

STATE OF NEW YORK

6743

2021-2022 Regular Sessions

IN SENATE

May 13, 2021

Introduced by Sen. KAVANAGH -- 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 rental assistance; and to repeal such provisions upon expiration thereof

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

1 Section 1. The social services law is amended by adding a new section
2 131-bb to read as follows:

3 § 131-bb. Proof of eligibility for rental assistance. Under no circum-
4 stances shall a local social services district require proof that a
5 court proceeding has been initiated against a tenant as a condition of
6 eligibility for a rent arrears grant or ongoing rental assistance
7 including rental assistance provided pursuant to this article from March
8 seventh, two thousand twenty until the later of the end of the state of
9 emergency declared pursuant to executive order number two hundred two of
10 two thousand twenty or February twenty-eighth, two thousand twenty-two.

11 § 2. Section 131-w of the social services law, as added by chapter 41
12 of the laws of 1992, is amended to read as follows:

13 § 131-w. Limitations in the payment of rent arrears. 1. Districts
14 shall not provide assistance to pay rent arrears, property taxes or
15 mortgage arrears for persons not eligible for home relief, aid to
16 dependent children, emergency assistance to needy families with children
17 or emergency assistance for aged, blind and disabled persons, except to
18 persons who are without income or resources immediately available to
19 meet the emergency need, whose gross household income does not exceed
20 one hundred twenty-five percent of the federal income official poverty
21 line and who sign a repayment agreement agreeing to repay the assistance
22 in a period not to exceed twelve months. The districts shall enforce
23 the repayment agreements by any legal method available to a creditor, in
24 addition to any rights it has pursuant to this chapter. The department
25 shall promulgate regulations to implement this section which shall,

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

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1 among other things, establish standards for the contents of repayment
2 agreements and establish standards to ensure that assistance is provided
3 only in emergency circumstances.

4 2. Notwithstanding the provisions of subdivision one of this section,
5 no repayment agreement shall be required for assistance provided between
6 March seventh, two thousand twenty and the later of the end of the state
7 of emergency declared pursuant to executive order number two hundred two
8 of two thousand twenty or February twenty-eighth, two thousand twenty-
9 two. Any payment due and owing under this section shall be suspended
10 until the later of the end of the state of emergency declared pursuant
11 to executive order number two hundred two of two thousand twenty or
12 February twenty-eighth, two thousand twenty-two.

13 § 3. Subdivision 1 of section 131-s of the social services law, as
14 amended by chapter 318 of the laws of 2009, is amended to read as
15 follows:

16 1. (a) In the case of a person applying for public assistance, supple-
17 mental security income benefits or additional state payments pursuant to
18 this chapter, the social services official of the social services
19 district in which such person resides shall, unless alternative payment
20 or living arrangements can be made, make a payment to a gas corporation,
21 electric corporation or municipality for services provided to such
22 person during a period of up to, but not exceeding, four months imme-
23 diately preceding the month of application for such assistance or bene-
24 fits if such payment is needed to prevent shut-off or to restore
25 service. Persons whose gross household income exceeds the public assist-
26 ance standard of need for the same size household must sign a repayment
27 agreement to repay the assistance within two years of the date of
28 payment as a condition of receiving assistance, in accordance with regu-
29 lations established by the department. Such repayment agreement may be
30 enforced in any manner available to a creditor, in addition to any
31 rights the district may have pursuant to this chapter.

32 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
33 sion, no repayment agreement shall be required for assistance provided
34 between March seventh, two thousand twenty and the later of the end of
35 the state of emergency declared pursuant to executive order number two
36 hundred two of two thousand twenty or February twenty-eighth, two thou-
37 sand twenty-two.

38 § 4. Section 106-b of the social services law, as amended by chapter
39 81 of the laws of 1995, is amended to read as follows:

40 § 106-b. Adjustment for incorrect payments. 1. Any inconsistent
41 provision of law notwithstanding, a social services official shall, in
42 accordance with the regulations of the department and consistent with
43 federal law and regulations, take all necessary steps to correct any
44 overpayment or underpayment to a public assistance recipient; provided,
45 however, that a social services official may waive recovery of a past
46 overpayment, in the case of an individual who is not currently a recipi-
47 ent of public assistance, where the cost of recovery is greater than the
48 cost of collections as determined in accordance with department regu-
49 lations consistent with federal law and regulations. For purposes of
50 this section, overpayment shall include payments made to an eligible
51 person in excess of his or her needs as defined in this chapter and
52 payments made to ineligible persons (including payments made to such
53 persons pending a fair hearings decision). The commissioner shall
54 promulgate regulations to implement procedures for correcting overpay-
55 ments and underpayments. The procedures for correcting overpayments
56 shall be designed to minimize adverse impact on the recipient, and to

1 the extent possible avoid undue hardship. Notwithstanding any other
2 provision of law to the contrary, no underpayment shall be corrected
3 with respect to a person who is currently not eligible for or in receipt
4 of home relief or aid to dependent children, except that corrective
5 payments may be made with respect to persons formerly eligible for or in
6 receipt of aid to dependent children to the extent that federal law and
7 regulations require.

8 2. Notwithstanding the provisions of subdivision one of this section,
9 no collection of overpayments shall be conducted, regardless of when the
10 overpayment accrued, until the later of the end of the state of emergen-
11 cy declared pursuant to executive order number two hundred two of two
12 thousand twenty or February twenty-eighth, two thousand twenty-two.

13 § 5. This act shall take effect immediately and shall expire and be
14 deemed repealed on the later of the end of the state of emergency
15 declared pursuant to executive order number 202 of 2020 or February 28,
16 2022.