

STATE OF NEW YORK

8601

IN ASSEMBLY

January 12, 2024

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

AN ACT to amend the private housing finance law, in relation to establishing the manufactured home community preservation act; and to amend the public authorities law, in relation to the distribution of funds in the mortgage insurance fund

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 20-A to read as follows:

3 ARTICLE XX-A

4 MANUFACTURED HOME COMMUNITY PRESERVATION ACT

5 Section 1125. Definitions.

6 1126. State mobile and manufactured home communities preserva-
7 tion program.

8 1127. Financial support to acquire development rights or
9 purchase mobile home and manufactured home parks.

10 § 1125. Definitions. For the purposes of this article:

11 1. "Development rights" means the rights of the fee simple owner to
12 develop, construct on, divide, sell, lease, or otherwise change the
13 property from its current use as a mobile home or manufactured home
14 park, or other affordable housing option as permitted by the land coven-
15 ant at the time of sale. Development rights include the exercise of the
16 owner's rights to sell or grant easements or rights of way, or other
17 rights if by that exercise the use of the land as a mobile home or manu-
18 factured home park is diminished; provided, however, that the term
19 "development rights" shall not include the rights of the owner to sell,
20 lease, or otherwise improve the land to preserve, maintain, operate, or
21 continue the land as a mobile home or manufactured home park or all
22 other customary rights and privilege of ownership, including the right
23 to privacy.

24 2. "Current property value" means the fair market value of a property
25 that is restricted by an easement or covenant to its use as a mobile

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

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1 home or manufactured home park rather than the highest or best potential
2 use.

3 3. "Mobile home and manufactured home park protection agreement" means
4 preemptive purchase rights or other provisions that are part of or
5 linked to a protection conservation easement or covenant providing the
6 easement holder the preferential right to purchase a protected mobile
7 home and manufactured home park at its current use value in the event
8 the landowner intends to sell such property to a purchaser who does not
9 intend to maintain the property as a mobile home and manufactured home
10 park.

11 § 1126. State mobile and manufactured home communities preservation
12 program. 1. The commissioner, or his or her authorized designee, shall
13 initiate and maintain a state mobile and manufactured home communities
14 preservation program to provide financial and technical assistance,
15 within funds available to counties, municipalities, rural preservation
16 companies, and other non-profit housing organizations for their housing
17 preservation efforts.

18 2. For the purposes of such program, the commissioner shall be author-
19 ized to:

20 (a) develop guidelines for eligibility and an application process for
21 financial assistance;

22 (b) provide technical assistance or contract with the rural housing
23 coalition to provide technical assistance to eligible entities;

24 (c) disseminate information to local governments, mobile home and
25 manufactured home park residents, and housing organizations about the
26 preservation program; and

27 (d) report biennially to the governor and the legislature regarding
28 the activities of the commissioner with regards to the program, includ-
29 ing the types of technical assistance provided, the amount of financial
30 assistance provided, and the number of mobile home parks preserved
31 through the program.

32 § 1127. Financial support to acquire development rights or purchase
33 mobile home and manufactured home parks. Within the limit of funds
34 available in the mortgage insurance fund established pursuant to section
35 twenty-four hundred twenty-nine-b of the public authorities law, the
36 commissioner is hereby authorized to provide financial support to local
37 governments or eligible non-profit housing organizations, such as rural
38 preservation companies, land banks or community land trusts to acquire
39 the development rights or outright purchase of mobile home and manufac-
40 tured home parks. Such funds may be used to administer and assist with
41 the relocation of residents and/or their mobile or manufactured homes to
42 other locations within the state as per regulations promulgated by the
43 commissioner.

44 § 2. Subdivision 1-a of section 2429-b of the public authorities law,
45 as amended by section 13 of chapter 3 of the laws of 2004, is amended to
46 read as follows:

47 1-a. All moneys held in the mortgage insurance fund, except as herein-
48 after provided, shall be used, as required, solely for the payment of
49 the agency's liabilities arising from mortgages insured as provided in
50 section twenty-four hundred twenty-nine-a of this part and from the
51 provision of development corporation credit support as provided in
52 section twenty-four hundred twenty-eight-a of this part and for the
53 provision of financial support to local governments and eligible non-
54 profit housing organizations pursuant to section eleven hundred twenty-
55 seven of the private housing finance law; provided, however, that no
56 moneys shall be withdrawn from any account at any time in such amount as

1 would reduce the amount of, as applicable, the special account, either
2 pool insurance account or the development corporation credit support
3 account to less than its applicable mortgage insurance fund requirement,
4 except for the purpose of paying such liabilities as the same become due
5 and for the payment of which other moneys of the agency are not avail-
6 able. All payments pursuant to section twenty-four hundred twenty-nine-a
7 of this part, and expenses attributable thereto shall be debited to the
8 special account or the single family pool insurance account or the
9 project pool insurance account or the development corporation credit
10 support account, as appropriate, within the mortgage insurance fund. All
11 other operating expenses of the agency with respect to insurance of
12 mortgages and providing development corporation credit support shall be
13 debited to the special account, the single family pool insurance
14 account, the project pool insurance account or the development corpo-
15 ration credit support account within the mortgage insurance fund, as
16 appropriate.

17 § 3. Subdivision 1-a of section 2429-b of the public authorities law,
18 as amended by section 15 of chapter 3 of the laws of 2004, is amended to
19 read as follows:

20 1-a. All moneys held in the mortgage insurance fund, except as herein-
21 after provided, shall be used, as required, solely for the payment of
22 the agency's liabilities arising from mortgages insured as provided in
23 section twenty-four hundred twenty-nine-a of this part and from the
24 provision of development corporation credit support as provided in
25 section twenty-four hundred twenty-eight-a of this part and for the
26 provision of financial support to local governments and eligible non-
27 profit housing organizations pursuant to section eleven hundred twenty-
28 seven of the private housing finance law; provided, however, that no
29 moneys shall be withdrawn from any account at any time in such amount as
30 would reduce the amount of, as applicable, the special account or the
31 development corporation credit support account to less than its applica-
32 ble mortgage insurance fund requirement, except for the purpose of
33 paying such liabilities as the same become due and for the payment of
34 which other moneys of the agency are not available. All payments pursu-
35 ant to section twenty-four hundred twenty-nine-a of this part, and
36 expenses attributable thereto shall be debited to the special account or
37 the development corporation credit support account within the mortgage
38 insurance fund. All other operating expenses of the agency with respect
39 to insurance of mortgages and providing development corporation credit
40 support shall be debited to the special account or the development
41 corporation credit support account within the mortgage insurance fund,
42 as appropriate.

43 § 4. This act shall take effect immediately; provided, however, that
44 the amendments to subdivision 1-a of section 2429-b of the public
45 authorities law made by section two of this act shall be subject to the
46 expiration and reversion of such subdivision pursuant to section 19 of
47 chapter 555 of the laws of 1989, as amended, when upon such date the
48 provisions of section three of this act shall take effect.