

STATE OF NEW YORK

7770

2023-2024 Regular Sessions

IN SENATE

November 27, 2023

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

ARTICLE XX-A

MANUFACTURED HOME COMMUNITY PRESERVATION ACT

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.

§ 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.

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

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1 2. "Current property value" means the fair market value of a property
2 that is restricted by an easement or covenant to its use as a mobile
3 home or manufactured home park rather than the highest or best potential
4 use.

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

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

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

22 (a) develop guidelines for eligibility and an application process for
23 financial assistance;

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

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

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

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

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

49 1-a. All moneys held in the mortgage insurance fund, except as herein-
50 after provided, shall be used, as required, solely for the payment of
51 the agency's liabilities arising from mortgages insured as provided in
52 section twenty-four hundred twenty-nine-a of this part and from the
53 provision of development corporation credit support as provided in
54 section twenty-four hundred twenty-eight-a of this part and for the
55 provision of financial support to local governments and eligible non-
56 profit housing organizations pursuant to section eleven hundred twenty-

1 seven of the private housing finance law; provided, however, that no
2 moneys shall be withdrawn from any account at any time in such amount as
3 would reduce the amount of, as applicable, the special account, either
4 pool insurance account or the development corporation credit support
5 account to less than its applicable mortgage insurance fund requirement,
6 except for the purpose of paying such liabilities as the same become due
7 and for the payment of which other moneys of the agency are not avail-
8 able. All payments pursuant to section twenty-four hundred twenty-nine-a
9 of this part, and expenses attributable thereto shall be debited to the
10 special account or the single family pool insurance account or the
11 project pool insurance account or the development corporation credit
12 support account, as appropriate, within the mortgage insurance fund. All
13 other operating expenses of the agency with respect to insurance of
14 mortgages and providing development corporation credit support shall be
15 debited to the special account, the single family pool insurance
16 account, the project pool insurance account or the development corpo-
17 ration credit support account within the mortgage insurance fund, as
18 appropriate.

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

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

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