

4978

2015-2016 Regular Sessions

I N   S E N A T E

April 27, 2015

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Introduced by Sen. YOUNG -- (at request of the Division of Housing & Community Renewal) -- 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 the powers of the New York state housing finance agency, with relation to an increase in bond and note authorization; to amend chapter 514 of the laws of 1983 amending the private housing finance law and the real property tax law relating the powers in the New York state housing finance agency to finance certain multi-family housing and chapter 396 of the laws of 1984, amending the private housing finance law and the real property tax law relating to the powers of the New York state housing finance agency to finance certain multi-family housing, in relation to the effectiveness of such chapters; to amend chapter 915 of the laws of 1982 amending the public authorities law, relating to the powers of the state of New York mortgage agency, in relation to the effective date thereof; to amend the public authorities law, in relation to the powers of the state of New York mortgage agency; to amend chapter 555 of the laws of 1989 amending the public authorities law and other laws relating to establishing a New York state infrastructure trust fund, in relation to the effective date thereof; to amend chapter 172 of the laws of 2002, amending the public authorities law relating to the powers of the state of New York mortgage agency, in relation to extending the provisions thereof; to amend chapter 208 of the laws of 2010 amending the public authorities law relating to the powers of the state of New York mortgage agency, in relation to extending the provisions thereof; and to amend chapter 246 of the laws of 2010 amending the public authorities law relating to the powers of the state of New York mortgage agency, in relation to extending the provisions thereof

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

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

LBD09543-01-5

1 Section 1. Paragraph (c) of subdivision 1 of section 47 of the private  
2 housing finance law, as amended by chapter 283 of the laws of 2014, is  
3 amended to read as follows:

4 (c) The agency shall not issue bonds and notes other than state  
5 university construction bonds and state university construction notes,  
6 hospital and nursing home project bonds and hospital and nursing home  
7 project notes, health facilities bonds and health facilities notes,  
8 youth facilities project bonds and youth facilities project notes,  
9 community mental health services and mental retardation services project  
10 bonds and community mental health services and mental retardation  
11 services project notes, community senior citizens services project notes  
12 or community senior citizens services project bonds and mental hygiene  
13 improvement bonds and mental hygiene improvement notes and bonds and  
14 notes for the housing program for any of its corporate purposes in an  
15 aggregate principal amount exceeding [eighteen] TWENTY-ONE billion  
16 [seven hundred eighty] EIGHTY million dollars, excluding bonds and notes  
17 issued to refund outstanding bonds and notes.

18 S 2. Section 6 of chapter 514 of the laws of 1983, amending the  
19 private housing finance law and the real property tax law relating to  
20 the powers of the New York state housing finance agency to finance  
21 certain multi-family housing, as amended by chapter 152 of the laws of  
22 2013, is amended to read as follows:

23 S 6. This act shall take effect immediately and shall remain in full  
24 force and effect until July 23, [2015] 2017 at which time it shall be  
25 repealed.

26 S 3. Section 7 of chapter 396 of the laws of 1984, amending the  
27 private housing finance law and the real property tax law relating to  
28 the powers of the New York state housing finance agency to finance  
29 certain mutli-family housing, as amended by chapter 152 of the laws of  
30 2013, is amended as follows:

31 S 7. This act shall take effect immediately, except that sections one,  
32 three, four, five and six of this act shall remain in full force and  
33 effect until July 23, [2015] 2017 at which time such sections shall be  
34 repealed.

35 S 4. Section 16 of chapter 915 of the laws of 1982 amending the public  
36 authorities law relating to the powers of the state of New York mortgage  
37 agency, as amended by chapter 152 of the laws of 2013, is amended to  
38 read as follows:

39 S 16. This act shall take effect immediately except that the amend-  
40 ments to law effected by sections one through ten of this act, as  
41 amended, shall cease to be of force and effect on and after July 23,  
42 [2015] 2017, on which date the provisions of the public authorities law  
43 amended by such sections shall be as they were in force and effect imme-  
44 diately prior to this act taking effect.

45 S 5. Section 2407 of the public authorities law, as amended by chapter  
46 152 of the laws of 2013, is amended to read as follows:

47 S 2407. Bond limits. (1) Except for notes issued in nineteen hundred  
48 seventy and nineteen hundred seventy-one, the agency shall not issue  
49 bonds and notes, the interest on which is not included in the gross  
50 income of the holders of the bonds and notes under the United States  
51 Internal Revenue Code of 1986, as amended, or any subsequent correspond-  
52 ing internal revenue law of the United States, in an aggregate principal  
53 amount exceeding ten billion two hundred twenty million dollars, exclud-  
54 ing from such limitation (a) an amount equal to any original issue  
55 discount from the principal amount of any bonds or notes issued, (b)  
56 bonds and notes issued to refund outstanding bonds and notes, and (c)

1 bonds and notes not described in paragraph (b) of this subdivision  
2 issued to refund outstanding bonds and notes in accordance with the  
3 provisions of the Internal Revenue Code of 1986 or the Tax Reform Act of  
4 1986, as amended, where such bonds or notes are not included in the  
5 statewide volume cap on private purpose bonds under section 146 of such  
6 code provided, however, that upon any refunding pursuant to this para-  
7 graph or paragraph (b) of this subdivision, such exclusion shall apply  
8 only to the extent that the amount of the refunding bonds or notes does  
9 not exceed (i) the outstanding amount of the refunded bonds or notes,  
10 plus (ii) to the extent permitted by applicable federal tax law, costs  
11 of issuance of the refunding bonds or notes to be financed from the  
12 proceeds of the refunding bonds or notes. No such bond or note shall be  
13 issued by the agency on or after July twenty-third, two thousand  
14 [fifteen] SEVENTEEN, excluding bonds and notes issued to refund  
15 outstanding bonds and notes. No more than five hundred million dollars  
16 of proceeds of bonds or notes issued by the agency pursuant to this  
17 subdivision shall be used for mortgage purposes by blending with  
18 proceeds of bonds issued pursuant to subdivision two of this section.

19 (2) In connection with the issuance of bonds for the purpose of  
20 furthering programs described in this title, the agency is authorized to  
21 covenant and consent that the interest on any of its bonds, notes or  
22 other obligations shall be includable, under the United States Internal  
23 Revenue Code of 1986, as amended or any subsequent corresponding inter-  
24 nal revenue law of the United States, in the gross income of the holders  
25 of the bonds to the same extent and in the same manner that the interest  
26 on bills, bonds, notes or other obligations of the United States is  
27 includable in the gross income of the holders thereof under said Inter-  
28 nal Revenue Code or any such subsequent law. Pursuant to this subdivi-  
29 sion, the agency shall not issue bonds, notes or other obligations in an  
30 aggregate principal amount exceeding eight hundred million dollars,  
31 excluding from such limitation bonds, notes or other obligations issued  
32 to refund outstanding bonds, notes or other obligations. No such bond,  
33 note or other obligation shall be issued by the agency on or after July  
34 twenty-third, two thousand [fifteen] SEVENTEEN, excluding bonds, notes  
35 or other obligations issued to refund outstanding bonds, notes or other  
36 obligations and no mortgages shall be purchased with the proceeds of  
37 such bonds, notes or other obligations after such date. The board of  
38 directors of the agency shall establish program guidelines for purposes  
39 of bonds, notes or other obligations issued pursuant to this subdivi-  
40 sion. The board of directors shall establish from time to time maximum  
41 income limits of persons eligible to receive mortgages financed by  
42 bonds, notes or other obligations issued pursuant to this subdivision,  
43 which income limits with respect to one-third of the total principal  
44 amount of mortgages authorized to be so financed shall not exceed one  
45 hundred twenty-five percent of the latest maximum income limits permit-  
46 ted under the Internal Revenue Code of 1986, as amended, for mortgagors  
47 financed by mortgage revenue bonds, with respect to one-third of such  
48 principal amount authorized to be so financed, shall not exceed one  
49 hundred thirty-five percent of such income limits, and with respect to  
50 one-third of such principal amount authorized to be so financed, shall  
51 not exceed one hundred fifty percent of such limits.

52 (3) The fixing of the statutory maximums in this section shall not be  
53 construed as constituting a contract between the agency and the holders  
54 of its bonds or notes that additional bonds and notes may not be issued  
55 subsequently by the agency in the event that such statutory maximums  
56 shall subsequently be increased by law.

1 S 6. Section 19 of chapter 555 of the laws of 1989 amending the public  
2 authorities law and other laws relating to establishing a New York state  
3 infrastructure trust fund, as amended by chapter 152 of the laws of  
4 2013, is amended to read as follows:

5 S 19. This act shall take effect immediately and shall be deemed to  
6 have been in full force and effect on and after June 15, 1989 provided  
7 that the amendments to law effected by sections six and nine through  
8 seventeen of this act, as amended, shall cease to be of force and effect  
9 on and after July 23, [2015] 2017, on which date the provisions of the  
10 public authorities law amended by such sections shall be as they were in  
11 force and effect immediately prior to this act taking effect, and  
12 provided however that the amendments to law effected by sections six and  
13 nine through seventeen of this act, as amended, shall continue to apply  
14 to all commitments issued or policies or development corporation credit  
15 support in force on or before July 23, [2015] 2017, and provided further  
16 that the amendments to section 2429-b of the public authorities law made  
17 by section 13 of chapter 3 of the laws of 2004 which amended this  
18 section shall not cease to be of force and effect prior to the time that  
19 full payment of all development corporation credit support obligations  
20 has been made or provided for.

21 S 7. Section 2 of chapter 172 of the laws of 2002 amending the public  
22 authorities law relating to the powers of the state of New York mortgage  
23 agency, as amended by chapter 152 of the laws of 2013, is amended to  
24 read as follows:

25 S 2. This act shall take effect immediately and shall remain in full  
26 force and effect until July 23, [2015] 2017, whereupon such date the  
27 provisions of this act shall expire and be deemed repealed.

28 S 8. Section 4 of chapter 208 of the laws of 2010 amending the public  
29 authorities law relating to the powers of the state of New York mortgage  
30 agency, as amended by chapter 280 of the laws of 2014, is amended to  
31 read as follows:

32 S 4. This act shall take effect immediately, provided that the amend-  
33 ments to subdivision 5 of section 2402 of the public authorities law  
34 made by section one of this act shall be subject to the expiration and  
35 reversion of such subdivision pursuant to section 16 of chapter 915 of  
36 the laws of 1982, as amended, when upon such date the provisions of  
37 section two of this act shall take effect; further provided that this  
38 act shall expire and be deemed repealed July 23, [2015] 2017.

39 S 9. Section 5 of chapter 246 of the laws of 2010 amending the public  
40 authorities law relating to the powers of the state of New York mortgage  
41 agency, as amended by chapter 68 of the laws of 2014, is amended to read  
42 as follows:

43 S 5. This act shall take effect immediately and shall expire and be  
44 deemed repealed on and after July 23, [2015] 2017; provided, however,  
45 that the amendments to paragraph (c) of subdivision 8 of section 2428 of  
46 the public authorities law made by section two of this act shall not  
47 affect the expiration of such subdivision and shall be deemed to expire  
48 therewith.

49 S 10. This act shall take effect immediately.