

Legislative Bill Drafting Commission  
16807-03-0

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

**\*HOUSING\***

(Relates to establishing the Rent  
and Mortgage Cancellation Act of  
2020)

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Rent and mortgage cancellation

**AN ACT**

to establish the Rent and Mortgage  
Cancellation Act of 2020

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

**IN SENATE**

**Senate introducer's signature**

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s55 Funke	s07 Kaplan	s20 Myrie	s32 Sepulveda
s52 Akshar	s59 Gallivan	s26 Kavanagh	s58 O'Mara	s41 Serino
s46 Amedore	s05 Gaughran	s63 Kennedy	s62 Ortt	s29 Serrano
s36 Bailey	s12 Gianaris	s28 Krueger	s21 Parker	s51 Seward
s30 Benjamin	s22 Gounardes	s24 Lanza	s19 Persaud	s39 Skoufis
s34 Biaggi	s47 Griffo	s01 LaValle	s13 Ramos	s16 Stavisky
s57 Borrello	s40 Harckham	s45 Little	s61 Ranzenhofer	s35 Stewart-Cousins
s04 Boyle	s54 Helming	s11 Liu	s48 Ritchie	
s44 Breslin	s27 Hoylman	s03 Martinez	s33 Rivera	s49 Tedisco
s08 Brooks	s31 Jackson	s53 May	s56 Robach	s06 Thomas
s38 Carlucci	s60 Jacobs	s37 Mayer	s18 Salazar	s02
s14 Comrie	s43 Jordan	s42 Metzger	s10 Sanders	s50
s17 Felder	s09 Kaminsky	s25 Montgomery	s23 Savino	

**IN ASSEMBLY**

**Assembly introducer's signature**

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a072 De La Rosa	a029 Hyndman	a144 Norris	a076 Seawright
a092 Abinanti	a034 DenDekker	a104 Jacobson	a069 O'Donnell	a052 Simon
a084 Arroyo	a003 DeStefano	a097 Jaffee	a051 Ortiz	a036 Simotas
a107 Ashby	a070 Dickens	a011 Jean-Pierre	a091 Otis	a005 Smith
a035 Aubry	a054 Dilan	a135 Johns	a132 Palmesano	a118 Smullen
a120 Barclay	a081 Dinowitz	a115 Jones	a002 Palumbo	a022 Solages
a030 Barnwell	a147 DiPietro	a077 Joyner	a088 Paulin	a114 Stec
a106 Barrett	a016 D'Urso	a040 Kim	a141 Peoples-Stokes	a110 Steck
a060 Barron	a048 Eichenstein	a131 Kolb		a010 Stern
a082 Benedetto	a004 Englebright	a105 Lalor	a058 Perry	a127 Stirpe
a042 Bichotte	a074 Epstein	a013 Lavine	a023 Pheffer	a102 Tague
a079 Blake	a109 Fahy	a134 Lawrence	Amato	a071 Taylor
a117 Blankenbush	a061 Fall	a050 Lentol	a086 Pichardo	a001 Thiele
a098 Brabenc	a080 Fernandez	a125 Lifton	a089 Pretlow	a033 Vanel
a026 Braunstein	a126 Finch	a009 LiPetri	a073 Quart	a116 Walczyk
a138 Bronson	a008 Fitzpatrick	a123 Lupardo	a019 Ra	a055 Walker
a093 Buchwald	a124 Friend	a129 Magnarelli	a006 Ramos	a143 Wallace
a142 Burke	a046 Frontus	a064 Malliotakis	a062 Reilly	a112 Walsh
a119 Buttenschon	a095 Galef	a130 Manktelow	a087 Reyes	a041 Weinstein
a094 Byrne	a137 Gantt	a108 McDonald	a043 Richardson	a024 Weprin
a133 Byrnes	a007 Garbarino	a014 McDonough	a078 Rivera	a059 Williams
a103 Cahill	a148 Giglio	a146 McMahan	a068 Rodriguez	a113 Woerner
a044 Carroll	a066 Glick	a017 Mikulin	a027 Rosenthal, D.	a056 Wright
a047 Colton	a150 Goodell	a101 Miller, B.	a067 Rosenthal, L.	a096 Zebrowski
a032 Cook	a075 Gottfried	a038 Miller, M. G.	a025 Rozic	a012
a122 Crouch	a021 Griffin	a020 Miller, M. L.	a149 Ryan	a031
a039 Cruz	a100 Gunther	a015 Montesano	a121 Salka	a085
a063 Cusick	a139 Hawley	a145 Morinello	a111 Santabarbara	a136
a045 Cymbrowitz	a083 Heastie	a057 Mosley	a090 Sayegh	
a018 Darling	a028 Hevesi	a065 Niou	a140 Schimminger	
a053 Davila	a128 Hunter	a037 Nolan	a099 Schmitt	

1) Single House Bill (introduced and printed separately in either or both houses). Uni-Bill (introduced simultaneously in both houses and printed as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed copies of bill and: in Assembly 2 copies of memorandum in support, in Senate 4 copies of memorandum in support (single house); or 4 signed copies of bill and 8 copies of memorandum in support (uni-bill).

1 Section 1. This act shall be known and may be cited as the "Rent and  
2 Mortgage Cancellation Act of 2020".

3 § 2. Legislative findings. The legislature hereby finds that a serious  
4 public emergency exists in the state of New York due to the impact of  
5 the global outbreak of novel coronavirus, COVID-19, which as of the date  
6 of this legislation, created destabilized housing, loss of employment  
7 and income, closure of businesses and schools, and greatly exacerbated  
8 financial insecurity in the state of New York. The legislature further  
9 finds that it is currently impossible to accurately assess the full  
10 scope, duration, and severity of impact this public emergency has and  
11 will have on the residents of New York and that, in response to this  
12 crisis, on March 7, 2020 the executive declared a 'State Disaster Emer-  
13 gency' which has put extraordinary constraints on individuals, families,  
14 homeowners, not-for-profits, residential housing cooperatives, and  
15 local, state, and federal agencies. The legislature further finds that  
16 the loss of employment, illness and deaths caused by the COVID-19  
17 outbreak have rendered many individuals and families unable to pay for  
18 the costs of housing and other life necessities. The legislature further  
19 finds that safe and affordable housing is a key measure of positive  
20 individual, family, and public health outcomes. The legislature further  
21 finds that without government intervention, individuals and families who  
22 are unable to pay the costs of housing will be displaced, which will  
23 result in an increase in families who are cohabiting with one or more  
24 other families and an increase in the population of unhoused individuals  
25 and families, both of which will accelerate the spread of COVID-19  
26 infection and, therefore, measures to prevent such individual and house-  
27 hold displacement are necessary to prevent increased COVID-19 trans-  
28 mission. The legislature further finds that without rent and mortgage

1 relief, the number of eviction case filings for nonpayment of rent and  
2 the number of mortgage foreclosures will increase tremendously, result-  
3 ing in overburdened court systems which will not have the resources or  
4 space to operate functionally and also resulting in massive congestion  
5 and increased human contact in courthouse spaces, both of which will  
6 exacerbate the spread of COVID-19 creating a worsened public health  
7 hazard. The legislature further finds that a tremendous increase in  
8 evictions and foreclosures will overburden social services agencies and  
9 resources and that the shelter system does not have the capacity to  
10 accommodate a significantly increased homeless population, both of which  
11 will also worsen the spread of COVID-19. The legislature further finds  
12 that public housing authorities have incurred expenses resulting from  
13 the COVID-19 outbreak and have lost rental income due to widespread  
14 financial hardship suffered by public housing tenants and occupants as a  
15 result of the COVID-19 outbreak. The legislature declares that it is  
16 both in the public interest and the responsibility of government to  
17 provide and secure federal and state emergency funding to ensure that  
18 individuals and families are not rendered homeless or severely finan-  
19 cially burdened because of an inability to pay for the cost of housing  
20 and other necessities due to the COVID-19 outbreak and to ensure that  
21 public housing entities, not-for-profits, residential cooperatives, and  
22 landlords unable to afford necessary expenses as a result of COVID-19  
23 outbreak, not be encumbered with severe financial burden, and to promote  
24 the stability and proper maintenance of the housing stock and assist  
25 communities in recovering from the adverse social and economic impacts  
26 of the COVID-19 outbreak, and that, consistent with articles 17 and 18  
27 of the state constitution, it is therefore incumbent on the legislature  
28 and the executive to implement protections and to provide rent and mort-

1 gage relief so as to reduce the harm to New York residents and ensure  
2 safe, decent, sanitary, affordable housing and financial stability  
3 during the novel coronavirus, COVID-19, crisis and all other public  
4 emergencies.

5 § 3. Definitions. (a) "Residential tenant" shall have the same meaning  
6 as in paragraph (a) of subdivision 1 of section 235-f of the real prop-  
7 erty law, those who otherwise pay for the use and occupancy of a resi-  
8 dential dwelling unit, occupants as defined by paragraph (b) of subdivi-  
9 sion 1 of section 235-f of the real property law, or tenants or  
10 occupants of residential dwelling units funded pursuant to 42 U.S.C.  
11 1437g.

12 (b) "Small homeowner" shall mean an owner of a dwelling with 6 or  
13 fewer units where such owner also resides as a primary residence.

14 (c) "Affordable housing operator" shall mean a not-for-profit entity  
15 as defined in the not-for-profit corporation law or a housing develop-  
16 ment fund company as defined in section 572 of the private housing  
17 finance law that owns and operates a housing project for persons of  
18 low-income.

19 (d) "Rent" shall have the same meaning as defined in section 702 of  
20 the real property actions and proceedings law.

21 (e) "Residential cooperative" shall mean any housing project, of any  
22 size, operated for persons of low income by a housing corporation as  
23 defined in section 572 of the private housing finance law, or any corpo-  
24 ration or entity owning and operating a residential cooperative with 10  
25 or fewer units.

26 (f) "Public housing authority" shall mean any municipal housing  
27 authority created under article 13 of the public housing law.

1 (g) "Commissioner" shall mean the commissioner of housing and communi-  
2 ty renewal.

3 § 4. Cancellation of rent in the case of residential tenants; fines;  
4 termination of tenancy and eviction proceedings; debt; consumer credit  
5 reports. (a) Notwithstanding any other provision of law, the obligation  
6 of a residential tenant to pay rent shall be suspended for a period that  
7 shall run from March 7, 2020 until the expiration of 90 days after the  
8 executive declares that the state disaster emergency has ended.

9 (b) No tenant or tenant household may be charged a fine or fee for  
10 non-payment of rent in accordance with this section.

11 (c) The nonpayment of rent by a tenant in accordance with this section  
12 shall not be grounds for any termination of tenancy or eviction proceed-  
13 ing or civil judgment.

14 (d) No tenant or tenant household may be treated as accruing any debt  
15 by reason of suspension of rent under this section.

16 (e) No tenant or tenant household may be held liable for repayment of  
17 any amount of rent suspended under this section.

18 (f) The nonpayment of rent by a tenant in accordance with this section  
19 shall not be reported to a tenant screening agency or a consumer report-  
20 ing agency nor shall such nonpayment adversely affect a tenant or member  
21 of a tenant's household's credit score nor shall such nonpayment be  
22 grounds for denying any future application for rental housing made by a  
23 tenant or a member of a tenant's household.

24 § 5. Mortgage payment suspension, fees and penalties, credit scores.

25 (a) Notwithstanding any other provision of law, the obligation of a  
26 small homeowner to make mortgage payments of principal or interest that  
27 become due during the period running from March 7, 2020 until the expi-

1 ration of 90 days after the executive declares that the state disaster  
2 emergency has ended, is hereby suspended.

3 (b) No mortgagor who is a small homeowner may be held responsible for  
4 payment of mortgage payments suspended under this section or treated as  
5 accruing any debt by reason of suspension under this section of the  
6 obligation to make mortgage payments.

7 (c) A mortgagee, or servicer for such mortgagee, under a residential  
8 mortgage loan to a small homeowner may not commence or continue any  
9 judicial foreclosure action or non-judicial foreclosure process or any  
10 action for failure to make a payment due under such mortgage that is  
11 suspended pursuant to this section.

12 (d) No fees, penalties, or additional interest beyond the amounts  
13 scheduled or calculated as if the mortgagor made all contractual  
14 payments on time and in full under the terms of the mortgage contract in  
15 effect as of the commencement of the COVID-19 suspension period shall  
16 accrue.

17 (e) The nonpayment of a mortgage payment by a mortgagor pursuant to  
18 suspension of the obligation to make such payment under this section  
19 shall not be reported to a consumer reporting agency nor shall such  
20 nonpayment adversely affect a mortgagor's credit score.

21 (f) Assistance may not be provided under this section with respect to  
22 any dwelling for which assistance is provided pursuant to section seven  
23 or eight of this act.

24 § 6. Assistance to residential housing cooperatives losing maintenance  
25 and rental income. (a) Except as modified in this section, any residen-  
26 tial housing cooperatives that can demonstrate they lost maintenance or  
27 rental income during the period from March 7, 2020 until the expiration  
28 of 90 days after the executive declares that the state disaster emergen-

1 cy has ended shall be entitled to a payment of the total amount of main-  
2 tenance or rental income lost during that period.

3 (b) (i) The commissioner of housing and community renewal, shall issue  
4 regulations establishing an application procedure for a residential  
5 housing cooperative seeking payment of lost maintenance or rental  
6 income.

7 (ii) Such regulations shall provide that as a condition of such  
8 assistance payments, a residential housing cooperative shall agree and  
9 shall be obligated, through executing an instrument in a form specified  
10 in the regulations issued hereunder to provide any tenants residing in  
11 the housing cooperative with a renewal lease of at least 1 year, at the  
12 same rental amount actually charged and collected 6 months prior to the  
13 application for relief.

14 (iii) Such regulations shall further provide that any rental housing  
15 cooperative shall not be eligible for the relief provided herein for  
16 rental or maintenance income imputable to any illegal unit or unit occu-  
17 pied in violation of the cooperative's bylaws or for rental income  
18 imputable to a unit containing uncorrected, as of the time of the appli-  
19 cation, immediately hazardous violations of a state or local housing or  
20 building code that existed prior to March 7, 2020 and which are the  
21 housing cooperative's legal duty to remedy.

22 (c) Any residential cooperative that receives payment for unpaid main-  
23 tenance under this section shall waive all rights to receive said main-  
24 tenance payments from the cooperative shareholder of the dwelling unit  
25 for which payment was received.

26 § 7. Assistance to affordable housing operators losing rental income.

27 (a) Except as modified in this section, any affordable housing operator  
28 that can demonstrate they lost rental income during the period from

1 March 7, 2020 until the expiration of 90 days after the executive  
2 declares that the state disaster emergency has ended shall be entitled  
3 to a payment of the total amount of rental income lost during that peri-  
4 od.

5 (b) The commissioner of housing and community renewal, shall issue  
6 regulations establishing an application procedure for an affordable  
7 housing operator seeking payment of lost rental income.

8 (c) The commissioner may provide a payment under this section only  
9 with respect to rental dwellings that meet all the following require-  
10 ments:

11 (i) The affordable housing operator of the rental dwelling has made  
12 such certifications to, and entered into such binding agreements with,  
13 the commissioner as the commissioner considers necessary to ensure that  
14 during the five year period beginning upon initial receipt by such  
15 affordable housing operator of payment under this section for such  
16 dwelling, such dwelling shall be subject to the following requirements:

17 (1) the monthly rental amounts for the rental units within the proper-  
18 ty may not be increased from the amount of such rent charged as of the  
19 date of the enactment of this act;

20 (2) tenants of the rental units may be evicted only for the following  
21 reasons:

22 (A) the tenant is violating a substantial obligation of their tenancy  
23 other than the obligation to surrender possession of such housing accom-  
24 modation and has failed to cure such violation after written notice by  
25 the landlord that the violation cease within 10 days, or within the 3  
26 month period immediately prior to the commencement of the proceeding the  
27 tenant has willfully violated such an obligation inflicting serious and  
28 substantial injury to the landlord;



1 (B) the tenant is committing or permitting a nuisance in such housing  
2 accommodation or is maliciously or by reason of gross negligence  
3 substantially damaging the housing accommodations, or the tenant's  
4 conduct is such as to interfere substantially with the comfort or safety  
5 of the landlord or of other tenants or occupants of the same or other  
6 adjacent building or structure;

7 (C) occupancy of the housing accommodations by the tenant is illegal  
8 because of the requirements of law, and the landlord is subject to civil  
9 or criminal penalties therefor, or both;

10 (D) the tenant is using or permitting such housing accommodation to be  
11 used for an illegal purpose;

12 (E) the tenant who had a written lease or other written rental agree-  
13 ment which terminates on or after the effective date of this statute,  
14 has refused upon demand of the landlord to execute a written extension  
15 or renewal thereof for a further term of like duration not in excess of  
16 one year but otherwise on the same terms and conditions as the previous  
17 lease except in so far as such terms and conditions are inconsistent  
18 with this act; or

19 (F) the tenant has unreasonably refused the landlord access to the  
20 housing accommodations for the purpose of making necessary repairs or  
21 improvements required by law or for the purpose of inspection or of  
22 showing the accommodations to a prospective purchaser, mortgagee or  
23 prospective mortgagee, or other person having a legitimate interest  
24 therein; provided, however, that in the latter event such refusal shall  
25 not be grounds for removal or eviction if such inspection or showing of  
26 the accommodations is contrary to the provisions of the tenant's lease  
27 or other rental agreement;

1 (3) the rental dwelling shall not have any outstanding violations for  
2 hazardous or immediately hazardous conditions;

3 (4) the affordable housing operator may not refuse to rent any rental  
4 dwelling unit, or discriminate in the renting of any rental dwelling  
5 unit, to a household based on the source of income of such household,  
6 including income under the program under section 8(o) of the United  
7 States Housing Act of 1937 (42 U.S.C. 1437f(o)) or any similar tenant-  
8 based rental assistance program;

9 (5) the affordable housing operator may not restrict tenancy of the  
10 dwelling unit on the basis of sexual identity or orientation, gender  
11 identity or expression, conviction or arrest record, credit history, or  
12 immigration status;

13 (6) the affordable housing operator may not retaliate in any way  
14 against a tenant of the dwelling unit; and

15 (7) the affordable housing operator may not report the tenant of the  
16 dwelling unit or provide any adverse information regarding the tenant to  
17 any credit reporting or tenant screening agency.

18 (ii) Assistance may not be provided under this section with respect to  
19 any dwelling unit for which assistance is provided pursuant to section  
20 five, six or eight of this act.

21 (d) (i) Subject to paragraph (ii) of this subdivision, the amount of a  
22 payment under this section with respect to a rental dwelling may not  
23 exceed the aggregate amount of rent for the rental dwelling suspended  
24 pursuant to subdivision (a) of section four of this act and attributable  
25 only to days from March 7, 2020 until the expiration of 90 days after  
26 the executive declares that the state disaster emergency has ended  
27 during which the dwelling unit was occupied by a tenant otherwise  
28 required to pay rent for such occupancy.

1 (ii) In making payments under this section with respect to any rental  
2 dwelling unit for which a tenant made a payment of rent during the peri-  
3 od run from March 7, 2020 until the expiration of 90 days after the  
4 executive declares that the state disaster emergency has ended the  
5 commissioner of housing and community renewal agency shall:

6 (1) reduce the amount of the payment to the affordable housing opera-  
7 tor under paragraph (i) of this subdivision by the amount of any such  
8 rent paid; and

9 (2) make a payment to such tenant in the amount of any such rent paid.

10 (iii) In making payments under this section with respect to any dwell-  
11 ing for which the affordable housing operator received mortgage payment  
12 relief under section five of this act the commissioner shall reduce the  
13 amount of the payment to the affordable housing operator for lost rent  
14 by the amount of mortgage payment relief received under section five of  
15 this act.

16 (e) If an affordable housing operator violates any requirement with  
17 respect to a covered rental dwelling unit under any certification or  
18 agreement entered into pursuant to paragraph (i) of subdivision (c) of  
19 this section, the commissioner shall recapture from the affordable hous-  
20 ing operator an amount equal to the entire amount of assistance provided  
21 under this section that is attributable to such dwelling unit and ensure  
22 that such amount is recaptured.

23 (f) There is hereby authorized to be appropriated such sums as may be  
24 necessary to reimburse all affordable housing operators for all rent  
25 payments suspended pursuant to subdivision (a) of section four of this  
26 act.

27 (g) (i) Any affordable housing operator may apply for an exemption  
28 from one or more of the requirements set forth in subdivision (c) of

1 this section and the commissioner shall grant exemptions from the  
2 requirements set forth in subdivision (c) of this section upon determin-  
3 ing that the affordable housing operator would otherwise suffer undue  
4 financial hardship resulting from the requirements for which exemption  
5 is sought.

6 (ii) Any affordable housing operator aggrieved by the commissioner's  
7 decision on an application under this section or for a hardship  
8 exemption pursuant to paragraph (i) of this subdivision may within 30  
9 days of the commissioner's decision seek judicial review pursuant to  
10 article 78 of the civil practice law and rules. In the event that the  
11 court may find that the decision of the commissioner constitutes the  
12 equivalent of a taking without compensation, it may, at the election of  
13 the commissioner, either set aside the decision or order the payment of  
14 just compensation by the commissioner.

15 § 8. Landlord relief fund, application, fair rental requirements,  
16 prohibition on duplication of assistance. (a) The commissioner of hous-  
17 ing and community renewal shall establish and manage a landlord relief  
18 fund, or in this section referred to as "the fund", to provide lessors  
19 payments under this section to reimburse such lessors for rent payments  
20 cancelled pursuant to subdivision (a) of section four of this act.

21 (b) The commissioner shall provide for lessors of rental dwellings to  
22 apply for reimbursement payments from the fund, which applications shall  
23 include the certifications and binding agreements required pursuant to  
24 subdivision (c) of this section.

25 (c) The commissioner may provide a payment under this section only  
26 with respect to rental dwellings that meet all of the following require-  
27 ments:

1 (i) The lessor of the rental dwelling has made such certifications to,  
2 and entered into such binding agreements with, the commissioner as the  
3 commissioner considers necessary to ensure that during the five year  
4 period beginning upon initial receipt by such lessor of payment under  
5 this section for such dwelling, such dwelling shall be subject to the  
6 following requirements:

7 (1) the monthly rental amounts for the rental units within the proper-  
8 ty may not be increased from the amount of such rent charged as of the  
9 date of the enactment of this act;

10 (2) tenants of the rental units may be evicted only for the following  
11 reasons:

12 (A) the tenant is violating a substantial obligation of his tenancy  
13 other than the obligation to surrender possession of such housing accom-  
14 modation and has failed to cure such violation after written notice by  
15 the landlord that the violation cease within ten days, or within the 3  
16 month period immediately prior to the commencement of the proceeding the  
17 tenant has willfully violated such an obligation inflicting serious and  
18 substantial injury to the landlord;

19 (B) the tenant is committing or permitting a nuisance in such housing  
20 accommodation or is maliciously or by reason of gross negligence  
21 substantially damaging the housing accommodations; or his conduct is  
22 such as to interfere substantially with the comfort or safety of the  
23 landlord or of other tenants or occupants of the same or other adjacent  
24 building or structure;

25 (C) occupancy of the housing accommodations by the tenant is illegal  
26 because of the requirements of law, and the landlord is subject to civil  
27 or criminal penalties therefor, or both;

1 (D) the tenant is using or permitting such housing accommodation to be  
2 used for an illegal purpose;

3 (E) the tenant who had a written lease or other written rental agree-  
4 ment which terminates on or after the effective date of this statute,  
5 has refused upon demand of the landlord to execute a written extension  
6 or renewal thereof for a further term of like duration not in excess of  
7 one year but otherwise on the same terms and conditions as the previous  
8 lease except in so far as such terms and conditions are inconsistent  
9 with this act; or

10 (F) the tenant has unreasonably refused the landlord access to the  
11 housing accommodations for the purpose of making necessary repairs or  
12 improvements required by law or for the purpose of inspection or of  
13 showing the accommodations to a prospective purchaser, mortgagee or  
14 prospective mortgagee, or other person having a legitimate interest  
15 therein; provided, however, that in the latter event such refusal shall  
16 not be grounds for removal or eviction if such inspection or showing of  
17 the accommodations is contrary to the provisions of the tenant's lease  
18 or other rental agreement;

19 (3) the rental dwelling shall not have any outstanding violations for  
20 hazardous or immediately hazardous conditions;

21 (4) the lessor may not refuse to rent any rental dwelling unit, or  
22 discriminate in the renting of any rental dwelling unit, to a household  
23 based on the source of income of such household, including income under  
24 the program under section 8(o) of the United States Housing Act of 1937  
25 (42 U.S.C. 1437f(o)) or any similar tenant-based rental assistance  
26 program;

1 (5) the lessor may not restrict tenancy of the dwelling unit on the  
2 basis of sexual identity or orientation, gender identity or expression,  
3 conviction or arrest record, credit history, or immigration status;

4 (6) the lessor may not retaliate in any way against a tenant of the  
5 dwelling unit; and

6 (7) the lessor may not report the tenant of the dwelling unit or  
7 provide any adverse information regarding the tenant to any credit  
8 reporting or tenant screening agency.

9 (ii) Assistance may not be provided under this section with respect to  
10 any dwelling unit for which assistance is provided pursuant to section  
11 five, six or seven of this act.

12 (d) (i) Subject to paragraph (ii) of this subdivision, the amount of a  
13 payment under this section with respect to a rental dwelling may not  
14 exceed the aggregate amount of rent for the rental dwelling suspended  
15 pursuant to subdivision (a) of section four of this act and attributable  
16 only to days from March 7, 2020 until the expiration of 90 days after  
17 the executive declares that the state disaster emergency has ended  
18 during which the dwelling unit was occupied by a tenant otherwise  
19 required to pay rent for such occupancy.

20 (ii) In making payments under this section with respect to any rental  
21 dwelling unit for which a tenant made a payment of rent during the peri-  
22 od run from March 7, 2020 until the expiration of 90 days after the  
23 executive declares that the state disaster emergency has ended the  
24 commissioner shall:

25 (1) reduce the amount of the payment to the lessor under paragraph (i)  
26 of this subdivision by the amount of any such rent paid; and

27 (2) make a payment to such tenant in the amount of any such rent paid.

1 (iii) In making payments under this section with respect to any dwell-  
2 ing for which the lessor received mortgage payment relief under section  
3 five of this act the commissioner shall reduce the amount of the payment  
4 to the lessor for lost rent by the amount of mortgage payment relief  
5 received under section five of this act.

6 (e) In making payments under this section, the commissioner shall  
7 establish a tiered system for priority for such payments based on  
8 assets, revenues, and disclosure requirements with respect to lessors.  
9 Such system shall provide priority for making payments to eligible small  
10 homeowners and lessors having the fewest available amount of assets.

11 (f) If a lessor violates any requirement with respect to a covered  
12 rental dwelling unit under any certification or agreement entered into  
13 pursuant to paragraph (i) of subdivision (c) of this section, the  
14 commissioner shall recapture from the lessor an amount equal to the  
15 entire amount of assistance provided under this section that is attrib-  
16 utable to such dwelling unit and ensure that such amount is recaptured  
17 into the fund.

18 (g) There is authorized to be appropriated for the fund established  
19 pursuant to this section such sums as may be necessary to reimburse all  
20 lessors for all rent payments suspended pursuant to subdivision (a) of  
21 section four of this act.

22 (h) (i) Any lessor may apply for an exemption from one or more of the  
23 requirements set forth in subdivision (c) of this section and the  
24 commissioner shall grant exemptions from requirements set forth in  
25 subdivision (c) of this section upon determining that the lessor would  
26 otherwise suffer undue financial hardship resulting from the require-  
27 ments for which exemption is sought.



1 (ii) Any lessor aggrieved by the commissioner's decision on an appli-  
2 cation to the Fund or for a hardship exemption pursuant to paragraph (i)  
3 of this subdivision may within 30 days of the commissioner's decision  
4 seek judicial review pursuant to article 78 of the civil practice law  
5 and rules. In the event that the court may find that the decision of the  
6 commissioner constitutes the equivalent of a taking without compen-  
7 sation, it may, at the election of the commissioner, either set aside  
8 the decision or order the payment of just compensation by the commis-  
9 sioner.

10 § 9. Assistance to public housing authorities. (a) The commissioner of  
11 housing and community renewal shall establish and manage a public hous-  
12 ing relief fund, or in this section referred to as "the public housing  
13 relief fund", to provide public housing authorities with funds to  
14 compensate for expenses related to COVID-19 and unpaid rent that would  
15 have been payable by residential tenants pursuant to 42 U.S.C. 1437a  
16 during the period from March 7, 2020 until the expiration of 90 days  
17 after the executive declares that the state disaster emergency has  
18 ended.

19 (b) The commissioner shall provide for public housing authorities to  
20 apply for payments from the public housing relief fund and shall promul-  
21 gate regulations establishing the procedural requirements for such  
22 applications.

23 (c) It is hereby declared to be the intent of the legislature that to  
24 the extent that any part of this section is inconsistent with article 4  
25 of the public housing law, this statute will prevail.

26 § 10. Civil action. (a) Any individual aggrieved by an adverse action  
27 taken by a lessor, affordable housing operator, public housing authori-  
28 ty, or mortgagee for exercising rights under section four or five of

1 this act may commence a civil action under this section against the  
2 lessor, affordable housing operator, public housing authority, or mort-  
3 gagee violating such section in an appropriate state court or a local  
4 court of competent jurisdiction not later than 2 years after such  
5 violation occurs for damages under subdivision (b) of this section.

6 (b) Any lessor or mortgagee found to have taken adverse action against  
7 any lessee or mortgagor for exercising rights under section four or five  
8 of this act shall be liable:

9 (i) to the individual aggrieved by such violation, for any actual  
10 damages as a result of such adverse action; and

11 (ii) for a fine in the amount of:

12 (1) \$10,000, in the case of a violation that is the first violation by  
13 such lessor or mortgagee;

14 (2) \$20,000, in the case of a violation that is the second violation  
15 by such lessor or mortgagee; and

16 (3) \$100,000 or forfeiture of the property, in the case of a violation  
17 that is the third or subsequent violation by such lessor or mortgagee.

18 (c) In an action brought under this section, the court:

19 (i) may award preventative relief, including a permanent or temporary  
20 injunction or other order, to ensure the full rights granted by sections  
21 four and five of this act; and

22 (ii) shall award any prevailing plaintiff reasonable attorney's fees  
23 and costs.

24 (d) The attorney general may bring a civil action in any appropriate  
25 court against any individual or entity which violates section four or  
26 five of this act for fines under paragraph (ii) of subdivision (b) of  
27 this section.

1 § 11. Non-severability clause. If section four of this act is adjudged  
2 by a court of competent jurisdiction to be invalid, then sections six,  
3 seven and eight of this act shall also be deemed invalid and it is here-  
4 by declared to be the intent of the legislature that sections six, seven  
5 and eight of this act would not have been enacted if section four of  
6 this act had not been included herein.

7 § 12. Severability clause. If any clause, sentence, paragraph, subdi-  
8 vision, section or part of this act other than section four of this act  
9 shall be adjudged by a court of competent jurisdiction to be invalid,  
10 such judgment shall not affect, impair or invalidate the remainder ther-  
11 eof, but shall be confined in its operation to the clause, sentence,  
12 paragraph, subdivision, section or part thereof directly involved in the  
13 controversy in which such judgment shall have been rendered. It is here-  
14 by declared to be the intent of the legislature that this act would have  
15 been enacted even if such invalid provisions had not been included here-  
16 in.

17 § 13. This act shall take effect immediately.