

# STATE OF NEW YORK

2742

2021-2022 Regular Sessions

## IN SENATE

January 25, 2021

Introduced by Sens. KAVANAGH, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BROOKS, GAUGHRAN, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- 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 establishing a COVID-19 emergency rental assistance program

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

1 Section 1. The public housing law is amended by adding a new article  
2 14 to read as follows:

### ARTICLE XIV

#### COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

##### Section 600. Legislative findings.

6 601. Definitions.

7 602. Authority to implement emergency rental assistance.

8 603. Eligibility.

9 604. Payment of emergency vouchers.

10 605. Rental obligation.

11 606. Assistance payment.

12 607. Verification of income and assets.

13 608. Housing assistance payment contracts for units newly rented  
14 for homeless individuals and families.

15 609. Inspection of units newly rented for homeless individuals  
16 and families.

17 610. Housing obligations.

18 611. Reports by the commissioner.

19 § 600. Legislative findings. The legislature finds that it is in the  
20 public interest to ensure that New Yorkers are not rendered homeless or  
21 severely financially burdened because of an inability to pay the cost of

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

LBD06457-01-1

1 housing and other necessities due to loss of income related to the wide-  
2 spread outbreak of the coronavirus commonly known as COVID-19. The  
3 legislature further finds that the outbreak of COVID-19 has exacerbated  
4 the health risks associated with being homeless and that there is a need  
5 for increased funding to provide permanent housing for homeless individ-  
6 uals and families as an essential part of the state's efforts to miti-  
7 gate the threat of COVID-19 to public health. The legislature further  
8 finds that providing funding for individuals, families and households to  
9 pay rent that they would otherwise have difficulty paying will promote  
10 the stability and proper maintenance of the housing stock and assist  
11 communities in recovering from the adverse social and economic effects  
12 of the COVID-19 outbreak.

13 § 601. Definitions. For the purposes of this article:

14 1. "Adjusted income" shall mean income minus any deductions allowable  
15 at the discretion of the commissioner pursuant to this section.

16 (a) The calculation of income performed at the time of application for  
17 such assistance shall consider only income that the individual, family  
18 or household is currently receiving at such time and any income recently  
19 terminated shall not be included; (b) the calculation of income  
20 performed with respect to individuals, families or households receiving  
21 ongoing assistance three months after initial receipt of assistance  
22 shall consider only the income that the household is receiving at the  
23 time of such review; and (c) the calculation of income performed with  
24 respect to individuals, families or households receiving assistance for  
25 arrearages shall consider only the income that the individual, family or  
26 household was receiving at the time such arrearages were incurred.

27 2. "At risk of homelessness" shall mean, with respect to an individ-  
28 ual, family, or household, that the individual, family, or household (a)  
29 has an income below one hundred twenty percent of the median income for  
30 the area as determined by the United States secretary of housing and  
31 urban development; and

32 (b) has an inability to attain or maintain housing stability or has  
33 insufficient resources to pay for rent or utilities due to financial  
34 hardships.

35 3. "Covered period" means March seventh, two thousand twenty until the  
36 date on which none of the provisions that closed or otherwise restricted  
37 public or private businesses or places of public accommodation, or  
38 required postponement or cancellation of all non-essential gatherings of  
39 individuals of any size for any reason in executive order numbers 202.3,  
40 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of  
41 two thousand twenty, as extended by executive order numbers 202.28 and  
42 202.31 and as further extended by executive order number 202.79 and any  
43 future executive order, issued in response to the COVID-19 pandemic  
44 continue to apply in the county of the individual, family, or house-  
45 hold's residence.

46 4. "Fair market rent" shall mean the fair market rent for each rental  
47 area as promulgated annually by the United States department of housing  
48 and urban development's office of policy development and research pursu-  
49 ant to 42 USC 1437f.

50 5. (a) "Family" shall mean a group of persons living in the same  
51 household who:

52 (i) are related by birth, marriage, or adoption. This group includes,  
53 but is not limited to a family with or without children (a child who is  
54 temporarily away from the home because of placement in foster care is  
55 considered a member of the family), an elderly family, a near-elderly

1 family, a disabled family, a displaced family, or the remaining member  
2 of a tenant family; or

3 (ii) are two or more individuals who are not related by blood,  
4 marriage, adoption, or other operation of law, but who can demonstrate  
5 that they have lived together previously and certify that each individ-  
6 ual's income and other resources will be available to meet the needs of  
7 the family.

8 (b) Each family shall identify the individuals to be included in the  
9 family at the time of application, and shall update this information if  
10 the family's composition changes.

11 (c) The commissioner shall have the discretion to determine if any  
12 other group of persons qualifies as a family.

13 6. (a) "Homeless" shall mean:

14 (i) an individual or family who lacks a fixed, regular, and adequate  
15 nighttime residence;

16 (ii) an individual or family with a primary nighttime residence that  
17 is a public or private place not designed for or ordinarily used as a  
18 regular sleeping accommodation for human beings, including a car, park,  
19 abandoned building, bus or train station, airport, or camping ground;

20 (iii) an individual or family living in a supervised publicly or  
21 privately operated shelter designated to provide temporary living  
22 arrangements, including hotels and motels paid for by Federal, State, or  
23 local government programs for low-income individuals or by charitable  
24 organizations, congregate shelters, and transitional housing;

25 (iv) an individual who resided in a shelter or place not meant for  
26 human habitation and who is exiting an institution where he or she  
27 temporarily resided;

28 (v) an individual or family who:

29 (1) will imminently lose their housing, including housing they own,  
30 rent, or live in without paying rent, are sharing with others, and rooms  
31 in hotels or motels not paid for by Federal, State, or local government  
32 programs for low-income individuals or by charitable organizations, as  
33 evidenced by:

34 (A) a court order resulting from an eviction action that notifies the  
35 individual or family that they must leave within fourteen days;

36 (B) the individual or family having a primary nighttime residence that  
37 is a room in a hotel or motel and where they lack the resources neces-  
38 sary to reside there for more than fourteen days; or

39 (C) credible evidence indicating that the owner or renter of the hous-  
40 ing will not allow the individual or family to stay for more than four-  
41 teen days, and any oral statement from an individual or family seeking  
42 homeless assistance that is found to be credible shall be considered  
43 credible evidence for purposes of this clause;

44 (2) has no subsequent residence identified; and

45 (3) lacks the resources or support networks needed to obtain other  
46 permanent housing; and

47 (vi) unaccompanied youth and homeless families with children and youth  
48 defined as homeless under other Federal statutes who:

49 (1) have experienced a long term period without living independently  
50 in permanent housing;

51 (2) have experienced persistent instability as measured by frequent  
52 moves over such period; and

53 (3) can be expected to continue in such status for an extended period  
54 of time because of chronic disabilities, chronic physical health or  
55 mental health conditions, substance addiction, histories of domestic

1 violence or childhood abuse, the presence of a child or youth with a  
2 disability, or multiple barriers to employment.

3 (b) Notwithstanding any other provision of this section, the commis-  
4 sioner shall consider to be homeless any individual or family who is  
5 fleeing, or is attempting to flee, domestic violence, dating violence,  
6 sexual assault, stalking, or other dangerous or life-threatening condi-  
7 tions in the individual's or family's current housing situation, includ-  
8 ing where the health and safety of children are jeopardized, and who  
9 have no other residence and lack the resources or support networks to  
10 obtain other permanent housing.

11 7. "Income" shall mean income from all sources of each member of the  
12 family or household, including all wages, tips, over-time, salary,  
13 recurring gifts, returns on investments, welfare assistance, social  
14 security payments, child support payments, unemployment benefits, any  
15 benefit, payment or cash grant whose purpose is to assist with rental  
16 payments, any payments whose purpose is to replace lost income, and any  
17 other government benefit or cash grant. The term "income" shall not  
18 include: employment income from children under eighteen years of age,  
19 employment income from children eighteen years of age or older who are  
20 full-time students, foster care payments, sporadic gifts, groceries  
21 provided by persons not living in the household, supplemental nutrition  
22 assistance program benefits, earned income disregard, or the earned  
23 income tax credit.

24 8. "Manufactured home tenant" shall have the same meaning as defined  
25 by section two hundred thirty-three of the real property law.

26 9. "Occupant" shall have the same meaning as defined in section two  
27 hundred thirty-five-f of the real property law.

28 10. "Public housing agency" shall mean any county, municipality, or  
29 other governmental entity or public body that is authorized to adminis-  
30 ter any public housing program, or an agency or instrumentality of such  
31 an entity, and any other public or private non-profit entity that admin-  
32 isters any other public housing program or assistance.

33 11. "Rent" shall mean rent as defined by section seven hundred two of  
34 the real property actions and proceedings law and subject to proceedings  
35 under article seven of the real property actions and proceedings law,  
36 including statutory rents and maintenance fees paid pursuant to a  
37 proprietary lease on a co-operative dwelling unit.

38 § 602. Authority to implement emergency rental assistance. 1. The  
39 commissioner, as soon as practicable and subject to the appropriation of  
40 funds for this purpose, shall implement a program of rental assistance  
41 in the form of emergency vouchers for those eligible pursuant to section  
42 six hundred three of this article. The commissioner may delegate the  
43 administration of portions of this program to any state agency, public  
44 housing agency, city, county, town, or non-profit organization in  
45 accordance with the provisions of this article. The commissioner shall  
46 delegate the administration of this program for the city of New York to  
47 a public housing agency or agencies operating solely in the city of New  
48 York. Any state agency, public housing agency, city, county, town, or  
49 non-profit organization delegated to administer this program shall  
50 receive an administrative fee to cover the costs of administration. The  
51 commissioner may provide technical or administrative support to assist  
52 any state agency, public housing agency, city, county, town, or non-pro-  
53 fit organization to provide emergency rental assistance related to the  
54 outbreak of COVID-19 with funding allocated by the federal government to  
55 such public housing agency, city, county, or town, or non-profit organ-  
56 ization.

1 2. Pursuant to 8 U.S.C. 1621(d), any individual, family, or household  
2 who would be eligible but for 8 U.S.C. 1621(a) for state or local bene-  
3 fits for emergency rental assistance shall be eligible for such benefits  
4 during the covered period, and for a period of up to two years if such  
5 individual, family, or household becomes eligible for such benefits due  
6 to homelessness.

7 § 603. Eligibility. The commissioner shall promulgate standards for  
8 determining eligibility for this program.

9 1. An individual, family or household shall be eligible for this  
10 program if:

11 (a) the individual, family, or household is a tenant or occupant in  
12 their primary residence in the state of New York, including both tenants  
13 and occupants of dwelling units and manufactured home tenants and  
14 proprietary leaseholders of co-operative dwelling units, their monthly  
15 rent obligation is greater than thirty percent of their current monthly  
16 adjusted income, their current monthly adjusted income is less than one  
17 hundred twenty percent of the area median income as adjusted for family  
18 size, and during the covered period:

19 (i) the individual, family, or household suffered a financial hardship  
20 due to loss of income, as determined in a manner prescribed by the  
21 commissioner in consultation with the department of taxation and  
22 finance; or

23 (ii) an individual or member of the family or household became unem-  
24 ployed, and qualified for unemployment;

25 (b) the individual, family, or household is at risk of homelessness  
26 during the covered period or within ninety days after the covered peri-  
27 od; or

28 (c) the individual, family, or household is homeless during the  
29 covered period or within ninety days after the covered period.

30 2. In addition to the eligibility criteria in subdivision one of this  
31 section, the commissioner may promulgate limits on assets as part of any  
32 determination of eligibility for this program.

33 3. An individual or family in receipt of rental assistance under this  
34 program shall no longer be financially eligible for assistance when:

35 (a) the individual's, family's or household's monthly income has been  
36 restored to an amount equal to or greater than the individual's, fami-  
37 ly's or household's income prior to the loss referenced in subparagraph  
38 (i) of paragraph (a) of subdivision one of this section;

39 (b) the individual's, family's, or household's monthly rent obligation  
40 is no longer greater than thirty percent of their monthly adjusted  
41 income;

42 (c) the individual, family, or household has received rental assist-  
43 ance for the greater of six months or the duration of the covered peri-  
44 od. However, those individuals, families or households who receive  
45 assistance pursuant to paragraph (c) of subdivision one of this section  
46 shall be eligible until they have received two years of rental assist-  
47 ance.

48 4. Any individual, family or household in receipt of rental assistance  
49 under this program shall be obligated to report all changes of ten  
50 percent or more of their monthly income while participating in the  
51 program in order to maintain eligibility.

52 5. The commissioner shall establish preferences prioritizing individ-  
53 uals, families or households with the greatest economic and social need  
54 in processing applications for this program. Such preferences shall  
55 account for at a minimum:



1 (a) the historical income level of the individual, family or household  
2 as it relates to the area median income;

3 (b) the current adjusted income of the individual, family, or house-  
4 hold as it relates to the area median income;

5 (c) the rent burden of the individual, family or household;

6 (d) the percentage of income lost by the individual, family or house-  
7 hold;

8 (e) the individual or a member of the family or household's status as  
9 a victim of domestic violence; and

10 (f) whether the individual, family or household was homeless or at  
11 risk of homelessness during the covered period or within ninety days  
12 after the covered period.

13 6. The commissioner shall promulgate standards by which any entity  
14 designated to administer this program pursuant to subdivision one of  
15 section six hundred two of this article shall issue a preliminary deter-  
16 mination of eligibility upon initial receipt of the application, if it  
17 is practicable to do so without unduly impeding implementation of the  
18 program. Any such preliminary determination shall not be binding on the  
19 commissioner or any entity designated to administer this program and  
20 shall not excuse any existing statutory or contractual obligations of  
21 the landlord or the applicant individual, family, or household.

22 7. Eviction proceedings for rental arrears that would be eligible for  
23 coverage under this program cannot be commenced against an individual,  
24 family or household who has applied for this program unless or until a  
25 determination of ineligibility is made. If eviction proceedings are  
26 commenced against an individual, family or household who subsequently  
27 applies for benefits under this program, all proceedings for missed rent  
28 payments during the covered period shall be stayed until a determination  
29 of ineligibility has been made.

30 8. Any ambiguity in eligibility criteria promulgated by the commis-  
31 sioner shall be resolved in favor of the applicant when determining  
32 eligibility.

33 9. Any information collected about an individual, family or household  
34 in the process of determining eligibility shall solely be used for the  
35 purposes of determining eligibility and shall not be shared with any  
36 other governmental agency.

37 10. An individual, family or household shall not be eligible for this  
38 program if they live in housing owned or managed by a public housing  
39 authority or receive rental assistance from a program in which their  
40 rental obligation is adjusted to be no greater than thirty percent of  
41 their income when their income decreases.

42 11. An individual full-time college student or family or household  
43 consisting exclusively of full-time college students is ineligible for  
44 this program unless each individual in the family or household satisfies  
45 the following conditions:

46 (a) the individual shall have established a household separate from  
47 his or her parents or legal guardians for at least one year prior to  
48 application for admission or shall meet the United States department of  
49 education's definition of independent student; and

50 (b) the individual shall not be claimed as a dependent by his or her  
51 parents or legal guardians pursuant to internal revenue service (IRS)  
52 regulations.

53 12. Applicants shall not be expected or required to repay any assist-  
54 ance granted through this program unless otherwise required by law.  
55 Assistance shall not be considered income for purposes of public bene-  
56 fits or other public assistance. There shall be no requirement on appli-

1 cants to seek assistance from other sources, including charitable  
2 contributions, for eligibility.

3 § 604. Payment of emergency vouchers. 1. The emergency voucher shall  
4 be paid directly to the owner of the dwelling unit or manufactured home  
5 park occupied by the voucher recipient for rent due from the voucher  
6 recipient and any rental arrears owed that were not paid for which the  
7 recipient would otherwise have been eligible pursuant to section six  
8 hundred three of this article. Any arrears payment shall be equal to  
9 the amount for which the recipient would have been eligible as deter-  
10 mined by section six hundred six of this article.

11 2. Acceptance of vouchers as payment for rent due or rental arrears  
12 shall constitute agreement by the recipient:

13 (a) to waive any late fees due on any rental arrears;

14 (b) to keep constant the monthly rent due for the dwelling unit such  
15 that it shall remain the amount that was due at the time of application  
16 to the program for any and all months for which the voucher is accepted  
17 as payment; and

18 (c) at the option of the tenant, to extend any lease or rental agree-  
19 ment for the use and occupancy of the applicable dwelling unit that  
20 expired or is due to expire during the covered period or sixty days  
21 following the expiration of the covered period to a date at least sixty  
22 days from the expiration of the covered period under the terms of the  
23 lease or rental agreement existing prior to the expiration of the lease  
24 or rental agreement. Where the dwelling unit that is the subject of the  
25 lease or rental agreement contains four or fewer units, the landlord may  
26 decline to extend the lease or tenancy if the landlord intends to imme-  
27 diately occupy the unit for the landlord's personal use or the use of an  
28 immediate family member as a primary residence.

29 § 605. Rental obligation. 1. The monthly rental obligation of each  
30 recipient shall be thirty percent of the monthly adjusted income of the  
31 individual, family, or household.

32 2. If an individual, family or household shares a dwelling or manufac-  
33 tured home with one or more individuals who are not part of their family  
34 or household, the monthly rental obligation of the individual, family or  
35 household shall be calculated using the portion of the individual, fami-  
36 ly's or household's rent for which they are responsible rather than the  
37 entire rent for the shared dwelling unit or manufactured home.

38 § 606. Assistance payment. 1. The amount of the monthly rental assist-  
39 ance payment with respect to any dwelling unit or manufactured home  
40 shall be the difference between the monthly contractual or statutory  
41 rent for the unit or home and and thirty percent of the individual,  
42 family or household's adjusted income.

43 2. Notwithstanding subdivision one of this section, the maximum  
44 monthly assistance payment for the individual, family or household shall  
45 be the difference between the rental obligation established in section  
46 six hundred five of this article, up to two hundred fifty percent of the  
47 fair market rent for the rental area or in accordance to any  
48 restrictions that may apply to funding provided for this purpose.

49 3. In addition to any rental assistance payments, the commissioner  
50 shall also authorize the full payment of utilities for any recipient  
51 individual, family or household for the time period during which the  
52 individual, family or household qualifies for rental assistance pursuant  
53 to section six hundred three of this article. Any such payments shall be  
54 paid directly to the utility provider. For the purposes of this  
55 section, utility payments shall encompass all payments the individual,

1 family or household is obligated to pay for gas, electricity, heat,  
2 water, sewer, and solid waste disposal services.

3 § 607. Verification of income and assets. The commissioner shall  
4 establish procedures that are appropriate and necessary to assure that  
5 information regarding income, and assets to the extent necessary to  
6 determine eligibility, provided by individuals, families and households,  
7 applying for or receiving assistance under this article is complete and  
8 accurate. Verification may include without limitation: paycheck stubs,  
9 earning statements, tax records, W-2 forms, written statements from a  
10 former or current employer, telephone or in-person contact with a former  
11 or current employer, statements or affidavits signed by the applicant,  
12 or other methods approved by the commissioner.

13 § 608. Housing assistance payment contracts for units newly rented for  
14 homeless individuals and families. 1. A housing assistance payment  
15 contract shall be entered into between the relevant agency administering  
16 this program and the owner of a dwelling unit when the voucher recipient  
17 qualified for the program by being homeless. The housing assistance  
18 payment contract entered into pursuant to this section shall establish  
19 the maximum monthly rent (including utilities and all maintenance and  
20 management charges) the owner is entitled to receive for each dwelling  
21 unit with respect to which such assistance payments are to be made. Each  
22 housing assistance payment contract entered into by the agency adminis-  
23 tering this program and the owner of a dwelling unit shall provide:

24 (a) that the lease between the tenant and the owner shall be for a  
25 term of not less than one year;

26 (b) that the dwelling unit owner shall offer leases to tenants  
27 assisted under this article that:

28 (i) are in a standard form used in the locality by the dwelling unit  
29 owner; and

30 (ii) contain terms and conditions that:

31 (A) are consistent with federal, state, and local law; and

32 (B) apply generally to tenants in the property who are not assisted  
33 under this article;

34 (iii) shall provide that during the term of the lease, the owner shall  
35 not terminate the tenancy except for serious or repeated violation of  
36 the terms and conditions of the lease, for violation of applicable state  
37 or local law, or for other good cause; and

38 (iv) shall provide that any termination of tenancy under this section  
39 shall be preceded by the provision of written notice by the owner to the  
40 tenant specifying the grounds for that action, and any relief shall be  
41 consistent with applicable state and local law; and

42 (c) that any unit under an assistance contract originated under this  
43 article shall only be occupied by the individual or family designated in  
44 said contract and shall be the designated individual or family's primary  
45 residence. Contracts shall not be transferable between units and shall  
46 not be transferable between recipients. An individual or family may  
47 transfer their voucher to a different unit under a new contract pursuant  
48 to this article.

49 2. (a) For the homeless, the rent for dwelling units for which a hous-  
50 ing assistance payment contract is established under this subdivision  
51 shall be reasonable in comparison with rents charged for comparable  
52 dwelling units in the private, unassisted local market.

53 (b) An agency administering this program shall, at the request of an  
54 individual or family receiving tenant-based assistance under this subdivi-  
55 vision, assist that individual or family in negotiating a reasonable  
56 rent with a dwelling unit owner. "Reasonable rent" shall mean rent not



1 more than the rent charged on comparable units in the private unassisted  
2 market and rent charged for comparable unassisted units in the premises.  
3 Such agency shall review the rent for a unit under consideration by the  
4 individual or family (and all rent increases for units under lease by  
5 such individual or family) to determine whether the rent (or rent  
6 increase) requested by the owner is reasonable. If an agency administer-  
7 ing this program determines that the rent (or rent increase) for a  
8 dwelling unit is not reasonable, the agency shall not make housing  
9 assistance payments to the owner under this subdivision with respect to  
10 that unit.

11 (c) Each agency administering this program shall make timely payment  
12 of any amounts due to a dwelling unit owner under this subdivision. The  
13 housing assistance payment contract between the owner and the agency  
14 administering this program may provide for penalties for the late  
15 payment of amounts due under the contract, which shall be imposed on the  
16 agency in accordance with generally accepted practices in the local  
17 housing market.

18 3. If an assisted individual or family vacates a dwelling unit for  
19 which rental assistance is provided under a housing assistance payment  
20 contract before the expiration of the term of the lease for the unit,  
21 rental assistance pursuant to such contract may not be provided for the  
22 unit after the month during which the unit was vacated.

23 4. Any voucher issued pursuant to this section for a homeless individ-  
24 ual or family may be used for housing anywhere in the state. The rele-  
25 vant agency administering this program shall inform voucher holders that  
26 a voucher may be used anywhere in the state and, to the extent practica-  
27 ble, shall assist voucher holders in finding housing in the area of  
28 their choice.

29 § 609. Inspection of units newly rented for homeless individuals and  
30 families. 1. Initial inspection. (a) In general. For each dwelling unit  
31 for which a housing assistance payment contract is established, the  
32 agency administering this program shall inspect the unit before any  
33 assistance payment is made to determine whether the dwelling unit meets  
34 the housing quality standards under subdivision two of this section,  
35 except as provided in paragraphs (b) or (c) of this subdivision. Howev-  
36 er, the commissioner may waive this inspection requirement to the extent  
37 necessary to protect public health or expedite implementation of this  
38 program.

39 (b) Correction of non-life-threatening conditions. In the case of any  
40 dwelling unit that is determined, pursuant to an inspection under para-  
41 graph (a) of this subdivision, not to meet the housing quality standards  
42 under subdivision two of this section, assistance payments may be made  
43 for the unit, notwithstanding subdivision three of this section, if  
44 failure to meet such standards is a result only of non-life-threatening  
45 conditions, as such conditions are established by the commissioner. An  
46 agency making assistance payments pursuant to this paragraph for a  
47 dwelling unit shall, thirty days after the beginning of the period for  
48 which such payments are made, withhold any assistance payments for the  
49 unit if any deficiency resulting in noncompliance with the housing qual-  
50 ity standards has not been corrected by such time. The agency shall  
51 recommence assistance payments when such deficiency has been corrected,  
52 and may use any payments withheld to make assistance payments relating  
53 to the period during which payments were withheld.

54 (c) Use of alternative inspection method for interim period. In the  
55 case of any property that within the previous twenty-four months has met  
56 the requirements of an inspection that qualifies as an alternative

1 inspection method pursuant to subdivision four of this section, an agen-  
2 cy administering this program may authorize occupancy before the  
3 inspection under paragraph (a) of this subdivision has been completed,  
4 and may make assistance payments retroactive to the beginning of the  
5 lease term after the unit has been determined pursuant to an inspection  
6 under paragraph (a) of this subdivision to meet the housing quality  
7 standards under subdivision two of this section. This paragraph may not  
8 be construed to exempt any dwelling unit from compliance with the  
9 requirements of subdivision four of this section.

10 2. Housing quality standards. The housing quality standards under this  
11 subdivision are standards for safe and habitable housing established:

12 (a) by the commissioner for purposes of this subdivision; or

13 (b) by local housing codes or by codes adopted by public housing agen-  
14 cies that:

15 (i) meet or exceed housing quality standards, except that the commis-  
16 sioner may waive the requirement under this subparagraph to significant-  
17 ly increase access to affordable housing and to expand housing opportu-  
18 nities for individuals or families assisted under this subdivision,  
19 except where such waiver could adversely affect the health or safety of  
20 individuals or families assisted under this subdivision; and

21 (ii) do not severely restrict housing choice.

22 3. Inspection. The determination required under subdivision one of  
23 this section shall be made by the agency administering this program  
24 pursuant to an inspection of the dwelling unit conducted before any  
25 assistance payment is made for the unit. Inspections of dwelling units  
26 under this subdivision shall be made before the expiration of the  
27 fifteen day period beginning upon a request by the resident or landlord  
28 to the agency or, in the case of any agency that provides assistance  
29 under this subdivision on behalf of more than one thousand two hundred  
30 fifty individuals and families, before the expiration of a reasonable  
31 period beginning upon such request.

32 4. Alternative inspection method. An inspection of a property shall  
33 qualify as an alternative inspection method for purposes of this subdivi-  
34 vision if:

35 (a) the inspection was conducted pursuant to requirements under a  
36 federal, state, or local housing program; and

37 (b) pursuant to such inspection, the property was determined to meet  
38 the standards or requirements regarding housing quality or safety appli-  
39 cable to properties assisted under such program, and, if a non-state  
40 standard or requirement was used, the agency administering this program  
41 has certified to the commissioner that such standard or requirement  
42 provides the same or greater protection to occupants of dwelling units  
43 meeting such standard or requirement as would the housing quality stand-  
44 ards under subdivision two of this section.

45 5. Interim inspections. Upon notification to the agency administering  
46 this program, by an individual or family on whose behalf tenant-based  
47 rental assistance is provided under this subdivision or by a government  
48 official, that the dwelling unit for which such assistance is provided  
49 does not comply with the housing quality standards under subdivision two  
50 of this section, the agency shall inspect the dwelling unit:

51 (a) in the case of any condition that is life-threatening, within  
52 twenty-four hours after the agency's receipt of such notification,  
53 unless waived by the commissioner in extraordinary circumstances; and

54 (b) in the case of any condition that is not life-threatening, within  
55 a reasonable time frame, as determined by the commissioner.

1 6. Inspection guidelines. The commissioner shall establish procedural  
2 guidelines and performance standards to facilitate inspections of dwell-  
3 ing units and conform such inspections with practices utilized in the  
4 private housing market. Such guidelines and standards shall take into  
5 consideration variations in local laws and practices of public housing  
6 agencies and shall provide flexibility to agencies appropriate to facil-  
7 itate efficient provision of assistance under this subdivision.

8 § 610. Housing obligations. Nothing in this section shall lessen or  
9 abridge any fair housing obligations promulgated by the federal govern-  
10 ment, state, municipalities, localities, or any other applicable juris-  
11 isdiction.

12 § 611. Reports by the commissioner. The commissioner shall, on or  
13 before December first, two thousand twenty-one and on or before March  
14 first, two thousand twenty-two submit and make publicly available a  
15 report to the governor, the temporary president of the senate, the  
16 speaker of the assembly, and on its website, on the number of individ-  
17 uals, families, and households that have applied for assistance, the  
18 number of applications accepted, the number of applications rejected,  
19 the status of any pending applications, the monthly expenditures made  
20 pursuant to this article including recipient demographic data, regional  
21 data, and details on assistance payment values.

22 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
23 sion, section or part of this act shall be adjudged by any court of  
24 competent jurisdiction to be invalid, such judgment shall not affect,  
25 impair, or invalidate the remainder of this act, but shall be confined  
26 in its operation to the clause, sentence, paragraph, subdivision,  
27 section or part of this act directly involved in the controversy in  
28 which such judgment shall have been rendered. It is hereby declared to  
29 be the intent of the legislature that this act would have been enacted  
30 even if such invalid clause, sentence, paragraph, subdivision, section  
31 or part had not been included herein.

32 § 3. This act shall take effect immediately.