STATE OF NEW YORK

10478

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Thiele, Lavine, Stern, Griffin) -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, in relation to establishing the COVID-19 emergency homeownership stability program

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

1. The public housing law is amended by adding a new article 14 to read as follows:

ARTICLE 14

COVID-19 EMERGENCY HOMEOWNERSHIP STABILITY PROGRAM

§ 600. Definitions. For purposes of this article, the following terms shall have the following meanings:

1. "Adjusted income" shall mean income minus any deductions allowable at the discretion of the commissioner pursuant to this section. In determining the income of a household for the purposes of this paragraph, income shall be considered to include only income that the household is receiving at the time of application for assistance from the program and any income recently terminated shall not be included, except that for purposes of households receiving assistance for arrearages income may include the income that the household was receiving at the time such arrearages were incurred.

2. "Income" shall mean income from all sources of each member of the household, including all wages, tips, overtime, salary, recurring gifts, returns on investments, welfare assistance, social security payments, child support payments, unemployment benefits, any benefit, payment or cash grant whose purpose is to assist with rental payments, any payments

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
whose purpose is to replace lost income, and any other government bene-
fit or cash grant. The term "income" shall not include: employment
income from children under eighteen years of age, employment income from
children eighteen years of age or older who are full-time students,
foster care payments, sporadic gifts, groceries provided by persons not
living in the household, supplemental nutrition assistance program bene-
fits, earned income disregard, or the earned income tax credit.
3. "Qualified property" means residential real property owned by the
homeowner which is used exclusively as the homeowner's primary resi-
dence; provided however, that in the event any portion of such property
is not so used exclusively for residential purposes but is used for
other purposes, such portion shall be ineligible for the payment estab-
lished pursuant to this subdivision.
4. "Property tax" shall mean a tax levied, or portion of those taxes
levied, by or on behalf of any county, city, town, village, school
district or special district on the qualified property which is attrib-
utable to the year two thousand twenty.
5. "Mortgagor" shall mean an individual who resides in New York whose
principal dwelling is encumbered by a home loan pursuant to paragraph
(a) of subdivision six of section thirteen hundred four of the real
property actions and proceedings law or whose principal dwelling is a
co-operative unit whose shares are encumbered by any loan otherwise
meeting the requirements of a home loan under paragraph (a) of subdivi-
sion six of section thirteen hundred four of the real property actions
and proceedings law, from or serviced by a regulated institution.
6. "Reverse mortgage loan" shall have the same meaning as section two
hundred eighty of the real property law.
7. "Homeowner" shall mean a person or persons who is a resident of the
state and who owns and primarily resides in qualified property within
the state.
8. "Homeownership payments" shall mean mortgage payments, reverse
mortgage payments, property taxes, hazard insurance payments, flood
insurance payments, mortgage insurance payments, homeowners' association
fees, condominium common charges, or utility payments. Homeownership
payments shall not include: any mortgage payments that have been placed
in forbearance at the time of application if such forbearance extends
beyond the covered period.
9. "Utility" shall mean electric, gas, water, and internet service,
including broadband internet access service.
10. "Fair market rent" shall mean the fair market rent for each rental
area as promulgated annually by the United States department of housing
and urban development's office of policy development and research pursu-
ant to 42 U.S.C. 1437(f).
11. "Commissioner" shall mean the commissioner of New York homes and
community renewal and its subsidiary, the housing finance agency.
12. "Covered period" means the period during which the restrictions
constituting New York on PAUSE, as defined by Executive Order 202.31,
applied in the county of the homeowner's residence.
§ 601. Authority to implement COVID-19 emergency homeownership
stability program. The commissioner, as soon as practicable and subject
to the disbursement of federal funds expressly for this purpose to the
housing finance agency, shall implement an emergency COVID-19 homeowner-
ship stability program. The commissioner may delegate the administration
of portions of this program to any state agency, city, county, town, or
non-profit organization in accordance with the provisions of this arti-
cle. The housing finance agency, or the agency, governmental entity, or
§ 602. Eligibility. The commissioner shall promulgate standards for determining eligibility for this program. A homeowner shall be eligible for this program if:

1. The homeowner, during the covered period:
   (a) applied and qualified for unemployment insurance benefits; or
   (b) experienced a significant loss of income as determined by the department of taxation and finance or as determined in a manner prescribed by the commissioner; and
   (c) the sum total of all homeownership payments that came due or will be owed during the covered period is greater than thirty percent of annualized adjusted income as pro-rated by the length of the covered period.

2. In addition to the eligibility criteria above, the commissioner may promulgate limits on assets as part of any determination of eligibility for this program.

3. A homeowner shall not be eligible for this program if their current annualized income is an amount equal to or greater than their income for the year two thousand nineteen.

4. Any ambiguity in eligibility criteria promulgated by the commissioner shall be resolved in favor of the applicant when determining eligibility.

5. Not less than sixty percent of the amount made available to the state shall be used for emergency homeownership payments that assist homeowners having incomes equal to or less than eighty percent of the area median income.

6. The commissioner may establish preference in processing applications for this payment. Such preference may include any or all of the following:
   (a) the homeowner's historical income level prior to the covered period as it relates to the area median income;
   (b) the homeowner's current income as it relates to the area median income;
   (c) the taxpayer's property tax burden;
   (d) the percentage of income the homeowner lost;
   (e) the homeowner's status as a victim of domestic violence; and
   (f) the current income of any additional parties on the deed for the qualified property who are not homeowners as defined in this section and, to the extent that any mortgage payments are considered in the total sum reached in paragraph (b) of this subdivision, the current income of any additional parties to the mortgage.

§ 603. Tax lien foreclosure. Notwithstanding any provision of law to the contrary, a tax lien foreclosure initiated pursuant to article eleven of the real property tax law which includes unpaid taxes that came due during the covered period cannot be commenced against a homeowner who has applied for this program unless or until a final determination of ineligibility has been issued. The action may proceed ninety days after the determination of ineligibility or after payment is released by the housing finance agency.

§ 604. Mortgage foreclosure. Notwithstanding any provision of law to the contrary, a mortgage foreclosure on a home loan as defined by section thirteen hundred four of the real property actions and proceedings law which includes unpaid mortgage payments that came due during the covered period cannot be commenced or proceed against a homeowner who has applied for this program unless or until a final determi-
nation of ineligibility has been issued. The action may proceed ninety
days after the determination of ineligibility or after payment is
released by the housing finance agency.

§ 605. Payment. The emergency homeownership payment shall be a one-
time payment paid directly to the homeowner. The amount of emergency
homeownership payment shall be the lesser of:

1. the difference between the sum of homeownership payments due pursu-
ant to section six hundred three of this article and thirty percent of
the current annualized adjusted income as pro-rated by the duration of
the covered period; or

2. the difference between two hundred fifty percent of the fair market
rent for the area and thirty percent of the current annualized adjusted
income as pro-rated by the duration of the covered period.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivi-
sion, section or part of this act shall be adjudged by any court of
competent jurisdiction to be invalid, such judgment shall not affect,
impair, or invalidate the remainder of this act, but shall be confined
in its operation to the clause, sentence, paragraph, subdivision,
section or part of this act directly involved in the controversy in
which such judgment shall have been rendered. It is hereby declared to
be the intent of the legislature that this act would have been enacted
even if such invalid clause, sentence, paragraph, subdivision, section
or part had not been included herein.

§ 3. This act shall take effect immediately.