

# STATE OF NEW YORK

5444

2019-2020 Regular Sessions

## IN ASSEMBLY

February 12, 2019

Introduced by M. of A. TITUS, COOK, PAULIN, CAHILL, LAVINE -- Multi-Sponsored by -- M. of A. PEOPLES-STOKES, PERRY -- read once and referred to the Committee on Housing

AN ACT to amend the public housing law, in relation to a rental housing subsidy program for certain nursing facility transition and diversion medicaid waiver participants; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The public housing law is amended by adding a new article 2-B to read as follows:

### ARTICLE 2-B NURSING FACILITY

#### TRANSITION AND DIVERSION RENTAL SUBSIDY PROGRAM

#### Section 26. Legislative findings.

##### 26-a. Definitions.

##### 26-b. Rental housing subsidy program.

##### 26-c. Administrative provisions.

§ 26. Legislative findings. The legislature hereby finds that five thousand persons with disabilities will be leaving nursing facilities or diverted from entering a nursing facility at the onset of their disability. Many of these individuals will need affordable and accessible housing which is in very short supply in New York state. Without adequate income due to the monthly SSI or SSDI rates, these individuals will not be able to find adequate housing to implement the purposes of the nursing facility transition and diversion waiver. In order for the waiver to be effective and to generate savings of state and local Medicaid dollars estimated from eighty-two million dollars to one hundred sixty million dollars using a formula established by the New York state education department, VESID, it is essential that some of these savings be re-invested in a housing subsidy for such waiver participants. With-

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

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1 out such a re-investment New York state will not realize the potential  
2 savings.

3 Therefore, the legislature deems this rental housing subsidy program  
4 to be in the public interest.

5 § 26-a. Definitions. As used in this article, the following terms  
6 shall have the following meanings unless the context clearly requires  
7 otherwise:

8 1. "Division" shall mean the division of housing and community  
9 renewal.

10 2. "Commissioner" shall mean the commissioner of the division of hous-  
11 ing and community renewal.

12 3. "Eligible person" shall mean an individual who has been deemed  
13 eligible for and accepted into the nursing facility transition and  
14 diversion Medicaid waiver program pursuant to subdivision six-a of  
15 section three hundred sixty-six of the social services law.

16 4. "Approved rental housing" shall mean decent, sanitary and safe  
17 housing unit with reasonable accessibility accommodations for the eligi-  
18 ble applicant.

19 § 26-b. Rental housing subsidy program. 1. The division shall estab-  
20 lish a rental housing subsidy program, modeled after the existing  
21 department of health-run traumatic brain injury subsidy program, subject  
22 to the availability of moneys, for eligible persons. Such eligible  
23 persons shall receive rental subsidy payments upon written verification  
24 that such person, or his or her representative, has entered into a valid  
25 lease agreement for approved rental housing in New York state.

26 2. The division shall consider the financial status of such persons  
27 only for the purpose of determining the amount of the payments to be  
28 made, pursuant to subdivision five of this section.

29 3. Such payments shall continue to be issued monthly, or on such other  
30 periodic basis as may be provided in the lease agreement, for the dura-  
31 tion of such lease agreement, renewal thereof, or upon termination of  
32 such lease and entrance into a new lease agreement for an approved  
33 rental housing unit. No payments may be made pursuant to this subdivi-  
34 sion if the division determines that the eligible person is no longer  
35 legally responsible for the rental agreement or living in the approved  
36 rental housing unit.

37 4. The agreement provided for in subdivision one of this section shall  
38 be subject to the approval of the division upon the application of the  
39 eligible person, or his or her representative; provided, however, that  
40 in accordance with the regulations of the division, the division may  
41 authorize the commissioner of health to approve or disapprove the appli-  
42 cation on behalf of the division. In either situation, the agreement  
43 shall be approved or disapproved within thirty days of receipt.

44 5. The amount of the monthly payment made pursuant to this section  
45 shall be four hundred thirty-five dollars per individual and eleven  
46 hundred seventy-two dollars per couple entering a lease agreement in New  
47 York city, Nassau, Rockland, Suffolk or Westchester counties; and four  
48 hundred five dollars per individual and eleven hundred twelve dollars  
49 per couple entering a lease agreement in any other county in New York  
50 state. Periodic increases in such payment levels, subject to availabili-  
51 ty of moneys, shall mirror the percentage increases in state supple-  
52 mental security income benefit rates as provided in section two hundred  
53 ten of the social services law.

54 6. Except as may be required by federal law as a condition for federal  
55 reimbursement of public assistance expenditures, payments under this

1 section shall not be considered for the purpose of determining eligibil-  
2 ity for public assistance or medical assistance for needy persons.

3 § 26-c. Administrative provisions. 1. The commissioner shall provide,  
4 by regulations, for the administration of the provisions of this arti-  
5 cle. Such regulations shall include, but need not be limited to,  
6 provisions for oversight of the program in a manner consistent with the  
7 intent of this article.

8 2. Rental assistance payments pursuant to this article may be pledged  
9 by the sponsor in connection with the financing or refinancing of a  
10 project, subject to any conditions prescribed in the housing assistance  
11 contract, but no such pledge shall create any obligation or liability on  
12 the part of the state or any agency or instrumentality thereof other  
13 than that prescribed in the contract.

14 3. Nothing in this article shall prevent the eligible person from  
15 seeking or accepting any other form of governmental subsidy or assist-  
16 ance.

17 4. The commissioner shall require that all persons who receive finan-  
18 cial assistance pursuant to this article shall comply with all regu-  
19 lations applicable to the program adopted by the division. The commis-  
20 sioner may terminate any payments upon a finding that a substantial  
21 violation of such regulations or laws has remained uncorrected for a  
22 substantial period of time.

23 5. On or before February first, two thousand twenty-one and on or  
24 before February first of each year thereafter in which payments under  
25 this section are in force, the commissioner shall submit to the gover-  
26 nor, the temporary president of the senate and the speaker of the assem-  
27 bly a report detailing progress and evaluating results, to date, of the  
28 program.

29 § 2. This act shall take effect on the one hundred eightieth day after  
30 it shall have become a law and shall expire 3 years after such effective  
31 date when upon such date the provisions of this act shall be deemed  
32 repealed.