STATE OF NEW YORK

2361

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. HEVESI, LUPARDO, AUBRY, ENGLEBRIGHT, SAYEGH, REYES, J. RIVERA, D. ROSENTHAL, GOTTFRIED, EPSTEIN, COOK, SIMON, FAHY, BARRON, HUNTER, SEAWRIGHT, FRONTUS, MANKTELOW, L. ROSENTHAL -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing the incentivizing habitability opportunity program

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

Section 1. Article 2-A of the social services law is amended by adding a new title 5 to read as follows:

TITLE 5

INCENTIVIZING HABITABILITY OPPORTUNITY PROGRAM

Section 53. Landlord incentive for homeless shelters.

§ 53. Landlord incentive for homeless shelters. 1. Notwithstanding any other provision of law to the contrary, each local social services district shall provide an incentive to owners who enter into a residential lease or rental agreement with an eligible household for a qualified dwelling unit in order to address homelessness and ensure appropriate habitability standards in accordance with this section.

2. For the purposes of this section: (a) "homeless" shall mean the lack of a fixed, regular, and adequate nighttime residence; exiting an institution where they resided and will lack a regular fixed and adequate nighttime residence upon release or discharge; 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; 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

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

LBD01503-01-1

further that a written attestation from an individual or family member alleging such abuse and loss of housing shall be sufficient to establish eligibility.

(b) "eligible household" shall mean an individual or family eligible for or receiving public assistance that is homeless as defined by this section. A household's eligibility shall not be affected by an individual's sanction status.

(c) "habitability standard" shall mean the housing quality standards for safe and habitable housing which are established by local housing codes that meet or exceed housing quality standards, so long as such standards do not severely restrict housing choice.

(d) "qualified dwelling unit" shall mean a unit that (i) meets the necessary habitability standards as defined in this subdivision; and (ii) the owner satisfies all the necessary requirements as required by subdivision three of this section.

3. (a) Each local social services district shall provide an incentive in accordance with subdivision four of this section, to eligible owners that enter into a residential lease or rental agreement with an eligible household for a qualified dwelling unit, as defined in subdivision one of this section. For an owner to be eligible to receive an incentive for a qualified dwelling unit, the owner of the dwelling unit shall: (i) enter into a residential lease or rental agreement in accordance with paragraph (b) of this subdivision with an eligible household for a period of not less than one year and (ii) ensure that upon inspection, as required by paragraph (c) of this subdivision, the dwelling unit meets and maintains the necessary habitability standards as defined in subdivision one of this section throughout the period of the lease.

(b) (i) The residential lease or rental agreement entered into between the eligible owner of the qualified dwelling unit and the eligible household shall be consistent with all applicable state and local law and contain all appropriate provisions applicable to tenants of a dwelling unit which does not qualify for an incentive pursuant to this section.

(ii) The owner shall not terminate such lease or rental agreement except for good cause, such as serious or repeated violations of the terms and conditions of the lease or rental agreement, or for violation of applicable state, or local law.

(iii) Prior to terminating a residential lease or rental agreement pursuant to this section, and in addition to any other notices required by law, written notice shall be provided to the eligible household specifying the grounds for such termination, and any relief that may be available which is consistent with applicable state and local law.

(iv) The lease or rental agreement shall be renewed unless (1) the owner or a member of the owner's immediate family needs the apartment for their personal use and primary residence, (2) the apartment is not used as the tenant's primary residence, or (3) the owner wants to take the apartment off the rental market, either to demolish the building for reconstruction or use it for other purposes permitted by law. If the owner is not renewing the lease for any of the above reasons, the owner must notify the eligible household in writing at least ninety days prior to the end of the existing lease.

(c) (i) Prior to providing the owner of an eligible dwelling unit with an incentive as authorized by this section, the commissioner shall, either directly or through a contract with a not-for-profit, inspect each dwelling unit prior to the owner entering into a new residential lease or rental agreement with an eligible household, anytime the eligi-

ble household transfers to a new unit with the owner and annually thereafter in instances when the lease or rental agreement extends beyond a year. Such dwelling unit shall be required to be inspected prior to every new residential lease or rental agreement that is entered into with an eligible household, for so long as the owner seeks to receive an incentive pursuant to this section. Upon inspection, the local social services district, shall ensure that the dwelling unit meets the habitability standard, as defined in this section.

(ii) No such incentive shall be provided if the dwelling unit fails to meet all the necessary requirements of the habitability standard. Such prorate share of the incentive shall be withheld until the owner makes all the necessary changes required to meet the habitability standard and passes a follow up inspection. To the extent that the owner can show the violations were caused by a member of the eligible household, the owner may be provided an extension to fix the cited violations and be re-inspected in an appropriate period of time, as determined by the local social services district.

(iii) Any time during the lease or rental agreement, a member of an eligible household may request an additional inspection, citing an owner's failure to maintain habitability standards, as required by this section.

(iv) Each local social services district shall maintain a written record detailing the inspections and re-inspections for each dwelling unit for the period of the eligible household's tenancy and for three years subsequent to the end of such tenancy and shall make the records available upon request to the state comptroller.

4. (a) Each local social services district shall provide an incentive to the owner of a qualifying dwelling unit, that meets all the necessary requirements specified in subdivision three of this section, in an amount equal to five hundred dollars for every eligible individual and one thousand dollars for every eligible family. The incentive will be paid to the owner on a monthly basis. The incentive shall be issued by the local social services district directly to the owner of the qualified dwelling unit.

(b) The incentive shall be provided to the owner of the qualified dwelling unit (i) during the period of the eligible household's tenancy; (ii) until the date the eligible household vacates the qualified dwelling unit prior to the expiration date of the lease or rental agreement; or (iii) until the effective date of the notice of eviction received by the eligible household issued pursuant to a court proceeding.

(c) In the event that the owner of the eligible dwelling unit wrongfully and/or prematurely terminates the lease in violation of applicable state or local law, the owner shall reimburse the local social services district the amount of the incentive provided to date.

§ 2. Section 153 of the social services law is amended by adding a new subdivision 18 to read as follows:

18. Notwithstanding any other provision of law to the contrary, one hundred percent of costs for incentives required by section fifty-three of this chapter 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 the one hundred eightieth day after it shall have become a law.