

STATE OF NEW YORK

7051

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. ORTT -- 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 allowing public welfare officials to withhold payment of rent to landlords who owe delinquent tax liabilities to local municipalities, school districts or counties

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 § 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~~ recipient's 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~~ such official 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, or where the landlord of such housing accommodations owes delinquent tax liabilities to local municipalities, school districts or counties. A report of each such violation or delinquent tax liability shall be made to the appropriate public welfare department by the appropriate department or agency having jurisdiction over such violations or delinquent tax liabilities.

4 3. Every public welfare official shall have the power to initiate or to request the recipient to initiate before the appropriate housing rent commission any proper proceeding for the reduction of maximum rents applicable to any housing accommodation occupied by a person entitled to assistance in the form of a rent payment whenever such official has

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

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1 knowledge that essential services which such person is entitled to
2 receive are not being maintained by the landlord or have been substan-
3 tially reduced by the landlord.

4 4. The public welfare department may obtain and maintain current
5 records of violations in buildings where welfare recipients reside which
6 relate to conditions which are dangerous, hazardous [~~or~~], detrimental to
7 life or health, or where the landlord of such housing accommodations
8 owes delinquent tax liabilities to local municipalities, school
9 districts or counties.

10 5. (a) It shall be a valid defense in any action or summary proceeding
11 against a welfare recipient for non-payment of rent to show existing
12 violations in the building wherein such welfare recipient resides which
13 relate to conditions which are dangerous, hazardous [~~or~~], detrimental to
14 life or health, or the landlord of such housing accommodations owes
15 delinquent tax liabilities to local municipalities, school districts or
16 counties as the basis for non-payment.

17 (b) In any such action or proceeding the plaintiff or landlord shall
18 not be entitled to an order or judgment awarding him possession of the
19 premises or providing for removal of the tenant, or to a money judgment
20 against the tenant, on the basis of non-payment of rent for any period
21 during which there was outstanding any violation of law relating to
22 dangerous or hazardous conditions or conditions detrimental to life or
23 health or the landlord of such housing accommodations owed delinquent
24 tax liabilities to local municipalities, school districts or counties.
25 For the purposes of this paragraph such violation of law shall be deemed
26 to have been removed and no longer outstanding upon the date when the
27 condition constituting a violation was actually corrected, such date to
28 be determined by the court upon satisfactory proof submitted by the
29 plaintiff or landlord.

30 (c) The defenses provided herein in relation to an action or proceed-
31 ing against a welfare recipient for non-payment of rent shall apply only
32 with respect to violations or delinquent tax liabilities reported to the
33 appropriate public welfare department by the appropriate department or
34 agency having jurisdiction over such violations or delinquent tax
35 liabilities.

36 6. Nothing in this section shall prevent the public welfare department
37 from making provision for payment of the rent which was withheld pursu-
38 ant to this section upon proof satisfactory to it that the condition
39 constituting a violation was actually corrected or delinquent tax
40 liabilities owed to local municipalities, school districts or counties
41 were paid. Where rents were reduced by order of the appropriate rent
42 commission, the public welfare department may make provision for payment
43 of the reduced rent in conformity with such order.

44 § 2. This act shall take effect immediately.