

STATE OF NEW YORK

9913

IN SENATE

September 16, 2024

Introduced by Sen. COONEY -- 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 New York state first home grant program; and to amend the tax law, in relation to excluding the amount of any grant to any first time home buyer awarded or any federal first time home buyer grant program from taxable income for the purpose of calculating New York adjusted gross income

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Home Ownership Market Expansion Act" or "HOME Act".

3 § 2. The private housing finance law is amended by adding a new arti-
4 cle 33 to read as follows:

ARTICLE 33

NEW YORK STATE FIRST HOME GRANT PROGRAM

5
6
7 Section 1300. Program established.

8 1301. Definitions.

9 1302. Functions of the commissioner.

10 1303. Program requirements.

11 § 1300. Program established. Within amounts appropriated or otherwise
12 available therefor, the division of homes and community renewal shall
13 establish a first home grant program.

14 § 1301. Definitions. As used in this article, the following terms
15 shall have the following meanings:

16 1. "First time home buyer" shall mean an individual or individuals, at
17 least one of whom has not had an ownership interest in a principal resi-
18 dence at any time, including residences owned in the United States or
19 abroad. No such individual shall own any other home including vacation
20 or investment residences, including residences owned in the United
21 States or abroad, except as otherwise provided in this subdivision. If
22 an individual's only potentially disqualifying present ownership inter-
23 est is ownership of a mobile or manufactured home, the individual shall
24 be considered a first time home buyer. For the purposes of this article

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

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1 a "mobile or manufactured home" shall mean a structure that is valued as
2 personal property and not real property. If, due to such individual's
3 ownership of a mobile or manufactured home, such individual has claimed
4 a real estate tax or home mortgage deduction on such individual's
5 personal income tax returns, such individual shall not be considered a
6 first time home buyer regardless of whether the mobile or manufactured
7 home was considered personal or real property.

8 2. "Ownership interest" shall mean a fee simple interest, a joint
9 tenancy, a tenancy in common, a tenancy by the entirety, the interest of
10 a tenant-share holder in a cooperative, a life estate or a land
11 contract. Interests which do not constitute ownership interests include
12 the following: (a) remainder interests, (b) a lease with or without an
13 option to purchase, (c) a mere expectancy to inherit an interest in a
14 residence, (d) the interest that a purchaser of a residence acquires on
15 the execution of a purchase contract and (e) an interest in real estate
16 other than a residence.

17 3. "Program" shall mean the New York first home grant program estab-
18 lished pursuant to this article.

19 § 1302. Functions of the commissioner. 1. The commissioner, in consul-
20 tation with the state comptroller, shall implement the program under the
21 terms and conditions established by this article.

22 2. In furtherance of such implementation the commissioner shall:

23 (a) develop and implement the program in a manner consistent with the
24 provisions of this article through rules and regulations established in
25 accordance with the state administrative procedure act;

26 (b) engage the services of consultants on a contract basis for render-
27 ing professional and technical assistance and advice;

28 (c) make changes to the program required for the participants in the
29 program to obtain the state benefits or treatment provided by this arti-
30 cle;

31 (d) charge, impose and collect administrative fees and service charges
32 in connection with any agreement, contract or transaction relating to
33 the program;

34 (e) develop marketing plans and promotion materials;

35 (f) establish the methods by which the grants be dispersed;

36 (g) establish the method by which funds shall be allocated to pay for
37 administrative costs; and

38 (h) do all things necessary and proper to carry out the purposes of
39 this article.

40 § 1303. Program requirements. 1. Amounts from a grant under this arti-
41 cle shall be used only to provide assistance:

42 (a) on behalf of a first time home buyer qualified under this article;
43 and

44 (b) for:

45 (i) costs in connection with the acquisition, involving an eligible
46 mortgage loan, of an eligible home, including downpayment costs, closing
47 costs, and costs to reduce the rates of interest on eligible mortgage
48 loans;

49 (ii) subsidies to make shared equity homes affordable to home buyers
50 by discounting the price for which the home will be sold and to preserve
51 the affordability of the home for subsequent home buyers; and

52 (iii) pre-occupancy home modifications required to accommodate quali-
53 fied home buyers or members of their household with disabilities.

54 2. Any grant awarded pursuant to this article:

55 (a) may be provided on behalf of any first time home buyer only once;
56 and

1 (b) shall be in the total amount of ten thousand dollars.

2 3. Grant amounts received by a first time home buyer pursuant to this
3 article shall be considered to supplement any other state or federal
4 assistance provided to such home buyer for the acquisition of such home.

5 4. Any first time home buyer awarded a grant pursuant to this article
6 shall maintain primary residence at such property for a five year period
7 following acquisition of such property. The commissioner shall require
8 that any first time home buyer awarded a grant pursuant to this article
9 who fails or ceases to occupy the property acquired using such assist-
10 ance as the primary residence of such home buyer, except in the case of
11 assistance provided in connection with the purchase of a principal resi-
12 dence through a shared equity homeownership program, such home buyer
13 shall repay to the commissioner a proportional amount of the assistance
14 such home buyer receives based on the number of years they have occupied
15 the eligible home.

16 § 3. Subsection (c) of section 612 of the tax law is amended by adding
17 a new paragraph 48 to read as follows:

18 (48) The amount of any grant to any first time home buyer awarded
19 pursuant to article thirty-three of the private housing finance law or
20 any federal first time home buyer grant program shall not be considered
21 taxable income for the purpose of calculating New York adjusted gross
22 income, irrespective of whether it is considered taxable income for
23 federal income tax purposes.

24 § 4. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law. Effective immediately, the commissioner of
26 the division of housing and community renewal and the comptroller are
27 authorized to promulgate any rules or regulations necessary to implement
28 the provisions of this act on its effective date on or before such
29 effective date.