

# STATE OF NEW YORK

7039

2025-2026 Regular Sessions

## IN ASSEMBLY

March 19, 2025

Introduced by M. of A. BRAUNSTEIN -- read once and referred to the  
Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to project  
applications and advisory opinions of the public authorities control  
board

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

1 Section 1. Subdivisions 2, 3, 3-a, 4, 5 and 6 of section 51 of the  
2 public authorities law are renumbered subdivisions 7, 8, 9, 10, 11 and  
3 12 and five new subdivisions 2, 3, 4, 5 and 6 are added to read as  
4 follows:

5 2. Any application made concerning a proposed project involving a loan  
6 shall include, to the extent practicable, expressly and in writing, the  
7 terms, conditions and dates of the repayment of state appropriations  
8 authorized by law pursuant to a repayment agreement and shall include a  
9 copy of the proposed repayment agreement. In any such application the  
10 terms and conditions, provided expressly and in writing, shall include,  
11 to the extent practicable, but not be limited to:

12 a. Any job retention or job creation requirements and the terms of any  
13 such requirements, where such loan would be conditional on any job  
14 retention or job creation requirements, a description of any contractual  
15 clawback provisions or other remedies in the event such requirements are  
16 not met;

17 b. Rate of interest, for fixed rate agreements;

18 c. All terms necessary to determine and calculate interest for non-  
19 fixed rate loan agreements;

20 d. Repayment date, or dates, and associated amounts, for the return of  
21 loan principal;

22 e. Any conditions or restrictions associated with the loan, the terms  
23 of such conditions or restrictions, and any contractual remedy if such  
24 conditions or restrictions in the event of a breach of such terms;

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

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1 f. Any security provision and a description of such provisions; and

2 g. Any guarantee associated with such loan.

3 3. Any application made concerning a proposed project involving a  
4 grant shall include to the extent practicable, expressly and in writing,  
5 the terms and conditions of state appropriations authorized by law  
6 pursuant to a grant disbursement agreement and pursuant to any other  
7 agreements which would relate to such grant. In any such application the  
8 terms and conditions, provided expressly and in writing, shall include  
9 to the extent practicable, but not be limited to:

10 a. Any job retention or job creation requirements and the terms of any  
11 such requirements, where such loan would be conditional on any job  
12 retention or job creation requirements, a description of any contractual  
13 clawback provisions or other remedies in the event such requirements are  
14 not met;

15 b. A full description of the project and how the grant funds would be  
16 used by the grantee;

17 c. Where such project would involve the purchase of real property, a  
18 description of who would own the property;

19 d. Total cost of the project;

20 e. A list of all sources of funds for such project and a description  
21 of each source of funds;

22 f. A list of all uses of funds for such project and a description of  
23 each use of funds;

24 g. Any conditions or restrictions on the grantee, the terms of such  
25 conditions or restrictions, and any contractual remedies in the event of  
26 a breach of such terms;

27 h. A description of the ownership;

28 i. A description of any lease agreements;

29 j. Any security provisions; and

30 k. Any guarantees associated with such grant.

31 4. Notwithstanding any law to the contrary, any project submitted to  
32 the public authorities control board involving a loan or grant where  
33 such loan or grant would be conditional on job retention or job creation  
34 requirements shall include clawback provisions if such job requirements  
35 are not met. The board may approve such projects only upon its determi-  
36 nation that:

37 a. Such submitted project includes, expressly and in writing, clawback  
38 provisions, in the event job retention or job creation requirements are  
39 not met; and

40 b. Prior to grant disbursement, such applicant will submit to the  
41 public authorities control board a binding letter of agreement between  
42 the applicant and the grantee or loan recipient, or any beneficiaries of  
43 such loan or grant who would be expected to retain or create jobs,  
44 expressly and in writing attesting that they agreed to the job creation  
45 or job retention clawback requirements as a precondition to receiving  
46 the grant or loan.

47 5. If any of the information required by subdivisions two, three, and  
48 four of this section is not included in such application because obtain-  
49 ing such information is not practicable or will significantly delay the  
50 application's submission, the applicant shall include within such appli-  
51 cation a statement, expressly and in writing, detailing the reasons such  
52 information could not be provided, the delay that including such infor-  
53 mation would cause, and any relevant details the board deems necessary.

54 6. A public benefit corporation subject to the provisions of this  
55 section may submit to the public authorities control board a potential  
56 project for comment from the public authorities control board. Such

1 preliminary project shall be submitted to all public authorities control  
2 board members and all members as well as the state comptroller, and each  
3 shall have thirty days to comment on the preliminary project, if they so  
4 choose. Any such comments shall be filed by the public authorities  
5 control board and transmitted to the relevant public benefit corpo-  
6 ration. Any such comment shall be purely advisory, shall have no binding  
7 effect on any future decision of the public authorities control board,  
8 and shall not provide approval for any project.

9 § 2. Subdivisions 10 and 11 of section 51 of the public authorities  
10 law, as added by chapter 838 of the laws of 1983 and as renumbered by  
11 section one of this act, are amended to read as follows:

12 10. Notwithstanding any other provisions of this section, the require-  
13 ments of subdivisions one, [~~two~~ seven] and [~~three~~ eight] of this section  
14 shall not apply with regard to any project of the New York state envi-  
15 ronmental facilities corporation, the New York state housing finance  
16 agency, the New York state medical care facilities finance agency or the  
17 dormitory authority in progress on the first day of April, nineteen  
18 hundred seventy-six, with regard to any project of the New York state  
19 project finance agency or the New York state urban development corpo-  
20 ration in progress on the first day of April, nineteen hundred seventy-  
21 eight, with regard to any project of the job development authority or  
22 the battery park city authority in progress on the first day of July,  
23 nineteen hundred eighty, and with regard to a project of any other  
24 public benefit corporation subject to the provisions of this section in  
25 progress on the first day of July, nineteen hundred eighty-three, as  
26 determined by the New York state public authorities control board whose  
27 affirmative determination shall be conclusive as to all matters of law  
28 and fact for the purpose of the limitations of this section.

29 11. Nothing contained in subdivisions one, [~~two~~ seven] and [~~three~~ eight]  
30 eight of this section shall limit the right or obligation of any public  
31 benefit corporation subject to the provisions of this section to comply  
32 with the provisions of any existing contract, including any existing  
33 contract with or for the benefit of the holders of any obligations of  
34 any public benefit corporation.

35 § 3. This act shall take effect immediately.