

6028

2009-2010 Regular Sessions

I N S E N A T E

June 19, 2009

Introduced by COMMITTEE ON RULES -- (at request of the State of New York Mortgage Agency) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law, in relation to the insurance of certain preservation loans by the state of New York mortgage agency mortgage insurance fund

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

1 Section 1. Section 2428 of the public authorities law is amended by  
2 adding a new subdivision 2-a to read as follows:

3 2-A. THE AGENCY MAY ISSUE A COMMITMENT TO PROVIDE AND MAY INSURE A  
4 PRESERVATION LOAN IN AN AMOUNT EQUAL TO THE FULL OUTSTANDING PRINCIPAL  
5 INDEBTEDNESS OF SUCH PRESERVATION LOAN IF: (A) THE EXISTING INDEBTEDNESS  
6 SHALL HAVE BEEN ORIGINATED DURING THE PERIOD FROM JANUARY FIRST, TWO  
7 THOUSAND FOUR THROUGH DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHT, (B) THE  
8 AMOUNT OF EACH INSURED PRESERVATION LOAN SHALL NOT EXCEED ONE HUNDRED  
9 FIFTY MILLION DOLLARS, (C) SUCH PRESERVATION LOAN SHALL PRESERVE AFFORD-  
10 ABLE HOUSING ACCOMMODATIONS, AND (D) THE PRESERVATION LOAN SHALL HAVE  
11 BEEN MADE BY A PUBLIC BENEFIT CORPORATION OF THE STATE OF NEW YORK WHICH  
12 PUBLIC BENEFIT CORPORATION HAS ISSUED OR WILL ISSUE BONDS OR NOTES, SOME  
13 OR ALL OF THE PROCEEDS OF WHICH BONDS OR NOTES SHALL HAVE BEEN, OR WILL  
14 BE, USED TO MAKE SUCH PRESERVATION LOAN, OR THE PRESERVATION LOAN SHALL  
15 HAVE BEEN MADE BY A PUBLIC EMPLOYEE PENSION FUND.

16 S 2. Paragraph (c) of subdivision 8 of section 2428 of the public  
17 authorities law, as amended by chapter 113 of the laws of 2000, is  
18 amended to read as follows:

19 (c) The agency shall not issue a commitment to insure nor shall it  
20 provide loan insurance for a preservation loan unless (i) such loan is  
21 made with respect to a one to four family dwelling; or (ii) such loan is  
22 made with respect to a building, which on the effective date of this  
23 subparagraph, is owned by a cooperative housing corporation formed for

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

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1 the purpose of the cooperative ownership of residential real estate in  
2 the state where such refinancing is not otherwise available and such  
3 loan will facilitate or accommodate affordable homeownership opportu-  
4 nities; or (iii) such loan is made with respect to the real property and  
5 improvements owned by a cooperative housing corporation formed for the  
6 purpose of the cooperative ownership of residential manufactured homes  
7 in the state where such refinancing is not otherwise available and such  
8 loan will facilitate or accommodate affordable homeownership opportu-  
9 nities; OR (IV) SUCH LOAN IS MADE WITH RESPECT TO MULTI-FAMILY RESIDEN-  
10 TIAL BUILDINGS WITH EXISTING INDEBTEDNESS ORIGINATED DURING THE PERIOD  
11 FROM JANUARY FIRST, TWO THOUSAND FOUR THROUGH DECEMBER THIRTY-FIRST, TWO  
12 THOUSAND EIGHT, WHERE SUCH LOAN WILL FACILITATE OR ACCOMMODATE THE PRES-  
13 ERVATION OF AFFORDABLE HOUSING ACCOMMODATIONS.

14 S 3. Construction. This act and all powers granted hereby shall be  
15 liberally construed to effectuate its intent and their purposes, without  
16 implied limitations thereon. This act shall constitute full and complete  
17 authority for all things herein contemplated to be done. All rights and  
18 powers herein granted shall be cumulative with those derived from other  
19 sources and shall not, except as expressly stated herein, be construed  
20 in limitation thereof. Insofar as the provisions of this act are incon-  
21 sistent with the provisions of any other act, general or special, the  
22 provisions of this act shall be controlling.

23 S 4. Severability clause. If any clause, sentence, paragraph, section  
24 or part of this act be adjudged by any court of competent jurisdiction  
25 to be invalid, such judgment shall not affect, impair or invalidate the  
26 remainder hereof but shall be applied in its operation to the clause,  
27 sentence, paragraph, section or part hereof directly involved in the  
28 controversy in which such judgment shall have been rendered.

29 S 5. This act shall take effect immediately; provided however that the  
30 amendments to paragraph (c) of subdivision 8 of section 2428 of the  
31 public authorities law made by section two of this act shall not affect  
32 the expiration of such subdivision and shall be deemed to expire there-  
33 with.