S T A T E O F N E W Y O R K

124

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to directing the New York City Housing Authority establish alternative requirements for the qualification of domestic violence victims for N-1 priority access to housing accommodations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "survivor's accessing fair and equitable (SAFE) housing act".

S 2. Section 402 of the public housing law is amended by adding a new subdivision 6-a to read as follows:

6-A. THE AUTHORITY SHALL ESTABLISH, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION, AN ADDITIONAL ALTERNATIVE APPLICATION AND REQUIREMENTS THEREFOR FOR GRANTING N-1 PRIORITY FOR ACCESS TO AUTHORITY HOUSING ACCOMMODATIONS TO PERSONS WHO ARE VICTIMS OF DOMESTIC VIOLENCE. SUCH REQUIREMENTS SHALL:

A. BE BASED UPON THE NO VIOLENCE AGAIN SCREENING FORM ESTABLISHED BY THE HUMAN RESOURCES ADMINISTRATION OF THE DEPARTMENT OF SOCIAL SERVICES OF THE CITY OF NEW YORK, PROVIDED THAT SUCH FORM MAY BE SUPERFICIALLY ALTERED BY THE AUTHORITY FOR USE IN THE N-1 PRIORITY HOUSING PROGRAM;

B. NOT REQUIRE SUBMISSION OF ANY ADDITIONAL, OUTSIDE DOCUMENTATION NOT INCLUDED IN THE NO VIOLENCE AGAIN SCREENING FORM, EXCEPT THE SWORN ATTESTATIONS OF THE APPLICANT AND SERVICE PROVIDER REQUIRED BY THE PROVISIONS OF PARAGRAPHS E, F AND G OF THIS SUBDIVISION;

C. NOT BE CONTINGENT UPON ANY ADDITIONAL QUANTITATIVE OR QUALITATIVE ANALYSIS OR RATING OF THE CONTENTS OF THE MODIFIED NO VIOLENCE AGAIN SCREENING FORM BY THE AUTHORITY;

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

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D. PROVIDE THAT THE APPLICATION AND REQUIREMENTS ESTABLISHED PURSUANT TO THIS SUBDIVISION SHALL BE AN ALTERNATIVE, EQUAL MEANS, IN ADDITION TO, NOT AS A REPLACEMENT OF ANY OTHER MEANS ESTABLISHED BY THE AUTHORITY, FOR GRANTING N-1 PRIORITY FOR ACCESS TO AUTHORITY HOUSING ACCOMMODATIONS TO PERSONS WHO ARE VICTIMS OF DOMESTIC VIOLENCE;

E. REQUIRE THE APPLICANT TO SWEAR, UNDER THE PENALTY OF PERJURY, THAT HE OR SHE HAS SUFFERED SERIOUS OR REPEATED ABUSE FROM A FAMILY MEMBER, OR A PERSON HE OR SHE HAD OR CONTINUES TO HAVE AN INTIMATE RELATIONSHIP, AND AS THE RESULT OF SUCH ABUSE, THE APPLICANT HAS SUFFERED ACTUAL PHYSICAL INJURY OR THE THREAT OF PHYSICAL INJURY, AND HE OR SHE (I) WILL CONTINUE TO SUFFER ABUSE IF THE APPLICANT CONTINUES TO LIVE IN HIS OR HER CURRENT RESIDENCE, OR (II) HAS LEFT HIS OR HER RESIDENCE DUE TO ABUSE AND IS NOT LIVING IN STANDARD PERMANENT REPLACEMENT HOUSING;

F. REQUIRE ATTESTING DOMESTIC VIOLENCE SERVICE PROVIDERS TO SWEAR, UNDER THE PENALTY OF PERJURY, THAT IN HIS OR HER PROFESSIONAL JUDGMENT, BASED ON DUE DILIGENCE, THAT AN APPLICANT HAS SUFFERED SERIOUS OR REPEATED ABUSE FROM A FAMILY MEMBER, OR A PERSON WITH WHOM THE APPLICANT HAD OR CONTINUES TO HAVE AN INTIMATE RELATIONSHIP, AND AS A RESULT OF SUCH ABUSE, THE APPLICANT HAS SUFFERED ACTUAL PHYSICAL INJURY OR THE THREAT OF PHYSICAL INJURY, AND SUCH APPLICANT IS AT A SUBSTANTIAL RISK OF FURTHER ABUSE WITHOUT ACCESS TO SAFE, PERMANENT HOUSING; AND

G. REQUIRE EACH ATTESTING DOMESTIC VIOLENCE SERVICE PROVIDER TO SWEAR, UNDER THE PENALTY OF PERJURY, THAT HE OR SHE IS A MEMBER OR EMPLOYEE OF AN ORGANIZATION THAT RECEIVES CITY OF NEW YORK, STATE OR FEDERAL FUNDING FOR THE PROVISION OF DOMESTIC VIOLENCE SERVICES. PROVIDED, THAT, ANY DOMESTIC VIOLENCE SERVICE PROVIDER OR OTHER SOCIAL SERVICES PROVIDER, WHICH IS NOT SO FUNDED, MAY APPLY TO THE APPLICATIONS DIVISION OF THE AUTHORITY FOR AUTHORIZATION TO ACT AS AN ATTESTING DOMESTIC VIOLENCE SERVICE PROVIDER ON N-1 PRIORITY APPLICATIONS.

S 3. This act shall take effect immediately.