

2193--A

2013-2014 Regular Sessions

I N   S E N A T E

January 14, 2013

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Introduced by Sens. YOUNG, KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York state urban development corporation act, in relation to the planning and development of urban and regional farmers' markets facilities

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

1     Section 1. Section 16-n of section 1 of chapter 174 of the laws of  
2     1968, constituting the New York state urban development corporation act,  
3     as added by chapter 428 of the laws of 2006, is renumbered section 16-w.  
4     S 2. Section 1 of chapter 174 of the laws of 1968, constituting the  
5     New York state urban development corporation act, is amended by adding a  
6     new section 16-x to read as follows:  
7     S 16-X. URBAN AND REGIONAL FARMERS' MARKETS FACILITIES CONSTRUCTION  
8     PROGRAM. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:  
9     (A) "URBAN OR REGIONAL FARMERS' MARKET CONSTRUCTION PROJECT" SHALL  
10    MEAN A PROJECT FOR THE ESTABLISHMENT, EXPANSION AND DEVELOPMENT OF A  
11    YEAR-ROUND URBAN OR REGIONAL FARMERS' MARKET PRIMARILY LEASING SPACE TO  
12    FARMERS, FARMER/PROCESSORS AND CRAFT BUSINESSES FROM WITHIN THE REGION  
13    OF THE GREENMARKET TO SELL DIRECTLY TO CUSTOMERS.  
14    (B) "NOT-FOR-PROFIT CORPORATION" SHALL MEAN AGRICULTURAL COOPERATIVES,  
15    REGIONAL MARKET AUTHORITIES, CORPORATION BUSINESS IMPROVEMENT DISTRICTS  
16    AND REGIONAL AND COMMUNITY DEVELOPMENT ORGANIZATIONS ORGANIZED UNDER THE  
17    PROVISIONS OF THE NOT-FOR-PROFIT CORPORATION LAW OR OTHER STATE LAW  
18    PROVIDING FOR NONPROFIT CORPORATIONS.  
19    (C) "HIGHLY DISTRESSED" SHALL HAVE THE SAME MEANING AS PROVIDED FOR IN  
20    SECTION SIXTEEN-D OF THIS ACT.  
21    (D) "ECONOMICALLY DISTRESSED AREAS" SHALL HAVE THE SAME MEANING AS  
22    PROVIDED FOR IN SECTION SIXTEEN-D OF THIS ACT.

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

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1     2. THE CORPORATION SHALL, FROM APPROPRIATIONS MADE AVAILABLE FOR THE  
2 PURPOSE, ESTABLISH AN URBAN AND REGIONAL FARMERS' MARKETS FACILITIES  
3 CONSTRUCTION PROGRAM WHICH SHALL OFFER CONSTRUCTION GRANTS PURSUANT TO  
4 PARAGRAPHS (A) AND (B) OF SUBDIVISION 3 OF THIS SECTION AND REVOLVING  
5 LOANS AND LOAN GUARANTEES PURSUANT TO PARAGRAPHS (C) AND (D) OF SUBDIVI-  
6 SION 3 OF THIS SECTION.

7     3. TO THE EXTENT THAT MONIES ARE APPROPRIATED FOR THE URBAN AND  
8 REGIONAL FARMERS' MARKETS FACILITIES CONSTRUCTION PROGRAM, THE CORPO-  
9 RATION SHALL PROVIDE FINANCING FOR URBAN OR REGIONAL FARMERS' MARKET  
10 FACILITIES CONSTRUCTION PROJECTS FOR THE ESTABLISHMENT, EXPANSION AND  
11 DEVELOPMENT OF URBAN AND REGIONAL FARMERS' MARKETS FACILITIES WHICH ARE  
12 INTENDED TO SERVE THE NEEDS OF THE REGIONAL AGRICULTURAL COMMUNITY AND  
13 THE COMMUNITY REVITALIZATION OF THE HOST CITY. THE CORPORATION, IN  
14 CONSULTATION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, SHALL DEVELOP  
15 A JOINT REQUEST FOR APPLICATIONS WITH THE DEPARTMENT OF AGRICULTURE AND  
16 MARKETS' COMMENTS ON SOLICITING POTENTIAL APPLICANTS SEEKING ASSISTANCE  
17 FOR THE DEVELOPMENT OF URBAN AND REGIONAL FARMERS' MARKETS FACILITIES.  
18 AN APPLICANT MUST BE A NOT-FOR-PROFIT CORPORATION, MUNICIPAL CORPORATION  
19 OR PUBLIC BENEFIT CORPORATION. IN DETERMINING AWARD RECIPIENTS, THE  
20 CORPORATION SHALL CONSIDER, AMONG OTHER FACTORS, THE DEPARTMENT OF AGRI-  
21 CULTURE AND MARKETS' COMMENTS ON THE APPLICATIONS. SUCH FINANCING SHALL  
22 CONSIST OF GRANTS, REVOLVING LOANS AND LOAN GUARANTEES FOR THE ESTAB-  
23 LISHMENT, EXPANSION, AND DEVELOPMENT OF URBAN AND REGIONAL FARMERS'  
24 MARKETS FACILITIES.

25     (A) GRANTS SHALL BE USED FOR GENERAL PROJECT DEVELOPMENT COSTS,  
26 INCLUDING, BUT NOT LIMITED TO:

27     (I) THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION  
28 OF THE SITE; AND

29     (II) THE PURCHASE OF NECESSARY EQUIPMENT.

30     (B) FOR THE PURPOSES OF THIS SUBDIVISION GRANTS SHALL NOT EXCEED  
31 EIGHTY PERCENT OF THE TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNI-  
32 TIES; SHALL NOT EXCEED SEVENTY PERCENT OF THE TOTAL PROJECT COST IN  
33 ECONOMICALLY DISTRESSED AREAS; AND SHALL NOT EXCEED SIXTY PERCENT OF THE  
34 TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.

35     (C) URBAN AND REGIONAL FARMERS' MARKET FACILITY CONSTRUCTION REVOLVING  
36 LOAN AND LOAN GUARANTEES. THE CORPORATION SHALL PROVIDE REVOLVING LOANS  
37 AND LOAN GUARANTEES FOR THE ESTABLISHMENT BY NOT-FOR-PROFIT CORPO-  
38 RATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS OF URBAN  
39 AND REGIONAL FARMERS' MARKET FACILITIES. SUCH REVOLVING LOANS AND LOAN  
40 GUARANTEES SHALL BE FOR CONSTRUCTION COSTS, INCLUDING, BUT NOT LIMITED  
41 TO THE DESIGN, CONSTRUCTION, IMPROVEMENT OR RENOVATION AND MAY INCLUDE  
42 INTERIM FINANCING.

43     (D) URBAN AND REGIONAL FARMERS' MARKET FACILITY CONSTRUCTION REVOLVING  
44 LOAN AND LOAN GUARANTEE FUND. FOR THE PURPOSES OF THIS SUBDIVISION, THE  
45 CORPORATION SHALL ESTABLISH AN URBAN AND REGIONAL FARMERS' MARKET FACIL-  
46 ITY CONSTRUCTION REVOLVING LOAN AND LOAN GUARANTEE FUND ACCOUNT. THE  
47 CORPORATION SHALL DETERMINE THE TERMS AND INTEREST RATES OF SUCH LOANS  
48 TO NOT-FOR-PROFIT CORPORATIONS, MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT  
49 CORPORATIONS, EXCEPT THAT NO LOAN SHALL EXCEED EIGHTY PERCENT OF THE  
50 TOTAL PROJECT COST IN HIGHLY DISTRESSED COMMUNITIES; SEVENTY PERCENT OF  
51 THE TOTAL PROJECT COST IN ECONOMICALLY DISTRESSED AREAS; AND SIXTY  
52 PERCENT OF THE TOTAL PROJECT COST IN NON-ECONOMICALLY DISTRESSED AREAS.  
53 IN INSTANCES WHERE AN OTHERWISE QUALIFIED APPLICANT LACKS EQUITY IN A  
54 PROJECT, EQUITY PARTICIPATION MAY INCLUDE ANY COMMITMENT FOR GRANTS.  
55 PAYMENTS CONSISTING OF THE REPAYMENT OF THE PRINCIPAL AMOUNT OF THE LOAN  
56 AND INTEREST SHALL BE DEPOSITED BY THE CORPORATION INTO THE URBAN AND

1 REGIONAL FARMERS' MARKET FACILITY CONSTRUCTION REVOLVING LOAN FUND  
2 ACCOUNT FROM WHICH THE LOAN WAS MADE.  
3 4. FINANCING FOR URBAN AND REGIONAL FARMERS' MARKETS FACILITIES  
4 CONSTRUCTION PROJECTS AUTHORIZED PURSUANT TO THIS SUBDIVISION, SHALL  
5 ONLY BE MADE UPON A DETERMINATION BY THE CORPORATION, IN CONSULTATION  
6 WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, AND THE DEPARTMENT OF AGRI-  
7 CULTURE AND MARKETS THAT SUCH A FACILITY WILL IMPROVE THE AGRICULTURAL  
8 AND URBAN ECONOMIES. SUCH REVOLVING LOANS, LOAN GUARANTEES AND GRANTS  
9 SHALL ONLY BE MADE FOR FACILITIES WHERE THERE ARE INADEQUATE AGRICUL-  
10 TURAL DIRECT MARKETING FACILITIES. SUCH CENTERS SHALL DEMONSTRATE THE  
11 POTENTIAL TO OBTAIN, FROM APPROPRIATE GOVERNMENTAL AGENCIES, ALL NECES-  
12 SARY APPROVALS, LICENSES, AND OTHER SUPPORTS REQUIRED TO OPERATE THE  
13 FACILITY.  
14 S 3. This act shall take effect immediately.