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 Assembly, do enact as follows:

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

(c) If a payment cannot be made directly to a landlord or owner after the outreach efforts described in paragraph (b) of this subdivision, funds in the amount approved for rental assistance to an otherwise eligible applicant shall be available for a period of [~~180~~] **90** days; extension may be provided upon determination by the commissioner of good cause. When possible, both landlord or owner and tenant shall be notified of the provisional determination of eligibility and the landlord or owner shall have a final opportunity to participate. If the landlord or owner does not provide necessary information or documentation to effectuate payment as directed before [~~180~~] **90** days, the commissioner may reallocate the set aside funds to serve other rental assistance program applicants. The tenant may use such provisional determination as an affirmative defense in any proceeding seeking a monetary judgment or eviction brought by a landlord for the non-payment of rent accrued during the same time period covered by the provisional payment for a period of twelve months from the determination of provisional eligibility. If the landlord has not accepted such provisional payment within twelve months of the determination the landlord shall be deemed to have waived the amount of rent covered by such provisional payment, and shall be prevented from initiating a monetary action or proceeding, or collecting a judgment premised on the nonpayment of the amount of rent covered by such provisional payment.

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

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

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