STATE OF NEW YORK

6743--A

2021-2022 Regular Sessions

IN SENATE

May 13, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed 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 rental assistance; and to repeal such provisions upon expiration thereof

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

Section 1. The social services law is amended by adding a new section 131-bb to read as follows:

§ 131-bb. Proof of eligibility for rental assistance. Under no circumstances shall a local social services district require proof that a court proceeding has been initiated against a tenant as a condition of eligibility for a rent arrears grant or ongoing rental assistance including rental assistance provided pursuant to this article.

§ 2. Section 131-w of the social services law, as added by chapter 41 of the laws of 1992, is amended to read as follows:

§ 131-w. Limitations in the payment of rent arrears. **1.** Districts shall not provide assistance to pay rent arrears, property taxes or mortgage arrears for persons not eligible for home relief, aid to dependent children, emergency assistance to needy families with children or emergency assistance for aged, blind and disabled persons, except to persons who are without income or resources immediately available to meet the emergency need, whose gross household income does not exceed one hundred twenty-five percent of the federal income official poverty line and who sign a repayment agreement agreeing to repay the assistance in a period not to exceed twelve months. The districts shall enforce the repayment agreements by any legal method available to a creditor, in addition to any rights it has pursuant to this chapter. The department shall promulgate regulations to implement this section which shall, among other things, establish standards for the contents of repayment

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

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agreements and establish standards to ensure that assistance is provided only in emergency circumstances.

2. Notwithstanding the provisions of subdivision one of this section, no repayment agreement shall be required for assistance provided between March seventh, two thousand twenty and the later of the end of the state of emergency declared pursuant to executive order number two hundred two of two thousand twenty or February twenty-eighth, two thousand twenty-two. Any payment due and owing under this section shall be suspended until the later of the end of the state of emergency declared pursuant to executive order number two hundred two of two thousand twenty or February twenty-eighth, two thousand twenty-two.

§ 3. Subdivision 1 of section 131-s of the social services law, as amended by chapter 318 of the laws of 2009, is amended to read as follows:

1. **(a)** In the case of a person applying for public assistance, supplemental security income benefits or additional state payments pursuant to this chapter, the social services official of the social services district in which such person resides shall, unless alternative payment or living arrangements can be made, make a payment to a gas corporation, electric corporation or municipality for services provided to such person during a period of up to, but not exceeding, four months immediately preceding the month of application for such assistance or benefits if such payment is needed to prevent shut-off or to restore service. Persons whose gross household income exceeds the public assistance standard of need for the same size household must sign a repayment agreement to repay the assistance within two years of the date of payment as a condition of receiving assistance, in accordance with regulations established by the department. Such repayment agreement may be enforced in any manner available to a creditor, in addition to any rights the district may have pursuant to this chapter.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, no repayment agreement shall be required for assistance provided between March seventh, two thousand twenty and the later of the end of the state of emergency declared pursuant to executive order number two hundred two of two thousand twenty or February twenty-eighth, two thousand twenty-two.

§ 4. Section 106-b of the social services law, as amended by chapter 81 of the laws of 1995, is amended to read as follows:

§ 106-b. Adjustment for incorrect payments. **1.** Any inconsistent provision of law notwithstanding, a social services official shall, in accordance with the regulations of the department and consistent with federal law and regulations, take all necessary steps to correct any overpayment or underpayment to a public assistance recipient; provided, however, that a social services official may waive recovery of a past overpayment, in the case of an individual who is not currently a recipient of public assistance, where the cost of recovery is greater than the cost of collections as determined in accordance with department regulations consistent with federal law and regulations. For purposes of this section, overpayment shall include payments made to an eligible person in excess of his **or her** needs as defined in this chapter and payments made to ineligible persons (including payments made to such persons pending a fair hearings decision). The commissioner shall promulgate regulations to implement procedures for correcting overpayments and underpayments. The procedures for correcting overpayments shall be designed to minimize adverse impact on the recipient, and to the extent possible avoid undue hardship. Notwithstanding any other

provision of law to the contrary, no underpayment shall be corrected with respect to a person who is currently not eligible for or in receipt of home relief or aid to dependent children, except that corrective payments may be made with respect to persons formerly eligible for or in receipt of aid to dependent children to the extent that federal law and regulations require.

2. Notwithstanding the provisions of subdivision one of this section, no collection of overpayments shall be conducted, regardless of when the overpayment accrued, until the later of the end of the state of emergency declared pursuant to executive order number two hundred two of two thousand twenty or February twenty-eighth, two thousand twenty-two.

§ 5. This act shall take effect immediately and sections two, three and four of this act shall expire and be deemed repealed on the later of the end of the state of emergency declared pursuant to executive order number 202 of 2020 or February 28, 2022.