

# STATE OF NEW YORK

856

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. KRUEGER, ADDABBO, BAILEY, BENJAMIN, BIAGGI, BOYLE, BRESLIN, COMRIE, FELDER, GIANARIS, GOUNARDES, HARCKHAM, HOYLMAN, JACKSON, KAMINSKY, KAPLAN, KAVANAGH, KENNEDY, LIU, MAY, MYRIE, PARKER, PERSAUD, RAMOS, RIVERA, SALAZAR, SANDERS, SAVINO, SEPULVEDA, SERRANO, SKOUFIS, STAVISKY, THOMAS -- 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 home stability support programs

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

1 Section 1. The social services law is amended by adding a new section  
2 131-bb to read as follows:

3 § 131-bb. Home stability support program. 1. (a) Notwithstanding any  
4 other provision of law to the contrary, each local social services  
5 district shall provide a shelter supplement to eligible individuals and  
6 families to prevent eviction and address homelessness in accordance with  
7 this section.

8 (b) For the purposes of this section:

9 (i) "homeless" shall mean the lack of a fixed, regular, and adequate  
10 nighttime residence; having a primary nighttime residence that is a  
11 public or private place not designed for or ordinarily used as a regular  
12 sleeping accommodation for human beings, including a car, park, aban-  
13 doned building, bus or train station, airport or campground or other  
14 places not meant for human habitation; living in a supervised publicly  
15 or privately operated shelter designated to provide temporary living  
16 arrangements (including hotels and motels paid for by federal, state or  
17 local government programs for low-income individuals or by charitable  
18 organizations, congregate shelters, or transitional housing); exiting an  
19 institution where they resided and will lack a regular fixed and  
20 adequate nighttime residence upon release or discharge; or are an unac-

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

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1 companied youth and homeless families with children and youth defined as  
2 homeless under either this paragraph or federal statute who have experi-  
3 enced a long-term period without living independently in permanent hous-  
4 ing; have experienced persistent instability as measured by frequent  
5 moves; and can be expected to continue in such status for an extended  
6 period of time because of chronic disabilities, chronic physical health  
7 or mental health conditions, substance addiction, histories of domestic  
8 violence or childhood abuse, the presence of a child or youth with a  
9 disability, or multiple barriers to employment, or other dangerous or  
10 life-threatening conditions, including conditions that relate to  
11 violence against an individual or a family member; and

12 (ii) "imminent loss of housing" shall mean having received a verified  
13 rent demand or a petition for eviction; having received a court order  
14 resulting from an eviction action that notifies the individual or family  
15 that they must leave their housing; facing loss of housing due to  
16 hazardous conditions, including but not limited to asbestos, lead expo-  
17 sure, mold, and radon; having a primary nighttime residence that is a  
18 room in a hotel or motel and lack the resources necessary to stay;  
19 facing loss of the primary nighttime residence, which may include living  
20 in the home of another household, where the owner or renter of the hous-  
21 ing will not allow the individual or family to stay, provided further,  
22 that an assertion from an individual or family member alleging such loss  
23 of housing or homelessness shall be sufficient to establish eligibility;  
24 or, fleeing, or attempting to flee, domestic violence, dating violence,  
25 sexual assault, stalking, human trafficking or other dangerous or life-  
26 threatening conditions that relate to violence against the individual or  
27 a family member, provided further that an assertion from an individual  
28 or family member alleging such abuse and loss of housing shall be suffi-  
29 cient to establish eligibility.

30 2. (a) Each local social services district shall provide a shelter  
31 supplement to eligible individuals and families as defined in subdivi-  
32 sion three of this section in an amount equal to eighty-five percent of  
33 the fair market rent in the district, as established by the federal  
34 department of housing and urban development, for the particular unit  
35 size. The shelter supplement shall be issued by the local social  
36 services district directly to the landlord or vendor.

37 (b) A local social services district may also provide an additional  
38 supplement in excess of eighty-five percent of the fair market rent, up  
39 to one hundred percent of the fair market rent in the district, as  
40 established by the federal department of housing and urban development.  
41 Provided, however, the cost of the additional supplement shall be paid  
42 by the local social services district.

43 (c) As part of the supplement referenced in this subdivision, when an  
44 eligible recipient, as defined in subdivision three of this section,  
45 incurs separate fuel for heating expenses, the local social services  
46 district shall provide additional funds to cover such expenses, in  
47 excess of the amount already required for shelter costs pursuant to  
48 paragraph (a) of this subdivision. Such heating allowance shall be  
49 equivalent to the full amount of fuel for heating expenses, and shall be  
50 made directly to the vendor on behalf of the recipient. Any expenses  
51 incurred by the local social services district that are (i) in excess of  
52 a recipient's fuel for heating allowance authorized pursuant to para-  
53 graph (b) of subdivision two of section one hundred thirty-one-a of this  
54 title; (ii) made pursuant to section ninety-seven of this chapter; or  
55 (iii) to cover any arrears payments made to restore heating services or  
56 to prevent a shut-off, shall not be recoupable.

1 (d) Individuals not in receipt of public assistance, residing in a  
2 household that is benefiting from a shelter supplement under this  
3 section shall be required to contribute thirty percent of their gross  
4 income, or their pro rata share of the rent, whichever is less. Minor  
5 children without income shall not be counted in the pro rata share  
6 equation. In addition, the income of minor children shall not be consid-  
7 ered part of the gross income.

8 (e) Any supplement or allowance provided under this section shall not  
9 be considered to be part of the standard of need as defined in paragraph  
10 (b) of subdivision ten of section one hundred thirty-one-a of this  
11 title.

12 (f) In the event that the local social services district determines  
13 that payment of rental arrears would prevent homelessness and subse-  
14 quently pays such arrears, such payments shall not be recoupable.

15 3. (a) For the period beginning October first, two thousand twenty-two  
16 until September thirtieth, two thousand twenty-three, individuals, or  
17 families, who are eligible for public assistance, are either homeless or  
18 face an imminent loss of housing, and are not currently receiving anoth-  
19 er shelter supplement shall be eligible for the shelter supplement  
20 provided under this section.

21 (b) On and after October first, two thousand twenty-three, individuals  
22 or families who are eligible for public assistance and are (i) homeless  
23 or face an imminent loss of housing, and are not currently receiving  
24 another shelter supplement; or (ii) currently in receipt of a shelter  
25 supplement, other than a supplement required by this section, that is  
26 being transferred to the home stability support program pursuant to  
27 subdivision eight of this section, shall be eligible for the shelter  
28 supplement provided under this section.

29 4. (a) Local social services districts shall provide the shelter  
30 supplement required under this section for up to five years, provided  
31 such individuals or families are otherwise eligible for public assist-  
32 ance. A shelter supplement may be provided for an additional length of  
33 time for good cause.

34 (b) If an individual or family receiving the shelter supplement is no  
35 longer eligible for public assistance, the local social services  
36 district shall continue to provide the shelter supplement, and if appro-  
37 priate heating allowance, for one year from the date of such determi-  
38 nation, so long as their income does not exceed two hundred percent of  
39 the federal poverty level.

40 5. The shelter supplement and heating allowance shall not be affected  
41 by a recipient's sanction status.

42 6. (a) The commissioner shall contract with not-for-profit agencies,  
43 that have experience providing support services to the homeless and  
44 at-risk of homelessness populations, for the purpose of providing home  
45 stability support services. Such services shall assist eligible recipi-  
46 ents, as defined in subdivision three of this section, in avoiding home-  
47 lessness and achieving long-term housing stability. Such services shall  
48 include, but not be limited to:

49 (i) services to resolve conflicts between landlords and tenants and to  
50 facilitate fair and workable solutions;

51 (ii) referrals to legal services to households threatened with the  
52 loss of their homes through eviction, harassment or other means;

53 (iii) benefit/entitlement advocacy to ensure that households are  
54 receiving all federal, state and local benefits to which they are enti-  
55 tled, such as temporary assistance to needy families, safety net assist-  
56 ance, supplemental nutrition assistance program, supplemental security

1 income, rent security deposits, furniture and household moving expenses,  
2 medical assistance; and

3 (iv) relocation assistance which provides for the identification of  
4 and referral to permanent and habitable housing, transportation  
5 services, landlord/tenant lease negotiation services and assistance in  
6 establishing utility services.

7 (b) The commissioner shall issue a request-for-proposal for home  
8 stability support services. The request-for-proposal shall include:

9 (i) a description of the home stability support services to be  
10 provided, including procedures for intake, referral, outreach, the  
11 provision of services, follow-up and anticipated outcomes;

12 (ii) a description of the manner in which coordination with other  
13 federal, state, local and privately funded services will be achieved;  
14 and

15 (iii) a description of how the services will be designed to assist  
16 households to achieve housing stability.

17 (c) Prior to entering into a contract pursuant to this subdivision,  
18 the commissioner shall determine that the eligible applicant is a bona  
19 fade organization which shall have demonstrated by its past and current  
20 activities that it has the ability to provide such services, that the  
21 organization is financially responsible and that the proposal is appro-  
22 priate for the needs of households to be served.

23 7. The home stability support program shall provide for up to a total  
24 of fourteen thousand new shelter supplements a year statewide, and funds  
25 shall be distributed to each local social services district based on  
26 their pro rata share of households below the federal poverty level in  
27 the state, using the most recent United States census data as of April  
28 first, two thousand twenty-one, and annually thereafter.

29 8. If local social services districts offer a shelter supplement not  
30 required by this section, such districts may utilize supplements avail-  
31 able under this section on or after October first, two thousand twenty-  
32 three, to transfer eligible recipients as defined in subparagraph (ii)  
33 of paragraph (b) of subdivision three of this section into the home  
34 stability support program. Provided, however, a district shall not allo-  
35 cate one hundred percent of their shelter supplements provided under  
36 this section to existing supplement recipients, unless there is no  
37 current or unmet need for supplements as defined in subparagraph (i) of  
38 paragraph (b) of subdivision three of this section in such district.

39 9. The commissioner shall issue a report on the home stability support  
40 program to the governor, the speaker of the assembly, the temporary  
41 president of the senate, the chairs of the senate and assembly social  
42 services committees, and the chairs of the assembly ways and means  
43 committee and the senate finance committee on or before October first of  
44 each year, starting October first, two thousand twenty-four, regarding  
45 the effectiveness of the program, based on the information provided from  
46 the local social services districts. Each local district, upon the  
47 request of the office, shall provide the office the necessary data for  
48 the completion of the report. Each report shall include the following  
49 information for each district:

50 (a) the number of individuals participating in the program;

51 (b) factors contributing to households experiencing housing issues,  
52 including, but not limited to, health and safety and budgeting  
53 constraints;

54 (c) total funding utilized;

55 (d) estimated avoided costs in temporary shelter; and

1 (e) any other information or available data that the commissioner  
2 deems relevant and necessary for comprehensive evaluation of the current  
3 need of entitlements for public assistance recipients.

4 § 2. Section 153 of the social services law is amended by adding a new  
5 subdivision 13 to read as follows:

6 13. Notwithstanding any other provision of law to the contrary, one  
7 hundred percent of costs for shelter supplements including costs for  
8 heating expenses, and home stability support services required by  
9 section one hundred thirty-one-bb of this article shall be subject to  
10 reimbursement by the state, as follows:

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

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

14 § 3. This act shall take effect on April 1, 2022.