

# STATE OF NEW YORK

9337

## IN ASSEMBLY

February 23, 2022

Introduced by M. of A. CYMBROWITZ -- read once and referred to the  
Committee on Housing

AN ACT to amend chapter 56 of the laws of 2021, establishing the  
"COVID-19 Emergency Rental Assistance Program of 2021", in relation to  
COVID-19 emergency rental assistance payments

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

1 Section 1. Paragraph (c) of subdivision 2 of section 9 of subpart A of  
2 part BB of chapter 56 of the laws of 2021, establishing the "COVID-19  
3 Emergency Rental Assistance Program of 2021", is amended to read as  
4 follows:

5 (c) If a payment cannot be made directly to a landlord or owner after  
6 the outreach efforts described in paragraph (b) of this subdivision,  
7 funds in the amount approved for rental assistance to an otherwise  
8 eligible applicant shall be available for a period of [~~180~~ 90 days;  
9 extension may be provided upon determination by the commissioner of good  
10 cause. When possible, both landlord or owner and tenant shall be noti-  
11 fied of the provisional determination of eligibility and the landlord or  
12 owner shall have a final opportunity to participate. If the landlord or  
13 owner does not provide necessary information or documentation to effec-  
14 tuate payment as directed before [~~180~~ 90 days, the commissioner may  
15 reallocate the set aside funds to serve other rental assistance program  
16 applicants. The tenant may use such provisional determination as an  
17 affirmative defense in any proceeding seeking a monetary judgment or  
18 eviction brought by a landlord for the non-payment of rent accrued  
19 during the same time period covered by the provisional payment for a  
20 period of twelve months from the determination of provisional eligibil-  
21 ity. If the landlord has not accepted such provisional payment within  
22 twelve months of the determination the landlord shall be deemed to have  
23 waived the amount of rent covered by such provisional payment, and shall  
24 be prevented from initiating a monetary action or proceeding, or  
25 collecting a judgment premised on the nonpayment of the amount of rent  
26 covered by such provisional payment.

27 § 2. This act shall take effect on the fifteenth day after it shall  
28 have become a law.

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

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