

# STATE OF NEW YORK

2742--B

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, KENNEDY, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, PERSAUD, RAMOS, REICHLIN-MELNICK, RIVERA, RYAN, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public housing law and the social services law, in relation to establishing a COVID-19 emergency rental assistance program; and providing for the repeal of 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. Short title. This act shall be known and may be cited as  
2 the "COVID-19 emergency rental assistance program of 2021".

3 § 2. The public housing law is amended by adding a new article 14 to  
4 read as follows:

### ARTICLE XIV

#### COVID-19 EMERGENCY RENTAL ASSISTANCE PROGRAM

##### Section 600. Legislative findings.

###### 601. Definitions.

###### 602. Authority to implement emergency rental and utility assistance.

###### 603. Allocation among the city of New York and the respective counties of the state.

###### 604. Eligibility.

###### 605. Application.

###### 606. Documentation.

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

LBD06457-06-1

1           607. Restrictions on eviction.

2           608. Payments.

3           609. No repayment and assistance not considered income.

4           610. Notice to tenants in eviction proceedings.

5           611. Notice to tenants receiving rent demands.

6           612. Notice to applicants for assistance under the emergency  
7                 rent relief act of 2020.

8           613. Outreach.

9           614. Fair housing obligations.

10          615. Reports by the commissioner.

11          § 600. Legislative findings. The legislature finds that it is in the  
12 public interest to ensure that New Yorkers are not rendered homeless or  
13 severely financially burdened because of an inability to pay the cost of  
14 housing and other necessities due to loss of income, increased necessary  
15 out-of-pocket expenses, or difficulty in securing alternative housing  
16 related to the widespread outbreak of the coronavirus commonly known as  
17 COVID-19. The legislature further finds that providing funding for  
18 households to pay rent and utility costs that they would otherwise have  
19 difficulty paying will promote the stability and proper maintenance of  
20 the rental housing stock and assist communities in recovering from the  
21 adverse social and economic effects of the COVID-19 outbreak.

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

23          1. "Commissioner" shall mean the state commissioner of social services  
24 as defined in section two of the social services law.

25          2. "E-payment application transaction" shall mean a financial trans-  
26 action conducted on an online payment application. Such applications  
27 include but are not limited to: Zelle, Cash App, Paypal, Venmo, Xoom,  
28 Circle Pay, Google Pay, Facebook Messenger, Apple Pay, WeChat Pay,  
29 AliPay, and KakaoPay.

30          3. "Fair market rent" shall mean the fair market rent for each rental  
31 area as promulgated annually by the United States department of housing  
32 and urban development's office of policy development and research pursu-  
33 ant to 42 USC 1437f.

34          4. "Federal emergency rental assistance program" shall mean the emer-  
35 gency rental assistance funding issued pursuant to section 501 of the  
36 Consolidated Appropriations Act of 2021, Pub L. No. 116-260 §501, 888-97  
37 (2021).

38          5. "Income" shall mean income from all sources of each member of the  
39 household, including all wages, tips, overtime, salary, recurring gifts,  
40 returns on investments, welfare assistance, social security payments,  
41 child support payments, unemployment benefits, any benefit, payment or  
42 cash grant whose purpose is to assist with rental payments, any payments  
43 whose purpose is to replace lost income, and any other government bene-  
44 fit or cash grant. The term "income" shall not include: employment  
45 income from children under eighteen years of age, employment income from  
46 individuals eighteen years of age or older who are full-time students  
47 and are eligible to be claimed as dependents pursuant to Internal Reven-  
48 ue Service regulations, foster care payments, sporadic gifts, groceries  
49 provided by persons not living in the household, supplemental nutrition  
50 assistance program benefits, or the earned income tax credit.

51          6. "Manufactured home tenant" shall have the same meaning as defined  
52 by section two hundred thirty-three of the real property law.

53          7. "Occupant" shall have the same meaning as defined in section two  
54 hundred thirty-five-f of the real property law.

55          8. "Rent" shall mean rent as defined by section seven hundred two of  
56 the real property actions and proceedings law and subject to proceedings

1 under article seven of the real property actions and proceedings law,  
2 including statutory rents and maintenance fees paid pursuant to a  
3 proprietary lease on a co-operative dwelling unit.

4 9. "Rental arrears" shall mean unpaid rent owed to the landlord that  
5 accrued on or after March thirteenth, two thousand twenty, the date of  
6 the emergency declaration pursuant to section 501(b) of the Robert T.  
7 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.  
8 5191(b).

9 10. "Utility arrears" shall mean unpaid payments to providers of util-  
10 ity services accrued on or after March thirteenth, two thousand twenty,  
11 the date of the emergency declaration pursuant to section 501(b) of the  
12 Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42  
13 U.S.C. 5191(b), for separately-stated electricity, gas, water, sewer,  
14 trash removal and energy costs, such as fuel oil.

15 § 602. Authority to implement emergency rental and utility assistance.

16 1. The commissioner is hereby authorized and directed to implement, as  
17 soon as practicable, a program of rental and utility assistance for  
18 those eligible pursuant to section six hundred four of this article.

19 2. Such program shall be funded with: (a) all funds received by the  
20 state from the federal Emergency Assistance Program; (b) any funds  
21 remaining that were allocated from the federal Coronavirus Aid, Relief,  
22 and Economic Security (CARES) Act of 2020 (P.L. 116-136) for the Emer-  
23 gency Rent Relief Act of 2020, pursuant to chapter one hundred twenty-  
24 five of the laws of two thousand twenty, such that the sum of such funds  
25 actually expended pursuant to such chapter and that such funds reallo-  
26 cated and expended pursuant to this article shall equal one hundred  
27 million dollars; and (c) any additional funds allocated by the federal  
28 government to the state of New York for emergency rental or utility  
29 assistance related to the COVID-19 pandemic.

30 3. The commissioner shall work with localities throughout the state  
31 that have received funds directly from the federal Emergency Rental  
32 Assistance Program so that one central point of application shall be  
33 made available for any and all federal Emergency Rental Assistance  
34 Program funds in the state of New York.

35 4. The commissioner shall adopt, on an emergency basis pursuant to  
36 subdivision six of section two hundred two of the state administrative  
37 procedure act, any rules necessary to carry out the provisions of this  
38 article.

39 5. The commissioner may delegate the administration of any portions of  
40 this program to any state agency, city, county, town, or non-profit  
41 organization in accordance with the provisions of this article.

42 § 603. Allocation among the city of New York and the respective coun-  
43 ties of the state. The commissioner and each locality in receipt of  
44 funds from the federal Emergency Rental Assistance Program shall work  
45 jointly to ensure that, in total, the allocation of funds from this  
46 program for households within the city of New York or within each county  
47 outside the city of New York, whether granted to the state or directly  
48 to such localities is no less than ninety percent of the proportional  
49 share of all renter households in the state that reside in such city or  
50 county, and no more than one hundred ten percent of such proportional  
51 share.

52 § 604. Eligibility. The commissioner shall promulgate standards for  
53 determining eligibility for this program.

54 1. All households, regardless of immigration status, shall be eligible  
55 for rental assistance, utility assistance, or both if the household:

1 (a) is a tenant or occupant in their primary residence in the state of  
2 New York, including both tenants and occupants of dwelling units and  
3 manufactured home tenants;

4 (b) includes an individual who qualifies for unemployment or experi-  
5 enced a reduction in household income, incurred significant costs, or  
6 experienced other financial hardship due, directly or indirectly, to the  
7 COVID-19 outbreak;

8 (c) demonstrate a risk of experiencing homelessness or housing insta-  
9 bility; and

10 (d) has a household income at or below eighty percent of the area  
11 median, adjusted for household size.

12 2. For the purposes of this program, income may be considered:

13 (a) the household's total income for calendar year two thousand twen-  
14 ty; or

15 (b) the household's current monthly income at the time of application  
16 for such assistance. If a household is applying for assistance using  
17 current monthly income, the household shall only be eligible for assist-  
18 ance for the months during which they meet the criteria in subdivision  
19 one of this section.

20 3. In addition to the eligibility criteria in subdivision one of this  
21 section, the commissioner may promulgate limits on assets as part of any  
22 determination of eligibility for this program. The commissioner shall  
23 exclude from any calculation of assets made pursuant to this section  
24 assets held in a tax-deferred or comparable retirement savings account  
25 or any vehicle used regularly by a member of the household.

26 4. The commissioner shall establish preferences in processing applica-  
27 tions and allocating funds under this program. Such preferences shall at  
28 a minimum prioritize each of the following:

29 (a) households whose income does not exceed fifty percent of the area  
30 median income adjusted for household size; and

31 (b) households within which one or more individuals are unemployed as  
32 of the date of the application for assistance and have not been employed  
33 for the ninety days preceding such date.

34 5. The commissioner may also grant preferences for households who:

35 (a) are tenants of mobile homes or mobile home parks whose arrears  
36 have accrued for the land on which the mobile home is located;

37 (b) include one or more individuals who are victims of domestic  
38 violence;

39 (c) apply jointly with their landlord; or

40 (d) have eviction cases that are pending on or before February first,  
41 two thousand twenty-one; provided that among households granted a pref-  
42 erence because they apply jointly with their landlord, the commissioner  
43 may grant an additional preference for households whose landlord is a  
44 non-profit provider of affordable housing; provided further that any  
45 preference granted pursuant to this subdivision shall not supersede  
46 either of the preferences granted pursuant to subdivision four of this  
47 section.

48 6. A household may apply for utility assistance, rental assistance, or  
49 both.

50 7. Nothing in this article shall be construed to disqualify applica-  
51 tions from tenants of state-funded public housing agencies.

52 8. No rental assistance provided pursuant to this article shall be  
53 duplicative of assistance for rent or rental arrears previously received  
54 by the household.

1 9. Any ambiguity in eligibility criteria promulgated by the commis-  
2 sioner shall be resolved in favor of the applicant when determining  
3 eligibility.

4 10. Any information collected about a household in the process of  
5 determining eligibility shall solely be used for the purposes of deter-  
6 mining eligibility and shall not be shared with any other governmental  
7 agency.

8 11. An individual full-time college student or a household consisting  
9 exclusively of full-time college students is ineligible for this program  
10 unless each individual in the household satisfies the following condi-  
11 tions:

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

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

19 § 605. Application. 1. As soon as practicable and no later than four-  
20 teen days after the effective date of this article, the commissioner  
21 shall make an application for the program available on its website. The  
22 application shall be available online in English, Spanish, Chinese,  
23 Russian, Yiddish, Haitian (French Creole), Bengali, and Italian. The  
24 commissioner shall enable applications to be accepted via telephone. The  
25 application period shall remain open for a minimum of one hundred eighty  
26 days unless all available funding has been allocated prior to the expi-  
27 ration of one hundred eighty days.

28 2. The commissioner shall designate non-for-profit organizations that  
29 shall be permitted to assist households in applying for assistance and  
30 such organizations shall be permitted to file applications on behalf of  
31 such households.

32 3. The commissioner shall provide for procedures under which a land-  
33 lord or owner of a residential dwelling shall be permitted to submit an  
34 application for assistance on behalf of a tenant or occupant of such  
35 dwelling. Such landlord or owner shall be required to:

36 (a) obtain the signature of the tenant on such application, which may  
37 be documented electronically;

38 (b) provide the tenant with documentation of such application;

39 (c) use any payments received pursuant to this article solely to  
40 satisfy the tenant's rental obligations to the landlord or owner; and

41 (d) keep confidential any information or documentation from or about  
42 the tenant acquired pursuant to this application process.

43 4. Upon receipt of an application, the commissioner shall make avail-  
44 able a tracking number by which both the applicant household and land-  
45 lord of the applicant household may track the status of the application.

46 § 606. Documentation. The commissioner shall establish procedures that  
47 are appropriate and necessary to assure that information necessary to  
48 determine eligibility provided by households applying for or receiving  
49 assistance under this article is complete and accurate. Documentation  
50 may include but is not limited to: a signed lease, paycheck stubs, earn-  
51 ing statements, bank statements, tax records, W-2 or 1099 forms, e-pay-  
52 ment application transaction history, written statements from a former  
53 or current employer, telephone or in-person contact with a former or  
54 current employer, self-attestation by the applicant, or other methods  
55 approved by the commissioner. When self-attestation is used as documen-

1 tation, the applicant shall also attest that the applicant has no other  
2 documentation available.

3 § 607. Restrictions on eviction. Eviction proceedings for non-payment  
4 of rent that would be eligible for coverage under this program shall not  
5 be commenced against a household who has applied for this program unless  
6 or until a determination of ineligibility is made. If eviction  
7 proceedings are commenced against a household who subsequently applies  
8 for benefits under this program, all proceedings for missed rent  
9 payments during the covered period shall be stayed until a determination  
10 of ineligibility has been made.

11 § 608. Payments. 1. Payments shall be made for rental and/or utility  
12 arrears accrued on or after March thirteenth, two thousand twenty. No  
13 more than twelve months of rental and/or utility assistance, both  
14 arrears or prospective, may be paid on behalf of or to any household. No  
15 prospective rent may be paid unless or until all rental arrears payments  
16 have been made to or on behalf of households who are eligible for this  
17 program pursuant to section six hundred four of this article.

18 2. If all eligible households whose applications are received within  
19 sixty days of the start of the application period receive assistance,  
20 the commissioner may pay an additional three months of rental and/or  
21 utility assistance for rental or utility arrears accrued after the date  
22 of application or prospective rent. No household may receive more than  
23 fifteen months of total rental and/or utility assistance. Eligibility  
24 for assistance shall be reassessed for each household before rental  
25 assistance is issued pursuant to this subdivision.

26 3. Payments for rental arrears or prospective rent shall be the lesser  
27 of the monthly rent for the household or one hundred fifty percent of  
28 the fair market rent for the dwelling unit. The rental assistance shall  
29 be paid directly to the landlord of the dwelling unit or manufactured  
30 home park occupied by the household for the total amount of qualified  
31 rental arrears and prospective rental assistance pursuant to subdivision  
32 one of this section. Utility assistance shall be paid directly to the  
33 utility. The commissioner shall make reasonable efforts to obtain the  
34 cooperation of landlords and utility providers to accept payments from  
35 this program. Outreach shall be considered complete if a request for  
36 participation is sent in writing, by certified mail, to the landlord or  
37 utility provider, and the addressee does not respond to the request  
38 within twenty-one calendar days after mailing; or, if at least three  
39 attempts have been made by phone or email over a twenty-one calendar-day  
40 period to request the landlord or utility provider's participation. All  
41 such outreach efforts shall be documented.

42 4. If the landlord or utility provider is uncooperative or unrespon-  
43 sive after outreach efforts are made pursuant to subdivision three of  
44 this section, the commissioner may make payments directly to the eligi-  
45 ble household for the purpose of enabling the household to make payments  
46 to the landlord or utility provider. The commissioner may require  
47 documentation from any households receiving such payments that monies  
48 received were used in compliance with this program.

49 5. Acceptance of payment for rental arrears from this program shall  
50 constitute agreement by the recipient landlord or property owner:

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

52 (b) to keep constant the monthly rent due for the dwelling unit such  
53 that it shall remain the same as the amount that was due at the time of  
54 application to the program for any and all months for which rental  
55 assistance is received and for one year after the first rental assist-  
56 ance payment is received; and

1 (c) not to evict for reason of expired lease or holdover tenancy any  
2 household on behalf of whom rental assistance is received for one year  
3 after the first rental assistance payment is received. Where the dwell-  
4 ing unit that is the subject of the lease or rental agreement is located  
5 in a building that contains four or fewer units, the landlord may  
6 decline to extend the lease or tenancy if the landlord intends to imme-  
7 diately occupy the unit for the landlord's personal use as a primary  
8 residence or the use of an immediate family member as a primary resi-  
9 dence.

10 § 609. No repayment and assistance not considered income. Eligible  
11 households shall not be expected or required to repay any assistance  
12 granted through this program. Assistance granted through this program  
13 shall not be considered income for purposes of eligibility for public  
14 benefits or other public assistance, but shall be considered a "source  
15 of income" for purposes of the protections against housing discrimi-  
16 nation provided under section two hundred ninety-six of the human rights  
17 law. There shall be no requirement for applicants to seek assistance  
18 from other sources, including charitable contributions, in order to be  
19 eligible for assistance under this program.

20 § 610. Notice to tenants in eviction proceedings. In any eviction  
21 proceeding pending as of the effective date of this article and any  
22 eviction proceeding filed while applications are being accepted for  
23 assistance pursuant to this article, the court shall promptly mail the  
24 respondent information regarding how the respondent may apply for such  
25 assistance in English, and, to the extent practicable, in the respond-  
26 ent's primary language, if other than English.

27 § 611. Notice to tenants receiving rent demands. With every written  
28 demand for rent made pursuant to subdivision two of section seven  
29 hundred eleven of the real property actions and proceedings law, with  
30 any other written notice required by the lease or tenancy agreement, law  
31 or rule to be provided prior to the commencement of an eviction proceed-  
32 ing, and with every notice of petition served on a tenant after the  
33 effective date of this article and while applications are being accepted  
34 for assistance pursuant to this article, the landlord shall provide  
35 information regarding how a tenant may apply for such assistance, in a  
36 form approved by the commissioner or the office of court administration,  
37 in English, and, to the extent practicable, in the tenant's primary  
38 language, if other than English.

39 § 612. Notice to applicants for assistance under the emergency rent  
40 relief act of 2020. The commissioner, in consultation with the commis-  
41 sioner of the division of housing and community development, shall  
42 provide notice of how to apply for assistance pursuant to this article  
43 to each tenant who applied for assistance under the emergency rent  
44 relief act of 2020, pursuant to chapter one hundred twenty-five of the  
45 laws of two thousand twenty. Such notice shall be provided in English,  
46 and, to the extent practicable, in the tenant's primary language, if  
47 other than English.

48 § 613. Outreach. The commissioner shall ensure that extensive outreach  
49 is conducted to increase awareness of this program among tenants and  
50 landlords. The commissioner shall prioritize for outreach communities  
51 where the median income of residents is less than eighty percent of the  
52 area median income for the region, communities with the highest unem-  
53 ployment rates, and communities that experienced the highest rates of  
54 COVID-19 infections during the pandemic, and to the extent practicable,  
55 communities with high rates of ownership of rental housing by small  
56 landlords. The commissioner shall ensure that such outreach is conducted

1 with materials written in the languages listed in subdivision one of  
2 section six hundred five of this article, and to the extent practicable  
3 in other languages commonly spoken by residents of those communities  
4 required to be prioritized pursuant to this section, as per the most  
5 recent American Community Survey from the United States Census Bureau.

6 § 614. Fair housing obligations. Nothing in this article shall lessen  
7 or abridge any fair housing obligations promulgated by the federal  
8 government, state, municipalities, localities, or any other applicable  
9 jurisdiction.

10 § 615. Reports by the commissioner. The commissioner shall, on or  
11 before the twentieth day of each month for the duration of the program,  
12 submit and make publicly available on its website a report to the gover-  
13 nor, the temporary president of the senate, and the speaker of the  
14 assembly, indicating the number of households that have applied for  
15 rental assistance only, the number of households that have applied for  
16 utility assistance only, the number of households that have applied for  
17 both rental and utility assistance, the number of applications for each  
18 type of assistance approved, the number of applications for each type of  
19 assistance rejected, the status of any pending applications, and the  
20 monthly expenditures made pursuant to this article for each type of  
21 assistance. Each number required to be included in the report shall be  
22 reported as a statewide total from the start of the program though the  
23 end of the preceding calendar month and as a subtotal for each county,  
24 based on the location of the premises for which the applicant has sought  
25 assistance.

26 § 3. The social services law is amended by adding a new section 131-bb  
27 to read as follows:

28 § 131-bb. Proof of eligibility for rental assistance. Under no circum-  
29 stances shall a local social services district require proof that a  
30 court proceeding has been initiated against a tenant as a condition of  
31 eligibility for a rent arrears grant or ongoing rental assistance  
32 including rental assistance provided pursuant to this article.

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

35 § 131-w. Limitations in the payment of rent arrears. 1. Districts  
36 shall not provide assistance to pay rent arrears, property taxes or  
37 mortgage arrears for persons not eligible for home relief, aid to  
38 dependent children, emergency assistance to needy families with children  
39 or emergency assistance for aged, blind and disabled persons, except to  
40 persons who are without income or resources immediately available to  
41 meet the emergency need, whose gross household income does not exceed  
42 one hundred twenty-five percent of the federal income official poverty  
43 line and who sign a repayment agreement agreeing to repay the assistance  
44 in a period not to exceed twelve months. The districts shall enforce  
45 the repayment agreements by any legal method available to a creditor, in  
46 addition to any rights it has pursuant to this chapter. The department  
47 shall promulgate regulations to implement this section which shall,  
48 among other things, establish standards for the contents of repayment  
49 agreements and establish standards to ensure that assistance is provided  
50 only in emergency circumstances.

51 2. Notwithstanding the provisions of subdivision one of this section,  
52 no repayment agreement shall be required for assistance provided between  
53 March seventh, two thousand twenty until the later of December thirty-  
54 first, two thousand twenty-one or the date on which none of the  
55 provisions that closed or otherwise restricted public or private busi-  
56 nesses or places of public accommodation, or required postponement or



1 cancellation of all non-essential gatherings of individuals of any size  
2 for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6,  
3 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty,  
4 as extended by executive order numbers 202.28 and 202.31 of two thousand  
5 twenty and as further extended by any future executive order, issued in  
6 response to the COVID-19 pandemic continue to apply in the service  
7 district. Any payment due and owing under this section shall be  
8 suspended until the later of December thirty-first, two thousand twen-  
9 ty-one or the date on which none of the provisions that closed or other-  
10 wise restricted public or private businesses or places of public accom-  
11 modation, or required postponement or cancellation of all non-essential  
12 gatherings of individuals of any size for any reason in executive order  
13 numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13  
14 or 202.14 of two thousand twenty, as extended by executive order numbers  
15 202.28 and 202.31 of two thousand twenty and as further extended by any  
16 future executive order, issued in response to the COVID-19 pandemic  
17 continue to apply to the service district.

18 § 5. Subdivision 1 of section 131-s of the social services law, as  
19 amended by chapter 318 of the laws of 2009, is amended to read as  
20 follows:

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

37 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
38 sion, no repayment agreement shall be required for assistance provided  
39 between March seventh, two thousand twenty until the later of December  
40 thirty-first, two thousand twenty-one or the date on which none of the  
41 provisions that closed or otherwise restricted public or private busi-  
42 nesses or places of public accommodation, or required postponement or  
43 cancellation of all non-essential gatherings of individuals of any size  
44 for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6,  
45 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty,  
46 as extended by executive order numbers 202.28 and 202.31 of two thousand  
47 twenty and as further extended by any future executive order, issued in  
48 response to the COVID-19 pandemic continue to apply in the service  
49 district.

50 § 6. Section 106-b of the social services law, as amended by chapter  
51 81 of the laws of 1995, is amended to read as follows:

52 § 106-b. Adjustment for incorrect payments. 1. Any inconsistent  
53 provision of law notwithstanding, a social services official shall, in  
54 accordance with the regulations of the department and consistent with  
55 federal law and regulations, take all necessary steps to correct any  
56 overpayment or underpayment to a public assistance recipient; provided,

1 however, that a social services official may waive recovery of a past  
2 overpayment, in the case of an individual who is not currently a recipi-  
3 ent of public assistance, where the cost of recovery is greater than the  
4 cost of collections as determined in accordance with department regu-  
5 lations consistent with federal law and regulations. For purposes of  
6 this section, overpayment shall include payments made to an eligible  
7 person in excess of his needs as defined in this chapter and payments  
8 made to ineligible persons (including payments made to such persons  
9 pending a fair hearings decision). The commissioner shall promulgate  
10 regulations to implement procedures for correcting overpayments and  
11 underpayments. The procedures for correcting overpayments shall be  
12 designed to minimize adverse impact on the recipient, and to the extent  
13 possible avoid undue hardship. Notwithstanding any other provision of  
14 law to the contrary, no underpayment shall be corrected with respect to  
15 a person who is currently not eligible for or in receipt of home relief  
16 or aid to dependent children, except that corrective payments may be  
17 made with respect to persons formerly eligible for or in receipt of aid  
18 to dependent children to the extent that federal law and regulations  
19 require.

20 2. Notwithstanding the provisions of subdivision one of this section,  
21 no collection of overpayments shall be conducted, regardless of when the  
22 overpayment accrued, until the later of December thirty-first, two thou-  
23 sand twenty-one or the date on which none of the provisions that closed  
24 or otherwise restricted public or private businesses or places of public  
25 accommodation, or required postponement or cancellation of all non-es-  
26 sential gatherings of individuals of any size for any reason in execu-  
27 tive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10,  
28 202.11, 202.13 or 202.14 of two thousand twenty, as extended by execu-  
29 tive order numbers 202.28 and 202.31 of two thousand twenty-one and as  
30 further extended by any future executive order, issued in response to  
31 the COVID-19 pandemic continue to apply in the service district.

32 § 7. Severability clause. If any clause, sentence, paragraph, subdivi-  
33 sion, section or part of this act shall be adjudged by any court of  
34 competent jurisdiction to be invalid, such judgment shall not affect,  
35 impair, or invalidate the remainder of this act, but shall be confined  
36 in its operation to the clause, sentence, paragraph, subdivision,  
37 section or part of this act directly involved in the controversy in  
38 which such judgment shall have been rendered. It is hereby declared to  
39 be the intent of the legislature that this act would have been enacted  
40 even if such invalid clause, sentence, paragraph, subdivision, section  
41 or part had not been included herein.

42 § 8. This act shall take effect immediately and shall expire on the  
43 later of December 31, 2021 or the date on which none of the provisions  
44 that closed or otherwise restricted public or private businesses or  
45 places of public accommodation, or required postponement or cancellation  
46 of all non-essential gatherings of individuals of any size for any  
47 reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7,  
48 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as  
49 extended by executive order numbers 202.28 and 202.31 of two thousand  
50 twenty and as further extended by any future executive order, issued in  
51 response to the COVID-19 pandemic continue to apply anywhere in the  
52 state, when upon such date the provisions of this act shall be deemed  
53 repealed; provided that the state commissioner of social services shall  
54 notify the legislative bill drafting commission upon the date on which  
55 none of the provisions that closed or otherwise restricted public or  
56 private businesses or places of public accommodation, or required post-

1 ponement or cancellation of all non-essential gatherings of individuals  
2 of any size for any reason in executive order numbers 202.3, 202.4,  
3 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two  
4 thousand twenty, as extended by executive order numbers 202.28 and  
5 202.31 of two thousand twenty and as further extended by any future  
6 executive order, issued in response to the COVID-19 pandemic continue to  
7 apply anywhere in the state, in order that the commission may maintain  
8 an accurate and timely effective data base of the official text of the  
9 laws of the state of New York in furtherance of effectuating the  
10 provisions of section 44 of the legislative law and section 70-b of the  
11 public officers law.