

STATE OF NEW YORK

8140--B

IN SENATE

March 29, 2020

Introduced by Sens. KAVANAGH, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BROOKS, CARLUCCI, GAUGHRAN, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KRUEGER, LIU, MAY, MAYER, METZGER, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law, in relation to establishing a COVID-19 emergency rental assistance program

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

1 Section 1. The public housing law is amended by adding a new article
2 14 to read as follows:

3 ARTICLE XIV

4 COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

5 Section 600. Legislative findings.

6 601. Definitions.

7 602. Authority to implement emergency rental assistance.

8 603. Eligibility.

9 604. Payment of emergency vouchers.

10 605. Rental obligation.

11 606. Assistance payment.

12 607. Verification of income and assets.

13 608. Housing assistance payment contracts for units newly rented
14 for homeless individuals and families.

15 609. Inspection of units newly rented for homeless individuals
16 and families.

17 610. Housing obligations.

18 611. Reports by the commissioner.

19 § 600. Legislative findings. The legislature finds that it is in the
20 public interest to ensure that New Yorkers are not rendered homeless or

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

LBD16080-19-0

1 severely financially burdened because of an inability to pay the cost of
2 housing and other necessities due to loss of income related to the wide-
3 spread outbreak of the coronavirus commonly known as COVID-19. The
4 legislature further finds that the outbreak of COVID-19 has exacerbated
5 the health risks associated with being homeless and that there is a need
6 for increased funding to provide permanent housing for homeless individ-
7 uals and families as an essential part of the state's efforts to miti-
8 gate the threat of COVID-19 to public health. The legislature further
9 finds that providing funding for individuals, families and households to
10 pay rent that they would otherwise have difficulty paying will promote
11 the stability and proper maintenance of the housing stock and assist
12 communities in recovering from the adverse social and economic effects
13 of the COVID-19 outbreak.

14 § 601. Definitions. For the purposes of this article:

15 1. "Adjusted income" shall mean income minus any deductions allowable
16 at the discretion of the commissioner pursuant to this section.

17 (a) The calculation of income performed at the time of application for
18 such assistance shall consider only income that the individual, family
19 or household is currently receiving at such time and any income recently
20 terminated shall not be included; (b) the calculation of income
21 performed with respect to individuals, families or households receiving
22 ongoing assistance three months after initial receipt of assistance
23 shall consider only the income that the household is receiving at the
24 time of such review; and (c) the calculation of income performed with
25 respect to individuals, families or households receiving assistance for
26 arrearages shall consider only the income that the individual, family or
27 household was receiving at the time such arrearages were incurred.

28 2. "At risk of homelessness" shall mean, with respect to an individ-
29 ual, family, or household, that the individual, family, or household (a)
30 has an income below one hundred twenty percent of the median income for
31 the area as determined by the United States secretary of housing and
32 urban development; and

33 (b) has an inability to attain or maintain housing stability or has
34 insufficient resources to pay for rent or utilities due to financial
35 hardships.

36 3. "Covered period" means March seventh, two thousand twenty until the
37 date on which none of the provisions that closed or otherwise restricted
38 public or private businesses or places of public accommodation, or
39 required postponement or cancellation of all non-essential gatherings of
40 individuals of any size for any reason in executive order numbers 202.3,
41 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of
42 two thousand twenty, as extended by executive order numbers 202.28 and
43 202.31 and as further extended by any future executive order, issued in
44 response to the COVID-19 pandemic continue to apply in the county of the
45 individual, family, or household's residence.

46 4. "Fair market rent" shall mean the fair market rent for each rental
47 area as promulgated annually by the United States department of housing
48 and urban development's office of policy development and research pursu-
49 ant to 42 USC 1437f.

50 5. (a) "Family" shall mean a group of persons living in the same
51 household who:

52 (i) are related by birth, marriage, or adoption. This group includes,
53 but is not limited to a family with or without children (a child who is
54 temporarily away from the home because of placement in foster care is
55 considered a member of the family), an elderly family, a near-elderly

1 family, a disabled family, a displaced family, or the remaining member
2 of a tenant family; or

3 (ii) are two or more individuals who are not related by blood,
4 marriage, adoption, or other operation of law, but who can demonstrate
5 that they have lived together previously and certify that each individ-
6 ual's income and other resources will be available to meet the needs of
7 the family.

8 (b) Each family shall identify the individuals to be included in the
9 family at the time of application, and shall update this information if
10 the family's composition changes.

11 (c) The commissioner shall have the discretion to determine if any
12 other group of persons qualifies as a family.

13 6. (a) "Homeless" shall mean:

14 (i) an individual or family who lacks a fixed, regular, and adequate
15 nighttime residence;

16 (ii) an individual or family with a primary nighttime residence that
17 is a public or private place not designed for or ordinarily used as a
18 regular sleeping accommodation for human beings, including a car, park,
19 abandoned building, bus or train station, airport, or camping ground;

20 (iii) an individual or family living in a supervised publicly or
21 privately operated shelter designated to provide temporary living
22 arrangements, including hotels and motels paid for by Federal, State, or
23 local government programs for low-income individuals or by charitable
24 organizations, congregate shelters, and transitional housing;

25 (iv) an individual who resided in a shelter or place not meant for
26 human habitation and who is exiting an institution where he or she
27 temporarily resided;

28 (v) an individual or family who:

29 (1) will imminently lose their housing, including housing they own,
30 rent, or live in without paying rent, are sharing with others, and rooms
31 in hotels or motels not paid for by Federal, State, or local government
32 programs for low-income individuals or by charitable organizations, as
33 evidenced by:

34 (A) a court order resulting from an eviction action that notifies the
35 individual or family that they must leave within fourteen days;

36 (B) the individual or family having a primary nighttime residence that
37 is a room in a hotel or motel and where they lack the resources neces-
38 sary to reside there for more than fourteen days; or

39 (C) credible evidence indicating that the owner or renter of the hous-
40 ing will not allow the individual or family to stay for more than four-
41 teen days, and any oral statement from an individual or family seeking
42 homeless assistance that is found to be credible shall be considered
43 credible evidence for purposes of this clause;

44 (2) has no subsequent residence identified; and

45 (3) lacks the resources or support networks needed to obtain other
46 permanent housing; and

47 (vi) unaccompanied youth and homeless families with children and youth
48 defined as homeless under other Federal statutes who:

49 (1) have experienced a long term period without living independently
50 in permanent housing;

51 (2) have experienced persistent instability as measured by frequent
52 moves over such period; and

53 (3) can be expected to continue in such status for an extended period
54 of time because of chronic disabilities, chronic physical health or
55 mental health conditions, substance addiction, histories of domestic

1 violence or childhood abuse, the presence of a child or youth with a
2 disability, or multiple barriers to employment.

3 (b) Notwithstanding any other provision of this section, the commis-
4 sioner shall consider to be homeless any individual or family who is
5 fleeing, or is attempting to flee, domestic violence, dating violence,
6 sexual assault, stalking, or other dangerous or life-threatening condi-
7 tions in the individual's or family's current housing situation, includ-
8 ing where the health and safety of children are jeopardized, and who
9 have no other residence and lack the resources or support networks to
10 obtain other permanent housing.

11 7. "Income" shall mean income from all sources of each member of the
12 family or household, including all wages, tips, over-time, salary,
13 recurring gifts, returns on investments, welfare assistance, social
14 security payments, child support payments, unemployment benefits, any
15 benefit, payment or cash grant whose purpose is to assist with rental
16 payments, any payments whose purpose is to replace lost income, and any
17 other government benefit or cash grant. The term "income" shall not
18 include: employment income from children under eighteen years of age,
19 employment income from children eighteen years of age or older who are
20 full-time students, foster care payments, sporadic gifts, groceries
21 provided by persons not living in the household, supplemental nutrition
22 assistance program benefits, earned income disregard, or the earned
23 income tax credit.

24 8. "Manufactured home tenant" shall have the same meaning as defined
25 by section two hundred thirty-three of the real property law.

26 9. "Occupant" shall have the same meaning as defined in section two
27 hundred thirty-five-f of the real property law.

28 10. "Public housing agency" shall mean any county, municipality, or
29 other governmental entity or public body that is authorized to adminis-
30 ter any public housing program, or an agency or instrumentality of such
31 an entity, and any other public or private non-profit entity that admin-
32 isters any other public housing program or assistance.

33 11. "Rent" shall mean rent as defined by section seven hundred two of
34 the real property actions and proceedings law and subject to proceedings
35 under article seven of the real property actions and proceedings law,
36 including statutory rents and maintenance fees paid pursuant to a
37 proprietary lease on a co-operative dwelling unit.

38 § 602. Authority to implement emergency rental assistance. 1. The
39 commissioner, as soon as practicable and subject to the appropriation of
40 funds for this purpose, shall implement a program of rental assistance
41 in the form of emergency vouchers for those eligible pursuant to section
42 six hundred three of this article. The commissioner may delegate the
43 administration of portions of this program to any state agency, public
44 housing agency, city, county, town, or non-profit organization in
45 accordance with the provisions of this article. The commissioner shall
46 delegate the administration of this program for the city of New York to
47 a public housing agency or agencies operating solely in the city of New
48 York. Any state agency, public housing agency, city, county, town, or
49 non-profit organization delegated to administer this program shall
50 receive an administrative fee to cover the costs of administration. The
51 commissioner may provide technical or administrative support to assist
52 any state agency, public housing agency, city, county, town, or non-pro-
53 fit organization to provide emergency rental assistance related to the
54 outbreak of COVID-19 with funding allocated by the federal government to
55 such public housing agency, city, county, or town, or non-profit organ-
56 ization.

1 2. Pursuant to 8 U.S.C. 1621(d), any individual, family, or household
2 who would be eligible but for 8 U.S.C. 1621(a) for state or local bene-
3 fits for emergency rental assistance shall be eligible for such benefits
4 during the covered period, and for a period of up to two years if such
5 individual, family, or household becomes eligible for such benefits due
6 to homelessness.

7 § 603. Eligibility. The commissioner shall promulgate standards for
8 determining eligibility for this program.

9 1. An individual, family or household shall be eligible for this
10 program if:

11 (a) the individual, family, or household is a tenant or occupant in
12 their primary residence in the state of New York, including both tenants
13 and occupants of dwelling units and manufactured home tenants and
14 proprietary leaseholders of co-operative dwelling units, their monthly
15 rent obligation is greater than thirty percent of their current monthly
16 adjusted income, their current monthly adjusted income is less than one
17 hundred twenty percent of the area median income as adjusted for family
18 size, and during the covered period:

19 (i) the individual, family, or household suffered a financial hardship
20 due to loss of income, as determined in a manner prescribed by the
21 commissioner in consultation with the department of taxation and
22 finance; or

23 (ii) an individual or member of the family or household became unem-
24 ployed, and qualified for unemployment;

25 (b) the individual, family, or household is at risk of homelessness
26 during the covered period or within ninety days after the covered peri-
27 od; or

28 (c) the individual, family, or household is homeless during the
29 covered period or within ninety days after the covered period.

30 2. In addition to the eligibility criteria in subdivision one of this
31 section, the commissioner may promulgate limits on assets as part of any
32 determination of eligibility for this program.

33 3. An individual or family in receipt of rental assistance under this
34 program shall no longer be financially eligible for assistance when:

35 (a) the individual's, family's or household's monthly income has been
36 restored to an amount equal to or greater than the individual's, fami-
37 ly's or household's income prior to the loss referenced in subparagraph
38 (i) of paragraph (a) of subdivision one of this section;

39 (b) the individual's, family's, or household's monthly rent obligation
40 is no longer greater than thirty percent of their monthly adjusted
41 income;

42 (c) the individual, family, or household has received rental assist-
43 ance for the greater of six months or the duration of the covered peri-
44 od. However, those individuals, families or households who receive
45 assistance pursuant to paragraph (c) of subdivision one of this section
46 shall be eligible until they have received two years of rental assist-
47 ance.

48 4. Any individual, family or household in receipt of rental assistance
49 under this program shall be obligated to report all changes of ten
50 percent or more of their monthly income while participating in the
51 program in order to maintain eligibility.

52 5. The commissioner shall establish preferences prioritizing individ-
53 uals, families or households with the greatest economic and social need
54 in processing applications for this program. Such preferences shall
55 account for at a minimum:

1 (a) the historical income level of the individual, family or household
2 as it relates to the area median income;

3 (b) the current adjusted income of the individual, family, or house-
4 hold as it relates to the area median income;

5 (c) the rent burden of the individual, family or household;

6 (d) the percentage of income lost by the individual, family or house-
7 hold;

8 (e) the individual or a member of the family or household's status as
9 a victim of domestic violence; and

10 (f) whether the individual, family or household was homeless or at
11 risk of homelessness during the covered period or within ninety days
12 after the covered period.

13 6. The commissioner shall promulgate standards by which any entity
14 designated to administer this program pursuant to subdivision one of
15 section six hundred two of this article shall issue a preliminary deter-
16 mination of eligibility upon initial receipt of the application, if it
17 is practicable to do so without unduly impeding implementation of the
18 program. Any such preliminary determination shall not be binding on the
19 commissioner or any entity designated to administer this program and
20 shall not excuse any existing statutory or contractual obligations of
21 the landlord or the applicant individual, family, or household.

22 7. Eviction proceedings for rental arrears that would be eligible for
23 coverage under this program cannot be commenced against an individual,
24 family or household who has applied for this program unless or until a
25 determination of ineligibility is made. If eviction proceedings are
26 commenced against an individual, family or household who subsequently
27 applies for benefits under this program, all proceedings for missed rent
28 payments during the covered period shall be stayed until a determination
29 of ineligibility has been made.

30 8. Any ambiguity in eligibility criteria promulgated by the commis-
31 sioner shall be resolved in favor of the applicant when determining
32 eligibility.

33 9. Any information collected about an individual, family or household
34 in the process of determining eligibility shall solely be used for the
35 purposes of determining eligibility and shall not be shared with any
36 other governmental agency.

37 10. An individual, family or household shall not be eligible for this
38 program if they live in housing owned or managed by a public housing
39 authority or receive rental assistance from a program in which their
40 rental obligation is adjusted to be no greater than thirty percent of
41 their income when their income decreases.

42 11. An individual full-time college student or family or household
43 consisting exclusively of full-time college students is ineligible for
44 this program unless each individual in the family or household satisfies
45 the following conditions:

46 (a) the individual shall have established a household separate from
47 his or her parents or legal guardians for at least one year prior to
48 application for admission or shall meet the United States department of
49 education's definition of independent student; and

50 (b) the individual shall not be claimed as a dependent by his or her
51 parents or legal guardians pursuant to internal revenue service (IRS)
52 regulations.

53 12. Applicants shall not be expected or required to repay any assist-
54 ance granted through this program unless otherwise required by law.
55 Assistance shall not be considered income for purposes of public bene-
56 fits or other public assistance. There shall be no requirement on appli-

1 cants to seek assistance from other sources, including charitable
2 contributions, for eligibility.

3 § 604. Payment of emergency vouchers. 1. The emergency voucher shall
4 be paid directly to the owner of the dwelling unit or manufactured home
5 park occupied by the voucher recipient for rent due from the voucher
6 recipient and any rental arrears owed that were not paid for which the
7 recipient would otherwise have been eligible pursuant to section six
8 hundred three of this article. Any arrears payment shall be equal to
9 the amount for which the recipient would have been eligible as deter-
10 mined by section six hundred six of this article.

11 2. Acceptance of vouchers as payment for rent due or rental arrears
12 shall constitute agreement by the recipient:

13 (a) to waive any late fees due on any rental arrears;

14 (b) to keep constant the monthly rent due for the dwelling unit such
15 that it shall remain the amount that was due at the time of application
16 to the program for any and all months for which the voucher is accepted
17 as payment; and

18 (c) at the option of the tenant, to extend any lease or rental agree-
19 ment for the use and occupancy of the applicable dwelling unit that
20 expired or is due to expire during the covered period or sixty days
21 following the expiration of the covered period to a date at least sixty
22 days from the expiration of the covered period under the terms of the
23 lease or rental agreement existing prior to the expiration of the lease
24 or rental agreement. Where the dwelling unit that is the subject of the
25 lease or rental agreement contains four or fewer units, the landlord may
26 decline to extend the lease or tenancy if the landlord intends to imme-
27 diately occupy the unit for the landlord's personal use or the use of an
28 immediate family member as a primary residence.

29 § 605. Rental obligation. 1. The monthly rental obligation of each
30 recipient shall be thirty percent of the monthly adjusted income of the
31 individual, family, or household.

32 2. If an individual, family or household shares a dwelling or manufac-
33 tured home with one or more individuals who are not part of their family
34 or household, the monthly rental obligation of the individual, family or
35 household shall be calculated using the portion of the individual, fami-
36 ly's or household's rent for which they are responsible rather than the
37 entire rent for the shared dwelling unit or manufactured home.

38 § 606. Assistance payment. 1. The amount of the monthly rental assist-
39 ance payment with respect to any dwelling unit or manufactured home
40 shall be the difference between the monthly contractual or statutory
41 rent for the unit or home and and thirty percent of the individual,
42 family or household's adjusted income.

43 2. Notwithstanding subdivision one of this section, the maximum
44 monthly assistance payment for the individual, family or household shall
45 be the difference between the rental obligation established in section
46 six hundred five of this article, up to two hundred fifty percent of the
47 fair market rent for the rental area or in accordance to any
48 restrictions that may apply to funding provided for this purpose.

49 3. In addition to any rental assistance payments, the commissioner
50 shall also authorize the full payment of utilities for any recipient
51 individual, family or household for the time period during which the
52 individual, family or household qualifies for rental assistance pursuant
53 to section six hundred three of this article. Any such payments shall be
54 paid directly to the utility provider. For the purposes of this
55 section, utility payments shall encompass all payments the individual,

1 family or household is obligated to pay for gas, electricity, heat,
2 water, sewer, and solid waste disposal services.

3 § 607. Verification of income and assets. The commissioner shall
4 establish procedures that are appropriate and necessary to assure that
5 information regarding income, and assets to the extent necessary to
6 determine eligibility, provided by individuals, families and households,
7 applying for or receiving assistance under this article is complete and
8 accurate. Verification may include without limitation: paycheck stubs,
9 earning statements, tax records, W-2 forms, written statements from a
10 former or current employer, telephone or in-person contact with a former
11 or current employer, statements or affidavits signed by the applicant,
12 or other methods approved by the commissioner.

13 § 608. Housing assistance payment contracts for units newly rented for
14 homeless individuals and families. 1. A housing assistance payment
15 contract shall be entered into between the relevant agency administering
16 this program and the owner of a dwelling unit when the voucher recipient
17 qualified for the program by being homeless. The housing assistance
18 payment contract entered into pursuant to this section shall establish
19 the maximum monthly rent (including utilities and all maintenance and
20 management charges) the owner is entitled to receive for each dwelling
21 unit with respect to which such assistance payments are to be made. Each
22 housing assistance payment contract entered into by the agency adminis-
23 tering this program and the owner of a dwelling unit shall provide:

24 (a) that the lease between the tenant and the owner shall be for a
25 term of not less than one year;

26 (b) that the dwelling unit owner shall offer leases to tenants
27 assisted under this article that:

28 (i) are in a standard form used in the locality by the dwelling unit
29 owner; and

30 (ii) contain terms and conditions that:

31 (A) are consistent with federal, state, and local law; and

32 (B) apply generally to tenants in the property who are not assisted
33 under this article;

34 (iii) shall provide that during the term of the lease, the owner shall
35 not terminate the tenancy except for serious or repeated violation of
36 the terms and conditions of the lease, for violation of applicable state
37 or local law, or for other good cause; and

38 (iv) shall provide that any termination of tenancy under this section
39 shall be preceded by the provision of written notice by the owner to the
40 tenant specifying the grounds for that action, and any relief shall be
41 consistent with applicable state and local law; and

42 (c) that any unit under an assistance contract originated under this
43 article shall only be occupied by the individual or family designated in
44 said contract and shall be the designated individual or family's primary
45 residence. Contracts shall not be transferable between units and shall
46 not be transferable between recipients. An individual or family may
47 transfer their voucher to a different unit under a new contract pursuant
48 to this article.

49 2. (a) For the homeless, the rent for dwelling units for which a hous-
50 ing assistance payment contract is established under this subdivision
51 shall be reasonable in comparison with rents charged for comparable
52 dwelling units in the private, unassisted local market.

53 (b) An agency administering this program shall, at the request of an
54 individual or family receiving tenant-based assistance under this subdivi-
55 vision, assist that individual or family in negotiating a reasonable
56 rent with a dwelling unit owner. "Reasonable rent" shall mean rent not

1 more than the rent charged on comparable units in the private unassisted
2 market and rent charged for comparable unassisted units in the premises.
3 Such agency shall review the rent for a unit under consideration by the
4 individual or family (and all rent increases for units under lease by
5 such individual or family) to determine whether the rent (or rent
6 increase) requested by the owner is reasonable. If an agency administer-
7 ing this program determines that the rent (or rent increase) for a
8 dwelling unit is not reasonable, the agency shall not make housing
9 assistance payments to the owner under this subdivision with respect to
10 that unit.

11 (c) Each agency administering this program shall make timely payment
12 of any amounts due to a dwelling unit owner under this subdivision. The
13 housing assistance payment contract between the owner and the agency
14 administering this program may provide for penalties for the late
15 payment of amounts due under the contract, which shall be imposed on the
16 agency in accordance with generally accepted practices in the local
17 housing market.

18 3. If an assisted individual or family vacates a dwelling unit for
19 which rental assistance is provided under a housing assistance payment
20 contract before the expiration of the term of the lease for the unit,
21 rental assistance pursuant to such contract may not be provided for the
22 unit after the month during which the unit was vacated.

23 4. Any voucher issued pursuant to this section for a homeless individ-
24 ual or family may be used for housing anywhere in the state. The rele-
25 vant agency administering this program shall inform voucher holders that
26 a voucher may be used anywhere in the state and, to the extent practica-
27 ble, shall assist voucher holders in finding housing in the area of
28 their choice.

29 § 609. Inspection of units newly rented for homeless individuals and
30 families. 1. Initial inspection. (a) In general. For each dwelling unit
31 for which a housing assistance payment contract is established, the
32 agency administering this program shall inspect the unit before any
33 assistance payment is made to determine whether the dwelling unit meets
34 the housing quality standards under subdivision two of this section,
35 except as provided in paragraphs (b) or (c) of this subdivision. Howev-
36 er, the commissioner may waive this inspection requirement to the extent
37 necessary to protect public health or expedite implementation of this
38 program.

39 (b) Correction of non-life-threatening conditions. In the case of any
40 dwelling unit that is determined, pursuant to an inspection under para-
41 graph (a) of this subdivision, not to meet the housing quality standards
42 under subdivision two of this section, assistance payments may be made
43 for the unit, notwithstanding subdivision three of this section, if
44 failure to meet such standards is a result only of non-life-threatening
45 conditions, as such conditions are established by the commissioner. An
46 agency making assistance payments pursuant to this paragraph for a
47 dwelling unit shall, thirty days after the beginning of the period for
48 which such payments are made, withhold any assistance payments for the
49 unit if any deficiency resulting in noncompliance with the housing qual-
50 ity standards has not been corrected by such time. The agency shall
51 recommence assistance payments when such deficiency has been corrected,
52 and may use any payments withheld to make assistance payments relating
53 to the period during which payments were withheld.

54 (c) Use of alternative inspection method for interim period. In the
55 case of any property that within the previous twenty-four months has met
56 the requirements of an inspection that qualifies as an alternative

1 inspection method pursuant to subdivision four of this section, an agen-
2 cy administering this program may authorize occupancy before the
3 inspection under paragraph (a) of this subdivision has been completed,
4 and may make assistance payments retroactive to the beginning of the
5 lease term after the unit has been determined pursuant to an inspection
6 under paragraph (a) of this subdivision to meet the housing quality
7 standards under subdivision two of this section. This paragraph may not
8 be construed to exempt any dwelling unit from compliance with the
9 requirements of subdivision four of this section.

10 2. Housing quality standards. The housing quality standards under this
11 subdivision are standards for safe and habitable housing established:

12 (a) by the commissioner for purposes of this subdivision; or

13 (b) by local housing codes or by codes adopted by public housing agen-
14 cies that:

15 (i) meet or exceed housing quality standards, except that the commis-
16 sioner may waive the requirement under this subparagraph to significant-
17 ly increase access to affordable housing and to expand housing opportu-
18 nities for individuals or families assisted under this subdivision,
19 except where such waiver could adversely affect the health or safety of
20 individuals or families assisted under this subdivision; and

21 (ii) do not severely restrict housing choice.

22 3. Inspection. The determination required under subdivision one of
23 this section shall be made by the agency administering this program
24 pursuant to an inspection of the dwelling unit conducted before any
25 assistance payment is made for the unit. Inspections of dwelling units
26 under this subdivision shall be made before the expiration of the
27 fifteen day period beginning upon a request by the resident or landlord
28 to the agency or, in the case of any agency that provides assistance
29 under this subdivision on behalf of more than one thousand two hundred
30 fifty individuals and families, before the expiration of a reasonable
31 period beginning upon such request.

32 4. Alternative inspection method. An inspection of a property shall
33 qualify as an alternative inspection method for purposes of this subdivi-
34 vision if:

35 (a) the inspection was conducted pursuant to requirements under a
36 federal, state, or local housing program; and

37 (b) pursuant to such inspection, the property was determined to meet
38 the standards or requirements regarding housing quality or safety appli-
39 cable to properties assisted under such program, and, if a non-state
40 standard or requirement was used, the agency administering this program
41 has certified to the commissioner that such standard or requirement
42 provides the same or greater protection to occupants of dwelling units
43 meeting such standard or requirement as would the housing quality stand-
44 ards under subdivision two of this section.

45 5. Interim inspections. Upon notification to the agency administering
46 this program, by an individual or family on whose behalf tenant-based
47 rental assistance is provided under this subdivision or by a government
48 official, that the dwelling unit for which such assistance is provided
49 does not comply with the housing quality standards under subdivision two
50 of this section, the agency shall inspect the dwelling unit:

51 (a) in the case of any condition that is life-threatening, within
52 twenty-four hours after the agency's receipt of such notification,
53 unless waived by the commissioner in extraordinary circumstances; and

54 (b) in the case of any condition that is not life-threatening, within
55 a reasonable time frame, as determined by the commissioner.

1 6. Inspection guidelines. The commissioner shall establish procedural
2 guidelines and performance standards to facilitate inspections of dwell-
3 ing units and conform such inspections with practices utilized in the
4 private housing market. Such guidelines and standards shall take into
5 consideration variations in local laws and practices of public housing
6 agencies and shall provide flexibility to agencies appropriate to facil-
7 itate efficient provision of assistance under this subdivision.

8 § 610. Housing obligations. Nothing in this section shall lessen or
9 abridge any fair housing obligations promulgated by the federal govern-
10 ment, state, municipalities, localities, or any other applicable juris-
11 isdiction.

12 § 611. Reports by the commissioner. The commissioner shall, on or
13 before December first, two thousand twenty and on or before March first,
14 two thousand twenty-one submit and make publicly available a report to
15 the governor, the temporary president of the senate, the speaker of the
16 assembly, and on its website, on the number of individuals, families,
17 and households that have applied for assistance, the number of applica-
18 tions accepted, the number of applications rejected, the status of any
19 pending applications, the monthly expenditures made pursuant to this
20 article including recipient demographic data, regional data, and details
21 on assistance payment values.

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

32 § 3. This act shall take effect immediately.