

# STATE OF NEW YORK

2454

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. HEVESI, REYES, LAVINE, CRUZ, JOYNER, SIMON, HUNTER, EPSTEIN, SEAWRIGHT, FORREST -- Multi-Sponsored by -- M. of A. J. M. GIGLIO -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to eliminating rent for homeless shelters; and to repeal certain provisions of such law relating thereto

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

Section 1. Section 36-c of the social services law is REPEALED.

§ 2. Section 131 of the social services law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. The office of temporary and disability assistance shall prohibit any publicly funded provider of temporary housing assistance, including but not limited to those defined in subdivision sixteen of section one hundred thirty-one-a of this title from requiring recipients of such assistance to participate in work activities, including but not limited to those defined in section three hundred thirty-six of this chapter, as a condition to receive temporary housing assistance from such provider.

22. a. Any temporary housing assistance provider found to be collecting income, room and board or any other type of contribution in violation of subdivision sixteen of section one hundred thirty-one-a of this title, shall, after notice and an opportunity to be heard by the department, be required to return any funds collected in violation of this section to such recipient and may be subject to a civil penalty not to exceed five hundred dollars for each violation. The department shall adopt procedures in accordance with the state administrative procedure act for assessment of penalties pursuant to this section. Such procedure shall include the opportunity for an administrative appeal. Any provider found to have violated this section and who is subsequently found to have violated this section five or more times within one year of the

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

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1 initial finding may be determined, at the discretion of the department  
2 and taking into consideration the geographic availability of similar  
3 services, to be ineligible to receive public funding for a period not to  
4 exceed five years.

5 b. Any provider which has been deemed ineligible to receive public  
6 funding pursuant to this section may apply to the department for an  
7 order discontinuing such disqualification. The application shall set  
8 forth the grounds, including that the provider has taken sufficient  
9 actions to remove from responsibility officers and employees who engaged  
10 in the actions that formed the basis of the violation, that the provider  
11 has taken appropriate and sufficient actions to ensure that the actions  
12 that formed the basis of the violation are unlikely to recur, and that  
13 it will not be in the public interest to continue the disqualification.

14 § 3. Section 131-a of the social services law is amended by adding a  
15 new subdivision 16 to read as follows:

16 16. Notwithstanding any other provision of law, rule or regulation to  
17 the contrary, a homeless individual or family applying for or receiving  
18 temporary housing assistance shall not be required to pay room and board  
19 or contribute any earned or unearned income, available benefits or  
20 resources to eliminate their need for temporary housing assistance or as  
21 a condition to receive temporary housing assistance from such provider.  
22 For the purposes of this subdivision, any provider of temporary housing  
23 assistance or short-term housing shall include, but not be limited to, a  
24 family shelter, a cluster site apartment, a shelter for adults, a United  
25 States Department of Housing and Urban Development assisted transitional  
26 housing shelter, a public home, a hotel, an emergency apartment, a  
27 domestic violence shelter, a runaway and homeless youth shelter, a room  
28 and board shelter, a safe haven shelter, a veterans short-term housing  
29 shelter, a criminal justice short-term housing shelter, or a safe house  
30 for refugees, asylees, or trafficking victims operating in New York  
31 state.

32 § 4. This act shall take effect on the thirtieth day after it shall  
33 have become a law.