

STATE OF NEW YORK

4698

2023-2024 Regular Sessions

IN ASSEMBLY

February 22, 2023

Introduced by M. of A. SMULLEN, J. A. GIGLIO, MANKTELOW, BRABENEC --
Multi-Sponsored by -- M. of A. WALSH -- read once and referred to the
Committee on Housing

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 Assem-
bly, 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
20 to the landlord and the landlord shall be held harmless from any obli-
21 gation to repay such portion of the loan, absent any fraud.

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

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1 2. The program shall be funded with monies from the following sources:
2 (a) all funds received by the state of New York from the federal Emer-
3 gency Rental Assistance program;
4 (b) any funds remaining from monies allocated to the state of New York
5 from the federal Coronavirus Aid, Relief, and Economic Security (CARES)
6 Act of 2020 (P.L. 116-136) for the Emergency Rent Relief Act of 2020,
7 pursuant to chapter one hundred twenty-five of the laws of two thousand
8 twenty, such that the sum of such funds actually expended pursuant to
9 such chapter and that such funds reallocated and expended pursuant to
10 this article shall equal one hundred million dollars; and
11 (c) any additional funds allocated by the federal government to the
12 state of New York for emergency rental or utility assistance related to
13 the COVID-19 pandemic.

14 3. The Commissioner of the New York State Division of Housing and
15 Community Renewal will promulgate rules and regulations for the imple-
16 mentation and administration of the program including, but not limited
17 to:
18 (i) standards of eligibility for the program;
19 (ii) application procedures;
20 (iii) a verification process for eligibility for the program;
21 (iv) a process for distribution of program funds to eligible land-
22 lords;
23 (v) a verification process for payment by a tenant of rent arrearages
24 or of the tenant's failure to do so;
25 (vi) time frames for the processing of applications and the distrib-
26 ution of funds under the program;
27 (vii) procedures for and methods of repayment of loans in whole or in
28 part by landlords; and
29 (viii) procedures for the conversion of loans to grants, in whole or
30 in part.

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

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