

3795--B

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. WRIGHT -- read once and referred to the Committee on Veterans' Affairs -- recommitted to the Committee on Veterans' Affairs in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the private housing finance law, in relation to disabled veteran access to home for heroes contracts

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

1 Section 1. The private housing finance law is amended by adding a new
2 article 28 to read as follows:

3 ARTICLE XXVIII

4 NEW YORK ACCESS TO HOME FOR HEROES PROGRAM

5 SECTION 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE.

6 1241. DEFINITIONS.

7 1242. ACCESS TO HOME FOR HEROES CONTRACTS.

8 S 1240. STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE
9 HEREBY FINDS AND DECLARES THAT MANY DISABLED VETERANS IN NEW YORK STATE
10 FACE A SIGNIFICANT IMPEDIMENT TO ACCESSIBLE AND AFFORDABLE HOUSING AS A
11 RESULT OF SERVICE RELATED INJURIES, AGE OR HEALTH RELATED DISABILITIES.
12 THESE MEN AND WOMEN HAVE SERVED OUR COUNTRY AND STATE WITH HONOR AND
13 DISTINCTION AND DESERVE TO ACHIEVE MAXIMUM INDEPENDENCE, SOCIAL INTER-
14 ACTION AND COMMUNITY INTEGRATION. PROVIDING FINANCIAL ASSISTANCE WITH
15 THE COST OF ADAPTING THE DWELLING UNITS OF OUR DISABLED VETERANS, IS
16 FUNDAMENTAL TO PROVIDING FOR THE PROMISE OF LIVING SAFELY, COMFORTABLY
17 AND PRODUCTIVELY IN THE MOST INTEGRATED SETTING OF THEIR CHOICE.

18 S 1241. DEFINITIONS. AS USED IN THIS ARTICLE:

19 1. "CORPORATION" SHALL MEAN THE HOUSING TRUST FUND CORPORATION ESTAB-
20 LISHED IN SECTION FORTY-FIVE-A OF THIS CHAPTER.

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

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2. "ELIGIBLE APPLICANT" SHALL MEAN A CITY, TOWN, VILLAGE OR NOT-FOR-PROFIT CORPORATION IN EXISTENCE FOR A PERIOD OF ONE OR MORE YEARS PRIOR TO APPLICATION, WHICH IS, OR WILL BE AT THE TIME OF AWARD, INCORPORATED UNDER THE NOT-FOR-PROFIT CORPORATION LAW AND HAS SUBSTANTIAL EXPERIENCE IN ADAPTING OR RETROFITTING HOMES FOR PERSONS WITH DISABILITIES.

3. "VETERAN" SHALL MEAN A RESIDENT OF THIS STATE WHO (A) HAS SERVED ON ACTIVE DUTY IN THE UNITED STATES ARMY, NAVY, MARINE CORPS, AIR FORCE OR COAST GUARD OR (B) HAS SERVED ON ACTIVE DUTY OR ORDERED TO ACTIVE DUTY AS DEFINED IN 10 USC 101 (D)(1) AS A MEMBER OF THE NATIONAL GUARD OR OTHER RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES OR (C) HAS SERVED ON ACTIVE DUTY OR ORDERED TO ACTIVE DUTY FOR THE STATE, AS A MEMBER OF THE STATE ORGANIZED MILITIA AS DEFINED IN SUBDIVISION NINE OF SECTION ONE OF THE MILITARY LAW AND HAS BEEN RELEASED FROM SUCH SERVICE DOCUMENTED BY AN HONORABLE OR GENERAL DISCHARGE.

4. "DISABLED VETERAN" SHALL MEAN A VETERAN WHO IS CERTIFIED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS DOCUMENTED BY A LETTER OF CERTIFICATION OR THE UNITED STATES DEPARTMENT OF DEFENSE CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY, INCLUDING BUT LIMITED TO A DD-214 FORM OR AN HONORABLE CERTIFICATE/REPORT OF CASUALTY.

5. "ACCESS TO HOME FOR HEROES PROGRAMS" OR "PROGRAMS" SHALL MEAN A SERIES OF ACTIVITIES BY AN ELIGIBLE APPLICANT TO ADMINISTER FUNDS TO PROVIDE GRANTS TO HOMEOWNERS AND RENTERS AND TO OVERSEE THE ADAPTATION OR RETROFITTING OF ELIGIBLE PROPERTIES.

6. "ELIGIBLE PROPERTY" SHALL MEAN A HOUSING UNIT THAT IS THE PRIMARY RESIDENCE OF A DISABLED VETERAN AND A TOTAL HOUSEHOLD INCOME THAT DOES NOT EXCEED ONE HUNDRED AND TWENTY PERCENT OF AREA MEDIAN INCOME. A PROPERTY SHALL NOT BE CONSIDERED AN ELIGIBLE PROPERTY IF THE OWNER OF THE PROPERTY IS OTHERWISE OBLIGATED BY FEDERAL, STATE OR LOCAL LAW TO PROVIDE THE IMPROVEMENTS FUNDED UNDER THIS ARTICLE.

S 1242. ACCESS TO HOME FOR HEROES CONTRACTS. 1. WITHIN THE LIMIT OF FUNDS AVAILABLE IN THE ACCESS TO HOME FOR HEROES PROGRAM, THE CORPORATION IS HEREBY AUTHORIZED TO ENTER INTO CONTRACTS WITH ELIGIBLE APPLICANTS TO PROVIDE FINANCIAL ASSISTANCE FOR THE ACTUAL COSTS OF AN ACCESS TO HOME FOR HEROES PROGRAM. THE FINANCIAL ASSISTANCE SHALL BE IN THE FORM OF GRANTS. NO MORE THAN FIFTY PERCENT OF THE TOTAL AMOUNT AWARDED PURSUANT TO THIS ARTICLE IN ANY FISCAL YEAR SHALL BE ALLOCATED TO ACCESS TO HOME PROGRAMS LOCATED WITHIN ANY SINGLE MUNICIPALITY.

2. THE TOTAL PAYMENT PURSUANT TO ANY ONE CONTRACT SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS AND THE CONTRACT SHALL PROVIDE FOR COMPLETION OF THE PROGRAM WITHIN A REASONABLE PERIOD, AS SPECIFIED THEREIN, WHICH SHALL NOT IN ANY EVENT EXCEED THREE YEARS FROM ITS COMMENCEMENT. UPON REQUEST, THE CORPORATION MAY EXTEND THE TERM OF THE CONTRACT FOR UP TO TWO ADDITIONAL ONE YEAR PERIODS FOR GOOD CAUSE SHOWN BY THE ELIGIBLE APPLICANT.

3. THE CORPORATION MAY AUTHORIZE THE ELIGIBLE APPLICANT TO SPEND UP TO SEVEN AND ONE-HALF PERCENT OF THE CONTRACT AMOUNT FOR APPROVED ADMINISTRATIVE COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM.

4. THE CORPORATION SHALL REQUIRE THAT, IN ORDER TO RECEIVE FUNDS PURSUANT TO THIS ARTICLE, THE ELIGIBLE APPLICANT SHALL SUBMIT A PLAN WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, PROGRAM FEASIBILITY, IMPACT ON THE COMMUNITY, BUDGET FOR EXPENDITURE OF PROGRAM FUNDS, A SCHEDULE FOR COMPLETION OF THE PROGRAM, AFFIRMATIVE ACTION AND MINORITY BUSINESS PARTICIPATION.

S 2. This act shall take effect immediately.