



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to establishing a comprehensive heat emergency assistance program for low-income senior citizens and persons with disabilities.

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Int. No. 694

By The Speaker (Council Member Miller) and Council Members Quinn, Addabbo Jr., Avella, Barron, Boyland, Brewer, Clarke, Fidler, Foster, Gennaro, Gentile, Gerson, Gonzalez, James, Koppell, Liu, Nelson, Perkins, Sanders Jr., Seabrook, Sears, Stewart, Vann and Weprin

A Local Law to amend the administrative code of the city of New York, in relation to establishing a comprehensive heat emergency assistance program for low-income senior citizens and persons with disabilities.

Be it enacted by the Council as follows:

Section 1. Chapter four of title twenty-four of the administrative code of the city of New York is amended by adding a new section 24-424, to read as follows:

§24-424 Comprehensive Heat Emergency Assistance Program. a. Definitions. For purposes of this section, the following terms shall have the following meanings:

1. “Department” shall mean the city of New York department of environmental protection.
2. “Domestic partner” shall mean persons who have a registered domestic partnership, which shall

include any partnership registered pursuant to subchapter three of chapter two of title three of this code, any partnership registered in accordance with executive order number 123, dated August 7, 1989, and any partnership registered in accordance with executive order number 48, dated January 7, 1993.

3. “Dwelling unit” shall mean any building or structure or portion thereof located in the city of New York, which is occupied in whole or in part as a home or residence.

4. “Electricity bill” shall mean any bill for electricity usage for a dwelling unit billed to an eligible senior citizen or eligible person with disability.

5. “Eligible person with disability” shall mean any person or his or her spouse or domestic partner who at the time of a heat emergency: (i) was receiving social security disability insurance or supplemental security income benefits under the federal social security act or disability pension or disability compensation benefits provided by the United States department of veterans affairs, or was previously eligible by virtue of receiving disability benefits under the supplemental security income program or the social security disability program and was at such time receiving medical assistance benefits based on a determination of disability as provided in section three hundred sixty-six of the social services law, and was entitled to the possession or to the use and occupancy of a dwelling unit; and (ii) where the aggregate disposable income of all members of the household does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine.

6. “Eligible senior citizen” shall mean any person or his or her spouse or domestic partner who at the time of a heat emergency: (i) was sixty-two years of age or older and was entitled to the possession or to the use and occupancy of a dwelling unit; and (ii) where the aggregate disposable income of all members of the household does not exceed twenty-five thousand dollars beginning July first, two thousand five, twenty-six thousand dollars beginning July first, two thousand six, twenty-seven thousand dollars beginning July first, two

thousand seven, twenty-eight thousand dollars beginning July first, two thousand eight, and twenty-nine thousand dollars beginning July first, two thousand nine.

7. “Heat emergency” shall mean any emergency in the city of New York in which the health of a person may be endangered due to the existence of extremely high temperatures and where the mayor has declared or the department has found, pursuant to rules promulgated thereto, that such emergency existed for at least three days within a one month period.

b. Comprehensive heat emergency assistance program. The department shall establish and administer the “Comprehensive Heat Emergency Assistance Program” through which any eligible senior citizen and any eligible person with disability may apply to receive financial assistance to pay up to twenty-five percent of his or her electricity bill for the month during which a heat emergency existed; provided, however, that the total expenditures of such program shall not exceed five million dollars, exclusive of administrative costs. The form and manner of application and distribution of such financial assistance shall be determined pursuant to rules promulgated by the department; provided, however, that all applications for such assistance shall be submitted within three months of the date of such electricity bill.

c. Rules. The department shall promulgate such rules as may be necessary for the purposes of implementing the provisions of this section.

§2. Severability. If any section, subsection, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of the local law that added this section, which remaining portions shall remain in full force and effect.

§3. Effective date. This local law shall take effect thirty days after its enactment into law.

8/15/05 AT