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

6106

2009-2010 Regular Sessions

I N A S S E M B L Y

February 25, 2009

Introduced by M. of A. HOOPER -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, CYMBROWITZ, EDDINGTON, GANTT, GOTTFRIED, GREENE, JACOBS, V. LOPEZ, MAYERSOHN, McENENY, ORTIZ, PEOPLES, PHEFFER, J. RIVERA, SWEENEY, WRIGHT -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to housing subsidies for victims of domestic violence

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

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

S 131-BB. DOMESTIC VIOLENCE HOUSING SUBSIDIES. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, EVERY SOCIAL SERVICES DISTRICT SHALL OFFER AND PROVIDE HOUSING SUBSIDIES TO VICTIMS OF DOMESTIC VIOLENCE.

2. VICTIMS OF DOMESTIC VIOLENCE SHALL BE ELIGIBLE FOR A SUBSIDY IN THE AMOUNT OF SEVENTY PERCENT OF THE RENTAL COST OF THE DWELLING UNIT OR THE MEDIAN HOUSING RENTAL COST FOR THE COUNTY, WHICHEVER IS LOWER. SUCH HOUSING SUBSIDY SHALL BE USED FOR RENTAL PAYMENTS FOR SUCH DWELLING UNIT AND SHALL NOT BE MADE AVAILABLE FOR MORE THAN ONE YEAR. THE PREVAILING COST OF RENT FOR AN AREA SHALL NOT EXCEED EIGHTY PERCENT OF THE COST FOR THE REGION.

3. A VICTIM OF DOMESTIC VIOLENCE SHALL ONLY BE ELIGIBLE FOR THE HOUSING SUBSIDY AUTHORIZED PURSUANT TO THIS SECTION IN THE EVENT THAT SUCH PERSON:

(A) IS A VICTIM OF DOMESTIC VIOLENCE AS DEFINED IN ARTICLE SIX-A OF THIS CHAPTER;

(B) IS NOT OTHERWISE ELIGIBLE FOR SHELTER UNDER THIS ARTICLE OR IN THE EVENT THAT SUCH SHELTER IS INAPPROPRIATE FOR SUCH PERSON;

(C) HAS A HOUSEHOLD INCOME OF LESS THAN TWELVE THOUSAND DOLLARS AND ACCESSIBLE CASH RESOURCES OF LESS THAN ONE THOUSAND DOLLARS; AND

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

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(D) HAS BEEN CERTIFIED AS A DOMESTIC VIOLENCE VICTIM BY THE LOCAL SOCIAL SERVICES DISTRICT.

4. VICTIMS OF DOMESTIC VIOLENCE SHALL BE CERTIFIED BY THE LOCAL SOCIAL SERVICES DISTRICT UPON A FINDING OF:

(A) A CRIMINAL CONVICTION OF THE ASSAILANT OF A SERIOUS CRIMINAL CHARGE;

(B) THE ISSUANCE OF A TEMPORARY OR PERMANENT ORDER OF PROTECTION INVOLVING SERIOUS BODILY HARM TO THE VICTIM;

(C) A POLICE REPORT DOCUMENTING SERIOUS ACCOUNTS OF PHYSICAL DOMESTIC VIOLENCE;

(D) A SUBSTANTIATED DETERMINATION BY A BATTERED WOMEN'S SHELTER COUNSELOR THAT A PARTICULAR SHELTER RESIDENT IS IN SERIOUS PHYSICAL DANGER;

(E) A SUBSTANTIATED DETERMINATION BY A RAPE CRISIS CENTER COUNSELOR THAT A VICTIM OF DOMESTIC VIOLENCE IS IN SERIOUS PHYSICAL DANGER;

(F) A SUBSTANTIATED DETERMINATION BY A CERTIFIED BATTERER'S TREATMENT PROGRAM COUNSELOR THAT A VICTIM OF DOMESTIC VIOLENCE IS IN SERIOUS PHYSICAL DANGER; OR

(G) THE REASONABLE FEAR OF A BATTERED PERSON THAT SUCH PERSON WILL ENCOUNTER FURTHER SERIOUS PHYSICAL RETALIATION.

5. THE CONTINUED NEED FOR SUCH SHELTER SHALL BE REVIEWED MONTHLY, EVALUATED AND AUTHORIZED MONTHLY BY A SOCIAL SERVICES OFFICIAL. SUCH HOUSING SUBSIDY SHALL BE AVAILABLE IN LIEU OF ANY OTHER ALLOWANCE OTHERWISE AVAILABLE FOR SHELTER.

6. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ISSUE REGULATIONS GOVERNING DOMESTIC VIOLENCE HOUSING SUBSIDIES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.