

STATE OF NEW YORK

4523

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. MORINELLO, B. MILLER, ASHBY, McDONOUGH, SMULLEN, SALKA, NORRIS, DeSTEFANO -- Multi-Sponsored by -- M. of A. MANKTELOW -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to allowing public welfare officials to withhold payment of rent to landlords who owe delinquent tax liabilities to local municipalities, school districts or counties

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

Section 1. Section 143-b of the social services law, as added by chapter 997 of the laws of 1962, subdivisions 5 and 6 as amended by chapter 701 of the laws of 1965, is amended to read as follows:

§ 143-b. Avoidance of abuses in connection with rent checks. 1. Whenever a recipient of public assistance and care is eligible for or entitled to receive aid or assistance in the form of a payment for or toward the rental of any housing accommodations occupied by such recipient or ~~his~~ recipient's family, such payment may be made directly by the public welfare department to the landlord.

2. Every public welfare official shall have power to and may withhold the payment of any such rent in any case where ~~he~~ such official has knowledge that there exists or there is outstanding any violation of law in respect to the building containing the housing accommodations occupied by the person entitled to such assistance which is dangerous, hazardous ~~or~~ , detrimental to life or health, or where the landlord of such housing accommodations owes delinquent tax liabilities to local municipalities, school districts or counties. A report of each such violation or delinquent tax liability shall be made to the appropriate public welfare department by the appropriate department or agency having jurisdiction over such violations or delinquent tax liabilities.

3. Every public welfare official shall have the power to initiate or to request the recipient to initiate before the appropriate housing rent

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

LBD08776-01-1

1 commission any proper proceeding for the reduction of maximum rents
2 applicable to any housing accommodation occupied by a person entitled to
3 assistance in the form of a rent payment whenever such official has
4 knowledge that essential services which such person is entitled to
5 receive are not being maintained by the landlord or have been substan-
6 tially reduced by the landlord.

7 4. The public welfare department may obtain and maintain current
8 records of violations in buildings where welfare recipients reside which
9 relate to conditions which are dangerous, hazardous ~~[or]~~, detrimental to
10 life or health, or where the landlord of such housing accommodations
11 owes delinquent tax liabilities to local municipalities, school
12 districts or counties.

13 5. (a) It shall be a valid defense in any action or summary proceeding
14 against a welfare recipient for non-payment of rent to show existing
15 violations in the building wherein such welfare recipient resides which
16 relate to conditions which are dangerous, hazardous ~~[or]~~, detrimental to
17 life or health, or the landlord of such housing accommodations owes
18 delinquent tax liabilities to local municipalities, school districts or
19 counties as the basis for non-payment.

20 (b) In any such action or proceeding the plaintiff or landlord shall
21 not be entitled to an order or judgment awarding him possession of the
22 premises or providing for removal of the tenant, or to a money judgment
23 against the tenant, on the basis of non-payment of rent for any period
24 during which there was outstanding any violation of law relating to
25 dangerous or hazardous conditions or conditions detrimental to life or
26 health or the landlord of such housing accommodations owed delinquent
27 tax liabilities to local municipalities, school districts or counties.
28 For the purposes of this paragraph such violation of law shall be deemed
29 to have been removed and no longer outstanding upon the date when the
30 condition constituting a violation was actually corrected, such date to
31 be determined by the court upon satisfactory proof submitted by the
32 plaintiff or landlord.

33 (c) The defenses provided herein in relation to an action or proceed-
34 ing against a welfare recipient for non-payment of rent shall apply only
35 with respect to violations or delinquent tax liabilities reported to the
36 appropriate public welfare department by the appropriate department or
37 agency having jurisdiction over such violations or delinquent tax
38 liabilities.

39 6. Nothing in this section shall prevent the public welfare department
40 from making provision for payment of the rent which was withheld pursu-
41 ant to this section upon proof satisfactory to it that the condition
42 constituting a violation was actually corrected or delinquent tax
43 liabilities owed to local municipalities, school districts or counties
44 were paid. Where rents were reduced by order of the appropriate rent
45 commission, the public welfare department may make provision for payment
46 of the reduced rent in conformity with such order.

47 7. In the event a public welfare official has withheld the payment of
48 any rent under this section due to delinquent tax liabilities to local
49 municipalities, school districts or counties for a year or more, such
50 withholding may be applied to such delinquent tax liabilities.

51 § 2. This act shall take effect immediately.