STATE OF NEW YORK

8166

2023-2024 Regular Sessions

IN ASSEMBLY

October 18, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Housing

AN ACT to amend the public authorities law, in relation to establishing the first-time homebuyer assistance program within the state of New York mortgage agency

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

Section 1. The public authorities law is amended by adding a new section 2429-g to read as follows:

§ 2429-g. First-time homebuyer assistance program. (1) Establishment. The agency is hereby authorized and directed to create, manage, and maintain the "first-time homebuyer assistance program". The agency shall make such rules and regulations as are necessary to implement the first-time homebuyer assistance program. The purpose of the program shall be to provide assistance to first-time homebuyers of certain residential units.

(2) Definitions. For purposes of this section:

(a) "First-time homebuyer" means a person who has not owned a primary residential property and is not married to a person who has owned a residential property during the three-year period prior to his or her purchase of the primary residential property, and who does not own a vacation or investment home.

(b) "Program" means the first-time homebuyer assistance program.

(c) "Program funds" means money appropriated for the program.

(d) "Qualifying mortgage loan" means a mortgage loan that:

(i) is purchased by the agency; and

(ii) is subject to a document that is recorded in the office of the county clerk of the county in which the residential unit is located.

(e) "Qualifying residential unit" means a residential unit that:

(i) is located in the state of New York;

(ii) is new construction or newly constructed but not yet inhabited;

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

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(iii) is financed by a qualifying mortgage loan;
(iv) is owner-occupied upon purchase; and
(v) is purchased for an amount that does not exceed:
(A) four hundred fifty thousand dollars; or
(B) if applicable, the maximum purchase price established by the agency under subdivision six of this section.
(f) "Recipient" means a first-time homebuyer who received program funds.
(g) "Residential unit" includes a house, condominium, townhome, manufactured or modular home that is attached to a permanent foundation, or similar residential structure that serves as a one-unit dwelling.
(h) "Home equity amount" means the difference between:
(i) (A) in the case of a sale, the sales price for which the qualifying residential unit is sold by the recipient in a bona fide sale to a third party with no right to repurchase; or
(B) in the case of a refinance, the current appraised value of the qualifying residential unit; and
(ii) the total payoff amount of any qualifying mortgage loan that was used to finance the purchase of the qualifying residential unit.
(3) The maximum amount of program funds that a first-time homebuyer may receive under the program shall be twenty thousand dollars.
(4) (a) A recipient may use program funds to pay for:
(i) the down payment on a qualifying residential unit;
(ii) closing costs associated with the purchase of a qualifying residential unit;
(iii) a permanent reduction in the advertised par interest rate on a qualifying mortgage loan that is used to finance a qualifying residential unit; or
(iv) any combination of subparagraphs (i), (ii), and (iii) of this paragraph.
(b) The agency shall direct the disbursement of program funds for any purpose authorized in paragraph (a) of this subdivision.
(c) A recipient may not receive a payout or distribution of program funds upon closing.
(5) The builder or developer of a qualifying residential unit may not increase the price of the qualifying residential unit on the basis of program funds being used towards the purchase of that qualifying residential unit.
(6) In accordance with rules made by the agency pursuant to subdivision nine of this section, the agency may adjust the maximum purchase price of a qualifying residential unit for which a first-time homebuyer qualifies to receive program funds in order to reflect current market conditions, provided that the agency adjusts the maximum purchase price under this subdivision no more frequently than once each calendar year.
(7) If the recipient sells the qualifying residential unit or refinances the qualifying mortgage loan that was used to finance the purchase of the qualifying residential unit before the end of the original term of the qualifying mortgage loan, the recipient shall repay to the agency an amount equal to the lesser of:
(a) the amount of program funds the recipient received; or
(b) fifty percent of the recipient's home equity amount.
(8) Any funds repaid to the agency under subdivision seven of this section shall be used for program distributions.
(9) The agency shall make rules governing the application form, process, and criteria the agency shall use to distribute program funds to first-time homebuyers.

(10) The agency may use up to five percent of program funds for administration.

(11) The agency shall report annually to the governor, the speaker of the assembly, and the temporary president of the senate on disbursements from the program and any adjustments made to the maximum purchase price of a qualifying residential unit pursuant to subdivision six of this section.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.