

STATE OF NEW YORK

2870

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing the incentivizing habitability opportunity program

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

1 Section 1. Article 2-A of the social services law is amended by adding
2 a new title 5 to read as follows:

TITLE 5

INCENTIVIZING HABITABILITY OPPORTUNITY PROGRAM

Section 53. Landlord incentive for homeless shelters.

6 § 53. Landlord incentive for homeless shelters. 1. Notwithstanding
7 any other provision of law to the contrary, each local social services
8 district shall provide an incentive to owners who enter into a residen-
9 tial lease or rental agreement with an eligible household for a quali-
10 fied dwelling unit in order to address homelessness and ensure appropri-
11 ate habitability standards in accordance with this section.

12 2. For the purposes of this section: (a) "homeless" shall mean the
13 lack of a fixed, regular, and adequate nighttime residence; exiting an
14 institution where they resided and will lack a regular fixed and
15 adequate nighttime residence upon release or discharge; having received
16 a court order resulting from an eviction action that notifies the indi-
17 vidual or family that they must leave their housing; facing loss of
18 housing due to hazardous conditions, including but not limited to asbes-
19 tos, lead exposure, mold, and radon; or, fleeing, or attempting to flee,
20 domestic violence, dating violence, sexual assault, stalking, human
21 trafficking or other dangerous or life-threatening conditions that
22 relate to violence against the individual or a family member, provided
23 further that a written attestation from an individual or family member

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

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1 alleging such abuse and loss of housing shall be sufficient to establish
2 eligibility.

3 (b) "eligible household" shall mean an individual or family eligible
4 for or receiving public assistance that is homeless as defined by this
5 section. A household's eligibility shall not be affected by an individ-
6 ual's sanction status.

7 (c) "habitability standard" shall mean the housing quality standards
8 for safe and habitable housing which are established by local housing
9 codes that meet or exceed housing quality standards, so long as such
10 standards do not severely restrict housing choice.

11 (d) "qualified dwelling unit" shall mean a unit that (i) meets the
12 necessary habitability standards as defined in this subdivision; and
13 (ii) the owner satisfies all the necessary requirements as required by
14 subdivision three of this section.

15 3. (a) Each local social services district shall provide an incentive
16 in accordance with subdivision four of this section, to eligible owners
17 that enter into a residential lease or rental agreement with an eligible
18 household for a qualified dwelling unit, as defined in subdivision one
19 of this section. For an owner to be eligible to receive an incentive for
20 a qualified dwelling unit, the owner of the dwelling unit shall: (i)
21 enter into a residential lease or rental agreement in accordance with
22 paragraph (b) of this subdivision with an eligible household for a peri-
23 od of not less than one year and (ii) ensure that upon inspection, as
24 required by paragraph (c) of this subdivision, the dwelling unit meets
25 and maintains the necessary habitability standards as defined in subdivi-
26 vision one of this section throughout the period of the lease.

27 (b) (i) The residential lease or rental agreement entered into between
28 the eligible owner of the qualified dwelling unit and the eligible
29 household shall be consistent with all applicable state and local law
30 and contain all appropriate provisions applicable to tenants of a dwell-
31 ing unit which does not qualify for an incentive pursuant to this
32 section.

33 (ii) The owner shall not terminate such lease or rental agreement
34 except for good cause, such as serious or repeated violations of the
35 terms and conditions of the lease or rental agreement, or for violation
36 of applicable state, or local law.

37 (iii) Prior to terminating a residential lease or rental agreement
38 pursuant to this section, and in addition to any other notices required
39 by law, written notice shall be provided to the eligible household spec-
40 ifying the grounds for such termination, and any relief that may be
41 available which is consistent with applicable state and local law.

42 (iv) The lease or rental agreement shall be renewed unless (1) the
43 owner or a member of the owner's immediate family needs the apartment
44 for their personal use and primary residence, (2) the apartment is not
45 used as the tenant's primary residence, or (3) the owner wants to take
46 the apartment off the rental market, either to demolish the building for
47 reconstruction or use it for other purposes permitted by law. If the
48 owner is not renewing the lease for any of the above reasons, the owner
49 must notify the eligible household in writing at least ninety days prior
50 to the end of the existing lease.

51 (c) (i) Prior to providing the owner of an eligible dwelling unit with
52 an incentive as authorized by this section, the commissioner shall,
53 either directly or through a contract with a not-for-profit, inspect
54 each dwelling unit prior to the owner entering into a new residential
55 lease or rental agreement with an eligible household, anytime the eligi-
56 ble household transfers to a new unit with the owner and annually there-

1 after in instances when the lease or rental agreement extends beyond a
2 year. Such dwelling unit shall be required to be inspected prior to
3 every new residential lease or rental agreement that is entered into
4 with an eligible household, for so long as the owner seeks to receive an
5 incentive pursuant to this section. Upon inspection, the local social
6 services district, shall ensure that the dwelling unit meets the habita-
7 bility standard, as defined in this section.

8 (ii) No such incentive shall be provided if the dwelling unit fails to
9 meet all the necessary requirements of the habitability standard. Such
10 prorate share of the incentive shall be withheld until the owner makes
11 all the necessary changes required to meet the habitability standard and
12 passes a follow up inspection. To the extent that the owner can show the
13 violations were caused by a member of the eligible household, the owner
14 may be provided an extension to fix the cited violations and be re-in-
15 spected in an appropriate period of time, as determined by the local
16 social services district.

17 (iii) Any time during the lease or rental agreement, a member of an
18 eligible household may request an additional inspection, citing an
19 owner's failure to maintain habitability standards, as required by this
20 section.

21 (iv) Each local social services district shall maintain a written
22 record detailing the inspections and re-inspections for each dwelling
23 unit for the period of the eligible household's tenancy and for three
24 years subsequent to the end of such tenancy and shall make the records
25 available upon request to the state comptroller.

26 4. (a) Each local social services district shall provide an incentive
27 to the owner of a qualifying dwelling unit, that meets all the necessary
28 requirements specified in subdivision three of this section, in an
29 amount equal to five hundred dollars for every eligible individual and
30 one thousand dollars for every eligible family. The incentive will be
31 paid to the owner on a monthly basis. The incentive shall be issued by
32 the local social services district directly to the owner of the quali-
33 fied dwelling unit.

34 (b) The incentive shall be provided to the owner of the qualified
35 dwelling unit (i) during the period of the eligible household's tenancy;
36 (ii) until the date the eligible household vacates the qualified dwell-
37 ing unit prior to the expiration date of the lease or rental agreement;
38 or (iii) until the effective date of the notice of eviction received by
39 the eligible household issued pursuant to a court proceeding.

40 (c) In the event that the owner of the eligible dwelling unit wrong-
41 fully and/or prematurely terminates the lease in violation of applicable
42 state or local law, the owner shall reimburse the local social services
43 district the amount of the incentive provided to date.

44 § 2. Section 153 of the social services law is amended by adding a new
45 subdivision 18 to read as follows:

46 18. Notwithstanding any other provision of law to the contrary, one
47 hundred percent of costs for incentives required by section fifty-three
48 of this chapter shall be subject to reimbursement by the state, as
49 follows:

50 (a) by federal funds that can be properly applied to such expendi-
51 tures; and

52 (b) the remainder to be paid by state funds.

53 § 3. This act shall take effect on the one hundred eightieth day after
54 it shall have become a law.