

# STATE OF NEW YORK

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7716

2021-2022 Regular Sessions

## IN ASSEMBLY

May 20, 2021

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Introduced by M. of A. CYMBROWITZ -- (at request of the New York State Homes and Community Renewal) -- read once and referred to the Committee on Housing

AN ACT to amend the private housing finance law, in relation to authorizing powers of the housing trust fund corporation, and specifying the scope of eligible purchasers of the housing finance agency and the New York city housing development corporation bonds

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

1 Section 1. Subdivision 1 of section 1102 of the private housing  
2 finance law, as amended by chapter 199 of the laws of 2008, is amended  
3 to read as follows:

4 1. Within the limit of funds available in the housing trust fund  
5 account, the corporation is hereby authorized to enter into contracts  
6 with eligible applicants for the furnishing by such applicants of hous-  
7 ing for persons of low income. Each such contract shall provide that  
8 eligible applicants rehabilitate or construct one or more projects or  
9 convert one or more nonresidential properties. Such contracts may  
10 provide for payments, grants or loans by the corporation for the activ-  
11 ities to be carried out by the eligible applicant under the contract.  
12 Such contracts shall provide that a private developer make an equity  
13 investment of the greater of (i) two and one-half percent of project  
14 costs or (ii) five percent of project costs less grants which are to be  
15 applied to such costs. The foregoing shall not preclude a private devel-  
16 oper from making a greater equity investment. Any payments, grants or  
17 loans made by the corporation outstanding at the time of resale shall be  
18 subject to repayment in whole or in part upon resale after termination  
19 of the regulatory period and as otherwise provided therein. Such repay-  
20 ment provisions may survive the end of the regulatory period. Such  
21 contracts may provide that eligible applicants shall either (a) perform  
22 activities specified under the contract themselves or (b) act as admin-

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

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1 istrators of a program under which projects are rehabilitated or  
2 constructed or nonresidential properties are converted by other eligible  
3 applicants or (c) perform both such functions. In the case of a munic-  
4 ipality acting as an administrator, funds provided to such municipality  
5 hereunder shall not be deemed to be municipal funds. The corporation  
6 shall refer any request for payments, grants or loans from persons of  
7 low income to eligible applicants in the area in which such persons  
8 reside. Loans may be in the form of participation in loans including but  
9 not limited to participation in loans originated or financed by lending  
10 institutions as defined in section forty-two of this chapter, the state  
11 of New York mortgage agency, the New York city housing development  
12 corporation, the New York state housing finance agency or private or  
13 public employee pension funds. Notwithstanding any other provision of  
14 law, payments, grants and loans may be deposited by the corporation  
15 directly with a lending institution at or before the time of initial  
16 loan closing pursuant to an escrow agreement satisfactory to the corpo-  
17 ration. Payments, grants and loans shall be on such terms and conditions  
18 as the corporation, or the eligible applicant with the approval of the  
19 corporation, as the case may be, shall determine. Payments, grants and  
20 loans shall be used to pay for the actual and necessary cost of acquisi-  
21 tion, construction, rehabilitation or conversion, provided that not more  
22 than fifty percent of such payments, grants and loans received for the  
23 rehabilitation, construction or conversion of a project may be used for  
24 the cost of the project's acquisition and not more than ten percent of  
25 such payments, grants and loans may be used for the rehabilitation,  
26 construction or conversion of community service facilities and, provided  
27 further, that payments, grants or loans shall not be used for (i) the  
28 administrative costs of an eligible applicant except as otherwise  
29 authorized by law, (ii) the cost of the acquisition, construction,  
30 conversion or rehabilitation of residential units which, subsequent to  
31 such acquisition, construction, conversion or rehabilitation, are to be  
32 occupied by persons other than persons of low income, and (iii) the cost  
33 of the acquisition, construction, conversion or rehabilitation of units  
34 which, subsequent to such acquisition, construction, conversion or reha-  
35 bilitation, are occupied or to be occupied for other than residential  
36 purposes, except for community service facilities as described above. No  
37 such payments, grants or loans shall exceed a total of one hundred twen-  
38 ty-five thousand dollars per dwelling unit. Among the criteria the  
39 corporation shall consider in determining whether to provide additional  
40 funds are: average cost of construction in the area, location of the  
41 project and the impact of the additional funding on the affordability of  
42 the project for the occupants of such project. The length of any loan  
43 provided under this article shall not exceed [~~thirty~~] ~~thirty~~ forty years. No  
44 more than fifty percent of the total amount originally appropriated  
45 pursuant to this article in any fiscal year shall be allocated to  
46 projects located within any single municipality. Of the amount  
47 originally appropriated to the corporation in any fiscal year, no more  
48 than thirty-three and one-third percent shall be allocated to private  
49 developers for projects within a city with a population of one million  
50 or more. Of the amount originally appropriated to the corporation in any  
51 fiscal year, no more than thirty-three and one-third percent shall be  
52 allocated to private developers for projects in the area outside cities  
53 with a population of one million or more.

54 § 2. Paragraph 3 of subdivision 29-a of section 44 of the private  
55 housing finance law, as amended by chapter 575 of the laws of 2011, is  
56 amended to read as follows:

(3) The powers granted by this subdivision may be exercised only if (a) obligations of the agency have been issued to fund the loan made or purchased by the agency and such obligations have received an investment grade rating from a recognized rating agency; (b) the loan made or purchased by the agency is fully secured as to principal and interest by insurance or a commitment to insure issued by the state of New York mortgage agency or by the general credit of a bank, national bank, trust company, savings bank, savings and loan association, insurance company, governmental agency of the United States, or any combination thereof; or (c) obligations of the agency are purchased by a bank, national bank, trust company, savings bank, savings and loan association, insurance company, governmental agency of the United States, which for purposes of this subdivision, include the federal home loan mortgage corporation, the federal national mortgage association, the governmental national mortgage association, and any successor of the foregoing, or any wholly-owned subsidiary or combination thereof.

§ 3. Paragraph 3 of subdivision 23-c of section 654 of the private housing finance law, as amended by chapter 575 of the laws of 2011, is amended to read as follows:

(3) The powers granted by this subdivision may be exercised only if (a) obligations of the corporation have been issued to fund the loan made or purchased by the corporation and such obligations have received an investment grade rating from a recognized rating agency; (b) the loan made or purchased by the corporation is fully secured as to principal and interest by insurance or a commitment to insure by the state of New York mortgage agency or New York city residential mortgage insurance corporation or by the general credit of a bank, national bank, trust company, savings bank, savings and loan association, insurance company, governmental agency of the United States, or any combination thereof; or (c) obligations of the corporation are purchased by a bank, national bank, trust company, savings bank, savings and loan association, insurance company, governmental agency of the United States, which for purposes of this subdivision, include the federal home loan mortgage corporation, the federal national mortgage association, the governmental national mortgage association, and any successor of the foregoing, or any wholly-owned subsidiary or combination thereof.

§ 4. This act shall take effect immediately; provided, however, that the amendments to subdivision 29-a of section 44 and subdivision 23-c of section 654 of the private housing finance law made by sections two and three of this act shall not affect the repeal of such subdivisions and shall be deemed to be repealed therewith.