

STATE OF NEW YORK

9158--A

IN ASSEMBLY

February 8, 2024

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the private housing finance law, in relation to the mobile and manufactured home replacement program

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

1 Section 1. The private housing finance law is amended by adding a new
2 article 32 to read as follows:

ARTICLE XXXII

MOBILE AND MANUFACTURED HOME REPLACEMENT PROGRAM

Section 1290. Statement of legislative findings and purpose.

1291. Definitions.

1292. Mobile and manufactured home replacement contracts.

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8 § 1290. Statement of legislative findings and purpose. The legislature
9 hereby finds and declares that there exists in New York state a serious
10 need to eliminate older, dilapidated mobile and manufactured homes and
11 replace them with new manufactured, modular or site-built homes. Older
12 mobile or manufactured home units with rusted, leaking metal roofs,
13 metal-framed windows with interior take-out storms, and metal siding,
14 are just some of the examples of those that most need replacement. No
15 matter the amount of rehabilitation investment, the end result is unsat-
16 isfactory in terms of longevity, energy efficiency and affordability.
17 The legislature therefore finds that the state should establish a
18 program to fund the replacement of mobile or manufactured homes with new
19 affordable and energy efficient manufactured, modular or site-built
20 homes.

21 § 1291. Definitions. For the purposes of this article the following
22 terms shall have the following meanings:

23 1. "Corporation" shall mean the housing trust fund corporation estab-
24 lished in section forty-five-a of this chapter.

25 2. "Dilapidated" shall mean a housing unit that does not provide safe
26 and adequate shelter, and in its present condition endangers the health,
27 safety or well-being of the occupants. Such a housing unit shall have

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

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1 one or more critical defects, or a combination of intermediate defects
2 in sufficient number or extent to require considerable repair or
3 rebuilding. Such defects may involve original construction, or they may
4 result from continued neglect or lack of repair or from serious damage
5 to the structure.

6 3. "Eligible applicant" shall mean a unit of local government or a
7 not-for-profit corporation in existence for a period of one or more
8 years prior to application, which is, or will be at the time of award,
9 incorporated under the not-for-profit corporation law and has substan-
10 tial experience in affordable housing.

11 4. "Eligible property" shall mean a mobile or manufactured home that
12 is the primary residence of a homeowner with a total household income
13 that does not exceed eighty percent of area median income for the county
14 in which a project is located as calculated by the United States depart-
15 ment of housing and urban development.

16 5. "Manufactured home" shall have the same meaning as is set forth for
17 such term in subdivision seven of section six hundred one of the execu-
18 tive law.

19 6. "Mobile and manufactured home replacement program" or "program"
20 shall mean a proposal by an eligible applicant for the replacement of a
21 dilapidated mobile or manufactured home with a new manufactured, modular
22 or site-built home. All replacement homes shall be energy star rated for
23 energy efficiency.

24 7. "Modular home" shall have the same meaning as is set forth for such
25 term in paragraph thirty-three of subdivision (b) of section eleven
26 hundred one of the tax law.

27 8. "Site-built home" shall mean a structure built on-site using build-
28 ing materials delivered to the site, even if some of such materials were
29 manufactured, produced or assembled off-site such as, by way of example
30 and not by way of limitation, concrete blocks, windows, door units, wall
31 or roof panels, trusses and dormers.

32 § 1292. Mobile and manufactured home replacement contracts. 1. Grants.
33 Within the limit of funds available in the mobile and manufactured home
34 replacement program, the corporation is hereby authorized to enter into
35 contracts with eligible applicants to provide grants, which shall be
36 used to establish programs to provide assistance to eligible property
37 owners to replace dilapidated mobile or manufactured homes in the state.

38 2. Program criteria. The corporation shall develop procedures, crite-
39 ria and requirements related to the application and award of projects
40 pursuant to this section which shall include: eligibility, market
41 demand, feasibility and funding criteria; the funding determination
42 process; supervision and evaluation of contracting applicants; report-
43 ing, budgeting and record-keeping requirements; provisions for modifica-
44 tion and termination of contracts; and such other matters not inconsis-
45 ent with the purposes and provisions of this article as the corporation
46 shall deem necessary or appropriate.

47 3. Contract limitations. The total contract pursuant to any one eligi-
48 ble applicant in a specified region shall not exceed seven hundred fifty
49 thousand dollars and the contract shall provide for completion of the
50 program within a reasonable period, as specified therein, which shall
51 not in any event exceed four years from commencement of the program.
52 Upon request, the corporation may extend the term of the contract for up
53 to an additional one year period for good cause shown by the eligible
54 applicant.

55 4. Planning and administrative costs. The corporation shall authorize
56 the eligible applicant to spend ten percent of the contract amount for

1 approved planning and administrative costs associated with administering
2 the program.

3 5. The corporation shall require that, in order to receive a grant
4 pursuant to this article, the eligible property owner shall have no
5 liens on the land after closing the grant other than the new home
6 financing and currently existing mortgage or mortgages, and all property
7 taxes and insurances must be current.

8 6. Assistance. Financial assistance to eligible property owners shall
9 be one hundred percent grants in the form of deferred payment loans
10 (hereinafter referred to in this subdivision as "DPL"). A ten year
11 declining balance lien using a security instrument as required by the
12 corporation, will be utilized for replacement projects. No interest or
13 payments will be required on the DPL unless the property is sold or
14 transferred before the regulatory term expires. In such cases funds will
15 be recaptured from the proceeds of the sale of the home, on a declining
16 balance basis, unless an income-eligible immediate family member accepts
17 ownership of, and resides in the new replacement home for the remainder
18 of the regulatory term. In addition the mobile and manufactured home
19 replacement program established by this article shall: (a) provide funds
20 for relocation assistance to homeowners who are unable to voluntarily
21 relocate during the demolition and construction phases of the project;
22 and (b) provide funding for the costs of demolishing and disposing of
23 the dilapidated home.

24 7. Homeownership training. The eligible property owner must agree to
25 attend an approved homeownership training program for post-purchase,
26 credit/budget, and home maintenance counseling as part of the applica-
27 tion process.

28 8. Funding criteria. The total payment pursuant to any one grant
29 contract shall not exceed two hundred thousand dollars and the contract
30 shall provide for completion of the program within a reasonable period,
31 as specified therein, not to exceed four years.

32 9. Funding and annual report. The corporation in its sole discretion
33 shall authorize all funding decisions and make all award announcements.
34 The corporation shall, on or before December thirty-first in each year
35 submit a report to the legislature on the implementation of this arti-
36 cle. Such report shall include, but not be limited to, for each award
37 made to a grantee under this article: a description of such award;
38 contract amount and cumulative total; and such other information as the
39 corporation deems pertinent.

40 § 2. This act shall take effect immediately.