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LAWS OF NEW YORK, 2020

CHAPTER 125

AN ACT in relation to enacting the "emergency rent relief act of 2020" to establish an interim residential rent relief program; and to provide for the repeal of such provisions upon expiration thereof

Became a law June 17, 2020, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

Section 1. Short title. This act shall be known and may be cited as the "emergency rent relief act of 2020".

Section 2. 1. For the purposes of this act:

a. "Coverage period" shall mean April 1, 2020 through July 31, 2020.

b. "Eligible household" shall mean a household (i) with an income below 80 percent of the area median income, as adjusted for family size, both prior to March 7, 2020 and at the time of application; (ii) with a rent burden both prior to March 7, 2020 and at the time of application; and (iii) has lost income during the coverage period.

c. "Income" shall mean income from all sources of each member of the household, including all wages, tips, overtime, salary, recurring gifts, returns on investments, welfare assistance, social security payments, child support payments, unemployment benefits, any benefit, payment or cash grant whose purpose is to assist with rental payments, any payments whose purpose is to replace lost income, and any other government benefit or cash grant. The term "income" shall not include: employment income from children under eighteen years of age, employment income from children eighteen years of age or older who are full-time students, foster care payments, sporadic gifts, groceries provided by persons not living in the household, supplemental nutrition assistance program benefits, earned income disallowance, or the earned income tax credit.

d. "Fair market rent" shall mean the fair market rent for each rental area as promulgated annually by the United States department of housing and urban development's office of policy development and research pursuant to 42 USC 1437f.

e. "Rent burden" shall mean the amount of a contract monthly rent which is more than 30 percent of the household income.

2. The commissioner of housing and community renewal is hereby authorized and directed to establish and implement an interim residential rent relief program to support households impacted by the COVID-19 pandemic.

3. Such program shall be provided up to $100,000,000 of monies that have been allocated to the state of New York by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136) that have not otherwise been obligated, to provide rental assistance to eligible households for their primary residence in the state of New York.

4. A rental subsidy shall be provided in the form of a voucher to be provided directly to the owner of the dwelling unit for applicants determined to be eligible households during the coverage period in an amount equal to the difference between the applicant's rent burden on March 1, 2020 and their rent burden during the month or months assistance is requested for. Such subsidy shall be limited to 125 percent of the fair market rent.

5. Applicants shall not be expected or required to repay any assistance granted through this program unless otherwise required by law. Assistance shall not be considered income for purposes of public benefits or other public assistance. There shall be no requirement on applicants to seek assistance from other sources, including charitable contributions, for eligibility.

6. The commissioner of housing and community renewal may delegate the administration of portions of this program to any state, county, city, town, or public housing agency or any non-profit organization as necessary to implement such program.

7. The commissioner of housing and community renewal shall establish preferences prioritizing households with the greatest economic and social need in processing applications for this program. Such preferences shall account for, at a minimum:

a. the historical income level of the household as it relates to area median income;

b. the rent burden of the household;

c. the percentage income lost for the household; and d. the risk of homelessness or eviction.

8. The commissioner of housing and community renewal shall, on or before, October thirty-first two thousand twenty submit and make publicly available a report to the governor, the temporary president of the senate, the speaker of the assembly, and on its website, on the monthly expenditures made pursuant to this act including recipient demographic data, regional data, and details on subsidy values.

Section 3. This act shall take effect immediately and shall expire July 31, 2021, when upon such date the provisions of this act shall be deemed repealed.

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