

# STATE OF NEW YORK

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3499

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

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Introduced by Sens. TEDISCO, BORRELLO, GALLIVAN, HELMING, OBERACKER, ORTT, PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to establish a rental assistance loan-to-grant program to assist landlords of small rental properties who have lost rental income due to the inability of the landlords' tenants to pay rent during the COVID-19 state disaster emergency; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. 1. (a) There shall be established in the New York Division  
2 of Housing and Community Renewal a rental assistance loan-to-grant  
3 program ("the program") to assist landlords of small rental properties  
4 who have lost rental income due to the inability of the landlord's  
5 tenants to pay rent during the period of the COVID-19 state disaster  
6 emergency declared pursuant to executive order 202 of 2020. The program  
7 shall be administered by the Commissioner of the New York Division of  
8 Housing and Community Renewal.

9 (b) The program shall provide loans to landlords of residential prop-  
10 erties containing up to six rental units for the purpose of covering  
11 rent arrearages owed by tenants of the building who were unable to pay  
12 rent during the COVID-19 state disaster emergency due to unemployment or  
13 medical emergency and accrued during the state disaster emergency  
14 declared pursuant to executive order 202 of 2020. If a tenant subse-  
15 quently pays the landlord the arrearages in rent, in whole or in part,  
16 the landlord shall pay such funds to the program as full or partial  
17 repayment of the loan. If a tenant does not pay the landlord the arrear-  
18 ages in rent, that portion of the loan from the program shall be  
19 converted by the Division of Housing and Community Renewal into a grant

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

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1 to the landlord and the landlord shall be held harmless from any obli-  
2 gation to repay such portion of the loan, absent any fraud.

3 2. The program shall be funded with monies from the following sources:

4 (a) all funds received by the state of New York from the federal Emer-  
5 gency Rental Assistance program;

6 (b) any funds remaining from monies allocated to the state of New York  
7 from the federal Coronavirus Aid, Relief, and Economic Security (CARES)  
8 Act of 2020 (P.L. 116-136) for the Emergency Rent Relief Act of 2020,  
9 pursuant to chapter one hundred twenty-five of the laws of two thousand  
10 twenty, such that the sum of such funds actually expended pursuant to  
11 such chapter and that such funds reallocated and expended pursuant to  
12 this article shall equal one hundred million dollars; and

13 (c) any additional funds allocated by the federal government to the  
14 state of New York for emergency rental or utility assistance related to  
15 the COVID-19 pandemic.

16 3. The Commissioner of the New York State Division of Housing and  
17 Community Renewal will promulgate rules and regulations for the imple-  
18 mentation and administration of the program including, but not limited  
19 to:

20 (i) standards of eligibility for the program;

21 (ii) application procedures;

22 (iii) a verification process for eligibility for the program;

23 (iv) a process for distribution of program funds to eligible land-  
24 lords;

25 (v) a verification process for payment by a tenant of rent arrearages  
26 or of the tenant's failure to do so;

27 (vi) time frames for the processing of applications and the distrib-  
28 ution of funds under the program;

29 (vii) procedures for and methods of repayment of loans in whole or in  
30 part by landlords; and

31 (viii) procedures for the conversion of loans to grants, in whole or  
32 in part.

33 4. Nothing in this act shall be construed to relieve any tenant of any  
34 obligation to pay rent to a landlord pursuant to a valid rental agree-  
35 ment or understanding.

36 § 2. This act shall take effect on the ninetieth day after it shall  
37 have become a law and shall expire and be deemed repealed January 1,  
38 2025.