

# STATE OF NEW YORK

2

Extraordinary Session

## IN ASSEMBLY

September 1, 2021

Introduced by M. of A. BUDGET BILL -- (at request of the Budget) -- read once and referred to the Committee on Ways and Means

AN ACT to amend chapter 53 of the laws of 2021, enacting the aid to localities budget, in relation to making additional appropriations associated with an emergency rental assistance program

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

1 Section 1. Section 1 of chapter 53 of the laws of 2021, enacting the  
2 aid to localities budget, is amended by repealing the items hereinbelow  
3 set forth in brackets and by adding to such section the other items  
4 underscored in this section.

5 DEPARTMENT OF FAMILY ASSISTANCE  
6 OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE

7 AID TO LOCALITIES 2021-22

8 For payment according to the following schedule:

9		APPROPRIATIONS	REAPPROPRIATIONS
10	General Fund .....	[ <del>1,675,578,000</del> ]	189,624,345
11		<u>1,825,578,000</u>	
12	Special Revenue Funds - Federal ....	[ <del>7,101,484,000</del> ]	4,137,709,000
13		<u>7,351,484,000</u>	
14	Special Revenue Funds - Other .....	19,900,000	500,000
15	Fiduciary Funds .....	10,000,000	0
16		-----	-----
17	All Funds .....	[ <del>8,806,962,000</del> ]	4,327,833,345
18		<u>9,206,962,000</u>	
19		=====	=====

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

LBD12030-04-1

1 SPECIALIZED SERVICES PROGRAM ..... [~~2,785,196,000~~] 3,185,196,000

3 General Fund

4 Local Assistance Account - 10000

5 [~~For supplemental costs associated with an~~  
6 ~~emergency rental assistance program pursu-~~  
7 ~~ant to a plan approved by the office of~~  
8 ~~temporary and disability assistance and~~  
9 ~~director of the budget. Such expenses~~  
10 ~~shall be for costs exceeding any special~~  
11 ~~revenue - federal appropriation made~~  
12 ~~available for such purposes, or for~~  
13 ~~providing assistance to households with~~  
14 ~~incomes that exceed the limitations set~~  
15 ~~forth in such program and with a household~~  
16 ~~member in a priority population as~~  
17 ~~provided for in such program, or for~~  
18 ~~assistance to landlords.] For supplemental~~

19 costs associated with an emergency rental  
20 assistance program pursuant to a plan  
21 approved by the office of temporary and  
22 disability assistance and director of the  
23 budget. Such expenses shall be (a) for  
24 forty-five days following the date when  
25 applications begin to be accepted, for  
26 providing assistance to households with  
27 incomes that exceed eighty percent of area  
28 median income but do not exceed one  
29 hundred percent of area median income, (b)  
30 after forty-five days following the date  
31 when applications begin to be accepted,  
32 for providing assistance to households  
33 with incomes that exceed eighty percent of  
34 area median income but do not exceed one  
35 hundred twenty percent of area median  
36 income, (c) for forty-five days following  
37 the date when applications begin to be  
38 accepted, for assistance to small land-  
39 lords as defined in subdivision 12 of  
40 section 2 of subpart A of part BB of chap-  
41 ter 56 of the laws of 2021, of a unit  
42 charging rent that does not exceed one  
43 hundred fifty percent of the fair market  
44 rent by unit size, with rental arrears  
45 accrued by a tenant, if such landlord has  
46 used best efforts to contact and assist  
47 such tenant in applying for a program  
48 funded with emergency rental assistance  
49 dollars, without success, including  
50 instances in which such tenant has vacated  
51 while owing such rental arrears, or (d)  
52 after forty-five days following the date  
53 when applications begin to be accepted,  
54 for assistance to landlords of a unit

charging rent that does not exceed one hundred fifty percent of the fair market rent by unit size, with rental arrears accrued by a tenant, if such landlord has used best efforts to contact and assist such tenant in applying for a program funded with emergency rental assistance dollars, without success, including instances in which such tenant has vacated while owing such rental arrears. Until such time as the commissioner determines that the need justifies a reallocation, no more than one hundred twenty-five million dollars shall be available for purposes noted in subdivision (a) or (b), and no more than one hundred twenty-five million dollars shall be made available for the purposes noted in subdivision (c) or (d), provided however in no case shall the commissioner make such reallocation earlier than ninety days after the date when applications begin to be accepted; and provided further that the commissioner shall report to the speaker of the assembly and the temporary president of the senate when such reallocations are made and the reasons for such reallocations.

Funds appropriated herein may be transferred or suballocated to any other state agency or authority.

Notwithstanding any inconsistent provision of law, the budget director is hereby authorized to transfer any of the amount appropriated herein to state operations for administration of supplemental emergency rental assistance activities .....

..... [~~100,000,000~~] 250,000,000

Program account subtotal .. [~~338,796,000~~] 488,796,000

Special Revenue Funds - Federal  
Federal Miscellaneous Operating Grants Fund  
CARES Emergency Rent - 25544

For services and expenses of an emergency rental assistance program. Households eligible for assistance under such program shall include one or more individual that has experienced financial hardship, is at risk of homelessness or housing instability, and earns up to eighty percent of area median income as determined by the United States department of housing and urban development. Such assistance shall be prioritized for those who are unemployed

for at least 90 days and those earning up to fifty percent of area median income as determined by the United States department of housing and urban development. Such assistance shall support the payment of up to 12 months of rental arrears due at the time of application and up to 3 months of prospective rent and other purposes set forth in Public Law No. 116-260, Public Law 117-2, or any other federal funds made available for this purpose. Notwithstanding any inconsistent provision of law, twenty-five million dollars of the funds appropriated herein shall be available to provide legal services or attorney's fees to tenants related to eviction proceedings and maintaining housing stability pursuant to a plan approved by the commissioner of the office of temporary and disability assistance. The plan for such funds shall grant priority to areas where access to free legal assistance for such services is not already provided. To the extent practicable, such expenses shall be paid from funds otherwise available for administrative purposes. Funds may also be used to support a hardship fund for undocumented workers.

~~[Funds appropriated herein shall only be expended in local governments not in receipt of a direct allocation from the U.S. Treasury pursuant to the Emergency Rental Assistance funding enacted in Public Law No. 116-260, Public Law 117-2, or any other federal funds made available for this purpose, unless a local government in direct receipt of such allocation has submitted a plan to the office of temporary and disability assistance.]~~

Funds appropriated herein may be transferred or suballocated to any other state agency or authority.

Notwithstanding any inconsistent provision of law, the budget director is hereby authorized to transfer any of the amount appropriated herein to state operations for administration of emergency rental assistance activities .... [2,350,000,000] 2,600,000,000

Program account subtotal [2,350,000,000] 2,600,000,000

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2021.