STATE OF NEW YORK

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691

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017
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Introduced by M. of A. MAGNARELLI -- read once and referred to the
   Committee on Social Services

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 Assem-
   bly, do enact as follows:**

 1   Section 1. Section 143-b of the social services law, as added by chap-
 2 ter 997 of the laws of 1962, subdivisions 5 and 6 as amended by chapter
 3 701 of the laws of 1965, is amended to read as follows:
 4   § 143-b. Avoidance of abuses in connection with rent checks. 1. When-
 5 ever a recipient of public assistance and care is eligible for or enti-
 6 tled to receive aid or assistance in the form of a payment for or toward
 7 the rental of any housing accommodations occupied by such recipient or
 8 his **or her** family, such payment may be made directly by the public
 9 welfare department to the landlord.
10   2. Every public welfare official shall have power to and may withhold
11 the payment of any such rent in any case where he **or she** has knowledge
12 that there exists or there is outstanding any violation of law in
13 respect to the building containing the housing accommodations occupied
14 by the person entitled to such assistance which is dangerous, hazardous
15 or detrimental to life or health. A report of each such violation shall
16 be made to the appropriate public welfare department by the appropriate
17 department or agency having jurisdiction over violations.
18   **2-a. Every public welfare official may withhold the payment of any**
19 **such rent in any case where he or she has knowledge that there exists**
20 **any legally uncontested outstanding real property taxes levied with**
21 **respect to the real property containing the housing accommodations occu-**
22 **pied by the person entitled to such assistance. Information relating to**
23 **any such properties' paid or unpaid real property taxes shall be made,**
24 **upon request, to the appropriate public welfare department by the appro-**
25 **priate department or agency having jurisdiction over such payments.**
26   3. Every public welfare official shall have the power to initiate or
27 to request the recipient to initiate before the appropriate housing rent

1 commission any proper proceeding for the reduction of maximum rents
2 applicable to any housing accommodation occupied by a person entitled to
3 assistance in the form of a rent payment whenever such official has
4 knowledge that essential services which such person is entitled to
5 receive are not being maintained by the landlord or have been substan-
6 tially reduced by the landlord.
7   4. The public welfare department may obtain and maintain current
8 records of violations in buildings where welfare recipients reside which
9 relate to conditions which are dangerous, hazardous or detrimental to
10 life or health**, and such information relating to the payment or non-pay-**
11 **ment of real property taxes levied upon the owner of any real property**
12 **containing housing accommodations occupied by a person entitled to**
13 **assistance under this section**.
14   5. (a) It shall be a valid defense in any action or summary proceeding
15 against a welfare recipient for non-payment of rent to show existing
16 violations in the building wherein such welfare recipient resides which
17 relate to conditions which are dangerous, hazardous or detrimental to
18 life or health as the basis for non-payment. **It shall also be a valid**
19 **defense in an action or summary proceeding against a welfare recipient**
20 **for non-payment of rent under this section to show that the owner of the**
21 **property occupied by a person entitled to assistance has legally uncon-**
22 **tested outstanding real property taxes connected to such property as the**
23 **basis for non-payment.**
24   (b) In any such action or proceeding the plaintiff or landlord shall
25 not be entitled to an order or judgment awarding him **or her** possession
26 of the premises or providing for removal of the tenant, or to a money
27 judgment against the tenant, on the basis of non-payment of rent for any
28 period during which there was outstanding any violation of law relating
29 to dangerous or hazardous conditions or conditions detrimental to life
30 or health**, or on the basis of non-payment of rent under this section for**
31 **any period during which there were legally uncontested outstanding real**
32 **property taxes connected to the occupied property**. For the purposes of
33 this paragraph such violation of law shall be deemed to have been
34 removed and no longer outstanding upon the date when the condition
35 constituting a violation was actually corrected, **and such legally uncon-**
36 **tested outstanding real property taxes shall be deemed paid upon receipt**
37 **of payment, in whole or in part subject to an agreed to payment plan, by**
38 **the appropriate department or agency having jurisdiction over such**
39 **payments,** such date to be determined by the court upon satisfactory
40 proof submitted by the plaintiff or landlord.
41   (c) The defenses provided herein in relation to an action or proceed-
42 ing against a welfare recipient for non-payment of rent shall apply only
43 with respect to violations**, or legally uncontested outstanding real**
44 **property taxes** reported to the appropriate public welfare department by
45 the appropriate department or agency having jurisdiction over
46 violations**, or outstanding real property taxes**.
47   6. Nothing in this section shall prevent the public welfare department
48 from making provision for payment of the rent which was withheld pursu-
49 ant to this section upon proof satisfactory to it that the condition
50 constituting a violation was actually corrected**, or the outstanding**
51 **taxes due have been paid, or are being paid subject to an agreed to**
52 **payment plan**. Where rents were reduced by order of the appropriate rent
53 commission, the public welfare department may make provision for payment
54 of the reduced rent in conformity with such order.
55   § 2. This act shall take effect immediately.