

# STATE OF NEW YORK

2506--A

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sens. KAVANAGH, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- 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 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:

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

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1 (a) such nonprofit corporation's primary purpose is the creation and  
2 preservation of permanently affordable single-family or multi-family  
3 residences;

4 (b) all dwellings and units located on land owned by such nonprofit  
5 corporation is sold to a qualified owner to be occupied as the qualified  
6 owner's primary residence or rented to persons or families of low income  
7 as defined in subdivision nineteen of section two of this chapter; and

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

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

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

29 § 3. This act shall take effect immediately.