STATE OF NEW YORK

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2019-2020 Regular Sessions

IN ASSEMBLY

January 16, 2019

Introduced by M. of A. HEVESI, BARRON, GOTTFRIED, D'URSO, BRAUNSTEIN, ORTIZ, BARNWELL, QUART, NIOU, PAULIN, ENGLEBRIGHT, SIMON, ROZIC, MOSLEY, LUPARDO, SIMOTAS, RA, B. MILLER, HUNTER, O'DONNELL, GIGLIO, ABINANTI, DICKENS, RAIA, SEAWRIGHT, JAFFEE, FAHY, M. G. MILLER, WEPRIN, PEOPLES-STOKES, JEAN-PIERRE, AUBRY, DenDEKKER, VANEL, M. L. MILLER, COLTON, CYMBROWITZ, TAYLOR, SANTABARBARA, GARBARINO, GUNTHER, CRESPO, DE LA ROSA, RAMOS, ARROYO, WRIGHT, BLAKE, PICHARDO, BENEDETTO, DAVILA, COOK, LIFTON, RIVERA, STIRPE, BICHOTTE, JOYNER, FERNANDEZ, BARRETT, KOLB, DILAN, DINOWITZ, FINCH, MORINELLO, PHEFFER AMATO, THIELE, EPSTEIN, RYAN, L. ROSENTHAL -- Multi-Sponsored by -- M. of A. BRABENEC, CAHILL, FITZPATRICK, FRIEND, LENTOL, McDONOUGH, MONTESANO, PALMESANO, SOLAGES, STEC, WALSH -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to home stability support programs

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

Section 1. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Home stability support program. 1. (a) Notwithstanding any other provision of law to the contrary, each local social services district shall provide a shelter supplement to eligible individuals and families to prevent eviction and address homelessness in accordance with this section.

(b) For the purposes of this section:

(i) "homeless" shall mean the lack of a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or campground or other places not meant for human habitation; living in a supervised publicly

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

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or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by federal, state or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing); exiting an institution where they resided and will lack a regular fixed and adequate nighttime residence upon release or discharge; or are an unaccompanied youth and homeless families with children and youth defined as homeless under either this paragraph or federal statute who have experienced a long-term period without living independently in permanent housing; have experienced persistent instability as measured by frequent moves; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment, or other dangerous or life-threatening conditions, including conditions that relate to violence against an individual or a family member; and

(ii) "imminent loss of housing" shall mean having received a verified rent demand or a petition for eviction; having received a court order resulting from an eviction action that notifies the individual or family that they must leave their housing; facing loss of housing due to hazardous conditions, including but not limited to asbestos, lead exposure, mold, and radon; having a primary nighttime residence that is a room in a hotel or motel and lack the resources necessary to stay; facing loss of the primary nighttime residence, which may include living in the home of another household, where the owner or renter of the housing will not allow the individual or family to stay, provided further, that an assertion from an individual or family member alleging such loss of housing or homelessness shall be sufficient to establish eligibility; or, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, human trafficking or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, provided further that an assertion from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

2. (a) Each local social services district shall provide a shelter supplement to eligible individuals and families as defined in subdivision three of this section in an amount equal to eighty-five percent of the fair market rent in the district, as established by the federal department of housing and urban development, for the particular unit size. The shelter supplement shall be issued by the local social services district directly to the landlord or vendor.

(b) A local social services district may also provide an additional supplement in excess of eighty-five percent of the fair market rent, up to one hundred percent of the fair market rent in the district, as established by the federal department of housing and urban development. Provided, however, the cost of the additional supplement shall be paid by the local social services district.

(c) As part of the supplement referenced in this subdivision, when an eligible recipient, as defined in subdivision three of this section, incurs separate fuel for heating expenses, the local social services district shall provide additional funds to cover such expenses, in excess of the amount already required for shelter costs pursuant to paragraph (a) of this subdivision. Such heating allowance shall be equivalent to the full amount of fuel for heating expenses, and shall be made directly to the vendor on behalf of the recipient. Any expenses

incurred by the local social services district that are (i) in excess of a recipient's fuel for heating allowance authorized pursuant to paragraph (b) of subdivision two of section one hundred thirty-one-a of this title; (ii) made pursuant to section ninety-seven of this chapter; or (iii) to cover any arrears payments made to restore heating services or to prevent a shut-off, shall not be recoupable.

(d) Individuals not in receipt of public assistance, residing in a household that is benefiting from a shelter supplement under this section shall be required to contribute thirty percent of their gross income, or their pro rata share of the rent, whichever is less. Minor children without income shall not be counted in the pro rata share equation. In addition, the income of minor children shall not be considered part of the gross income.

(e) Any supplement or allowance provided under this section shall not be considered to be part of the standard of need as defined in paragraph (b) of subdivision ten of section one hundred thirty-one-a of this title.

(f) In the event that the local social services district determines that payment of rental arrears would prevent homelessness and subsequently pays such arrears, such payments shall not be recoupable.

3. (a) For the period beginning October first, two thousand twenty until September thirtieth, two thousand twenty-one, individuals, or families, who are eligible for public assistance, are either homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement shall be eligible for the shelter supplement provided under this section.

(b) On and after October first, two thousand twenty-one, individuals or families who are eligible for public assistance and are (i) homeless or face an imminent loss of housing, and are not currently receiving another shelter supplement; or (ii) currently in receipt of a shelter supplement, other than a supplement required by this section, that is being transferred to the home stability support program pursuant to subdivision eight of this section, shall be eligible for the shelter supplement provided under this section.

4. (a) Local social services districts shall provide the shelter supplement required under this section for up to five years, provided such individuals or families are otherwise eligible for public assistance. A shelter supplement may be provided for an additional length of time for good cause.

(b) If an individual or family receiving the shelter supplement is no longer eligible for public assistance, the local social services district shall continue to provide the shelter supplement, and if appropriate heating allowance, for one year from the date of such determination, so long as their income does not exceed two hundred percent of the federal poverty level.

5. The shelter supplement and heating allowance shall not be affected by a recipient's sanction status.

6. (a) The commissioner shall contract with not-for-profit agencies, that have experience providing support services to the homeless and at-risk of homelessness populations, for the purpose of providing home stability support services. Such services shall assist eligible recipients, as defined in subdivision three of this section, in avoiding homelessness and achieving long-term housing stability. Such services shall include, but not be limited to:

(i) services to resolve conflicts between landlords and tenants and to facilitate fair and workable solutions;

(ii) referrals to legal services to households threatened with the loss of their homes through eviction, harassment or other means;

(iii) benefit/entitlement advocacy to ensure that households are receiving all federal, state and local benefits to which they are entitled, such as temporary assistance to needy families, safety net assistance, supplemental nutrition assistance program, supplemental security income, rent security deposits, furniture and household moving expenses, medical assistance; and

(iv) relocation assistance which provides for the identification of and referral to permanent and habitable housing, transportation services, landlord/tenant lease negotiation services and assistance in establishing utility services.

(b) The commissioner shall issue a request-for-proposal for home stability support services. The request-for-proposal shall include:

(i) a description of the home stability support services to be provided, including procedures for intake, referral, outreach, the provision of services, follow-up and anticipated outcomes;

(ii) a description of the manner in which coordination with other federal, state, local and privately funded services will be achieved; and

(iii) a description of how the services will be designed to assist households to achieve housing stability.

(c) Prior to entering into a contract pursuant to this subdivision, the commissioner shall determine that the eligible applicant is a bona fide organization which shall have demonstrated by its past and current activities that it has the ability to provide such services, that the organization is financially responsible and that the proposal is appropriate for the needs of households to be served.

7. The home stability support program shall provide for up to a total of fourteen thousand new shelter supplements a year statewide, and funds shall be distributed to each local social services district based on their pro rata share of households below the federal poverty level in the state, using the most recent United States census data as of April first, two thousand nineteen, and annually thereafter.

8. If local social services districts offer a shelter supplement not required by this section, such districts may utilize supplements available under this section on or after October first, two thousand twenty-one, to transfer eligible recipients as defined in subparagraph (ii) of paragraph (b) of subdivision three of this section into the home stability support program. Provided, however, a district shall not allocate one hundred percent of their shelter supplements provided under this section to existing supplement recipients, unless there is no current or unmet need for supplements as defined in subparagraph (i) of paragraph (b) of subdivision three of this section in such district.

9. The commissioner shall issue a report on the home stability support program to the governor, the speaker of the assembly, the temporary president of the senate, the chairs of the senate and assembly social services committees, and the chairs of the assembly ways and means committee and the senate finance committee on or before October first of each year, starting October first, two thousand twenty-two, regarding the effectiveness of the program, based on the information provided from the local social services districts. Each local district, upon the request of the office, shall provide the office the necessary data for the completion of the report. Each report shall include the following information for each district:

(a) the number of individuals participating in the program;

(b) factors contributing to households experiencing housing issues, including, but not limited to, health and safety and budgeting constraints;

(c) total funding utilized;

(d) estimated avoided costs in temporary shelter; and

(e) any other information or available data that the commissioner deems relevant and necessary for comprehensive evaluation of the current need of entitlements for public assistance recipients.

§ 2. Section 153 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, one hundred percent of costs for shelter supplements including costs for heating expenses, and home stability support services required by section one hundred thirty-one-bb of this article shall be subject to reimbursement by the state, as follows:

(a) by federal funds that can be properly applied to such expenditures; and

(b) the remainder to be paid by state funds.

§ 3. This act shall take effect on April 1, 2020.