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

5094

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. O. JOHNSON -- 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 the withholding of rent checks for housing accommodations in the town of Islip, county of Suffolk, which do not comply with state and local building codes

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

Section 1. Paragraph (b) of subdivision 2 of section 131-a of the social services law, as amended by chapter 87 of the laws of 1993, is amended to read as follows:

(b) In addition to the above, the standard of need shall include amounts for shelter and fuel for heating, amounts for home energy payments (including amounts for supplemental home energy grants), amounts for additional cost of meals for persons who are unable to prepare meals at home and amounts for other items when required by individual case circumstances for which specific provision is otherwise made in article five of this chapter. For purposes of determining the amount to be included in the standard of need for shelter and fuel for heating, to the extent that federal reimbursement is available therefor, social services officials shall include in the household any child who has entered foster care pursuant to section three hundred eighty-four-a of this chapter who was eligible for and in receipt of assistance and care as a member of the household in and for the month of entry into foster care and for whom the family service plan, as defined in section four hundred nine-e of this chapter, includes a goal of discharge to a member of the household. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH, THE PAYMENT OF ANY AMOUNT FOR SHELTER SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE HUNDRED FORTY-THREE-B OF THIS TITLE.

S 2. Subdivision 2 of section 143-b of the social services law, as added by chapter 997 of the laws of 1962, is amended to read as follows:

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

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2. Every public welfare official shall have power to and may withhold the payment of any such rent in any case where he OR SHE has knowledge that there exists or there is outstanding any violation of law [in] WITH 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; PROVIDED, HOWEVER, THAT THE COMMISSIONER OF SOCIAL SERVICES FOR THE COUNTY OF SUFFOLK SHALL HAVE THE POWER TO AND SHALL WITHHOLD THE PAYMENT OF ANY SUCH RENT IN ANY CASE WHERE THERE EXISTS OR THERE IS OUTSTANDING ANY VIOLATION OF LAW, THE STATE FIRE PREVENTION AND BUILDING CODE AND ANY LOCAL BUILDING CODE, INCLUDING THE REQUIREMENT FOR A CERTIFICATE OF OCCUPANCY AND/OR A RENTAL PERMIT, WITH RESPECT TO ANY BUILDING LOCATED IN THE TOWN OF ISLIP CONTAINING THE HOUSING ACCOMMODATIONS OCCUPIED BY A PERSON ENTITLED TO SUCH ASSISTANCE. A report of each such violation shall be made to the appropriate public welfare department by the appropriate department or agency having jurisdiction over violations.

S 3. This act shall take effect immediately.