

STATE OF NEW YORK

9158

IN SENATE

May 11, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to grievance procedures for proceedings involving the New York City Housing Authority

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

1 Section 1. The public housing law is amended by adding a new section
2 160 to read as follows:

3 § 160. Grievance procedure requirements. 1. As used in this section:

4 a. "administrative procedure" shall include any informal review proc-
5 ess or hearing process available by law to applicants and tenants to
6 review or challenge a New York City Housing Authority decision, action,
7 or failure to act, including all impartial hearings, grievance proce-
8 dures, and termination of tenancy procedures;

9 b. "authority" means the New York City Housing Authority; and

10 c. "hearing decision" means any decision issued by a hearing officer
11 pursuant to Title 24 § 966.57 of the Code of Federal Regulations; and

12 2. The authority shall create policies regarding administrative proce-
13 dures that conform with Title 42 §§ 13661-13662 of the United States
14 Code and any relevant guidance developed by the Office of Public and
15 Indian Housing of the United States Department of Housing and Urban
16 Development. Such policies shall:

17 a. require the authority to provide oral interpretation services
18 throughout the administrative procedure to all limited English profi-
19 cient applicants and residents;

20 b. provide for a formal mechanism by which parties may engage in
21 motion practice in all administrative procedures;

22 c. for all active administrative procedures, provide for an automatic
23 stay in any housing court proceeding in which the resident is the
24 respondent;

25 d. provide for the right to a stay until any underlying criminal court
26 proceeding is resolved in all administrative procedures involving
27 alleged criminal activity or non-desirability;

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

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1 e. require that all hearings:
2 (i) are conducted according to New York state rules of evidence;
3 (ii) are held before an impartial hearing officer appointed after
4 review and approval by residents; and
5 (iii) result in a written decision, which the authority shall provide
6 to the resident or applicant within thirty days of the hearing, and
7 which shall be included in redacted form in an electronically searchable
8 public database maintained by the authority; and
9 f. require the authority to allow residents to submit and pursue
10 grievances regardless of whether they are current on rent.

11 § 2. This act shall take effect immediately.