

# 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:

1 Section 1. The social services law is amended by adding a new section  
2 131-bb to read as follows:

3 § 131-bb. Proof of eligibility for rental assistance. Under no circum-  
4 stances shall a local social services district require proof that a  
5 court proceeding has been initiated against a tenant as a condition of  
6 eligibility for a rent arrears grant or ongoing rental assistance  
7 including rental assistance provided pursuant to this article.

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

10 § 131-w. Limitations in the payment of rent arrears. 1. Districts  
11 shall not provide assistance to pay rent arrears, property taxes or  
12 mortgage arrears for persons not eligible for home relief, aid to  
13 dependent children, emergency assistance to needy families with children  
14 or emergency assistance for aged, blind and disabled persons, except to  
15 persons who are without income or resources immediately available to  
16 meet the emergency need, whose gross household income does not exceed  
17 one hundred twenty-five percent of the federal income official poverty  
18 line and who sign a repayment agreement agreeing to repay the assistance  
19 in a period not to exceed twelve months. The districts shall enforce  
20 the repayment agreements by any legal method available to a creditor, in  
21 addition to any rights it has pursuant to this chapter. The department  
22 shall promulgate regulations to implement this section which shall,  
23 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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1 agreements and establish standards to ensure that assistance is provided  
2 only in emergency circumstances.

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

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

15 1. (a) In the case of a person applying for public assistance, supple-  
16 mental security income benefits or additional state payments pursuant to  
17 this chapter, the social services official of the social services  
18 district in which such person resides shall, unless alternative payment  
19 or living arrangements can be made, make a payment to a gas corporation,  
20 electric corporation or municipality for services provided to such  
21 person during a period of up to, but not exceeding, four months imme-  
22 diately preceding the month of application for such assistance or bene-  
23 fits if such payment is needed to prevent shut-off or to restore  
24 service. Persons whose gross household income exceeds the public assist-  
25 ance standard of need for the same size household must sign a repayment  
26 agreement to repay the assistance within two years of the date of  
27 payment as a condition of receiving assistance, in accordance with regu-  
28 lations established by the department. Such repayment agreement may be  
29 enforced in any manner available to a creditor, in addition to any  
30 rights the district may have pursuant to this chapter.

31 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
32 sion, no repayment agreement shall be required for assistance provided  
33 between March seventh, two thousand twenty and the later of the end of  
34 the state of emergency declared pursuant to executive order number two  
35 hundred two of two thousand twenty or February twenty-eighth, two thou-  
36 sand twenty-two.

37 § 4. Section 106-b of the social services law, as amended by chapter  
38 81 of the laws of 1995, is amended to read as follows:

39 § 106-b. Adjustment for incorrect payments. 1. Any inconsistent  
40 provision of law notwithstanding, a social services official shall, in  
41 accordance with the regulations of the department and consistent with  
42 federal law and regulations, take all necessary steps to correct any  
43 overpayment or underpayment to a public assistance recipient; provided,  
44 however, that a social services official may waive recovery of a past  
45 overpayment, in the case of an individual who is not currently a recipi-  
46 ent of public assistance, where the cost of recovery is greater than the  
47 cost of collections as determined in accordance with department regu-  
48 lations consistent with federal law and regulations. For purposes of  
49 this section, overpayment shall include payments made to an eligible  
50 person in excess of his or her needs as defined in this chapter and  
51 payments made to ineligible persons (including payments made to such  
52 persons pending a fair hearings decision). The commissioner shall  
53 promulgate regulations to implement procedures for correcting overpay-  
54 ments and underpayments. The procedures for correcting overpayments  
55 shall be designed to minimize adverse impact on the recipient, and to  
56 the extent possible avoid undue hardship. Notwithstanding any other

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

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

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