

STATE OF NEW YORK

No. 3240

Int. 3175

IN ASSEMBLY

February 2, 1960

Introduced by Mr. CURTO—(on behalf of the Joint Legislative Committee on Housing and Multiple Dwellings)—read once and referred to the Committee on Ways and Means

AN ACT

To amend the public housing law, in relation to findings of the commissioner with respect to limited profit housing projects

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

- 1 Section 1. Paragraph (d) of subdivision one of section three
2 hundred thirteen of the public housing law, as amended by
3 chapter eight hundred seventy-seven of the laws of nineteen
4 hundred fifty-six, is hereby amended to read as follows:
- 5 (d) If the project is aided by a state loan, the commissioner
6 shall also find that the project is in conformity with a plan or
7 undertaking for [providing low rent housing facilities for persons
8 of low income and for] the clearance, replanning and[,] recon-
9 struction or rehabilitation of a substandard and insanitary area
10 or areas, and for *recreational and* other facilities incidental or
11 appurtenant thereto as may be approved by the commissioner.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 § 2. This act shall take effect immediately.

2 NOTE.—This bill is intended to conform the provisions of the limited profit
3 housing law with those of the constitution relating to projects aided by a
4 state loan. This is consistent with the original intention of the committee
5 which did not contemplate adding costly conditions beyond those set forth
6 in the constitution.

The Association of the Bar
of the City of New York
42 West 44th Street

S. Int. 2527 S. Pr. 2635
A. Int. 3175 A. Pr. 3240

January 4, 1960

MEMORANDUM REGARDING PROPOSED AMEND-
MENT TO SECTION 313, PUBLIC HOUSING LAW

The proposed amendment would make the provisions of Section 313 comply with the requirements of Section 6 of Article 18 of the New York State Constitution. The language of the proposed amendment adopts precisely the constitutional language and thereby avoids any difficulty that might be encountered with respect to constitutional authority for the provision.

There is presently pending in the Supreme Court a litigation challenging a proposed project promulgated under the provisions of Article 12 of the Public Housing Law, on the ground that the statute is unconstitutional in that it does not provide for low-income housing, as required by Section 6 of Article 18 of the Constitution. Special term, Part I, by Mr. Justice Arthur Markewich, held that housing in this category is within the scope of the constitutional language of low-income and granted defendants' cross-motions to dismiss the complaint. N.Y.L.J., page 14, January 11, 1960. The decision most likely will be appealed.

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Curtis

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FRENCH, FINK, MARKLE & CONWAY
COUNSELLORS AT LAW

110 EAST 42ND STREET
NEW YORK 17, N. Y.

HARRY N. FRENCH (1908-1959)
JOSEPH G. FINK
JOSEPH MARKLE
FRANCIS X. CONWAY
DONALD G. McCALLION

FRED P. ELLISON
ROBERT J. FINK

TELEPHONE OXFORD 7-0880

March 1, 1960

Re: A. Int. 3175

Hon. William H. MacKenzie, Chairman
Ways and Means Committee
Assembly Chambers
Albany 1, N. Y.

Dear Sir:

The Legislative Committee of the Building
Industry Employers of New York State and the Building
Trades Employers Association of the City of New York
which we represent approves the above bill by Mr.
Curto.

Very truly yours,

FRENCH, FINK, MARKLE & CONWAY

cc Mr. Curto

Housing Legislation

Opinion of
COMMITTEE ON HOUSING
Bureau of Public Affairs
Community Service Society of New York
105 East 22 Street, N. Y. 10 • AL 4-8900

Memo #42

S Int 2527	Pr 2635	Mr. Bush	Cities
A Int 3175	Pr 3240	Mr. Curto	Ways & Means

Public Housing Law, section 313, subd. 1, par. d.

Amends the conditions under which the state may make loans to limited-profit housing companies as follows:

- 1) deletes requirement that project must provide low rent housing facilities for persons of low income;
- 2) adds "recreational" facilities incidental to the project as a purpose for which loan may be made.

APPROVED By removing a condition that may have impeded the formation of additional limited profit housing companies, this bill will encourage the building of greatly needed middle income housing. Adding recreational facilities as a purpose for which loans may be made is an appropriate and desirable provision.

2/26/60

The Community Service Society is a nonprofit, voluntarily supported family and health agency that since 1848 has been serving people of any race or creed. The central aim of its Committee on Housing is the improvement of housing conditions having the most direct effect on family life.

file

The Real Estate Board of New York, Inc.

REAL ESTATE BOARD BUILDING • 12 EAST 41ST STREET



NEW YORK 17, N. Y. • TELEPHONE LEXINGTON 2-3100

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Legislative Representative
John R. O'Donoghue
Exec. Secy. Owners Div.

Hon. Ernest Curto
Assembly Chamber
Albany, N.Y.

New York,
March 8, 1960

Herewith find recommendations of the Legislation Committee
of this Board on

A	Int.	3175	, Pr.	3240	By:	CURTO
S	Int.	2527	, Pr.	2635	By:	BUSH

Amends §313, Public Housing Law, to strike out provision that limited profit housing project is eligible for state loan, only if housing comr. finds that it provides low-rent housing facilities for persons of low income, and to require that it include recreational facilities.

The conditions sought to be removed by this bill are described as costly ones which are beyond the requirements of the constitution. Under these circumstances the conditions sought to be removed well may be invalid and unenforceable ones.

The bill is approved.

JOHN R. O'DONOGHUE
Executive Secretary
Owners Division

cc: Hon. Joseph F. Carlino
Hon. William MacKenzie

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Int. 3175

~~RE~~

LIMITED PROFIT
HOUSING, STATE LOANING

~~PASSED~~
No. 3240

~~PASSED~~ 2/22/60