

# STATE OF NEW YORK

8265

## IN SENATE

February 7, 2022

Introduced by Sen. KAVANAGH -- 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 creating a new acquisition fund for community land trusts located in New York state

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

1 Section 1. Subdivision 2 of section 1111 of the private housing  
2 finance law, as amended by chapter 202 of the laws of 2010, is amended  
3 and a new subdivision 9 is added to read as follows:

4 2. "Eligible applicant" shall mean a city, a town, a village, a hous-  
5 ing development fund company incorporated pursuant to article eleven of  
6 this chapter, any not-for-profit corporation or charitable organization  
7 which has as one of its primary purposes the improvement of housing or a  
8 municipal housing authority created pursuant to the public housing law,  
9 a community land trust as defined in subdivision nine of this section,  
10 or a public benefit corporation formed to assist particular munici-  
11 palities with their housing, community development or renewal needs, or  
12 a county, provided, however, that the county acts as an administrator of  
13 a program under which projects are constructed, rehabilitated or  
14 improved by other eligible applicants or acts in any other capacity as  
15 permitted by law.

16 9. For the purposes of this subdivision, "community land trust" shall  
17 mean a corporation organized pursuant to the not-for-profit corporation  
18 law and exempt from taxation pursuant to section 501(c)(3) of the inter-  
19 nal revenue code that satisfies the following criteria:

20 (a) such nonprofit corporation's primary purpose is the creation and  
21 maintenance of permanently affordable single-family or multi-family  
22 residences;

23 (b) all dwellings and units located on land owned by such nonprofit  
24 corporation is sold to a qualified owner to be occupied as the qualified  
25 owner's primary residence or rented to persons or families of low income  
26 as defined in subdivision ten of section twelve of this chapter; and

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

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1 (c) the land owned by the nonprofit corporation, on which a dwelling  
2 or unit sold to a qualified owner is situated, is leased by such corpo-  
3 ration to the qualified owner for the convenient occupation and use of  
4 such dwelling or unit for an initial term of ninety-nine years with  
5 renewal rights under the same initial terms and conditions.

6 § 2. The private housing finance law is amended by adding a new  
7 section 59-j to read as follows:

8 § 59-j. The New York state community land trust acquisition fund. The  
9 affordable housing corporation, created by section forty-five-b of this  
10 article, shall create and establish a special fund known as the New York  
11 state community land trust acquisition fund and shall pay into this fund  
12 any moneys which may be made available to such corporation for the  
13 purposes of this fund from any source including but not limited to  
14 moneys appropriated by and made available pursuant to appropriation by  
15 the state and any income or interest earned by, or increment to, the  
16 account due to the investment thereof or loans made pursuant to article  
17 nineteen of this chapter. The moneys held in or credited to the acquisi-  
18 tion fund established under this section shall be expended solely to  
19 carry out the provisions of article nineteen of this chapter exclusively  
20 for community land trusts as defined in subdivision nine of section  
21 eleven hundred eleven of this chapter.

22 § 3. This act shall take effect immediately.