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

4322--B

Cal. No. 172

2009-2010 Regular Sessions

I N S E N A T E

April 22, 2009

Introduced by Sens. FOLEY, DIAZ, HASSELL-THOMPSON, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to landlords of housing accommodations occupied by recipients of public assistance

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-aaa to read as follows:

S 131-AAA. REPORTS BY LANDLORDS. 1. THE OWNER OF A BUILDING LOCATED WITHIN SUFFOLK COUNTY CONTAINING THE HOUSING ACCOMMODATIONS INTO WHICH THE RECIPIENT OF PUBLIC ASSISTANCE AND CARE INTENDS TO MOVE SHALL FILE WITH THE LOCAL DEPARTMENT OF SOCIAL SERVICES A VERIFIED STATEMENT IN A FORM TO BE PROVIDED BY THE LOCAL DEPARTMENT OF SOCIAL SERVICES THAT SUCH BUILDING CONTAINING THE HOUSING ACCOMMODATIONS MEETS ALL APPLICABLE BUILDING CODES, ORDINANCES AND REGULATIONS OF THE MUNICIPALITY IN WHICH SUCH BUILDING IS LOCATED.

2. THE VERIFIED STATEMENT SHALL BE SIGNED BY THE OWNER BEFORE A NOTARY PUBLIC OF THE STATE AND SUCH SWORN STATEMENT SHALL BE FILED WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES PRIOR TO ANY PAYMENT BEING MADE BY OR ON BEHALF OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES, REGARDLESS OF WHETHER SUCH PAYMENT IS MADE DIRECTLY TO THE LANDLORD OR SUCH PAYMENT IS MADE TO THE TENANT FOR PAYMENT OF RENT.

3. SIX MONTHS FOLLOWING THE DATE OF THE PAYMENT MADE UNDER SUBDIVISION TWO OF THIS SECTION AND EVERY SIX MONTHS THEREAFTER, THE CURRENT OWNER

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

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OF ANY BUILDING LOCATED WITHIN SUFFOLK COUNTY CONTAINING THE HOUSING ACCOMMODATIONS INTO WHICH THE RECIPIENT OF PUBLIC ASSISTANCE AND CARE IS RESIDING SHALL FILE A VERIFIED STATEMENT THAT SAID BUILDING IS IN COMPLIANCE WITH BUILDING CODES, ORDINANCES AND REGULATIONS OF THE MUNICIPALITY IN WHICH SUCH BUILDING IS LOCATED.

4. THE LOCAL DEPARTMENT OF SOCIAL SERVICES IS HEREBY AUTHORIZED TO WITHHOLD PUBLIC ASSISTANCE PAYMENTS TO A LANDLORD OR TO ANY OTHER PERSON FOR OR TOWARD THE RENTAL OF ANY HOUSING ACCOMMODATIONS OCCUPIED BY RECIPIENTS OF PUBLIC ASSISTANCE AND CARE, OR HIS OR HER FAMILY, IN ANY INSTANCES IN WHICH THE OWNER HAS FAILED TO FILE ANY OF THE STATEMENTS REQUIRED BY THIS SECTION.

5. IN ADDITION TO THE REMEDIES PROVIDED IN SUBDIVISION FOUR OF THIS SECTION AND IN ADDITION TO ANY OTHER PENALTY THAT MAY BE AVAILABLE UNDER THE LAWS OF THE STATE, ANY OWNER OF A BUILDING LOCATED WITHIN SUFFOLK COUNTY CONTAINING THE HOUSING ACCOMMODATIONS INTO WHICH THE RECIPIENT OF PUBLIC ASSISTANCE AND CARE IS AN OCCUPANT, WHO HAS FAILED TO FULLY COMPLY WITH THIS SECTION, INCLUDING BUT NOT LIMITED TO THE OBLIGATION TO MAKE TIMELY FILINGS, SHALL BE SUBJECT TO A FINE OF UP TO FIVE THOUSAND DOLLARS.

6. THE LANDLORD OF A BUILDING DEEMED OUT OF COMPLIANCE WITH ANY BUILDING CODES, ORDINANCES OR REGULATIONS OF THE LOCALITY, DUE SOLELY TO ACTIONS TAKEN BY THE TENANT OR OCCUPANT RECIPIENT OF PUBLIC ASSISTANCE AND CARE WILL BE HELD HARMLESS PROVIDED THE LANDLORD: (A) REMEDIES THE VIOLATION WITHIN THIRTY DAYS; AND (B) REISSUES A NEW NOTARIZED VERIFIED STATEMENT THAT THE BUILDING IS IN COMPLIANCE WITH ALL LAWS. THE TRIGGERING OF THIS SUBDIVISION WILL NOT EXTEND THE DEADLINE FOR FILING VERIFIED STATEMENTS UNDER SUBDIVISION THREE OF THIS SECTION.

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