§ 2437-a. Tax lien collateralized securities. (1) The agency or its tax lien entity shall have the power and is hereby authorized from time to time to issue its tax lien collateralized securities in such principal amounts as, in the opinion of the agency, shall be necessary to provide sufficient funds for the purchase of tax liens, or the refunding of outstanding securities of the agency or its tax lien entity, establishment of reserves to secure such tax lien collateralized securities, payment of letter of credit, bond insurance and other credit and liquidity support facility fees, premiums, reimbursements and expenses, fees and expenses of trustees and paying agents and other financing costs including any accrued costs payable to the New York state housing finance agency pursuant to any contract entered into under subdivision twelve of section twenty-four hundred thirty-four of this title and all other expenditures of the agency or its tax lien entity incident to and necessary or convenient to the purchase of municipal tax liens.

(2) Except as may otherwise be expressly provided by the agency, all tax lien collateralized securities issued by the agency or its tax lien entity shall be special limited obligations of the agency or its tax lien entity payable only upon the redemption of the tax liens purchased or the liquidation of the related real estate parcels and other collateral or credit enhancement agreements pledged to secure such obligations, subject to any agreements pledging any particular moneys, assets or revenues, all as may be designated in the proceedings of the agency under which said tax lien collateralized securities shall be authorized to be issued.

(3) Tax lien collateralized securities shall be authorized by a resolution or resolutions of the agency adopted as provided by this title; provided, however, that any such resolution authorizing the issuance of such securities may delegate to an officer of the agency the power to issue such securities from time to time and to fix the details of any such issues of tax lien collateralized securities by an appropriate certificate of such authorized officer.

(4) Tax lien collateralized securities shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, shall be of such denominations, shall be in such form, carry such registration privileges, be executed in such manner, be payable in

lawful money of the United States of America at such place or places within or without the state, be subject to such terms of redemption prior to maturity and have such other terms as may be provided by such resolution or resolutions or such certificate with respect to such securities, as the case may be.

(5) Any tax lien collateralized security of the agency or its tax lien entity may be sold at public or private sale and from time to time upon such terms and at such prices as may be determined by the agency, and the agency may pay all expenses, premiums and commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.

(6) Whether or not tax lien collateralized securities are of such form and character as to be negotiable instruments under the terms of the uniform commercial code, tax lien collateralized securities are hereby made negotiable instruments within the meaning of and for all the purposes of the uniform commercial code, subject only to the provisions of the tax lien collateralized securities for registration.

(7) Any resolution or resolutions authorizing any tax lien collateralized securities of the agency or of its tax lien entity may contain provisions which may be a part of the contract with the holders of securities, as to: (i) pledging or creating a lien, to the extent provided by such resolution or resolutions, on all or any part of any moneys or assets of the agency and its tax lien entity or of any moneys held in trust or otherwise by others for the payment of such securities; (ii) otherwise providing for the custody, collection, securing, investment and payment of any moneys of the agency; (iii) the setting aside of reserves or sinking funds and the regulation or disposition thereof; (iv) limitations on the purpose to which the proceeds of sale of any issue of securities then or thereafter to be issued may be applied; (v) limitations on the issuance of additional securities, the terms upon which additional securities may be issued and secured, and upon the refunding of outstanding or other securities; (vi) the procedure, if any, by which the terms of any contract with the holders of such securities may be amended or abrogated, the amount of such securities the holders of which must consent thereto and the manner in which such consent may be given; (vii) the creation of special funds into which any moneys of the agency may be deposited; (viii) vesting in

a trustee or trustees such properties, rights, powers and duties in trust as the agency may determine; (ix) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the agency and providing for the rights and remedies of the holders of such securities in the event of such default, providing, however, that such rights and remedies shall not be inconsistent with the general laws of this state and other provisions of this title; and (x) any other matters of like or different character, which in any way affect the security and protection of the tax lien collateralized securities and the rights of the holders thereof.

(8) Any resolution or resolutions or trust indenture or indentures under which tax lien collateralized securities of the agency or its tax lien entity are authorized to be issued may contain provisions for vesting in a trustee or trustees such properties, rights, powers and duties in trust as the agency may determine.

(9) It is the intention of the legislature that any pledge of tax liens, earnings, revenues, other moneys or assets made by the agency or its tax lien entity shall be valid and binding from the time when the pledge is made; that the tax liens, earnings, revenues, other moneys or assets so pledged and thereafter received by the agency or its tax lien entity shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the agency or its tax lien entity irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(10) Neither the members of the agency nor any person executing the tax lien collateralized securities shall be liable personally on the tax lien collateralized securities or be subject to any personal liability or accountability by reason of the issuance thereof.