STATE OF NEW YORK

8652

IN SENATE

February 26, 2024

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 prohibiting the requirement that a court proceeding has been initiated against an individual in order for such individual to qualify for a rent arrears grant or ongoing rental assistance (Part A); to amend the social services law, in relation to removing the requirement that rent arrears be repaid (Part B); to amend the social services law, in relation to making certain housing programs available regardless of immigration status (Part C); and to amend the social services law, in relation to authorizing emergency assistance to cover rent arrears for up to twelve months (Part D)

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

Section 1. This act enacts into law components of legislation relating to emergency rental assistance. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 131 of the social services law is amended by adding a new subdivision 21 to read as follows:

21. Notwithstanding any other section of law to the contrary, proof of a court proceeding that has been initiated against the applicant or recipient shall not be required to qualify for emergency assistance to cover rent arrears or public assistance to provide ongoing rental support.

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

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§ 2. This act shall take effect immediately.

PART B

Section 1. Section 131-w of the social services law, as added by chapter 41 of the laws of 1992, is amended to read as follows:

§ 131-w. Limitations in the payment of rent arrears. [~~Districts~~] **Local social services districts** shall not provide assistance to pay rent arrears, property taxes or mortgage arrears for persons not eligible for home relief, aid to dependent children, emergency assistance to needy families with children or emergency assistance for aged, blind and disabled persons, except to persons who are without income or resources immediately available to meet the emergency need, whose gross household income does not exceed one hundred twenty-five percent of the federal income official poverty line [~~and who sign a repayment agreement agreeing to repay the assistance in a period not to exceed twelve months. The districts shall enforce the repayment agreements by any legal method available to a creditor, in addition to any rights it has pursuant to this chapter~~]. **Local social services districts shall not require a recipient to repay assistance provided to pay rent arrears.** The department shall promulgate regulations to implement this section which shall, among other things, [~~establish standards for the contents of repayment agreements and~~] establish standards to ensure that assistance is provided only in emergency circumstances.

§ 2. This act shall take effect immediately and shall be deemed to have been in effect on and after March 13, 2020 and shall apply to any assistance provided to pay rent arrears on and after such date.

PART C

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

§ 131-bbb. Local social services housing programs in accordance with subsection d of 8 U.S.C. 1621. 1. Notwithstanding any other provision of law to the contrary, for a local social services district with a population of five million or more, the commissioner shall permit such district to make the program set forth in chapter ten of title sixty-eight of the rules of the city of New York, or any successor program, available to families and individuals who would be eligible but for such federal law restricting eligibility for such benefits based on immigration status; and to administer the program in accordance with a plan approved pursuant to 18 N.Y.C.R.R. § 352.3(a)(3).

2. Funds appropriated by New York state for services and expenses of a program to provide shelter supplements at local option to individuals and families regardless of immigration status shall be authorized by the department to reimburse a local social services district with a population of five million or more to fund the program set forth in subdivision one of this section pursuant to the approved plan provided that funds are first used to reimburse rental costs above the maximum rent levels in place as of January first, two thousand twenty-one up to the United States department of housing and urban development's fair market rent level for the family homelessness and eviction prevention supplement pursuant to section one hundred thirty-one-bb of this title.

§ 2. This act shall take effect immediately.

PART D

Section 1. Section 131 of the social services law is amended by adding a new subdivision 22 to read as follows:

22. Notwithstanding any other law, rule or regulation to the contrary, any emergency assistance to cover rent arrears may be provided for a period of up to twelve months, unless a local social services district determines in its discretion that additional assistance is necessary to cover rent arrears in a particular case.

§ 2. Section 350-j of the social services law is amended by adding a new subdivision 6 to read as follows:

6. When any emergency assistance is used to cover rent arrears from a funding source that requires local cost sharing, the local cost of such assistance shall be fifty percent of the total emergency assistance.

§ 3. This act shall take effect immediately.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 3. This act shall take effect immediately; provided, however, that the applicable effective date of Parts A through D of this act shall be as specifically set forth in the last section of such Parts.