

STATE OF NEW YORK

10294

IN ASSEMBLY

April 15, 2020

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the industrial development agency public health state of emergency loan program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 9 of the public authorities law is amended by adding a new title 7-A to read as follows:

TITLE 7-A

INDUSTRIAL DEVELOPMENT AGENCY PUBLIC HEALTH

STATE OF EMERGENCY LOAN PROGRAM

Section 2928. Industrial development agency public health state of emergency loan program.

§ 2928. Industrial development agency public health state of emergency loan program. 1. Definitions. As used in this section, the following terms shall have the following meanings:

(a) "Affected business or organization" means and includes both a small business and a small not-for-profit organization located within this state during a state of emergency;

(b) "Grace period" means the sixty-day period after a state of emergency is over;

(c) "Industrial development agency" or "IDA" means any industrial development agency established pursuant to this chapter, by special act or by any other provision of law.

(d) "Small business" means a business with not more than fifty employees;

(e) "Small not-for-profit organization" means a not-for-profit organization with not more than fifty employees; and

(f) "State of emergency" means the period beginning with a declaration by the governor that a public health state of emergency exists.

2. Industrial development agency public health state of emergency loan program. Notwithstanding any other provision of law, any IDA may administer an industrial development agency public health state of emergency

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

LBD16066-01-0

1 loan program to provide loans to affected businesses and organizations
2 pursuant to this section.

3 3. Loan eligibility. An IDA may make a loan to an affected business or
4 organization, provided:

5 (a) The affected business or organization has provided to the IDA
6 proof satisfactory to such IDA that such affected business or organiza-
7 tion is an affected business or organization located within the state of
8 New York.

9 (b) The amount of the loan shall not exceed twenty-five thousand
10 dollars.

11 (c) The affected business or organization's creditworthiness shall not
12 be a factor used for the purposes of determining eligibility.

13 (d) The loan agreement shall not (i) require repayment during the
14 grace period, or (ii) charge interest on the principal amount before or
15 during the grace period or for one hundred eighty days after the grace
16 period, provided after such one hundred eighty-day period, the IDA may
17 charge interest or fees according to the terms of the loan agreement.

18 (e) The loan agreement shall require that the affected business or
19 organization repay the loan in full not later than one hundred eighty
20 days after the end of the grace period by making at least three, and no
21 more than six, equal installment payments. The loan agreement shall not
22 contain a fee or penalty for the prepayment or early payment of the
23 loan.

24 (f) The IDA shall offer credit counseling services or refer such
25 affected business or organization to nonprofit credit counselors.

26 4. Additional loans. An affected business or organization who has
27 received a loan pursuant to this section may apply to the same IDA for
28 an additional loan for each thirty-day period such small business or
29 not-for-profit organization remains an affected business or organiza-
30 tion, provided no affected business or organization may receive more
31 than three loans under the program. Each additional loan shall be made
32 in accordance with subdivision three of this section. The total amount
33 of all loans received by an affected business or organization shall not
34 exceed twenty-five thousand dollars.

35 5. Collection of loans. On and after one hundred eighty days from the
36 end of the grace period, an IDA that has made a good-faith effort to
37 collect the outstanding principal from a loan issued pursuant to this
38 section may make a claim to the comptroller for recovery of an amount
39 equal to the outstanding principal for such loan. Prior to the comp-
40 troller approving such claim, such IDA shall demonstrate to the satis-
41 faction of the comptroller that the IDA has made a good-faith effort to
42 collect the outstanding principal from the affected small business or
43 organization. Upon payment of a claim, the loan shall be assigned to the
44 state, and the comptroller shall have the right to continue collection
45 efforts on the loan.

46 6. Records. Each IDA shall maintain records in the regular course of
47 administration of the loan guarantee program, including a record of
48 loans issued and of payments made.

49 7. Taxability. Any interest deferred or not charged related to a loan
50 issued pursuant to this section shall be exempt from all state taxes
51 that may be applicable to such interest amounts as they relate to an
52 affected business or organization. Eligible IDAs shall disclose to
53 affected business or organization borrowers in loan documents that there
54 may be federal tax consequences to the program loans.

55 8. End of state of emergency. No new loan applications shall be
56 submitted under the program after the state of emergency ends. The

1 program shall expire upon the repayment of all loans made under the
2 program and, for all loans in default, the repayment of claims made
3 under the program.
4 § 2. This act shall take effect immediately.