

# STATE OF NEW YORK

10695

## IN ASSEMBLY

September 9, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fahy) --  
read once and referred to the Committee on Economic Development

AN ACT to amend the banking law and the New York state urban development  
corporation act, in relation to the capital access program

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

1 Section 1. Paragraph (b) of subdivision 1 of section 212 of the bank-  
2 ing law, as amended by chapter 1 of the laws of 1994, is amended to read  
3 as follows:

4 (b) The corporation shall undertake the following programs in further-  
5 ance of the above objectives: (i) establish regional offices at  
6 locations throughout New York, with sufficient staffing to advise,  
7 develop and package financial assistance for small and medium sized  
8 businesses; (ii) develop a comprehensive outreach program to increase  
9 the visibility and awareness of the corporation's programs, including  
10 allocating budget and staff to establish and maintain an aggressive and  
11 extensive marketing program of the corporation's program of assistance  
12 to small and medium sized businesses, providing for specific outreach to  
13 minority and women owned enterprises, and entering into cooperative  
14 relationships with local chambers of commerce, local development agen-  
15 cies, local development corporations and other community based financial  
16 intermediaries as set forth in subdivision three of this section; (iii)  
17 establish and operate, or affiliate with a small business investment  
18 company and a specialized small business investment company; ~~[and]~~ (iv)  
19 establish a pilot export financing program, using personnel from the  
20 private sector, to evaluate whether the corporation can play a signif-  
21 icant role in the growth of the export industry in the state and (v)  
22 establish a program in cooperation with the empire state development  
23 corporation that shall focus on small businesses located in highly  
24 distressed areas and minority business enterprises as such designations  
25 are defined by the regulations of the New York state urban development  
26 corporation act, through which the corporation shall be authorized to:  
27 (A) act as third-party agent for the capital access program established  
28 by section sixteen-k of section one of chapter one hundred seventy-four

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

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1 of the laws of nineteen hundred sixty-eight, constituting the urban  
2 development corporation act; (B) process, fund and approve qualifying  
3 program loans made by the corporation or a participating financial  
4 institution pursuant to section sixteen-k of section one of chapter one  
5 hundred seventy-four of the laws of nineteen hundred sixty-eight,  
6 constituting the urban development corporation act; (C) maintain and  
7 service a portfolio of qualifying loans made pursuant to the capital  
8 access program; and (D) engage in outreach and marketing to financial  
9 institutions to increase awareness of the program established under this  
10 subparagraph. The corporation shall undertake the programs enumerated  
11 herein at such times as its board of directors determines that the  
12 corporation's capital base and available funds are adequate to support  
13 the operation of such program. The programs enumerated herein may be  
14 modified by the corporation as may be necessary to meet the changing  
15 needs of the state's economy, as determined by the board of directors.

16 § 2. Paragraph (b) of subdivision 3 of section 16-k of section 1 of  
17 chapter 174 of the laws of 1968, constituting the New York state urban  
18 development corporation act, as amended by chapter 103 of the laws of  
19 2011, is amended to read as follows:

20 (b) Any contract entered into pursuant to subparagraph (i) of para-  
21 graph (a) of this subdivision shall:

22 (i) be for a period of two years and shall be renewed for an addi-  
23 tional two year period subject to requirements of subparagraph (ii) of  
24 paragraph (a) of this subdivision; ~~and~~

25 (ii) provide for compensation for expenses incurred by the third party  
26 agent in connection with its services as agent and for such other  
27 services as the corporation may deem appropriate including, but not  
28 limited to the use of the premises, personnel and personal property of  
29 the third party agent;

30 (iii) notwithstanding any law, rule or regulation to the contrary, use  
31 the underwriting standards provided for in subdivision four of this  
32 section to evaluate applications for loans pursuant to the program filed  
33 by a minority business enterprise, or a small business whose principal  
34 place of business is in a highly distressed area;

35 (iv) provide for the development of an integrated web portal for the  
36 third-party agent which enables access by minority business enterprises  
37 and small businesses in highly distressed areas to obtain information on  
38 the capital access loan program including the ability to make applica-  
39 tion and to receive approval for such loan online; and

40 (v) provide funding for marketing to the third-party agent to be  
41 directed to potential loan recipients and to financial institutions to  
42 increase awareness participation and referrals to the capital access  
43 loan program.

44 § 3. Section 16-k of section 1 of chapter 174 of the laws of 1968,  
45 constituting the New York state urban development corporation act, is  
46 amended by adding two new subdivisions 4 and 5 to read as follows:

47 4. Notwithstanding any law, rule or regulation to the contrary, the  
48 department of financial services, the empire state development corpo-  
49 ration and the New York business development corporation shall jointly  
50 establish underwriting standards to assist minority business enterprises  
51 and small businesses in highly distressed areas. In addition to other  
52 factors, such standards should incorporate verifiable alternative indi-  
53 cations of creditworthiness presented or made available by the appli-  
54 cant.

55 5. Pursuant to subparagraph (v) of paragraph (b) of subdivision 1 of  
56 section 212 of the banking law, the New York business development corpo-

1 ration and the empire state development corporation shall enter into an  
2 agreement pursuant to which the New York business development corpo-  
3 ration shall authorize, maintain and administer the program established  
4 in such subparagraph.

5 § 4. This act shall take effect on the one hundred twentieth day after  
6 it shall have become a law.