STATE OF NEW YORK

9158

IN SENATE

May 11, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to grievance procedures for proceedings involving the New York City Housing Authority

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

Section 1. The public housing law is amended by adding a new section 160 to read as follows:

§ 160. Grievance procedure requirements. 1. As used in this section:

a. "administrative procedure" shall include any informal review process or hearing process available by law to applicants and tenants to review or challenge a New York City Housing Authority decision, action, or failure to act, including all impartial hearings, grievance procedures, and termination of tenancy procedures;

b. "authority" means the New York City Housing Authority; and

c. "hearing decision" means any decision issued by a hearing officer pursuant to Title 24 § 966.57 of the Code of Federal Regulations; and

2. The authority shall create policies regarding administrative procedures that conform with Title 42 §§ 13661-13662 of the United States Code and any relevant guidance developed by the Office of Public and Indian Housing of the United States Department of Housing and Urban Development. Such policies shall:

a. require the authority to provide oral interpretation services throughout the administrative procedure to all limited English proficient applicants and residents;

b. provide for a formal mechanism by which parties may engage in motion practice in all administrative procedures;

c. for all active administrative procedures, provide for an automatic stay in any housing court proceeding in which the resident is the respondent;

d. provide for the right to a stay until any underlying criminal court proceeding is resolved in all administrative procedures involving alleged criminal activity or non-desirability;

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

LBD15387-01-2

e. require that all hearings:

(i) are conducted according to New York state rules of evidence;

(ii) are held before an impartial hearing officer appointed after review and approval by residents; and

(iii) result in a written decision, which the authority shall provide to the resident or applicant within thirty days of the hearing, and which shall be included in redacted form in an electronically searchable public database maintained by the authority; and

f. require the authority to allow residents to submit and pursue grievances regardless of whether they are current on rent.

§ 2. This act shall take effect immediately.