S 1107-E. PROJECTS ELIGIBLE FOR ASSISTANCE. 1. THE FUND MAY BE USED
36 TO MAKE GRANTS, MORTGAGES, OR OTHER LOANS TO ACQUIRE, CONSTRUCT, REHA-
37 BILITATE, DEVELOP, PRESERVE, AND INSURE AFFORDABLE SINGLE-FAMILY AND
38 MULTI-FAMILY HOUSING FOR LOW-INCOME, VERY LOW-INCOME, EXTREMELY LOW-IN-
39 COME, AND POVERTY-LEVEL HOUSEHOLDS. PRIORITY FOR FUNDING SHALL GO TO
40 PROJECTS SERVING POVERTY-LEVEL HOUSEHOLDS.

41 2. FUNDS FROM THE FUND MAY BE PROVIDED AS GRANTS OR LOANS TO SUPPORT
42 SITE PREPARATION, INCLUDING DEMOLITION OF VACANT AND BLIGHTED PROPER-
43 TIES, OF AFFORDABLE HOUSING PROJECTS FOR LOW-INCOME, VERY LOW-INCOME,
44 EXTREMELY LOW-INCOME, AND POVERTY-LEVEL HOUSEHOLDS.

45 3. NO MORE THAN FIVE PERCENT OF FUNDS DEPOSITED IN THE FUND ANNUALLY
46 MAY BE USED TO SUBSIDIZE OPERATING AND MAINTENANCE EXPENSES TO MAKE
47 HOUSING UNITS AFFORDABLE TO POVERTY-LEVEL HOUSEHOLDS.

48 4. THE FUND MAY BE USED TO MAKE GRANTS TO NON-PROFIT ORGANIZATIONS
49 FOR:

50 (A) THE PROVISION OF TECHNICAL ASSISTANCE;

51 (B) OUTREACH; AND

52 (C) BUILDING AN ORGANIZATION'S CAPACITY TO DEVELOP AFFORDABLE HOUSING
53 PROJECTS FOR LOW-INCOME, VERY LOW-INCOME, EXTREMELY LOW-INCOME, AND
54 POVERTY-LEVEL HOUSEHOLDS.

55 5. FUNDING MAY BE USED TO FINANCE OR OTHERWISE SUPPORT UP TO TWENTY
56 PERCENT OF THE UNITS AFFORDABLE TO HOUSEHOLDS WITH INCOMES UP TO ONE

1 HUNDRED TWENTY PERCENT OF THE AREA MEDIAN INCOME IN A MIXED-INCOME HOUS-
2 ING PROJECT THAT IS LOCATED IN A LOW-INCOME CENSUS TRACT.

3 6. ALL MULTI-FAMILY NEW CONSTRUCTION PROJECTS RECEIVING FUND ASSIST-
4 ANCE SHALL MEET ADAPTABILITY STANDARDS.

5 7. FUND ASSISTANCE FOR EXISTING HOMES MAY BE USED TO PROVIDE HOME
6 MODIFICATIONS TO MAKE A HOME ACCESSIBLE TO A RESIDENT OF ANY AGE WITH A
7 DISABILITY.

8 8. ALL NEW CONSTRUCTION OF SINGLE FAMILY HOMES SHALL MEET VISITABILITY
9 STANDARDS.

10 9. NO MORE THAN TEN PERCENT OF FUND RESOURCES ANNUALLY MAY BE USED TO
11 ADMINISTER THE FUND. THE TRUST FUND MAY BE USED TO PAY ACTUAL AND
12 REASONABLE COSTS FOR COMMISSION MEMBERS TO ATTEND COMMISSION MEETINGS,
13 AND ANY LITIGATION COSTS AND EXPENSES, INCLUDING LEGAL FEES, INCURRED BY
14 THE PROGRAM ADMINISTRATOR IN ANY LITIGATION RELATED TO THIS ARTICLE OR
15 ITS ACTION AS PROGRAM ADMINISTRATOR.

16 S 1107-F. RESTRICTIONS AND STIPULATIONS. 1. ALL HOUSING FINANCED AND
17 ALL ASSISTANCE PROVIDED FROM THE FUND SHALL BE AVAILABLE TO ALL ELIGIBLE
18 PERSONS REGARDLESS OF RACE, COLOR, ANCESTRY, FAMILIAL STATUS, MARITAL
19 STATUS, NATIONAL ORIGIN, RELIGION, CREED, SEX, AGE, SEXUAL ORIENTATION,
20 OR DISABILITY.

21 2. THERE SHALL BE, ON ALL ASSISTED HOUSING, A DEED RESTRICTION, AGREE-
22 MENT, OR OTHER LEGAL DOCUMENT WHICH PROVIDES THAT HOUSING ASSISTED UNDER
23 THIS ARTICLE SHALL REMAIN AFFORDABLE FOR A PERIOD OF NOT LESS THAN NINE-
24 TY-NINE YEARS. THE PROGRAM ADMINISTRATOR SHALL ESTABLISH A FORMULA TO
25 PROVIDE HOMEOWNERS IN ASSISTED PROJECTS WITH A PORTION OF THE EQUITY
26 THAT HAS ACCRUED IN THE PROPERTY.

27 3. LOANS MADE BY THE FUND MAY BE AT NO INTEREST OR AT BELOW MARKET
28 INTEREST RATES, WITH OR WITHOUT SECURITY, AND MAY INCLUDE LOANS FOR
29 PREDEVELOPMENT FINANCING.

30 4. ASSISTANCE MAY BE PROVIDED FOR HOUSING UNITS FOR LOW-INCOME, VERY
31 LOW-INCOME, EXTREMELY LOW-INCOME, AND POVERTY-LEVEL HOUSEHOLDS WITHIN
32 MULTI-FAMILY HOUSING WHICH IS ALREADY OCCUPIED PARTLY BY SUCH HOUSEHOLDS
33 AND PARTLY BY HOUSEHOLDS NOT QUALIFYING AS HAVING INCOMES AT LOW-INCOME
34 LEVEL OR LESS, SUBJECT TO RULES AND REGULATIONS PROMULGATED BY THE
35 PROGRAM ADMINISTRATOR.

36 5. MULTI-FAMILY HOUSING ASSISTED BY THE FUND SHALL BE PROHIBITED FROM
37 REFUSING TO ACCEPT TENANTS FOR OCCUPANCY SOLELY BECAUSE THE TENANT
38 RECEIVES GOVERNMENTAL RENTAL ASSISTANCE.

39 6. THE ASSISTED PROJECT SHALL NOT RESULT IN THE PERMANENT DISPLACEMENT
40 OF LOW OR MODERATE INCOME RESIDENTS. ANY TEMPORARY RELOCATION OF RESI-
41 DENTS MUST BE CARRIED OUT IN ACCORDANCE WITH A TEMPORARY RELOCATION PLAN
42 AS SET FORTH IN REGULATIONS PROMULGATED PURSUANT TO THIS SECTION, WHICH
43 SHALL PROVIDE THAT RESIDENTS THAT ARE TEMPORARILY RELOCATED MUST BE
44 OFFERED A DECENT, SAFE AND SANITARY DWELLING UNIT IN THE ASSISTED
45 PROJECT OR ANOTHER PROPERTY COMPARABLE TO THE TENANT'S AFFECTED UNIT.
46 IN THE EVENT THAT THE ASSISTED PROJECT INVOLVES A BROAD GEOGRAPHIC AREA,
47 THE UNIT TO BE OFFERED MUST BE LOCATED IN CLOSE PROXIMITY TO THE
48 AFFECTED UNIT. THE COST FOR RENT AND UTILITIES FOR THE UNIT OFFERED TO
49 RELOCATED TENANTS MUST NOT EXCEED THE GREATER OF THE TENANT'S COST OF
50 RENT AND UTILITIES AT THE TIME THAT A GRANT AGREEMENT IS EXECUTED OR
51 THIRTY PERCENT OF THE TENANT'S HOUSEHOLD INCOME.

52 7. HOUSING ASSISTED BY THE FUND SHALL BE REQUIRED TO MEET ENERGY EFFI-
53 CIENCY STANDARDS WHICH SHALL BE ESTABLISHED BY THE PROGRAM ADMINISTRA-
54 TOR. ANY REVIEW FOR AFFORDABILITY OF ASSISTED HOUSING MUST INCLUDE A
55 REVIEW OF ENERGY COSTS.

1 8. IT IS INTENDED THAT FUND MONIES NOT BE USED TO SUPPLANT EXISTING
2 RESOURCES.

3 S 1107-G. ELIGIBLE APPLICANTS. APPLICANTS ELIGIBLE TO RECEIVE FUND
4 ASSISTANCE UNDER THIS ARTICLE INCLUDE:

5 1. A NOT-FOR-PROFIT CORPORATION WHICH HAS THE IMPROVEMENT OF HOUSING
6 FOR PERSONS OF LOW-INCOME AS A PRIMARY PURPOSE, AND WHICH HAS BEEN IN
7 EXISTENCE FOR AT LEAST ONE YEAR PRIOR TO APPLICATION;

8 2. A PARTNERSHIP OF WHICH AT LEAST FIFTY PERCENT OF THE CONTROLLING
9 INTEREST IS HELD BY AN ELIGIBLE NOT-FOR-PROFIT CORPORATION OR CHARITABLE
10 ORGANIZATION OR WHOLLY-OWNED SUBSIDIARY THEREOF, AND WHICH HAS AGREED TO
11 LIMIT ITS PROFITS OR RATE OF RETURN OF INVESTORS IN ACCORDANCE WITH A
12 FORMULA APPROVED OR ESTABLISHED BY SUCH CORPORATION;

13 3. A FOR-PROFIT DEVELOPER, PROVIDED THAT SUCH ENTITIES SHALL ONLY BE
14 ELIGIBLE TO RECEIVE LOANS;

15 4. A MUNICIPALITY OR COUNTY;

16 5. A MUNICIPAL HOUSING AUTHORITY; AND

17 6. A TRUST FUND THAT MEETS THE CRITERIA SET FORTH IN SECTION ELEVEN
18 HUNDRED SEVEN-D OF THIS ARTICLE.

19 S 1107-H. DUTIES OF THE PROGRAM ADMINISTRATOR. THE PROGRAM ADMINIS-
20 TRATOR HAS THE POWER TO:

21 1. IDENTIFY, SELECT AND MAKE FINANCING AVAILABLE TO ELIGIBLE APPLI-
22 CANTS FROM MONIES IN THE TRUST FUND OR FROM MONIES SECURED BY THE TRUST
23 FUND FOR AFFORDABLE HOUSING FOR INCOME ELIGIBLE FAMILIES;

24 2. PURCHASE FIRST AND SECOND MORTGAGES, TO MAKE SECURED, UNSECURED OR
25 DEFERRED REPAYMENT LOANS, TO MAKE NO INTEREST OR LOW INTEREST LOANS OR
26 TO ISSUE GRANTS, PAYMENTS OR SUBSIDIES FOR THE PREDEVELOPMENT EXPENSES,
27 ACQUISITION, CONSTRUCTION, REHABILITATION, DEVELOPMENT, OPERATION,
28 INSURANCE, OR RETENTION OF PROJECTS IN SUPPORT OF AFFORDABLE SINGLE
29 FAMILY AND MULTI-FAMILY HOUSING FOR LOW- AND VERY LOW-INCOME HOUSEHOLDS;

30 3. FIX, DETERMINE, CHARGE AND COLLECT ANY FEES, COSTS AND EXPENSES,
31 INCLUDING WITHOUT LIMITATION, ANY APPLICATION FEES, COMMITMENT OR
32 SERVICING FEES, PROGRAM FEES, FINANCING CHARGES, OR PUBLICATION FEES IN
33 CONNECTION WITH ACTIVITIES UNDER THIS ARTICLE;

34 4. ESTABLISH APPLICATIONS, NOTIFICATION PROCEDURES, AND OTHER FORMS,
35 AND TO PREPARE AND ISSUE RULES DEEMED NECESSARY AND APPROPRIATE TO
36 IMPLEMENT THIS ARTICLE WITH CONSULTATION FROM THE COMMISSION;

37 5. MAKE AND ENTER INTO AND ENFORCE ALL LOANS, LOAN COMMITMENTS,
38 CONTRACTS AND AGREEMENTS NECESSARY, CONVENIENT OR DESIRABLE TO THE
39 PERFORMANCE OF ITS DUTIES AND THE EXECUTION OF ITS POWERS UNDER THIS
40 ARTICLE;

41 6. CONSENT, SUBJECT TO THE PROVISIONS OF ANY CONTRACT OR AGREEMENT
42 WITH ANOTHER PERSON, WHENEVER IT DEEMS IT IS NECESSARY OR DESIRABLE IN
43 THE FULFILLMENT OF THE PURPOSES OF THIS ARTICLE, TO THE MODIFICATION OR
44 RESTRUCTURING OF ANY LOAN COMMITMENT, LOAN, CONTRACT OR AGREEMENT TO
45 WHICH THE PROGRAM ADMINISTRATOR IS A PARTY;

46 7. SUBJECT TO THE PROVISIONS OF ANY CONTRACT OR AGREEMENT WITH ANOTHER
47 PARTY TO COLLECT, ENFORCE THE COLLECTION OF, AND FORECLOSE ON ANY PROP-
48 erty OR COLLATERAL SECURING ITS LOAN OR LOANS, MORTGAGE OR MORTGAGES,
49 AND ACQUIRE OR TAKE POSSESSION OF SUCH PROPERTY OR COLLATERAL AND
50 RELEASE OR RELINQUISH ANY RIGHT, TITLE, CLAIM, LIEN, INTEREST, EASEMENT,
51 OR DEMAND IN PROPERTY FORECLOSED BY IT OR TO SELL THE SAME AT PUBLIC OR
52 PRIVATE SALE, AND OTHERWISE DEAL WITH SUCH COLLATERAL AS MAY BE NECES-
53 SARY TO PROTECT THE INTEREST OF THE PROGRAM ADMINISTRATOR;

54 8. SELL ANY ELIGIBLE LOAN MADE BY THE PROGRAM ADMINISTRATOR OR MORT-
55 GAGE INTEREST OWNED BY IT, AT PUBLIC OR PRIVATE SALE, WITH OR WITHOUT
56 BIDDING, EITHER SINGLY OR IN GROUPS, OR IN SHARES OF LOANS OR SHARES OF

1 GROUPS OF LOANS, AND TO DEPOSIT AND INVEST THE FUNDS DERIVED FROM SUCH
2 SALES IN ANY MANNER AUTHORIZED BY THIS ARTICLE;

3 9. PROVIDE, CONTRACT OR ARRANGE, OR PARTICIPATE WITH OR ENTER INTO
4 AGREEMENTS WITH ANY DEPARTMENT, AGENCY OR AUTHORITY OF THE UNITED STATES
5 OR OF THIS STATE, OR ANY LOCAL UNIT OF GOVERNMENT, OR ANY BANKING INSTI-
6 TUTION, INSURANCE COMPANY, TRUST OR FIDUCIARY OR ANY FOUNDATION OR NOT-
7 FOR-PROFIT AGENCY FOR THE REVIEW, APPLICATION, SERVICING, PROCESSING OR
8 ADMINISTRATION OF ANY PROPOSED LOAN, GRANT, APPLICATION, OR CONTRACT
9 WHEN SUCH ARRANGEMENT IS IN FURTHERANCE OF THIS ARTICLE;

10 10. RECEIVE AND ACCEPT ANY GIFTS, GRANTS, DONATIONS OR CONTRIBUTIONS
11 FROM ANY SOURCE, OF MONEY, PROPERTY, LABOR OR OTHER THINGS OF VALUE, TO
12 BE HELD, USED AND APPLIED TO CARRY OUT THE PURPOSES OF THIS ARTICLE
13 SUBJECT TO INCLUDING, BUT NOT LIMITED TO, GIFTS OR GRANTS FROM ANY
14 DEPARTMENT OR AGENCY OF THE UNITED STATES OR THE STATE OR FROM ANY LOCAL
15 UNIT OF GOVERNMENT, NOT-FOR-PROFIT ORGANIZATION OR PRIVATE FIRM OR INDI-
16 VIDUAL FOR ANY PURPOSE CONSISTENT WITH THIS ARTICLE; AND

17 11. EXERCISE SUCH OTHER POWERS AS ARE NECESSARY OR INCIDENTAL TO THE
18 ADMINISTRATION OF THIS ARTICLE OR PERFORMANCE OF DUTIES UNDER THIS ARTI-
19 CLE.

20 S 1107-I. EMPIRE STATE HOUSING INVESTMENT FUND ADVISORY COMMISSION
21 ESTABLISHED. 1. THERE IS HEREBY CREATED THE EMPIRE STATE HOUSING
22 INVESTMENT FUND ADVISORY COMMISSION. THE COMMISSION SHALL CONSIST OF
23 TWENTY-ONE MEMBERS, WHO SHALL BE RESIDENTS OF THE STATE AND SHOULD, TO
24 THE EXTENT POSSIBLE REFLECT THE DEMOGRAPHICS OF THE STATE WITH RESPECT
25 TO GEOGRAPHY, RACE, GENDER, AND URBAN-RURAL MIX, INCLUDING:

26 (A) EIGHT PUBLIC OFFICIALS APPOINTED AS FOLLOWS:

27 (I) THE DIRECTOR OF THE HOUSING FINANCE AGENCY, OR HIS OR HER DESIG-
28 NEE;

29 (II) THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY
30 RENEWAL, OR HIS OR HER DESIGNEE;

31 (III) THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY
32 ASSISTANCE, OR HIS OR HER DESIGNEE;

33 (IV) A MEMBER OF THE STATE ASSEMBLY, APPOINTED BY THE SPEAKER OF THE
34 ASSEMBLY;

35 (V) A MEMBER OF THE STATE SENATE, APPOINTED BY THE TEMPORARY PRESIDENT
36 OF THE SENATE;

37 (VI) A TOWN SUPERVISOR, APPOINTED BY THE TOWN COUNCIL OR TOWN BOARD;

38 (VII) A COUNTY EXECUTIVE, APPOINTED BY THE NEW YORK STATE ASSOCIATION
39 OF COUNTIES; AND

40 (VIII) A MAYOR, APPOINTED BY THE CONFERENCE OF MAYORS;

41 (B) THIRTEEN REPRESENTATIVES OF THE FOLLOWING CONSTITUENCIES,
42 APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE ASSEMBLY
43 AND SENATE, AND WHO SHALL BE RESIDENTS OF THE STATE AND, TO THE EXTENT
44 POSSIBLE, REFLECT THE DEMOGRAPHICS OF THE STATE WITH RESPECT TO
45 GEOGRAPHY, RACE, GENDER AND URBAN-RURAL MIX:

46 (I) A FOR-PROFIT DEVELOPER;

47 (II) A NON-PROFIT DEVELOPER;

48 (III) TWO ORGANIZERS FROM GRASSROOTS, COMMUNITY-BASED ORGANIZATIONS,
49 INCLUDING ONE ORGANIZER FROM NEW YORK CITY AND ONE ORGANIZER FROM
50 OUTSIDE OF THE NEW YORK CITY METROPOLITAN AREA;

51 (IV) A PUBLIC HOUSING AUTHORITY RESIDENT;

52 (V) A TENANTS' RIGHTS ADVOCATE;

53 (VI) A REPRESENTATIVE OF THE SUPPORTIVE HOUSING COMMUNITY;

54 (VII) A DISABILITY RIGHTS ADVOCATE;

55 (VIII) A REPRESENTATIVE OF THE HOMELESS COMMUNITY;

56 (IX) A REPRESENTATIVE FROM THE RURAL HOUSING COMMUNITY;

1 (X) A BANKING OR FINANCIAL SERVICES REPRESENTATIVE;
2 (XI) A HOMEOWNER; AND
3 (XII) AN ACADEMIC OR POLICY EXPERT WHO FOCUSES ON AFFORDABLE HOUSING
4 ISSUES.

5 2. FIVE OF THE THIRTEEN CONSTITUENCY REPRESENTATIVES SHALL BE
6 APPOINTED BY THE GOVERNOR; THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY
7 PRESIDENT OF THE SENATE SHALL EACH APPOINT FOUR OF THE CONSTITUENCY
8 REPRESENTATIVES. ALL SHALL BE RESIDENTS OF THE STATE AND SHOULD, TO THE
9 EXTENT POSSIBLE, REFLECT THE DEMOGRAPHICS OF THE STATE WITH RESPECT TO
10 GEOGRAPHY, RACE, GENDER, AND URBAN-RURAL MIX.

11 3. MEMBERS APPOINTED TO THE COMMISSION SHALL SERVE A TERM OF THREE
12 YEARS; HOWEVER, EIGHT MEMBERS FIRST APPOINTED UNDER THIS SECTION SHALL
13 SERVE AN INITIAL TERM OF ONE YEAR, AND TEN MEMBERS FIRST APPOINTED UNDER
14 THIS SECTION SHALL SERVE A TERM OF TWO YEARS. INDIVIDUAL TERMS OF OFFICE
15 SHALL BE CHOSEN BY LOT AT THE INITIAL MEETING OF THE COMMISSION.

16 4. THE GOVERNOR SHALL APPOINT THE CHAIR OF THE COMMISSION, AND THE
17 COMMISSION MEMBERS SHALL ELECT A VICE CHAIR.

18 5. MEMBERS OF THE COMMISSION SHALL NOT BE ENTITLED TO COMPENSATION,
19 BUT SHALL RECEIVE REIMBURSEMENT FOR ACTUAL AND REASONABLE EXPENSES
20 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

21 6. ELEVEN MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM FOR THE
22 TRANSACTION OF BUSINESS.

23 7. THE COMMISSION SHALL MEET AT LEAST QUARTERLY.

24 8. THE COMMISSION SHALL:

25 (A) ENCOURAGE COLLABORATION BETWEEN FEDERAL AND STATE AGENCIES, LOCAL
26 GOVERNMENTS, AND THE PRIVATE AND NOT-FOR-PROFIT SECTORS IN THE PLANNING,
27 DEVELOPMENT, AND OPERATION OF AFFORDABLE HOUSING AND LOCAL HOUSING TRUST
28 FUNDS;

29 (B) DEVELOP, PROPOSE, REVIEW AND COMMENT ON PRIORITIES, POLICIES, AND
30 PROCEDURES RELATING TO THE FUND, INCLUDING NEW AND EXPANDED REVENUE
31 SOURCES;

32 (C) REVIEW FUNDING AWARDS FOR COMPLIANCE WITH PROGRAM PRIORITIES;

33 (D) MONITOR AND EVALUATE THE FUNDING PROCESS AND COMPLIANCE WITH
34 REPORTING REQUIREMENTS; AND

35 (E) MAKE RECOMMENDATIONS TO THE LEGISLATURE REGARDING PROGRAMMATIC
36 CHANGES AND REVENUE ENHANCEMENTS.

37 S 1107-J. ANNUAL REPORTING. 1. THE PROGRAM ADMINISTRATOR SHALL ISSUE
38 AN ANNUAL PUBLIC REPORT DETAILING THE FOLLOWING:

39 (A) THE AMOUNT OF MONEY RECEIVED AND EXPENDED FROM THE FUND DURING THE
40 FISCAL YEAR;

41 (B) THE NUMBER OF LOANS AND GRANTS MADE DURING THE FISCAL YEAR;

42 (C) THE NUMBER OF LOW-INCOME, VERY LOW-INCOME, AND EXTREMELY LOW-IN-
43 COME HOUSEHOLDS AND INDIVIDUALS ASSISTED THROUGH FUND EXPENDITURES;

44 (D) A LIST OF EACH PROJECT ON WHICH FUNDS FROM THE FUND WERE EXPENDED,
45 INCLUDING, FOR EACH PROJECT:

46 (I) A BRIEF DESCRIPTION OF THE PROJECT, INCLUDING THE NAME OF THE
47 PROJECT SPONSOR;

48 (II) THE AMOUNT OF MONEY EXPENDED ON THE PROJECT;

49 (III) WHETHER THE MONEY EXPENDED WAS IN THE FORM OF A LOAN OR GRANT;

50 (IV) THE GENERAL TERMS OF THE LOAN OR GRANT; AND

51 (V) TOTAL DEVELOPMENT COSTS, INCLUDING THE AMOUNT LEVERAGED BY EMPIRE
52 STATE HOUSING INVESTMENT FUNDING.

53 (E) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON HOMEOWNERSHIP
54 PROJECTS;

55 (F) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON RENTAL HOUSING
56 PROJECTS;

1 (G) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON RENTAL HOUSING OR
2 HOMEOWNERSHIP OPPORTUNITIES FOR HOUSEHOLDS WITH INCOMES AT OR BELOW
3 THIRTY PERCENT OF THE AREA MEDIAN INCOME;

4 (H) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON RENTAL HOUSING OR
5 HOMEOWNERSHIP OPPORTUNITIES FOR HOUSEHOLDS WITH INCOMES AT OR BELOW
6 FIFTY PERCENT OF THE AREA MEDIAN INCOME;

7 (I) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON RENTAL HOUSING OR
8 HOMEOWNERSHIP OPPORTUNITIES FOR HOUSEHOLDS WITH INCOMES AT OR BELOW
9 EIGHTY PERCENT OF THE AREA MEDIAN INCOME;

10 (J) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON RENTAL HOUSING OR
11 HOMEOWNERSHIP OPPORTUNITIES FOR HOUSEHOLDS WITH INCOMES AT OR BELOW ONE
12 HUNDRED FORTY PERCENT OF THE FEDERAL POVERTY LEVEL;

13 (K) THE AMOUNT AND PERCENTAGE OF FUNDS EXPENDED ON ACCESSIBLE AND
14 ADAPTABLE UNITS, AND THE NUMBER OF SUCH UNITS PRODUCED;

15 (L) THE NUMBER OF HOUSING UNITS ASSISTED, INCLUDING THE NUMBER OF
16 RENTAL HOUSING UNITS ASSISTED AND THE NUMBER OF HOMEOWNERSHIP UNITS
17 ASSISTED;

18 (M) THE PERCENTAGE OF UNITS CREATED THAT ARE LOCATED IN A BELOW MEDIAN
19 INCOME CENSUS TRACT AND CONTRIBUTE TO A DEVELOPED AND ACTIVE REVITALIZA-
20 TION PLAN; AND

21 (N) THE AMOUNT EXPENDED ON ADMINISTRATIVE COSTS DURING THE FISCAL
22 YEAR.

23 2. THE AGENCY SHALL ALSO EVALUATE, ON A PERIODIC BASIS, THE ECONOMIC
24 IMPACT OF THE FUND ON THE STATE AND LOCAL ECONOMIES.

25 S 1107-K. SEVERABILITY. IF ANY SECTION, PARAGRAPH, SENTENCE, CLAUSE,
26 WORD OR PHRASE OF THIS ORDINANCE, OR THE APPLICATION THEREOF TO ANY
27 PERSON OR CIRCUMSTANCE, IS FOR ANY REASON HELD TO BE INVALID OR UNEN-
28 FORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, SUCH DECISION SHALL
29 NOT AFFECT THE VALIDITY OF THE REMAINING PROVISIONS OF THIS ORDINANCE,
30 OR THEIR APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES. IT IS HEREBY
31 DECLARED THAT THIS ORDINANCE AND EACH SECTION, PARAGRAPH, SENTENCE,
32 CLAUSE, WORD OR PHRASE THEREOF WOULD HAVE BEEN PASSED IRRESPECTIVE OF
33 ANY PROVISION BEING DECLARED UNCONSTITUTIONAL OR OTHERWISE INVALID.

34 S 3. This act shall take effect on the sixtieth day after it shall
35 have become a law.