STATE OF NEW YORK

10322--A

IN ASSEMBLY

April 22, 2020

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to eliminating rent for homeless shelters in cities having a population of less than one million, towns and villages

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

Section 1. Section 131 of the social services law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. The office of temporary and disability assistance shall prohibit any publicly funded provider of temporary housing assistance in cities having a population less than one million, towns and villages, including but not limited to those defined in subdivision sixteen of section one hundred thirty-one-a of this title from requiring recipients of public assistance, emergency assistance for adults, supplemental security income or additional state payment to participate in work activities, including but not limited to those defined in section three hundred thirty-six of this chapter, as a condition to receive temporary housing assistance from such provider. Provided, however, if such recipient chooses to volunteer or receive money to work, he or she shall be fully informed in writing that there is no obligation to perform work or volunteer as a condition of receiving temporary housing assistance from such provider. Written, signed consent to volunteer or receive money to work shall be kept on file while he or she is receiving temporary housing assistance from such provider. Nothing herein shall prevent the provider of temporary housing assistance from keeping such consent electronically.

22. a. Any temporary housing assistance provider, in cities having a population less than one million, towns and villages, found to be collecting income, room and board or any other type of contribution in violation of subdivision sixteen of section one hundred thirty-one-a of this title, shall, after notice and an opportunity to be heard by the department, be required to return any funds collected in violation of

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

LBD16127-02-0

this section to such recipient and may be subject to a civil penalty not to exceed five hundred dollars for each violation. The department shall adopt procedures in accordance with the state administrative procedure act for assessment of penalties pursuant to this section. Such procedure shall include the opportunity for an administrative appeal. Any provider found to have violated this section and who is subsequently found to have violated this section five or more times within one year of the initial finding may be determined, at the discretion of the department and taking into consideration the geographic availability of similar services, to be ineligible to receive public funding for a period not to exceed five years.

b. Any provider which has been deemed ineligible to receive public funding pursuant to this section may apply to the department for an order discontinuing such disqualification. The application shall set forth the grounds, including that the provider has taken sufficient actions to remove from responsibility officers and employees who engaged in the actions that formed the basis of the violation, that the provider has taken appropriate and sufficient actions to ensure that the actions that formed the basis of the violation are unlikely to recur, and that it will not be in the public interest to continue the disqualification.

§ 2. Section 131-a of the social services law is amended by adding a new subdivision 16 to read as follows:

16. Notwithstanding any other provision of law, rule or regulation to the contrary, a homeless individual or family applying for or receiving temporary housing assistance, in cities having a population less than one million, towns and villages, shall not be required to pay room and board or contribute or deposit any earned or unearned income, available benefits or resources to eliminate their need for temporary housing assistance or as a condition to receive temporary housing assistance from such provider. For the purposes of this subdivision, any provider of temporary housing assistance or short-term housing shall include, but not be limited to, a family shelter, a cluster site apartment, a shelter for adults, a United States Department of Housing and Urban Development assisted transitional housing shelter, a public home, a hotel, an emergency apartment, a domestic violence shelter, a runaway and homeless youth shelter, a room and board shelter, a safe haven shelter, a veterans short-term housing shelter, a criminal justice short-term housing shelter, or a safe house for refugees, asylees, or trafficking victims operating in New York state.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.