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IN SENATE

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Introduced by Sens. KAVANAGH, PERSAUD, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BROOKS, BROUK, COONEY, GAUGHRAN, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KENNEDY, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, 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 -- reported favorably from said committee and committed to the Committee on Finance -- 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.

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

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1 604. Eligibility.

2 605. Application.

3 606. Documentation.

4 607. Restrictions on eviction.

5 608. Payments.

6 609. No repayment and assistance not considered income.

7 610. Notice to tenants in eviction proceedings.

8 611. Notice to tenants receiving rent demands.

9 612. Notice to applicants for assistance under the emergency
10 rent relief act of 2020.

11 613. Outreach.

12 614. Fair housing obligations.

13 615. Reports by the commissioner.

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

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

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

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

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

37 4. "Federal emergency rental assistance program" shall mean the emer-
38 gency rental assistance funding issued pursuant to section 501 of the
39 Consolidated Appropriations Act of 2021, Pub L. No. 116-260 §501, 888-97
40 (2021).

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

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

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

3 8. "Rent" shall mean rent as defined by section seven hundred two of
4 the real property actions and proceedings law and subject to proceedings
5 under article seven of the real property actions and proceedings law,
6 including statutory rents and maintenance fees paid pursuant to a
7 proprietary lease on a co-operative dwelling unit.

8 9. "Rental arrears" shall mean unpaid rent owed to the landlord that
9 accrued on or after March thirteenth, two thousand twenty, the date of
10 the emergency declaration pursuant to section 501(b) of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.
12 5191(b).

13 10. "Small area fair market rent" shall mean the fair market rent for
14 each zip code within a large metropolitan area as promulgated annually
15 by the United States department of housing and urban development's
16 office of policy development and research.

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

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

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

27 2. Such program shall be funded with: (a) all funds received by the
28 state from the federal Emergency Assistance Program; (b) any funds
29 remaining that were allocated from the federal Coronavirus Aid, Relief,
30 and Economic Security (CARES) Act of 2020 (P.L. 116-136) for the Emer-
31 gency Rent Relief Act of 2020, pursuant to chapter one hundred twenty-
32 five of the laws of two thousand twenty, such that the sum of such funds
33 actually expended pursuant to such chapter and that such funds reallo-
34 cated and expended pursuant to this article shall equal one hundred
35 million dollars; (c) any additional funds received from the federal
36 government by the state of New York for assistance with rent or utili-
37 ties related to the COVID-19 pandemic, including any funds for such
38 purposes received by the state pursuant to the federal American Rescue
39 Plan Act; and (d) any state funds appropriated for such program.

40 3. The commissioner shall work with localities throughout the state
41 that have received funds directly from the federal Emergency Rental
42 Assistance Program so that one central point of application shall be
43 made available for any and all federal Emergency Rental Assistance
44 Program funds and any such additional funds in the state of New York.

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

49 5. The commissioner may delegate the administration of any portions of
50 this program to any state agency, city, county, town, public housing
51 authority, or non-profit organization in accordance with the provisions
52 of this article.

53 § 603. Allocation among the city of New York and the respective coun-
54 ties of the state. The commissioner and each locality in receipt of
55 funds from the federal Emergency Rental Assistance Program shall work
56 jointly to ensure that, in total, the allocation of funds from this

1 program for households within the city of New York or within each county
2 outside the city of New York, whether granted to the state or directly
3 to such localities is no less than ninety percent of the proportional
4 share of all renter households in the state that reside in such city or
5 county, as promulgated by the American Community Survey (ACS) from the
6 United States census bureau, and no more than one hundred ten percent of
7 such proportional share.

8 § 604. Eligibility. The commissioner shall promulgate standards for
9 determining eligibility for this program.

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

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

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

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

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

23 2. Households who would otherwise be eligible for this program pursu-
24 ant to subdivision one of this section but for a household income that
25 exceeds eighty percent of the area median income adjusted for household
26 size shall be eligible pursuant to this subdivision if they have a
27 household income at or below one hundred twenty percent of the area
28 median income adjusted for household size, provided that assistance for
29 those eligible pursuant to this subdivision shall be paid for only with
30 state funds allocated for this purpose.

31 3. For the purposes of this program, income may be considered:

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

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

39 4. In addition to the eligibility criteria in subdivision one of this
40 section, the commissioner may promulgate limits on assets as part of any
41 determination of eligibility for this program. The commissioner shall
42 exclude from any calculation of assets made pursuant to this section
43 assets held in a tax-deferred or comparable retirement savings account
44 or any vehicle used regularly by a member of the household.

45 5. The commissioner shall establish preferences in processing applica-
46 tions and allocating funds under this program. Such preferences shall at
47 a minimum prioritize each of the following:

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

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

53 6. The commissioner may also grant preferences for households who:

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

1 (b) include one or more individuals who are victims of domestic
2 violence;

3 (c) apply jointly with their landlord; or

4 (d) have eviction cases that are pending on or before February first,
5 two thousand twenty-one; provided that among households granted a pref-
6 erence because they apply jointly with their landlord, the commissioner
7 may grant an additional preference for households whose landlord is a
8 non-profit provider of affordable housing; provided further that any
9 preference granted pursuant to this subdivision shall not supersede
10 either of the preferences granted pursuant to subdivision five of this
11 section.

12 7. A household may apply for utility assistance, rental assistance, or
13 both.

14 8. Nothing in this article shall be construed to disqualify applica-
15 tions from tenants of state-funded public housing agencies.

16 9. No rental assistance provided pursuant to this article shall be
17 duplicative of assistance for rent or rental arrears previously received
18 by the household.

19 10. Any ambiguity in eligibility criteria promulgated by the commis-
20 sioner shall be resolved in favor of the applicant when determining
21 eligibility.

22 11. Any information collected about a household in the process of
23 determining eligibility shall solely be used for the purposes of deter-
24 mining eligibility and shall not be shared with any other governmental
25 agency.

26 12. An individual full-time college student or a household consisting
27 exclusively of full-time college students is ineligible for this program
28 unless each individual in the household satisfies the following condi-
29 tions:

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

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

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

46 2. The commissioner shall designate non-for-profit organizations that
47 shall be permitted to assist households in applying for assistance and
48 such organizations shall be permitted to file applications on behalf of
49 such households.

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

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

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

1 (c) use any payments received pursuant to this article solely to
2 satisfy the tenant's rental obligations to the landlord or owner; and
3 (d) keep confidential any information or documentation from or about
4 the tenant acquired pursuant to this application process.

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

8 § 606. Documentation. The commissioner shall establish procedures that
9 are appropriate and necessary to assure that information necessary to
10 determine eligibility provided by households applying for or receiving
11 assistance under this article is complete and accurate. Documentation
12 may include but is not limited to: a signed lease, rent demand notice,
13 paycheck stubs, earning statements, bank statements, tax records, W-2 or
14 1099 forms, e-payment application transaction history, written state-
15 ments from a former or current employer, telephone or in-person contact
16 with a former or current employer, self-attestation by the applicant, or
17 other methods approved by the commissioner. When self-attestation is
18 used as documentation, the applicant shall also attest that the appli-
19 cant has no other documentation available. When self-attestation is used
20 to certify rent owed, the applicant shall also attest that the household
21 has not received, and does not anticipate receiving, another source of
22 public or private subsidy or assistance for the rental costs that are
23 the subject of the attestation, and such assistance may only be provided
24 for three months at a time. All payments for utilities and home energy
25 costs shall be supported by a bill, invoice, or evidence of payment to
26 the provider of the utility or home energy service.

27 § 607. Restrictions on eviction. Eviction proceedings for non-payment
28 of rent that would be eligible for coverage under this program shall not
29 be commenced against a household who has applied for this program unless
30 or until a determination of ineligibility is made. If eviction
31 proceedings are commenced against a household who subsequently applies
32 for benefits under this program, all proceedings for missed rent
33 payments during the covered period shall be stayed until a determination
34 of ineligibility has been made.

35 § 608. Payments. 1. Payments shall be made for rental and/or utility
36 arrears accrued on or after March thirteenth, two thousand twenty. No
37 more than twelve months of rental and/or utility assistance, both
38 arrears or prospective, may be paid on behalf of or to any household
39 within the first sixty days after the start of the application period.
40 No prospective rent may be paid unless or until all rental arrears
41 payments have been made to or on behalf of households who are eligible
42 for this program pursuant to section six hundred four of this article.

43 2. If all eligible households whose applications are received within
44 sixty days of the start of the application period receive assistance,
45 the commissioner may pay an additional three months of rental and/or
46 utility assistance for rental or utility arrears accrued after the date
47 of application or prospective rent. No household may receive more than
48 fifteen months of total rental and/or utility assistance. Eligibility
49 for assistance shall be reassessed for each household before rental
50 assistance is issued pursuant to this subdivision.

51 3. Payments for rental arrears or prospective rent shall be the lesser
52 of the monthly rent for the applicant or one hundred fifty percent of
53 the fair market rent for the dwelling unit, except when rental assist-
54 ance amounts are documented via self-attestation, in which case the
55 maximum payment allowable shall be the greater of one hundred percent of
56 fair market rent or one hundred percent of the small area fair market

1 rent, though no payment certified by self-attestation shall be greater
2 than the monthly rent. The rental assistance shall be paid directly to
3 the landlord of the dwelling unit or manufactured home park occupied by
4 the household for the total amount of qualified rental arrears and
5 prospective rental assistance pursuant to subdivision one of this
6 section. Utility assistance shall be paid directly to the utility. The
7 commissioner shall require reasonable efforts to be made to obtain the
8 cooperation of landlords and utility providers to accept payments from
9 this program. Such outreach may be considered complete if (a) a request
10 for participation has been sent in writing, by mail, to the landlord or
11 utility provider and the addressee has not responded to the request
12 within fourteen calendar days after mailing; (b) at least three attempts
13 by phone, text, or e-mail have been made over a ten calendar day period
14 to request the landlord or utility provider's participation; or (c) a
15 landlord or utility provider confirms in writing that the landlord or
16 utility provider does not wish to participate. The outreach attempts or
17 notices to the landlord or utility provider shall be documented.

18 4. If the landlord or utility provider is uncooperative or unrespon-
19 sive after outreach efforts are made pursuant to subdivision three of
20 this section, the commissioner may make payments directly to the eligi-
21 ble household for the purpose of enabling the household to make payments
22 to the landlord or utility provider. The commissioner may require
23 documentation from any households receiving such payments that monies
24 received were used in compliance with this program.

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

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

28 (b) to keep constant the monthly rent due for the dwelling unit such
29 that it shall remain the same as the amount that was due at the time of
30 payment for one year after the first rental assistance payment is
31 received; provided that any rent increase that would otherwise be due
32 pursuant to the rent stabilization law of 1969 or the emergency tenant
33 protection act of 1974 shall go into effect at the end of the one-year
34 period provided for in this paragraph and the rent held constant during
35 the one-year period shall not be considered a preferential rent; and

36 (c) not to evict for reason of expired lease or holdover tenancy any
37 household on behalf of whom rental assistance is received for one year
38 after the first rental assistance payment is received. Where the dwell-
39 ing unit that is the subject of the lease or rental agreement is located
40 in a building that contains four or fewer units, the landlord may
41 decline to extend the lease or tenancy if the landlord intends to imme-
42 diately occupy the unit for the landlord's personal use as a primary
43 residence or the use of an immediate family member as a primary resi-
44 dence.

45 § 609. No repayment and assistance not considered income. Eligible
46 households shall not be expected or required to repay any assistance
47 granted through this program. Assistance granted through this program
48 shall not be considered income for purposes of eligibility for public
49 benefits or other public assistance, but shall be considered a "source
50 of income" for purposes of the protections against housing discrimi-
51 nation provided under section two hundred ninety-six of the human rights
52 law. There shall be no requirement for applicants to seek assistance
53 from other sources, including charitable contributions, in order to be
54 eligible for assistance under this program.

55 § 610. Notice to tenants in eviction proceedings. In any eviction
56 proceeding pending as of the effective date of this article and any

1 eviction proceeding filed while applications are being accepted for
2 assistance pursuant to this article, the court shall promptly mail the
3 respondent information regarding how the respondent may apply for such
4 assistance in English, and, to the extent practicable, in the respond-
5 ent's primary language, if other than English.

6 § 611. Notice to tenants receiving rent demands. With every written
7 demand for rent made pursuant to subdivision two of section seven
8 hundred eleven of the real property actions and proceedings law, with
9 any other written notice required by the lease or tenancy agreement, law
10 or rule to be provided prior to the commencement of an eviction proceed-
11 ing, and with every notice of petition served on a tenant after the
12 effective date of this article and while applications are being accepted
13 for assistance pursuant to this article, the landlord shall provide
14 information regarding how a tenant may apply for such assistance, in a
15 form promulgated and published by the commissioner in consultation with
16 the office of court administration, in English, and, to the extent
17 practicable, in the tenant's primary language, if other than English.

18 § 612. Notice to applicants for assistance under the emergency rent
19 relief act of 2020. The commissioner, in consultation with the commis-
20 sioner of the division of housing and community development, shall
21 provide notice of how to apply for assistance pursuant to this article
22 to each tenant or occupant who applied for assistance under the emergen-
23 cy rent relief act of 2020, pursuant to chapter one hundred twenty-five
24 of the laws of two thousand twenty. Such notice shall be provided in
25 English, and, to the extent practicable, in the tenant's primary
26 language, if other than English.

27 § 613. Outreach. The commissioner shall ensure that extensive outreach
28 is conducted to increase awareness of this program among tenants and
29 landlords. The commissioner shall prioritize for outreach communities
30 where the median income of residents is less than eighty percent of the
31 area median income for the region, communities with the highest unem-
32 ployment rates, and communities that experienced the highest rates of
33 COVID-19 infections during the pandemic, and to the extent practicable,
34 communities with high rates of ownership of rental housing by small
35 landlords. The commissioner shall ensure that such outreach is conducted
36 with materials written in the languages listed in subdivision one of
37 section six hundred five of this article, and to the extent practicable
38 in other languages commonly spoken by residents of those communities
39 required to be prioritized pursuant to this section, as per the most
40 recent American Community Survey from the United States Census Bureau.

41 § 614. Fair housing obligations. Nothing in this article shall lessen
42 or abridge any fair housing obligations promulgated by the federal
43 government, state, municipalities, localities, or any other applicable
44 jurisdiction.

45 § 615. Reports by the commissioner. The commissioner shall, on or
46 before the twentieth day of each month for the duration of the program,
47 submit and make publicly available on its website a report to the gover-
48 nor, the temporary president of the senate, and the speaker of the
49 assembly, indicating: the number of applicants that have applied for
50 rental assistance only; the number of applicants that have applied for
51 utility assistance only; the number of applicants that have applied for
52 each combination of rental assistance, utility assistance, and assist-
53 ance with other expenses related to housing; the number of such appli-
54 cants of each of the three foregoing types, with incomes between zero to
55 twenty-five percent, twenty-five to fifty percent, and fifty-one to
56 eighty percent of the area median income; the average and median rental

1 arrears of the applicants with incomes between zero to twenty-five
2 percent, twenty-five to fifty percent, and fifty-one to eighty percent
3 of the area median income; the number of applications of each type of
4 assistance approved, the number of applications of each type of assist-
5 ance rejected, the average and median amount of rental assistance grant-
6 ed, the average and median utility assistance granted, the status of any
7 pending applications, the monthly expenditures made pursuant to this
8 article for each type of assistance. Each number required to be included
9 in the report shall be reported as a statewide total from the start of
10 the program through the end of the preceding calendar month and as a
11 subtotal for each county, based on the location of the premises for
12 which the applicant has sought assistance.

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

15 § 131-bb. Proof of eligibility for rental assistance. Under no circum-
16 stances shall a local social services district require proof that a
17 court proceeding has been initiated against a tenant as a condition of
18 eligibility for a rent arrears grant or ongoing rental assistance
19 including rental assistance provided pursuant to this article.

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

22 § 131-w. Limitations in the payment of rent arrears. 1. Districts
23 shall not provide assistance to pay rent arrears, property taxes or
24 mortgage arrears for persons not eligible for home relief, aid to
25 dependent children, emergency assistance to needy families with children
26 or emergency assistance for aged, blind and disabled persons, except to
27 persons who are without income or resources immediately available to
28 meet the emergency need, whose gross household income does not exceed
29 one hundred twenty-five percent of the federal income official poverty
30 line and who sign a repayment agreement agreeing to repay the assistance
31 in a period not to exceed twelve months. The districts shall enforce
32 the repayment agreements by any legal method available to a creditor, in
33 addition to any rights it has pursuant to this chapter. The department
34 shall promulgate regulations to implement this section which shall,
35 among other things, establish standards for the contents of repayment
36 agreements and establish standards to ensure that assistance is provided
37 only in emergency circumstances.

38 2. Notwithstanding the provisions of subdivision one of this section,
39 no repayment agreement shall be required for assistance provided between
40 March seventh, two thousand twenty until the later of December thirty-
41 first, two thousand twenty-one or the date on which none of the
42 provisions that closed or otherwise restricted public or private busi-
43 nesses or places of public accommodation, or required postponement or
44 cancellation of all non-essential gatherings of individuals of any size
45 for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6,
46 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty,
47 as extended by executive order numbers 202.28 and 202.31 of two thousand
48 twenty and as further extended by any future executive order, issued in
49 response to the COVID-19 pandemic continue to apply in the service
50 district. Any payment due and owing under this section shall be
51 suspended until the later of December thirty-first, two thousand twen-
52 ty-one or the date on which none of the provisions that closed or other-
53 wise restricted public or private businesses or places of public accom-
54 modation, or required postponement or cancellation of all non-essential
55 gatherings of individuals of any size for any reason in executive order
56 numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13

1 or 202.14 of two thousand twenty, as extended by executive order numbers
2 202.28 and 202.31 of two thousand twenty and as further extended by any
3 future executive order, issued in response to the COVID-19 pandemic
4 continue to apply to the service district.

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

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

24 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
25 sion, no repayment agreement shall be required for assistance provided
26 between March seventh, two thousand twenty until the later of December
27 thirty-first, two thousand twenty-one or the date on which none of the
28 provisions that closed or otherwise restricted public or private busi-
29 nesses or places of public accommodation, or required postponement or
30 cancellation of all non-essential gatherings of individuals of any size
31 for any reason in executive order numbers 202.3, 202.4, 202.5, 202.6,
32 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty,
33 as extended by executive order numbers 202.28 and 202.31 of two thousand
34 twenty and as further extended by any future executive order, issued in
35 response to the COVID-19 pandemic continue to apply in the service
36 district.

37 § 6. Section 106-b of the social services law, as amended by chapter
38 81 of the laws of 1995, is amended to read as follows:

39 § 106-b. Adjustment for incorrect payments. 1. Any inconsistent
40 provision of law notwithstanding, a social services official shall, in
41 accordance with the regulations of the department and consistent with
42 federal law and regulations, take all necessary steps to correct any
43 overpayment or underpayment to a public assistance recipient; provided,
44 however, that a social services official may waive recovery of a past
45 overpayment, in the case of an individual who is not currently a recipi-
46 ent of public assistance, where the cost of recovery is greater than the
47 cost of collections as determined in accordance with department regu-
48 lations consistent with federal law and regulations. For purposes of
49 this section, overpayment shall include payments made to an eligible
50 person in excess of his needs as defined in this chapter and payments
51 made to ineligible persons (including payments made to such persons
52 pending a fair hearings decision). The commissioner shall promulgate
53 regulations to implement procedures for correcting overpayments and
54 underpayments. The procedures for correcting overpayments shall be
55 designed to minimize adverse impact on the recipient, and to the extent
56 possible avoid undue hardship. Notwithstanding any other provision of

1 law to the contrary, no underpayment shall be corrected with respect to
2 a person who is currently not eligible for or in receipt of home relief
3 or aid to dependent children, except that corrective payments may be
4 made with respect to persons formerly eligible for or in receipt of aid
5 to dependent children to the extent that federal law and regulations
6 require.

7 2. Notwithstanding the provisions of subdivision one of this section,
8 no collection of overpayments shall be conducted, regardless of when the
9 overpayment accrued, until the later of December thirty-first, two thou-
10 sand twenty-one or the date on which none of the provisions that closed
11 or otherwise restricted public or private businesses or places of public
12 accommodation, or required postponement or cancellation of all non-es-
13 sential gatherings of individuals of any size for any reason in execu-
14 tive order numbers 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10,
15 202.11, 202.13 or 202.14 of two thousand twenty, as extended by execu-
16 tive order numbers 202.28 and 202.31 of two thousand twenty-one and as
17 further extended by any future executive order, issued in response to
18 the COVID-19 pandemic continue to apply in the service district.

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

29 § 8. This act shall take effect immediately and shall expire on the
30 later of December 31, 2021 or the date on which none of the provisions
31 that closed or otherwise restricted public or private businesses or
32 places of public accommodation, or required postponement or cancellation
33 of all non-essential gatherings of individuals of any size for any
34 reason in executive order numbers 202.3, 202.4, 202.5, 202.6, 202.7,
35 202.8, 202.10, 202.11, 202.13 or 202.14 of two thousand twenty, as
36 extended by executive order numbers 202.28 and 202.31 of two thousand
37 twenty and as further extended by any future executive order, issued in
38 response to the COVID-19 pandemic continue to apply anywhere in the
39 state, when upon such date the provisions of this act shall be deemed
40 repealed; provided that the state commissioner of social services shall
41 notify the legislative bill drafting commission upon the date on which
42 none of the provisions that closed or otherwise restricted public or
43 private businesses or places of public accommodation, or required post-
44 ponement or cancellation of all non-essential gatherings of individuals
45 of any size for any reason in executive order numbers 202.3, 202.4,
46 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14 of two
47 thousand twenty, as extended by executive order numbers 202.28 and
48 202.31 of two thousand twenty and as further extended by any future
49 executive order, issued in response to the COVID-19 pandemic continue to
50 apply anywhere in the state, in order that the commission may maintain
51 an accurate and timely effective data base of the official text of the
52 laws of the state of New York in furtherance of effectuating the
53 provisions of section 44 of the legislative law and section 70-b of the
54 public officers law.