

# STATE OF NEW YORK

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4012

2021-2022 Regular Sessions

## IN SENATE

February 1, 2021

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Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to land banks

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

1 Section 1. Clauses 21 and 22 of paragraph (a) of section 1607 of the  
2 not-for-profit corporation law, as amended by chapter 338 of the laws of  
3 2016, are amended to read as follows:

4 (21) to organize a subsidiary for a project or projects which the land  
5 bank has the power to pursue under this article when the primary reason  
6 for which the subsidiary shall be organized shall be to limit the poten-  
7 tial liability impact of the subsidiary's project or projects on the  
8 land bank or because state or federal law requires that the purpose of a  
9 subsidiary be undertaken through a specific corporate or business struc-  
10 ture. All real property of a subsidiary organized under this article  
11 shall be maintained on the inventory lists required in this article of  
12 the land bank of which it is a subsidiary and the subsidiary shall make  
13 all reports and other disclosures as are required of land banks under  
14 this article and as local public authorities, unless the subsidiary's  
15 operations and finances are consolidated with those of the land bank of  
16 which it is a subsidiary. Subsidiaries organized under this article  
17 shall be established in the form of a New York charitable not-for-profit  
18 corporation or a New York single member limited liability company.  
19 Subsidiaries shall not have the authority to issue bonds, notes or other  
20 debts, provided, however, that such subsidiaries may issue notes or  
21 other debt to the land bank of which it is a subsidiary. The organiza-  
22 tional documents filed to create a subsidiary under this article shall  
23 state that the land bank is organizing the subsidiary for the purposes  
24 set forth in this article and the name of the subsidiary shall be

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

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1 reasonably related to the name of the land bank of which it is a subsid-  
2 iary. The real property of a subsidiary organized under this article and  
3 its income and operations are exempt from all taxation by the state of  
4 New York and by any of its political subdivisions; [~~and~~]

5 (22) to lend money, to make grants and take and hold real and personal  
6 property as security for the payment of funds so loaned or for the  
7 performance and enforcement of grant agreements; and

8 (23) to do all other things necessary to achieve the objectives and  
9 purposes of the land bank or other laws that relate to the purposes and  
10 responsibility of the land bank.

11 § 2. This act shall take effect immediately.