

552

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to authorizing
public welfare officials to withhold rent from a landlord when real
estate taxes for the rental property are unpaid

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

- 1 Section 1. Section 143-b of the social services law, as added by chap-
2 ter 997 of the laws of 1962, subdivisions 5 and 6 as amended by chapter
3 701 of the laws of 1965, is amended to read as follows:
4 S 143-b. Avoidance of abuses in connection with rent checks. 1. When-
5 ever a recipient of public assistance and care is eligible for or enti-
6 tled to receive aid or assistance in the form of a payment for or toward
7 the rental of any housing accommodations occupied by such recipient or
8 his family, such payment may be made directly by the public welfare
9 department to the landlord.
10 2. Every public welfare official shall have power to and may withhold
11 the payment of any such rent in any case where he has knowledge that
12 there exists or there is outstanding any violation of law in respect to
13 the building containing the housing accommodations occupied by the
14 person entitled to such assistance which is dangerous, hazardous or
15 detrimental to life or health. A report of each such violation shall be
16 made to the appropriate public welfare department by the appropriate
17 department or agency having jurisdiction over violations.
18 2-A. EVERY PUBLIC WELFARE OFFICIAL SHALL WITHHOLD THE PAYMENT OF ANY
19 SUCH RENT IN ANY CASE WHERE HE HAS KNOWLEDGE THAT THERE EXISTS ANY
20 LEGALLY UNCONTESTED OUTSTANDING REAL PROPERTY TAXES LEVIED WITH RESPECT
21 TO THE REAL PROPERTY CONTAINING THE HOUSING ACCOMMODATIONS OCCUPIED BY
22 THE PERSON ENTITLED TO SUCH ASSISTANCE. INFORMATION RELATING TO ANY SUCH
23 PROPERTIES' PAID OR UNPAID REAL PROPERTY TAXES SHALL BE MADE, UPON

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

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1 REQUEST, TO THE APPROPRIATE PUBLIC WELFARE DEPARTMENT BY THE APPROPRIATE
2 DEPARTMENT OR AGENCY HAVING JURISDICTION OVER SUCH PAYMENTS.

3 3. Every public welfare official shall have the power to initiate or
4 to request the recipient to initiate before the appropriate housing rent
5 commission any proper proceeding for the reduction of maximum rents
6 applicable to any housing accommodation occupied by a person entitled to
7 assistance in the form of a rent payment whenever such official has
8 knowledge that essential services which such person is entitled to
9 receive are not being maintained by the landlord or have been substan-
10 tially reduced by the landlord.

11 4. The public welfare department may obtain and maintain current
12 records of violations in buildings where welfare recipients reside which
13 relate to conditions which are dangerous, hazardous or detrimental to
14 life or health, AND SUCH INFORMATION RELATING TO THE PAYMENT OR NON-PAY-
15 MENT OF REAL PROPERTY TAXES LEVIED UPON THE OWNER OF ANY REAL PROPERTY
16 CONTAINING HOUSING ACCOMMODATIONS OCCUPIED BY A PERSON ENTITLED TO
17 ASSISTANCE UNDER THIS SECTION.

18 5. (a) It shall be a valid defense in any action or summary proceeding
19 against a welfare recipient for non-payment of rent to show existing
20 violations in the building wherein such welfare recipient resides which
21 relate to conditions which are dangerous, hazardous or detrimental to
22 life or health as the basis for non-payment. IT SHALL ALSO BE A VALID
23 DEFENSE IN AN ACTION OR SUMMARY PROCEEDING AGAINST A WELFARE RECIPIENT
24 FOR NON-PAYMENT OF RENT UNDER THIS SECTION TO SHOW THAT THE OWNER OF THE
25 PROPERTY OCCUPIED BY A PERSON ENTITLED TO ASSISTANCE HAS LEGALLY UNCON-
26 TESTED OUTSTANDING REAL PROPERTY TAXES CONNECTED TO SUCH PROPERTY AS THE
27 BASIS FOR NON-PAYMENT.

28 (b) In any such action or proceeding the plaintiff or landlord shall
29 not be entitled to an order or judgment awarding him possession of the
30 premises or providing for removal of the tenant, or to a money judgment
31 against the tenant, on the basis of non-payment of rent for any period
32 during which there was outstanding any violation of law relating to
33 dangerous or hazardous conditions or conditions detrimental to life or
34 health, OR ON THE BASIS OF NON-PAYMENT OF RENT UNDER THIS SECTION FOR
35 ANY PERIOD DURING WHICH THERE WERE LEGALLY UNCONTESTED OUTSTANDING REAL
36 PROPERTY TAXES CONNECTED TO THE OCCUPIED PROPERTY. For the purposes of
37 this paragraph such violation of law shall be deemed to have been
38 removed and no longer outstanding upon the date when the condition
39 constituting a violation was actually corrected, AND SUCH LEGALLY UNCON-
40 TESTED OUTSTANDING REAL PROPERTY TAXES SHALL BE DEEMED PAID UPON RECEIPT
41 OF PAYMENT, IN WHOLE OR IN PART SUBJECT TO AN AGREED TO PAYMENT PLAN, BY
42 THE APPROPRIATE DEPARTMENT OR AGENCY HAVING JURISDICTION OVER SUCH
43 PAYMENTS, such date to be determined by the court upon satisfactory
44 proof submitted by the plaintiff or landlord.

45 (c) The defenses provided herein in relation to an action or proceed-
46 ing against a welfare recipient for non-payment of rent shall apply only
47 with respect to violations, OR LEGALLY UNCONTESTED OUTSTANDING REAL
48 PROPERTY TAXES reported to the appropriate public welfare department by
49 the appropriate department or agency having jurisdiction over
50 violations, OR OUTSTANDING REAL PROPERTY TAXES.

51 6. Nothing in this section shall prevent the public welfare department
52 from making provision for payment of the rent which was withheld pursu-
53 ant to this section upon proof satisfactory to it that the condition
54 constituting a violation was actually corrected, OR THE OUTSTANDING
55 TAXES DUE HAVE BEEN PAID, OR ARE BEING PAID SUBJECT TO AN AGREED TO
56 PAYMENT PLAN. Where rents were reduced by order of the appropriate rent

1 commission, the public welfare department may make provision for payment
2 of the reduced rent in conformity with such order.
3 S 2. This act shall take effect immediately.