
Authorities Budget Office Policy Guidance



No. 20-02

Date Issued: June 18, 2020
Supercedes: New

Subject: Industrial Development Agency State Disaster Emergency Loan Program Reporting Guidelines

Statutory Citation: Article 18-A, Title 1, Sections 858 and 859-c of General Municipal Law (GML); Section 2800 of Public Authorities Law (PAL)

Provision: Pursuant to Chapter 109 of the Laws of 2020, Section 858 of GML allows for an Industrial Development Agency (IDA) to provide grants to small businesses or not-for-profits for the purposes of purchasing personal protective equipment (PPE) and other fixtures needed to help prevent the spread of COVID-19. Section 859-c establishes the State disaster emergency loan program to allow IDAs to make loans to small businesses and not-for-profits up to \$25,000. IDAs that administer a state disaster emergency loan program should maintain detailed records related to the program and report such information to the Authorities Budget Office (ABO) as required by Section 859-c (6)(a) of GML.

Authorities Budget Office Policy Guidance: The mission of the Authorities Budget Office is to make public authorities more accountable and transparent, and to act in the public interest consistent with their intended purpose. IDAs that choose to provide funding to eligible entities should only do so in accordance with this guidance. IDAs that do not follow this guidance when providing such funding are subject to the enforcement powers of the Authorities Budget Office (ABO) and other oversight agencies.

GML 859-c (6) requires each IDA to maintain certain records related to the state disaster emergency loan program, including a record of loans issued and of payments received. Such information would be required to be filed in the IDA's annual report pursuant to requirements in the public authorities law.

The following information is to be reported to the ABO within 90 days of the end of the respective IDA's fiscal year ([see attached form for instructions](#)):

- Name and address of each grant and loan recipient
- The amount of the grant provided
- The original amount of the loan
- Date the grant or loan was awarded
- Length of loan (repayment period)
- Amount of loan principal repaid as of the end of the fiscal year
- Specific use of grant or loan funds

The IDA shall be solely responsible for all reporting related to the grants and loans program described herein. In addition, IDAs should post all respective board adopted policies and approved grant and loan applications to the IDAs web site.

Other criteria the board shall consider include the following:

1. No IDA should issue debt to fund the creation of a state disaster emergency grant or loan fund.
2. IDA funding may only be provided to eligible entities by completing an application, which should be conspicuously posted on the IDA website.
 - a. An eligible entity should provide the IDA with its financials as of December 31, 2019.
 - b. Eligible loan uses should be memorialized in a written agreement between the IDA. Any agreement should provide for the recapture of funds loaned or granted in any instance where the funds used are not for authorized purposes.
 - c. An eligible entity should provide the IDA with a listing of all other loans and grants it has received or applied for a similar purpose.
3. The IDA board must review any application in a public meeting that is consistent with the provisions of Public Officers Law Article 7 and EO 202.1, et seq. and the board shall allow for public comment.
4. Minutes of these meetings are to be posted on the IDA's public web site as soon as is practicable or within 5 days of the meeting.