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:

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~~] **two** 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 an applicant for emergency assistance to pay rent arrears to demonstrate an ability to pay shelter expenses, including any amounts in excess of the appropriate local agency maximum monthly shelter allowance, in the future. Local social services districts shall not require a recipient to repay emergency 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**; provided, however,**

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

LBD14501-06-4

proof that a court proceeding that has been initiated against the applicant or recipient shall not be required to establish emergency circumstances sufficient for the provision of emergency assistance to cover rent arrears.

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

21. Notwithstanding any other law, rule or regulation to the contrary, any emergency assistance to pay 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. A recipient of emergency assistance for payment of rent arrears shall not be eligible for subsequent emergency assistance to pay rent arrears for a period of at least twenty-four months unless the local social services district determines at its discretion that additional rent arrears payments are necessary based on the individual case circumstances.

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

3. Emergency assistance to needy families with children shall be provided to the extent of items of need and services set forth in sections one hundred thirty-one and one hundred thirty-one-a of this [~~chapter~~] article, and items of medical services set forth in section three hundred sixty-five-a of this [~~chapter~~] article, and in amounts set forth in the regulations of the department for children who are without available resources, and when such assistance is necessary to avoid destitution or to provide them with living arrangements in a home to prevent loss of living arrangements resulting from the non-payment of rent, and such destitution or such need did not arise because such children or relatives refused without good cause to accept employment or training for employment; provided, however, that no assistance shall be provided which would duplicate assistance under sections one hundred thirty-one and one hundred thirty-one-a of this article for which a person is eligible or would be eligible but for a sanction for violation of the requirements of title nine-B of this article [~~five of this chapter~~] or other requirement of state law and provided further that, notwithstanding any inconsistent provision of this section or section one hundred thirty-one-a of this article, persons for whom preventive services are being provided under title four of article six of this chapter or who are living in foster care or in public, congregate or group facilities, such as residential facilities for victims of domestic violence, may, pursuant to regulations of the department within amounts specifically appropriated therefor and subject to the terms and conditions of such appropriation, receive assistance hereunder on their behalf for such services or for care in such facilities in amounts exceeding those set forth in section one hundred thirty-one-a of this article.

§ 4. 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.

§ 5. This act shall take effect immediately.