

STATE OF NEW YORK

7612

2019-2020 Regular Sessions

IN ASSEMBLY

May 14, 2019

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to eliminating rent for homeless shelters

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

1 Section 1. Section 36-c of the social services law, as added by
2 section 1 of part K of chapter 58 of the laws of 2010, the section head-
3 ing, subdivisions 1 and 2 as amended by section 1 of part DD of chapter
4 56 of the laws of 2018, is amended to read as follows:

5 § 36-c. Savings plan for the city of New York. 1. [~~Notwithstanding any~~
6 ~~other provision of law to the contrary, in any~~] In a social services
7 district with a city having a population of five million or more, [~~the~~]
8 such social services district [~~shall~~] may conduct a demonstration
9 project as set forth in this section, and shall evaluate and report on
10 such project annually, pursuant to a plan approved by the office of
11 temporary and disability assistance and the division of budget. A
12 comprehensive report shall be provided to the governor, the temporary
13 president of the senate and the speaker of the assembly by December
14 thirty-first, two thousand twenty-one. Such report shall include but not
15 be limited to information regarding the [~~program~~] project such as the
16 number of participants for the previous three years; the percentage of
17 participation as measured by the number of participants making contrib-
18 utions into such savings plan; the average amount payable to a partic-
19 ipant upon leaving the [~~program~~] project; the average length of time a
20 participant remained in the [~~program~~] project; and the number of situ-
21 ations in which the participant [~~moved out of the program~~] left the
22 project but reengaged in the [~~program~~] project within the previous
23 twelve months[~~; the number of participants leaving the program voluntar-~~
24 ~~ily and the number of participants removed due to failure to comply; and~~
25 ~~any other demonstrated outcomes of such program~~].

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

LBD06131-01-9

2. ~~[Such] If such~~ social services district~~[, in lieu of applying that~~
~~portion of a temporary housing assistance recipient's earned income~~
~~that, but for the provisions of this section, would be applied to reduce~~
~~the need for the shelter component of temporary housing assistance~~
~~provided in a temporary emergency shelter, shall direct such a recipient~~
~~to participate in a savings plan with such funds and, as long as such~~
~~funds are not withdrawn, they shall not be applied to reduce the need~~
~~for the shelter component of the temporary housing assistance granted~~
~~for the duration of his or her residence in temporary emergency shelter;~~
~~provided,]~~ implements a savings plan demonstration project pursuant to
this section, recipients of temporary housing assistance with earned
income shall be directed to contribute no more than five percent of
their monthly earned income into a savings plan established by the
district in accordance with subdivision three of this section. Provided
however, that the provisions of this section shall only apply to a
person receiving temporary housing assistance in a shelter or other
facility overseen by the New York city department of homeless services
or the New York city department of housing preservation and development.
Failure by a recipient of temporary housing assistance to contribute to
such a savings plan shall not in itself result in the discontinuance of
temporary housing assistance~~[, Provided however, such discontinuance~~
~~shall be immediately curable by compliance with this section], unless~~
the recipient separately fails to comply with conditions of eligibility
that could result in the discontinuance of temporary housing assistance.

3. In such social services district, any such funds collected from the
earned income of a recipient of temporary housing assistance while he or
she is residing in a temporary emergency shelter pursuant to subdivision
two of this section, shall be deposited in a savings plan approved by
the office of temporary and disability assistance and the division of
budget; shall be payable to the recipient for the recipient's use to
facilitate his or her transition to, or stabilize his or her residence
in, permanent housing upon his or her discharge from shelter or upon
verification of such recipient's date of discharge from shelter; and
shall be considered exempt as income or a resource until the twelfth
month following the month in which the recipient ceases receiving tempo-
rary housing assistance in temporary emergency shelter. Funds collected
in such savings plans shall be recorded in a receipt issued to each
recipient, including the date, the account, and the form of payment, and
shall be pooled, tracked individually, and maintained in a savings or
money-market account at interest rates set by the institution with which
such funds are deposited. Any savings and interest accrued in such
account or accounts shall be distributed to a temporary housing assist-
ance recipient upon his or her discharge from temporary emergency shel-
ter or upon verification of such recipient's date of discharge from
shelter, in accordance with the provisions of this section. The local
social services district shall also provide each recipient with (a) a
monthly accounting of the earned income such recipient has contributed
to the savings account and the interest accrued on their individual
contributions pursuant to this section; and (b) a final accounting upon
the recipient's discharge from temporary emergency shelter or upon
verification of such recipient's date of discharge from shelter.

4. Such social services district shall ~~[be deemed in compliance with~~
~~section one hundred thirty-one-a of this chapter for reimbursement of~~
~~expenditures made for temporary housing assistance]~~ not be in contra-
dition to the prohibitions in subdivision sixteen of section one
hundred thirty-one-a of this chapter, provided the district is conduct-

ing the project fully in accordance with the provisions of this section. Unearned income of a recipient of temporary housing assistance in such social services district shall not be applied to the savings plan, and shall not be required to be applied to that portion of the shelter costs not paid for with public assistance. Temporary housing assistance recipients shall not be required to contribute to the cost of such shelter, as provided for in this section. Such project shall not be implemented so as to compromise the federal benefits of a recipient or any of his or her household members.

§ 2. Section 131 of the social services law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. The office of temporary and disability assistance shall prohibit any publically funded provider of temporary housing assistance, including but not limited to those defined in subdivision sixteen of section one hundred thirty-one-a of this title from requiring recipients of such assistance to participate in work activities, including but not limited to those defined in section three hundred thirty-six of this chapter, as a condition to receive temporary housing assistance from such provider.

22. a. No such provider of temporary housing assistance, as defined in subdivision sixteen of section one hundred thirty-one-a of this title, shall require recipients of such assistance to contribute to a savings plan, except as required pursuant to section thirty-six-c of this chapter.

b. Any temporary housing assistance provider found to be collecting income, room and board or any other type of contribution in violation of this section or subdivision sixteen of section one hundred thirty-one-a of this title, shall, after notice and an opportunity to be heard by the department, be required to return any funds collected in violation of this section to such recipient and may be subject to a civil penalty not to exceed five hundred dollars for each violation. The department shall adopt procedures in accordance with the state administrative procedure act for assessment of penalties pursuant to this section. Such procedure shall include the opportunity for an administrative appeal. Any provider found to have violated this section and who is subsequently found to have violated this section five or more times within one year of the initial finding may be determined, at the discretion of the department and taking into consideration the geographic availability of similar services, to be ineligible to receive public funding for a period not to exceed five years.

c. Any provider which has been deemed ineligible to receive public funding pursuant to this section may apply to the department for an order discontinuing such disqualification. The application shall set forth the grounds, including that the provider has taken sufficient actions to remove from responsibility officers and employees who engaged in the actions that formed the basis of the violation, that the provider has taken appropriate and sufficient actions to ensure that the actions that formed the basis of the violation are unlikely to recur, and that it will not be in the public interest to continue the disqualification.

§ 3. Paragraph a of subdivision 8 of section 131-a of the social services law is amended by adding a new subparagraph ix to read as follows:

(ix) all earned income of a recipient of temporary housing assistance payable to such recipient pursuant to section thirty-six-c of this chapter of the social services law for twelve months preceding the time the recipient ceases to receive temporary housing assistance in a temporary emergency shelter.

1 § 4. Section 131-a of the social services law is amended by adding a
2 new subdivision 16 to read as follows:

3 16. Notwithstanding any other provision of law, rule or regulation to
4 the contrary, a homeless individual or family applying for or receiving
5 temporary housing assistance shall not be required to pay room and board
6 or contribute any earned or unearned income, available benefits or
7 resources to eliminate their need for temporary housing assistance or as
8 a condition to receive temporary housing assistance from such provider.
9 For the purposes of this subdivision, any provider of temporary housing
10 assistance or short-term housing shall include, but not be limited to, a
11 family shelter, a cluster site apartment, a shelter for adults, a United
12 States Department of Housing and Urban Development assisted transitional
13 housing shelter, a public home, a hotel, an emergency apartment, a
14 domestic violence shelter, a runaway and homeless youth shelter, a room
15 and board shelter, a safe haven shelter, a veterans short-term housing
16 shelter, a criminal justice short-term housing shelter, or a safe house
17 for refugees, asylees, or trafficking victims operating in New York
18 state.

19 § 5. This act shall take effect on the thirtieth day after it shall
20 have become a law; provided, however, that the amendments to subdivision
21 3 of section 36-c of the social services law made by section one of this
22 act shall be deemed to have been in full force and effect on and after
23 April 1, 2018. Provided, further, that the amendments to section 36-c of
24 the social services law made by section one of this act shall not affect
25 the repeal of such section and shall be deemed repealed therewith.