

31--A

Cal. No. 159

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. DeFRANCISCO, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- 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 authorizing public welfare officials to withhold rent from a landlord when real estate taxes for the rental property are unpaid

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

- 1 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:
- 2 S 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 family, such payment may be made directly by the public welfare department to the landlord.
- 3 2. Every public welfare official shall have power to and may withhold the payment of any such rent in any case where he 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. 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.

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

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1 2-A. EVERY PUBLIC WELFARE OFFICIAL MAY WITHHOLD THE PAYMENT OF ANY
2 SUCH RENT IN ANY CASE WHERE HE HAS KNOWLEDGE THAT THERE EXISTS ANY
3 LEGALLY UNCONTESTED OUTSTANDING REAL PROPERTY TAXES LEVIED WITH RESPECT
4 TO THE REAL PROPERTY CONTAINING THE HOUSING ACCOMMODATIONS OCCUPIED BY
5 THE PERSON ENTITLED TO SUCH ASSISTANCE. INFORMATION RELATING TO ANY SUCH
6 PROPERTIES' PAID OR UNPAID REAL PROPERTY TAXES SHALL BE MADE, UPON
7 REQUEST, TO THE APPROPRIATE PUBLIC WELFARE DEPARTMENT BY THE APPROPRIATE
8 DEPARTMENT OR AGENCY HAVING JURISDICTION OVER SUCH PAYMENTS.

9 3. Every public welfare official shall have the power to initiate or
10 to request the recipient to initiate before the appropriate housing rent
11 commission any proper proceeding for the reduction of maximum rents
12 applicable to any housing accommodation occupied by a person entitled to
13 assistance in the form of a rent payment whenever such official has
14 knowledge that essential services which such person is entitled to
15 receive are not being maintained by the landlord or have been substan-
16 tially reduced by the landlord.

17 4. The public welfare department may obtain and maintain current
18 records of violations in buildings where welfare recipients reside which
19 relate to conditions which are dangerous, hazardous or detrimental to
20 life or health, AND SUCH INFORMATION RELATING TO THE PAYMENT OR NON-PAY-
21 MENT OF REAL PROPERTY TAXES LEVIED UPON THE OWNER OF ANY REAL PROPERTY
22 CONTAINING HOUSING ACCOMMODATIONS OCCUPIED BY A PERSON ENTITLED TO
23 ASSISTANCE UNDER THIS SECTION.

24 5. (a) It shall be a valid defense in any action or summary proceeding
25 against a welfare recipient for non-payment of rent to show existing
26 violations in the building wherein such welfare recipient resides which
27 relate to conditions which are dangerous, hazardous or detrimental to
28 life or health as the basis for non-payment. IT SHALL ALSO BE A VALID
29 DEFENSE IN AN ACTION OR SUMMARY PROCEEDING AGAINST A WELFARE RECIPIENT
30 FOR NON-PAYMENT OF RENT UNDER THIS SECTION TO SHOW THAT THE OWNER OF THE
31 PROPERTY OCCUPIED BY A PERSON ENTITLED TO ASSISTANCE HAS LEGALLY UNCON-
32 TESTED OUTSTANDING REAL PROPERTY TAXES CONNECTED TO SUCH PROPERTY AS THE
33 BASIS FOR NON-PAYMENT.

34 (b) In any such action or proceeding the plaintiff or landlord shall
35 not be entitled to an order or judgment awarding him possession of the
36 premises or providing for removal of the tenant, or to a money judgment
37 against the tenant, on the basis of non-payment of rent for any period
38 during which there was outstanding any violation of law relating to
39 dangerous or hazardous conditions or conditions detrimental to life or
40 health, OR ON THE BASIS OF NON-PAYMENT OF RENT UNDER THIS SECTION FOR
41 ANY PERIOD DURING WHICH THERE WERE LEGALLY UNCONTESTED OUTSTANDING REAL
42 PROPERTY TAXES CONNECTED TO THE OCCUPIED PROPERTY. For the purposes of
43 this paragraph such violation of law shall be deemed to have been
44 removed and no longer outstanding upon the date when the condition
45 constituting a violation was actually corrected, AND SUCH LEGALLY UNCON-
46 TESTED OUTSTANDING REAL PROPERTY TAXES SHALL BE DEEMED PAID UPON RECEIPT
47 OF PAYMENT, IN WHOLE OR IN PART SUBJECT TO AN AGREED TO PAYMENT PLAN, BY
48 THE APPROPRIATE DEPARTMENT OR AGENCY HAVING JURISDICTION OVER SUCH
49 PAYMENTS, such date to be determined by the court upon satisfactory
50 proof submitted by the plaintiff or landlord.

51 (c) The defenses provided herein in relation to an action or proceed-
52 ing against a welfare recipient for non-payment of rent shall apply only
53 with respect to violations, OR LEGALLY UNCONTESTED OUTSTANDING REAL
54 PROPERTY TAXES reported to the appropriate public welfare department by
55 the appropriate department or agency having jurisdiction over
56 violations, OR OUTSTANDING REAL PROPERTY TAXES.

1 6. Nothing in this section shall prevent the public welfare department
2 from making provision for payment of the rent which was withheld pursu-
3 ant to this section upon proof satisfactory to it that the condition
4 constituting a violation was actually corrected, OR THE OUTSTANDING
5 TAXES DUE HAVE BEEN PAID, OR ARE BEING PAID SUBJECT TO AN AGREED TO
6 PAYMENT PLAN. Where rents were reduced by order of the appropriate rent
7 commission, the public welfare department may make provision for payment
8 of the reduced rent in conformity with such order.
9 S 2. This act shall take effect immediately.