

STATE OF NEW YORK

8652--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to diminishing certain limitations and restrictions on emergency assistance to pay rent arrears and removing the requirement that such assistance be repaid by the recipient

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

1 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:

2 § 131-w. Limitations in the payment of rent arrears. [~~Districts~~] Local
3 social services districts shall not provide assistance to pay rent
4 arrears, property taxes or mortgage arrears for persons not eligible for
5 home relief, aid to dependent children, emergency assistance to needy
6 families with children or emergency assistance for aged, blind and disabled
7 persons, except to persons who are without income or resources
8 immediately available to meet the emergency need, whose gross household
9 income does not exceed [~~one~~] two hundred [~~twenty-five~~] percent of the
10 federal income official poverty line [~~and who sign a repayment agreement~~
11 ~~agreeing to repay the assistance in a period not to exceed twelve~~
12 ~~months. The districts shall enforce the repayment agreements by any~~
13 ~~legal method available to a creditor, in addition to any rights it has~~
14 ~~pursuant to this chapter~~]. Local social services districts shall not
15 require an applicant for emergency assistance to pay rent arrears to
16 demonstrate an ability to pay shelter expenses, including any amounts in
17 excess of the appropriate local agency maximum monthly shelter allow-
18 ance, in the future. Local social services districts shall not require
19 a recipient to repay emergency assistance provided to pay rent arrears.
20 The department shall promulgate regulations to implement this section
21 which shall, among other things, [~~establish standards for the contents~~
22 ~~of repayment agreements and~~] establish standards to ensure that assist-
23 ance is provided only in emergency circumstances; provided, however,
24

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

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1 proof that a court proceeding that has been initiated against the appli-
2 cant or recipient shall not be required to establish emergency circum-
3 stances sufficient for the provision of emergency assistance to cover
4 rent arrears.

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

7 21. Notwithstanding any other law, rule or regulation to the contrary,
8 any emergency assistance to pay rent arrears may be provided for a peri-
9 od of up to twelve months, unless a local social services district
10 determines in its discretion that additional assistance is necessary to
11 cover rent arrears in a particular case. A recipient of emergency
12 assistance for payment of rent arrears shall not be eligible for subse-
13 quent emergency assistance to pay rent arrears for a period of at least
14 twenty-four months unless the local social services district determines
15 at its discretion that additional rent arrears payments are necessary
16 based on the individual case circumstances.

17 § 3. Subdivision 3 of section 350-j of the social services law, as
18 amended by section 38 of part B of chapter 436 of the laws of 1997, is
19 amended to read as follows:

20 3. Emergency assistance to needy families with children shall be
21 provided to the extent of items of need and services set forth in
22 sections one hundred thirty-one and one hundred thirty-one-a of this
23 [~~chapter~~] article, and items of medical services set forth in section
24 three hundred sixty-five-a of this [~~chapter~~] article, and in amounts set
25 forth in the regulations of the department for children who are without
26 available resources, and when such assistance is necessary to avoid
27 destitution or to provide them with living arrangements in a home to
28 prevent loss of living arrangements resulting from the non-payment of
29 rent, and such destitution or such need did not arise because such chil-
30 dren or relatives refused without good cause to accept employment or
31 training for employment; provided, however, that no assistance shall be
32 provided which would duplicate assistance under sections one hundred
33 thirty-one and one hundred thirty-one-a of this article for which a
34 person is eligible or would be eligible but for a sanction for violation
35 of the requirements of title nine-B of this article [~~five of this chap-~~
36 ~~ter~~] or other requirement of state law and provided further that,
37 notwithstanding any inconsistent provision of this section or section
38 one hundred thirty-one-a of this article, persons for whom preventive
39 services are being provided under title four of article six of this
40 chapter or who are living in foster care or in public, congregate or
41 group facilities, such as residential facilities for victims of domestic
42 violence, may, pursuant to regulations of the department within amounts
43 specifically appropriated therefor and subject to the terms and condi-
44 tions of such appropriation, receive assistance hereunder on their
45 behalf for such services or for care in such facilities in amounts
46 exceeding those set forth in section one hundred thirty-one-a of this
47 article.

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

55 § 5. This act shall take effect immediately.