IN SENATE--Introduced by Sen

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

-------- A.
Assembly
--------

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)

Rental 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

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 Gaughan s63 Kennedy s62 Ortiz 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 Griffio s01 LaValle s13 Ramos s16 Stavisky
s57 Borello s40 Harckham s45 Little s61 Ranzenhofer s35 Stewart-
s04 Boyle s54 Helming s11 Liu s48 Ritchie Cousens
s44 Breslin s27 Hoyman s63 Martinez s33 Rivera s49 Tedesco
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

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 Jaffe a051 Ortiz a036 Simotas
a107 Ashby a070 Dickens a011 Jean-Pierre a091 Otis a005 Smith
a035 Aubry a054 Dilan a135 Johns a132 Palmares a118 Smullen
a120 Barclay a081 Dinowitz a115 Jones a002 Palumbo a022 Solages
a030 Barnwell a147 DiPietro a077 Joyner a088 Paulin a114 Steck
a106 Barrett a016 Durkan a040 Kim a141 Peoples- a110 Steck
a060 Barron a048 Eichenstein a131 Kolb Stokes a010 Stern
a082 Benedetto a004 Englebright a105 Lalor a058 Perry a127 Stabile
a042 Bichotte a074 Epstein a013 Lavine a023 Pheffer a012 Tague
a079 Blake a109 Fahy a134 Lawrence Amato a071 Taylor
a117 Blankenbush a061 Fall a050 Lentol a086 Pichardo a001 Thiele
a098 Brabenec a080 Fernandez a125 Lifton a089 Prettlow a033 Vanel
a026 Braunstein a126 Finch a009 LiPetri a073 Quart a116 Walczyk
a138 Bronson a080 Fitzpatrick a123 Lupardo a019 Ra a055 Walker
a093 Buchwald a124 Friend a129 Magnerelli a006 Ramos a143 Wallace
a044 Burke a046 Frongut a064 Malliotakis a062 Reilly a112 Walsh
a119 Buttenschon a095 Galf a130 Manktelow a087 Reyes a041 Weinstein
a094 Byrne a137 Gant a108 McDonald a043 Richardson a024 Weprin
a133 Byrnes a007 Garbarino a014 McDonough a078 Rivera a059 Williams
a103 Cahill a148 Giglio a146 McMahon a068 Rodriguez a113 Woerner
a044 Carroll a066 Glick a017 Mikulin a027 Rosenthal, D. a056 Wright
a047 Colton a130 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 Niyu 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).
Section 1. This act shall be known and may be cited as the "Rent and Mortgage Cancellation Act of 2020".

§ 2. Legislative findings. The legislature hereby finds that a serious public emergency exists in the state of New York due to the impact of the global outbreak of novel coronavirus, COVID-19, which as of the date of this legislation, created destabilized housing, loss of employment and income, closure of businesses and schools, and greatly exacerbated financial insecurity in the state of New York. The legislature further finds that it is currently impossible to accurately assess the full scope, duration, and severity of impact this public emergency has and will have on the residents of New York and that, in response to this crisis, on March 7, 2020 the executive declared a 'State Disaster Emergency' which has put extraordinary constraints on individuals, families, homeowners, not-for-profits, residential housing cooperatives, and local, state, and federal agencies. The legislature further finds that the loss of employment, illness and deaths caused by the COVID-19 outbreak have rendered many individuals and families unable to pay for the costs of housing and other life necessities. The legislature further finds that safe and affordable housing is a key measure of positive individual, family, and public health outcomes. The legislature further finds that without government intervention, individuals and families who are unable to pay the costs of housing will be displaced, which will result in an increase in families who are cohabiting with one or more other families and an increase in the population of unhoused individuals and families, both of which will accelerate the spread of COVID-19 infection and, therefore, measures to prevent such individual and household displacement are necessary to prevent increased COVID-19 transmission. The legislature further finds that without rent and mortgage
relief, the number of eviction case filings for nonpayment of rent and
the number of mortgage foreclosures will increase tremendously, result-
ing in overburdened court systems which will not have the resources or
space to operate functionally and also resulting in massive congestion
and increased human contact in courthouse spaces, both of which will
exacerbate the spread of COVID-19 creating a worsened public health
hazard. The legislature further finds that a tremendous increase in
evictions and foreclosures will overburden social services agencies and
resources and that the shelter system does not have the capacity to
accommodate a significantly increased homeless population, both of which
will also worsen the spread of COVID-19. The legislature further finds
that public housing authorities have incurred expenses resulting from
the COVID-19 outbreak and have lost rental income due to widespread
financial hardship suffered by public housing tenants and occupants as a
result of the COVID-19 outbreak. The legislature declares that it is
both in the public interest and the responsibility of government to
provide and secure federal and state emergency funding to ensure that
individuals and families are not rendered homeless or severely finan-
cially burdened because of an inability to pay for the cost of housing
and other necessities due to the COVID-19 outbreak and to ensure that
public housing entities, not-for-profits, residential cooperatives, and
landlords unable to afford necessary expenses as a result of COVID-19
outbreak, not be encumbered with severe financial burden, and to promote
the stability and proper maintenance of the housing stock and assist
communities in recovering from the adverse social and economic impacts
of the COVID-19 outbreak, and that, consistent with articles 17 and 18
of the state constitution, it is therefore incumbent on the legislature
and the executive to implement protections and to provide rent and mort-
gage relief so as to reduce the harm to New York residents and ensure
safe, decent, sanitary, affordable housing and financial stability
during the novel coronavirus, COVID-19, crisis and all other public
emergencies.

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

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

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

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

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

(f) "Public housing authority" shall mean any municipal housing
authority created under article 13 of the public housing law.
§ 4. Cancellation of rent in the case of residential tenants; fines; termination of tenancy and eviction proceedings; debt; consumer credit reports. (a) Notwithstanding any other provision of law, the obligation of a residential tenant to pay rent shall be suspended for a period that shall run from March 7, 2020 until the expiration of 90 days after the executive declares that the state disaster emergency has ended.

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

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

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

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

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

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

(a) Notwithstanding any other provision of law, the obligation of a small homeowner to make mortgage payments of principal or interest that become due during the period running from March 7, 2020 until the expi-
ration of 90 days after the executive declares that the state disaster
emergency has ended, is hereby suspended.

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

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

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

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

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

§ 6. Assistance to residential housing cooperatives losing maintenance
and rental income. (a) Except as modified in this section, any residen-
tial housing cooperatives that can demonstrate they lost maintenance or
rental income during the period from March 7, 2020 until the expiration
of 90 days after the executive declares that the state disaster emergen-
cy has ended shall be entitled to a payment of the total amount of main-
tenance or rental income lost during that period.

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

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

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

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

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

(a) Except as modified in this section, any affordable housing operator
that can demonstrate they lost rental income during the period from
March 7, 2020 until the expiration of 90 days after the executive declares that the state disaster emergency has ended shall be entitled to a payment of the total amount of rental income lost during that period.

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

(c) The commissioner may provide a payment under this section only with respect to rental dwellings that meet all the following requirements:

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

(1) the monthly rental amounts for the rental units within the property may not be increased from the amount of such rent charged as of the date of the enactment of this act;

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

(A) the tenant is violating a substantial obligation of their tenancy other than the obligation to surrender possession of such housing accommodation and has failed to cure such violation after written notice by the landlord that the violation cease within 10 days, or within the 3 month period immediately prior to the commencement of the proceeding the tenant has willfully violated such an obligation inflicting serious and substantial injury to the landlord;
(B) the tenant is committing or permitting a nuisance in such housing accommodation or is maliciously or by reason of gross negligence substantially damaging the housing accommodations, or the tenant's conduct is such as to interfere substantially with the comfort or safety of the landlord or of other tenants or occupants of the same or other adjacent building or structure;

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

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

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

(F) the tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of making necessary repairs or improvements required by law or for the purpose of inspection or of showing the accommodations to a prospective purchaser, mortgagee or prospective mortgagee, or other person having a legitimate interest therein; provided, however, that in the latter event such refusal shall not be grounds for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement;
(3) the rental dwelling shall not have any outstanding violations for hazardous or immediately hazardous conditions;

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

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

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

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

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

(d) (i) Subject to paragraph (ii) of this subdivision, the amount of a payment under this section with respect to a rental dwelling may not exceed the aggregate amount of rent for the rental dwelling suspended pursuant to subdivision (a) of section four of this act and attributable only to days from March 7, 2020 until the expiration of 90 days after the executive declares that the state disaster emergency has ended during which the dwelling unit was occupied by a tenant otherwise required to pay rent for such occupancy.
(ii) In making payments under this section with respect to any rental dwelling unit for which a tenant made a payment of rent during the period run from March 7, 2020 until the expiration of 90 days after the executive declares that the state disaster emergency has ended the commissioner of housing and community renewal agency shall:

(1) reduce the amount of the payment to the affordable housing operator under paragraph (i) of this subdivision by the amount of any such rent paid; and

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

(iii) In making payments under this section with respect to any dwelling for which the affordable housing operator received mortgage payment relief under section five of this act the commissioner shall reduce the amount of the payment to the affordable housing operator for lost rent by the amount of mortgage payment relief received under section five of this act.

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

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

(g) (i) Any affordable housing operator may apply for an exemption from one or more of the requirements set forth in subdivision (c) of
this section and the commissioner shall grant exemptions from the
requirements set forth in subdivision (c) of this section upon determin-
ing that the affordable housing operator would otherwise suffer undue
financial hardship resulting from the requirements for which exemption
is sought.

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

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

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

(c) The commissioner may provide a payment under this section only
with respect to rental dwellings that meet all of the following require-
ments:
(i) The lessor of the rental dwelling has made such certifications to, and entered into such binding agreements with, the commissioner as the commissioner considers necessary to ensure that during the five year period beginning upon initial receipt by such lessor of payment under this section for such dwelling, such dwelling shall be subject to the following requirements:

(1) the monthly rental amounts for the rental units within the property may not be increased from the amount of such rent charged as of the date of the enactment of this act;

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

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

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

(C) occupancy of the housing accommodations by the tenant is illegal because of the requirements of law, and the landlord is subject to civil or criminal penalties therefor, or both;
(D) the tenant is using or permitting such housing accommodation to be used for an illegal purpose;

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

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

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

(4) the lessor may not refuse to rent any rental dwelling unit, or discriminate in the renting of any rental dwelling unit, to a household based on the source of income of such household, including income under the program under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) or any similar tenant-based rental assistance program;
(5) the lessor may not restrict tenancy of the dwelling unit on the basis of sexual identity or orientation, gender identity or expression, conviction or arrest record, credit history, or immigration status;
(6) the lessor may not retaliate in any way against a tenant of the dwelling unit; and
(7) the lessor may not report the tenant of the dwelling unit or provide any adverse information regarding the tenant to any credit reporting or tenant screening agency.

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

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

(ii) In making payments under this section with respect to any rental dwelling unit for which a tenant made a payment of rent during the period run from March 7, 2020 until the expiration of 90 days after the executive declares that the state disaster emergency has ended the commissioner shall:
(1) reduce the amount of the payment to the lessor under paragraph (i) of this subdivision by the amount of any such rent paid; and
(2) make a payment to such tenant in the amount of any such rent paid.
(iii) In making payments under this section with respect to any dwelling for which the lessor received mortgage payment relief under section five of this act the commissioner shall reduce the amount of the payment to the lessor for lost rent by the amount of mortgage payment relief received under section five of this act.

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

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

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

(h) (i) Any lessor may apply for an exemption from one or more of the requirements set forth in subdivision (c) of this section and the commissioner shall grant exemptions from requirements set forth in subdivision (c) of this section upon determining that the lessor would otherwise suffer undue financial hardship resulting from the requirements for which exemption is sought.
(ii) Any lessor aggrieved by the commissioner's decision on an application to the Fund or for a hardship exemption pursuant to paragraph (i) of this subdivision may within 30 days of the commissioner's decision seek judicial review pursuant to article 78 of the civil practice law and rules. In the event that the court may find that the decision of the commissioner constitutes the equivalent of a taking without compensation, it may, at the election of the commissioner, either set aside the decision or order the payment of just compensation by the commissioner.

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

(b) The commissioner shall provide for public housing authorities to apply for payments from the public housing relief fund and shall promulgate regulations establishing the procedural requirements for such applications.

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

§ 10. Civil action. (a) Any individual aggrieved by an adverse action taken by a lessor, affordable housing operator, public housing authority, or mortgagee for exercising rights under section four or five of
this act may commence a civil action under this section against the
lessor, affordable housing operator, public housing authority, or mort-
gagee violating such section in an appropriate state court or a local
court of competent jurisdiction not later than 2 years after such
violation occurs for damages under subdivision (b) of this section.
(b) Any lessor or mortgagee found to have taken adverse action against
any lessee or mortgagor for exercising rights under section four or five
of this act shall be liable:
(i) to the individual aggrieved by such violation, for any actual
damages as a result of such adverse action; and
(ii) for a fine in the amount of:
(1) $10,000, in the case of a violation that is the first violation by
such lessor or mortgagee;
(2) $20,000, in the case of a violation that is the second violation
by such lessor or mortgagee; and
(3) $100,000 or forfeiture of the property, in the case of a violation
that is the third or subsequent violation by such lessor or mortgagee.
(c) In an action brought under this section, the court:
(i) may award preventative relief, including a permanent or temporary
injunction or other order, to ensure the full rights granted by sections
four and five of this act; and
(ii) shall award any prevailing plaintiff reasonable attorney's fees
and costs.
(d) The attorney general may bring a civil action in any appropriate
court against any individual or entity which violates section four or
five of this act for fines under paragraph (ii) of subdivision (b) of
this section.
§ 11. Non-severability clause. If section four of this act is adjudged by a court of competent jurisdiction to be invalid, then sections six, seven and eight of this act shall also be deemed invalid and it is hereby declared to be the intent of the legislature that sections six, seven and eight of this act would not have been enacted if section four of this act had not been included herein.

§ 12. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act other than section four of this act shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 13. This act shall take effect immediately.