



Legislation Text

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By Council Members Levin, Rosenthal, Kallos, Brannan, Reynoso, Rivera, Ayala, Dromm, Koslowitz, Menchaca, D. Diaz, Gibson, Lander, Feliz, Koo, Louis, Chin, Cabán and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to a supportive housing tenant's bill of rights

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-149 to read as follows:

§ 21-149 Supportive housing bill of rights. a. Definitions. For purposes of this section, the following terms have the following meanings:

Dwelling unit. The term "dwelling unit" means a dwelling unit as defined in paragraph 13 of subdivision a of section 27-2004.

Provider. The term "provider" means a provider under contract or similar agreement with an agency to provide supportive housing.

Supportive housing. The term "supportive housing" means affordable, permanent or short term/transitional housing with supportive services for tenants.

Tenant. The term "tenant" means a person occupying, or intending to occupy, the dwelling unit for 30 consecutive days or more.

Tenancy agreement. The term "tenancy agreement" means an agreement signed by the tenant upon placement in a supportive housing unit, listing the address, rent contribution and tenant responsibilities and describing the unit assigned to such tenant.

b. Notice of supportive housing tenant's rights. Every provider shall be required to provide a notice of rights using plain and simple language to every tenant under the following circumstances, as applicable: at the time of the interview, at the time of initial occupancy of a unit, at each lease or program agreement renewal, and upon request. If the tenant is known to have difficulty reading, the provider shall also read the required documents to them at the same intervals. A template of such notice shall also be posted on the website of each agency that administers a supportive housing program. The notice, which shall be provided and maintained by each agency that administers a supportive housing program and customizable for each tenant, shall be in English and the designated citywide languages as defined in section 23-1101. The notice shall include, but not be limited to, the following information:

1. Whether, to a provider's knowledge, the dwelling unit is subject to the rent stabilization law of 1969 or the emergency tenant protection act of 1974. For dwelling units subject to rent stabilization pursuant to such laws, the notice shall also provide information on how to obtain a rent history from the state division of housing and community renewal and a notification that the provider will provide assistance in obtaining such rent history.

2. Whether the dwelling unit is in a building that is in receipt of a tax exemption or abatement, including but not limited to abatements or exemptions pursuant to sections 421-a or 421-g of the real property tax law or section 11-243. If the building is in receipt of an exemption or abatement, the notice will include the abatement or exemption start and end dates.

3. The tenant's right to reside in a unit that is fit for human habitation and is free of any conditions that are dangerous, hazardous or detrimental to their life, health or safety.

4. The tenant's right, if any, to bring special proceedings pursuant to article 7 of the real property actions and proceedings law and that a tenant's eviction must be sought through a court proceeding when required by section 711 or section 713 of the real property actions and proceedings law.

5. The tenant's right to file a petition in court to enforce the housing maintenance code pursuant to

section 27-2001 et seq., information about how to report violations of such code via 311 and appropriate agencies, and contact information for the supportive housing program staff responsible for maintaining housing maintenance code standards and responding to emergencies.

6. The tenant's right to reasonable accommodations and the right to use and occupy housing accommodations without discrimination pursuant to the human rights law, article 15 of the executive law; and the New York city human rights law, section 8-107 et seq.

7. The tenant's right to receipts for rent paid pursuant to section 235-e of the real property law, where applicable.

8. The right of tenants to permit occupancy by family or additional tenants pursuant to section 235-f of the real property law, based on the supportive housing tenant's supportive housing arrangement, with notice regarding how such additional tenants may impact the rental payment responsibilities of the tenant.

9. The tenant's right to form, join or participate in a tenants' association or other group advocating for the rights and protections of tenants, without fear of harassment, retaliation or punishment for their participation. This right shall include the right to convene a tenants' association or organize meetings in certain locations in the building, including common areas, without paying any fee.

10. The following information about the dwelling unit and the legal rights applicable to the tenant:

(a) The name of the supportive housing program pursuant to which the tenant is occupying the dwelling unit, and all funding streams used by the program to provide social services or subsidize rents;

(b) The name of the state, federal or city agency administering the supportive housing program and contact information for the agency office that handles complaints and grievances at such administering agency;

(c) A list of the principal regulations applicable to all funding streams for such agencies, including but not limited to whether the dwelling unit is subject to section 595 et seq. of title 14 of the New York codes, rules and regulations or any regulatory agreements with any federal, state or city agency;

(d) The applicable grievance or equivalent policy or procedure used by the provider to register and hear

tenant complaints, including the processes and timelines for the provider to respond to complaints;

(e) How to file a complaint with the agency administering the supportive housing program;

(f) Available supportive services, and how the tenant may obtain a copy of the policies and procedures for requesting or changing services;

(g) The total monthly rent, the portion of that rent to be paid by the tenant, and the portion of the rent to be paid by another entity; and

(h) How the tenant may obtain a copy of the policies and procedures governing the eviction from such tenant's dwelling unit or termination of such tenant from the supportive housing program, including:

(1) Procedures for eviction prevention, including accommodations of mental or physical disabilities;

(2) Pre-eviction or pre-termination requirements;

(3) Information about assistance with obtaining rental arrears or provision of financial management assistance to ensure future rent payments;

(4) The tenant's right to request the current accounting of rent payments and rental arrears to date from the account's last zero balance, as well as income recertifications, leases or tenancy agreements.

11. The tenant's right to be free from harassment pursuant to section 27-2004.

12. The right of all tenants who are subject to section 711 or section 713 of the real property actions and proceedings law to remain in the dwelling unit unless evicted from the dwelling unit by a marshal or sheriff pursuant to a court order and the right that a tenant's eviction must be sought through a court proceeding.

13. Relevant phone numbers that a tenant may call for legal advice and possible legal representation including services provided under section 26-1302 if the provider initiates eviction proceedings in housing court, including but not limited to 311.

14. The provider's obligations pursuant to section 741 of the real property actions and proceedings law.

15. Whether a tenant's unit of supportive housing is subsidized by a portable subsidy and the process for pursuing a transfer.

16. Any additional information related to rights of tenants provided orally or in writing to a supportive housing applicant during an interview with a provider.

c. Enforcement. Every provider shall provide to the commissioner of the agency administering the supportive housing program an annual certification executed under penalty of perjury that it has provided tenants with a notice of rights in accordance with subdivision b of this section. Such certification shall be made by the chief executive or chief financial officer of the provider or the designee of any such person.

d. Penalties. Any provider that the agency administering the supportive housing program finds does not provide the notice required under the provisions of subdivision b of this section shall be liable for a civil penalty of \$250 for each violation with the option to cure the violation within 14 days' notice of the violation. For purposes of this section, each dwelling unit for which a provider fails to provide the notice required pursuant to this section shall be deemed a separate violation.

e. The agency administering the supportive housing program shall receive, investigate and respond to complaints concerning violations of this section at any supportive housing program that is financed with city funds and administered by such agency. All substantiated complaints, responses and violations issued by the agency administering the supportive housing program will be posted on such agency's website and will include the identity of the supportive housing provider, the date the complaint was submitted, any results of the complaint, the date of the conclusion of any investigation resulting from the complaint and the number and amount of penalties assessed.

§ 2. This local law takes effect 120 days after it becomes law.

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