

HOMELESS HOUSING AND ASSISTANCE CORPORATION
ENABLING STATUTE

- NAME:** Homeless Housing & Assistance Corporation the (“HHAC”)
- ADDRESS:** 40 North Pearl Street
10th Floor, Section B
Albany, NY 12243-0001
- WEBSITE:** <http://otda.ny.gov/programs/housing/hhac.asp>
- STATUTORY AUTHORITY:** Chapter 215 Laws of 1990 Private Housing Finance Law Art. 3, §45-c
- FUNCTIONS:** HHAC’s purpose is to administer the Homeless Housing Assistance Program (HHAP) that was formerly administered by the NYS Department of Social Services.
- The HHAP, enacted by Chapter 61 of the Laws of 1983 and set out in Sections 41 through 44 of the Social Services Law, authorizes a program of State funded grants or loans to acquire, construct or rehabilitate housing to expand the supply of housing for low income persons who are, or would otherwise be, homeless. Program funds are awarded through an annual competitive request for proposals process.
- In 1990, the Legislature established the HHAC as a public benefit corporation to issue the necessary bonds to finance the costs of developing projects under HHAP (*see below, Private Housing Finance Law Article 3 §45-c*). As a public benefit corporation, HHAC falls within the definition of a “State Agency” for purposes of the Public Officers Law. HHAC is a subsidiary of the New York State Housing Finance Agency (“HFA”). HHAC has no employees of its own and it is staffed by the NYS OTDA. The Commissioner of OTDA serves *ex officio* as its chairperson, and the President of HFA and a third member named by the Commissioner of OTDA also serve *ex officio* as members of the HHAC Board of Directors.

Enabling Statute for the Homeless Housing and Assistance Corporation

Private Housing Finance Law

Article 3 - § 45-C

§ 45-c. Homeless housing and assistance corporation. 1. There is hereby established a public benefit corporation known as the "homeless housing and assistance corporation" as a subsidiary corporation of the agency.

2. The agency may transfer to such subsidiary corporation any real, personal or mixed property in order to carry out the purposes of title one of article two-A of the social services law. Such subsidiary corporation shall have all the privileges, immunities, tax exemption and other exemptions of the agency to the extent the same are not inconsistent with this section.

3. The membership of such subsidiary corporation shall consist of the commissioner of social services, who shall also serve as its chairperson, the chairperson of the agency and one additional member to be appointed by the chairperson of the homeless housing and assistance corporation, who shall serve at the pleasure of such chairperson. The powers of the corporation shall be vested in and exercised by no less than two of the members thereof then in office. The corporation may delegate to one or more of its members, or its officers, agents and employees, such duties and powers as it may deem proper.

3-a. The commissioner of social services, and the chairman of the agency may each appoint an individual to represent them at all meetings of the corporation from which they may be absent. Any such representative so designated shall have the power to attend and to vote at any meeting of the corporation as if the commissioner of social services or chairperson of the agency were present and voting. Such designation shall be by written notice filed with the chairperson of the corporation. The designation of such person shall continue until revoked at any time by written notice to such chairperson. Such designation shall not be deemed to limit the power of the commissioner of social services or the chairperson of the agency to attend and vote at any meeting of the corporation.

4. No officer or member of the corporation shall receive any additional compensation, either direct or indirect, other than reimbursement for actual and necessary expenses incurred in the performance of his duties, by reason of his serving as a member, director, or trustee of such subsidiary corporation.

5. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or of any civil division thereof, or any public benefit corporation, shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the corporation created by this section.

6. The fiscal year of such subsidiary corporation shall begin with the first day of April of each year and end with the next following thirty-first day of March.

7. The corporation shall have the power to:
(a) Sue and be sued;

(b) Have a seal and alter the same at pleasure;

(c) Make and alter by-laws for its organization and internal management and make rules and regulations governing the use of its property and facilities;

(d) Make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;

(e) Acquire, hold and dispose of real or personal property for its corporate purposes;

(f) Engage the services of private consultants on a contract basis for rendering professional and technical assistance advice;

(g) Procure insurance against any loss in connection with its activities, properties and other assets, in such amount and from such insurance as it deems desirable; and

(h) Invest any funds of the corporation, or any other monies under its custody and control not required for immediate use or disbursement, at the discretion of the corporation, in obligations of the state or the United States government or obligations the principal and interest of which are obligations in which the comptroller of the state is authorized to invest pursuant to section ninety-eight of the state finance law.

8. The corporation may do any and all things necessary or convenient to carry out and exercise the powers given and granted by this section and title one of article two-A of the social services law including, but not limited to contracting with the commissioner of social services to administer any of the provisions of title one of article two-A of the social services law.

9. The agency and all other state officers, departments, boards, divisions, commissions, public authorities and public benefit corporations may render such services to the corporation within their respective functions as may be requested by the corporation.

10. Notwithstanding the provisions of article one-A of the public authorities law, contracts entered into by the corporation pursuant to title one of article two-A of the social services law shall not be subject to the provisions of article one-A of the public authorities law.