

# STATE OF NEW YORK

6838

2017-2018 Regular Sessions

## IN SENATE

July 26, 2017

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to establishing the deceased police officer, firefighter and emergency medical services family housing assistance program; to amend the state finance law, in relation to the deceased police officer family housing fund; and making an appropriation therefor

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

1 Section 1. The executive law is amended by adding a new section 45-a  
2 to read as follows:

3 § 45-a. Deceased police officer, firefighter and emergency medical  
4 services family housing assistance program. 1. For the purposes of this  
5 section:

6 (a) "Deceased public protection employee" means: (1) a police officer,  
7 as defined in subdivision thirty-four of section 1.20 of the criminal  
8 procedure law who died as the natural and proximate result of the  
9 performance of his or her duties as a police officer;

10 (2) a paid municipal firefighter who died as the natural and proximate  
11 result of the performance of his or her duties as a firefighter; or

12 (3) a paid member of a municipal emergency medical service who died as  
13 the natural and proximate result of the performance of his or her duties  
14 while providing emergency medical services.

15 (b) "Department" means the department of audit and control.

16 (c) "Family" means the spouse and/or any dependent of a deceased  
17 public protection employee, when fifty-one or more percent of the income  
18 for the support of such spouse and/or dependent was attributable to  
19 income earned by the deceased public protection employee while he or she  
20 was alive.

21 (d) "Housing expense" means, the monthly rent paid for the primary  
22 residence of the family of a deceased public protection employee, or the  
23 monthly payment upon a bond or note secured by a mortgage upon the  
24 primary residence of the family of a deceased public protection employ-  
25 ee.

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

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1 2. There shall be established, in the department, the deceased police  
2 officer, firefighter and emergency medical services family housing  
3 assistance program. The purpose of such program shall be to provide  
4 monthly payments to the families of deceased public protection employees  
5 for their housing expenses. Provided that:

6 (a) no such monthly payment to any family of a deceased public  
7 protection employee shall exceed one thousand dollars;

8 (b) such monthly payments to any family of a deceased public  
9 protection employee shall not be paid for any period in excess of ten  
10 years;

11 (c) no such monthly payment shall exceed the housing expense of a  
12 family of a deceased public protection employee; and

13 (d) the department shall annually review each such family's eligibil-  
14 ity for monthly payments pursuant to this section.

15 3. A family of a deceased public protection employee seeking monthly  
16 payments for its housing expenses pursuant to this section shall submit  
17 an application to the department in such form and having such content as  
18 shall be determined by the comptroller by rule. The department shall  
19 thereafter make a determination upon each application within thirty days  
20 of the receipt thereof. In the event of the denial of an application,  
21 the department shall provide the applicant with the reason or reasons  
22 for such denial in writing.

23 4. The comptroller shall promulgate and implement such rules and regu-  
24 lations as he or she shall deem to be necessary to implement the  
25 provisions of this section.

26 § 2. The state finance law is amended by adding a new section 85 to  
27 read as follows:

28 § 85. Deceased police officer, firefighter and emergency medical  
29 services family housing fund. 1. There is hereby established in the  
30 custody of the state comptroller a special fund to be known as the  
31 "deceased police officer, firefighter and emergency medical services  
32 family housing fund".

33 2. Such fund shall consist of all moneys appropriated, credited or  
34 transferred thereto from any other fund or source pursuant to law, and  
35 any moneys contributed or donated thereto.

36 3. The moneys of the fund, following appropriation thereof, shall be  
37 expended for the purposes of the deceased police officer, firefighter  
38 and emergency medical services family housing assistance program estab-  
39 lished pursuant to section forty-five-a of the executive law. Moneys of  
40 the fund shall be paid out on the audit and warrant of the state comp-  
41 troller on vouchers certified or approved by him or her.

42 § 3. The sum of ten million dollars (\$10,000,000), or so much thereof  
43 as may be necessary, is hereby appropriated to the deceased police offi-  
44 cer, firefighter and emergency medical services family housing fund,  
45 established pursuant to section 85 of the state finance law, out of any  
46 moneys in the state treasury in the general fund to the credit of the  
47 state purposes account, not otherwise appropriated, and made immediately  
48 available, for purpose of carrying out the purposes of this act.

49 § 4. This act shall take effect on the one hundred eightieth day after  
50 it shall have become a law; provided, however, that effective immediate-  
51 ly, the addition, amendment and/or repeal of any rule or regulation  
52 necessary for the implementation of this act on its effective date are  
53 authorized and directed to be made and completed on or before such  
54 effective date.