

STATE OF NEW YORK

8878

IN SENATE

August 5, 2020

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to eliminating rent for homeless shelters in cities with a population of one million or more; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Section 36-c of the social services law is REPEALED.

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

4 21. The office of temporary and disability assistance shall prohibit
5 any publicly funded provider of temporary housing assistance in a city
6 having a population of one million or more, including but not limited to
7 those defined in subdivision sixteen of section one hundred thirty-one-a
8 of this title from requiring recipients of public assistance, emergency
9 assistance for adults, supplemental security income or additional state
10 payment to participate in work activities, including but not limited to
11 those defined in section three hundred thirty-six of this chapter, as a
12 condition to receive temporary housing assistance from such provider.
13 Provided, however, if such recipient chooses to volunteer or receive
14 money to work, he or she shall be fully informed in writing that there
15 is no obligation to perform work or volunteer as a condition of receiv-
16 ing temporary housing assistance from such provider. Written, signed
17 consent to volunteer or receive money to work shall be kept on file
18 while he or she is receiving temporary housing assistance from such
19 provider. Nothing herein shall prevent the provider of temporary housing
20 assistance from keeping such consent electronically.

21 22. a. Any temporary housing assistance provider, in a city having a
22 population of one million or more, found to be collecting income, room
23 and board or any other type of contribution in violation of subdivision
24 sixteen of section one hundred thirty-one-a of this title, shall, after
25 notice and an opportunity to be heard by the department, be required to
26 return any funds collected in violation of this section to such recipi-
27 ent and may be subject to a civil penalty not to exceed five hundred

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

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

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

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

22 16. Notwithstanding any other provision of law, rule or regulation to
23 the contrary, a homeless individual or family applying for or receiving
24 temporary housing assistance, in a city having a population of one
25 million or more, shall not be required to pay room and board or contrib-
26 ute or deposit any earned or unearned income, available benefits or
27 resources to eliminate their need for temporary housing assistance or as
28 a condition to receive temporary housing assistance from such provider.
29 For the purposes of this subdivision, any provider of temporary housing
30 assistance or short-term housing shall include, but not be limited to, a
31 family shelter, a cluster site apartment, a shelter for adults, a United
32 States Department of Housing and Urban Development assisted transitional
33 housing shelter, a public home, a hotel, an emergency apartment, a
34 domestic violence shelter, a runaway and homeless youth shelter, a room
35 and board shelter, a safe haven shelter, a veterans short-term housing
36 shelter, a criminal justice short-term housing shelter, or a safe house
37 for refugees, asylees, or trafficking victims operating in New York
38 state.

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