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

7609

2011-2012 Regular Sessions

I N A S S E M B L Y

May 11, 2011

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Housing

AN ACT to amend part NN of chapter 57 of the laws of 2008 relating to authorizing the New York state mortgage agency to transfer certain moneys, in relation to income criteria for the use of funds from the greater Catskills flood remediation program

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

Section 1. Section 3 of part NN of chapter 57 of the laws of 2008 relating to authorizing the New York state mortgage agency to transfer certain moneys, as amended by section 1 of part X of chapter 58 of the laws of 2011, is amended to read as follows:

S 3. (a) Within the amounts transferred to the corporation pursuant to section one of this act for the greater Catskills flood remediation program, the corporation shall provide funds to the counties of Broome, Chenango, Delaware, Herkimer, Montgomery, Orange, Otsego, Schoharie, Sullivan, Tioga and Ulster, upon application by a county and within the amounts available for disbursement to such county, to enable the counties to purchase and demolish one or two family homes that have been certified by the local building inspector and county emergency management director, to the satisfaction of the corporation, as having been subject to one or more incidents of flooding since April 1, 2004 and as likely to be subject to a future flood incident that would cause substantial damage thereto. Any application by a county for disbursement of funds under this act shall demonstrate, to the satisfaction of the corporation, that: (1) the home is occupied as the primary residence of an owner [with a family income of up to one hundred fifty percent of the area median income as defined by the United States department of housing and urban development], provided, however, that an otherwise eligible home shall be eligible for purchase under this act if the current owner can demonstrate that the home was occupied as the owner's primary resi-

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

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dence prior to a flood event that rendered the home unsuitable for habitation; (2) the current appraised value of the home does not exceed two hundred fifty thousand dollars and the purchase price for the home will not exceed the appraised value less the amount of any property casualty insurance or disaster relief payments received by the owner as compensation for damage incurred in a flood incident; (3) all recorded liens or other encumbrances on the home will be released at closing; (4) the county provides assurances that the home will be condemned and the property will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, flood mitigation or wetlands management practices; and (5) disbursements under this section shall be limited to the costs of acquisition of eligible homes, including legal, appraisal, recording and other transaction costs, and the costs of demolition. In selecting homes for purchase pursuant to this act, each county shall give preference to homes with a current appraised value of less than one hundred fifty thousand dollars and to homes that have been subject to two or more incidents of flooding since April 1, 2004. The corporation shall establish policies and procedures consistent with this section, which shall include county reporting requirements, and shall report to the governor, the speaker of the assembly, the temporary president of the senate and the director of the division of the budget on or before December 31, 2008 regarding the implementation of this section. Of the amounts transferred to the corporation pursuant to section one of this act, the amounts disbursed to counties pursuant to this section shall not exceed the following amounts: Broome, $750,000; Chenango, $750,000; Delaware, $2,000,000; Herkimer, $750,000; Montgomery, $750,000; Orange, $2,000,000; Otsego, $750,000; Schoharie, $750,000; Sullivan, $3,750,000; Tioga, $750,000; and Ulster, $2,000,000.

(b) Any funds not under contract or grant agreement between any county provided for by this section and the state of New York or any of its divisions or agencies on or by January 1, 2010 may be used, upon a finding by the corporation that such funds are available, by Ulster county, whether the funds are allocated to such county or to another county under this program, to purchase and demolish homes which otherwise meet the requirements of subdivision (a) of this section and are in Ulster county, and/or otherwise purchase homes which are valued at under $250,000 upon a finding by the corporation that: (1) the homes have been subjected to seepage of water into the homes either through the walls or foundation of such home or water otherwise enters into the home other than through pipes intended for such purpose, and (2) the home is situated within two miles of an underground aqueduct owned, maintained or operated by the city of New York or any board, agency, department or bureau thereof and is used for the transport of drinking water to the city of New York. In making determinations of which homes to purchase, the county shall first seek to expend funds to purchase those homes which meet the requirements enumerated in paragraphs one and two of this subdivision.

S 2. This act shall take effect immediately.