

## Chapter 3: Department of Homeless Services

### § 21-301 Definitions.

Whenever used in this chapter, the following terms shall be defined as follows:

- a. "Commissioner" shall mean the commissioner of homeless services.
- b. "Department" shall mean the department of homeless services.
- c. "Eligible homeless person" shall mean a person eligible for transitional housing or services from the department pursuant to federal, state and local laws and such rules and regulations as may be promulgated pursuant thereto.
- d. "Temporary shelter placement" shall mean a shelter placement for a family with children which complies with all applicable requirements of the administrative code of the city of New York.

### § 21-302 Housing-readiness training and aftercare programs.

- a. The commissioner shall establish, maintain and operate housing-readiness training for all eligible homeless persons determined to be in need of such training. This training shall include such subjects as the commissioner shall determine are necessary to enable such eligible homeless persons to acquire the skills necessary for adjustment to and remaining in permanent housing. On or before December 31, 1995, the commissioner shall promulgate a housing-readiness training plan to be used in such training as shall be established, maintained and operated pursuant to this section. Beginning on December 31, 1995, such housing-readiness training shall be available no less frequently than on a quarterly basis.
- b. The commissioner shall establish, maintain and operate aftercare programs to assist eligible homeless persons who have been placed in permanent housing to adjust to and remain in such housing. The commissioner shall determine the period for which such eligible homeless persons may remain in aftercare programs. For the purposes of this section, aftercare shall be defined to include, but not be limited to, follow-up case management services and assisting formerly eligible homeless persons who have been placed in permanent housing to access needed services in their communities.

### § 21-303 Training and supervision of housing specialists.

Housing specialists shall be available to serve in each transitional housing facility used, owned, operated, managed or contracted for, by or on behalf of the department. Where housing specialists are placed in transitional housing facilities and are employed by not-for-profit or for-profit operators of such facilities, the commissioner shall establish a training program for such housing specialists which shall include, but not be limited to, establishing expertise in the various housing programs to which eligible homeless persons may be referred and proper case management techniques. The commissioner shall develop definite program goals and timetables by which he or she shall assess the performance of housing specialists in matching as expeditiously as possible eligible homeless persons with available housing resources and, on or before December 31, 1995, shall report to the speaker of the city council in writing on such goals and timetables by which he or she shall assess the performance of housing specialists.

### § 21-304 Computerization.

In order to ensure that the delivery of services provided by the department to eligible homeless persons is efficiently coordinated with the services provided by the department of social services to such persons, the commissioner shall, to the maximum extent possible and in conformance with federal and state confidentiality laws, develop computer systems which can easily access and share data with department of social services computer systems regarding such persons. The commissioner may appoint an interagency computer liaison to facilitate such interagency communication and information sharing.

### § 21-305 Permanent housing resource clearinghouse.

The commissioner shall establish, in conjunction with the department of housing preservation and development and the New York city housing authority, a permanent housing resource clearinghouse to coordinate and track such permanent housing resources as may be approved as available to eligible homeless persons.

### § 21-306 Continuum of care steering committee

There shall be a continuum of care steering committee, which shall be responsible for providing advice to the commissioner on implementation of the requirements of the homeless emergency assistance and rapid transition to housing act of 2009, codified in chapter 119 of title 42 of the United States code, and any regulations promulgated pursuant to such act. The steering committee shall be created pursuant to section 578.5 of title 24 of the code of federal regulations and shall at a minimum include at least one member who is currently or formerly homeless. The members of the steering committee shall be representative of the relevant organizations and of projects serving homeless subpopulations. The members of the steering committee shall serve without compensation. The steering committee shall submit its advice to the commissioner, or his or her designee, in person or in writing, on a quarterly basis. The commissioner, or his or her designee, shall meet with the steering committee regularly.

(Am. L.L. 2017/207, 11/17/2017, eff. 11/17/2017)

### § 21-307 Interagency coordinating council.

- a. There shall be an interagency coordinating council established by the mayor which shall consist of representatives of each city agency providing transitional housing or services to eligible homeless persons and other homeless individuals and families. Such interagency coordinating council shall include, but shall not be limited to, representatives of the department of homeless services, the department of social services/the human resources administration, including at least one representative who works in housing for individuals with HIV/AIDS, housing for victims of domestic violence, and supportive housing, the department of housing preservation and development, the department of youth and community development, the administration for children's services, the department of education, the department of health and mental hygiene, and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor to serve as chairperson of the interagency coordinating council. The commissioner of the department of homeless services shall provide appropriate personnel to assist the interagency coordinating council in the performance of its functions. Representatives of the New York city housing authority and of the office to end domestic and gender-based violence may serve on the interagency coordinating council, and the chairperson of the interagency coordinating council or his or her designee shall notify such agencies of their ability to serve.

- b. The interagency coordinating council shall:

1. not later than October 1, 2018, and each year thereafter, prepare, in consultation with the office of management and budget, an annual breakdown of each member agency's expenditures for housing and services to the homeless in the adopted budget;
2. review the organization and operations of member agencies with respect to contracted service providers to the homeless, including service delivery, management and evaluation of performance;
3. recommend means by which the fragmentation of the provision of housing for, and delivery of services to, the homeless may be reduced and the efficiency, effectiveness and economy of service delivery may be enhanced;

4. consider proposals for the improvement of transitional and permanent housing programs and service delivery to the homeless; and
5. recommend to the mayor and the city council joint agency projects or programs which could facilitate more efficient use of existing resources.

c. The interagency coordinating council shall meet at least quarterly and shall hold at least one public hearing annually, at which public testimony shall be taken. A report on each such public hearing shall be submitted in writing to the speaker of the city council within ten days of the date on which such public hearing was held. Where the interagency coordinating council fails to hold such meetings or public hearings as required pursuant to this subdivision, a report shall be submitted in writing to the speaker of the city council including an explanation of the failure to hold such meetings or public hearings.

d. No later than January 1, 2018, and every January 1 thereafter, the interagency coordinating council shall submit an annual report to the speaker of the council and the mayor containing the interagency coordinating council's recommendations as developed pursuant to subdivision b of this section. Such report shall be posted on the department's website. The reports required pursuant to this section shall remain permanently available on the department's website.

(Am. L.L. 2017/207, 11/17/2017, eff. 11/17/2017; Am. L.L. 2019/038, 2/24/2019, eff. 2/24/2019)

#### **§ 21-308 Five-year plan to relieve homelessness.**

1. The commissioner shall submit to the speaker of the city council a Five-Year Plan to Relieve Homelessness, including but not limited to the following:
  - a. Projected numbers of homeless individuals and families.
  - b. Projected expense and capital budgets for the department, including, but not limited to expenditures for homeless individual and homeless family programs, facilities and services.
  - c. Projected number of facilities to be constructed or rehabilitated to accommodate homeless individuals and families.
  - d. Projected number of permanent housing units to be constructed or rehabilitated to accommodate homeless individuals and families.
2.
  - a. The Five-Year Plan shall be reviewed and updated by the commissioner each year, and the updated version thereof shall be submitted to the speaker of the city council not later than October first of each year.
  - b. In the fifth year covered by each such Five-Year Plan, the commissioner shall submit a Five-Year Plan to Relieve Homelessness for the next succeeding five-year period not later than six months prior to the last day of such fifth year to the speaker of the city council.

#### **§ 21-309 Referrals to non-compliant hotel units prohibited.**

- a. Not later than September 30, 1996, the commissioner shall eliminate for the purpose of providing transitional housing for homeless families with children the department's use of:
1. any privately owned hotel with a total of more than 100 units which is operated by the owner or another person for profit; and
  2. any unit in a privately owned hotel with a total of 100 units or less which is operated by the owner or another person for profit in which a bathroom, cooking facilities including but not limited to secured burners and other equipment as may be necessary to prepare meals for a family, a kitchen-style sink, a refrigerator, and an adequate sleeping area are not provided in each unit and where stable living accommodations, on-site social services, and accommodations which otherwise comply with federal, state and local laws are not provided to the homeless families with children housed in each such unit. For purposes of this section, "on-site social services" shall mean, at a minimum:
    - (A) services for information and referral to appropriate health care providers;
    - (B) within two days of arrival, the family is offered a preliminary needs determination, including referrals for benefits or services which if immediately provided to the family would facilitate their return to permanent housing, and an evaluation of the educational and other needs of the family members;
    - (C) the family is offered an assessment of its needs and an analysis of how these needs will be met through existing public assistance and care programs, including child welfare programs, and the steps to be taken to obtain the service needs of the family;
    - (D) the family has access to its services plan and case files;
    - (E) the family is offered assistance in preparing for permanent housing, which shall include, at a minimum, where necessary and appropriate: counseling services, assistance in obtaining permanent housing, assistance in securing supportive social and mental health services including but not limited to psychiatric, drug and alcohol services and assistance in securing employment assessment, job training and job placement services; and (F) the family is offered information about and referrals to: local community agencies and programs the services of which the family may reasonably require in order to facilitate their return to permanent housing and for which the family is eligible; recreational services; and child care services.
- b. Notwithstanding any other provision of this section, the commissioner, or the commissioner of any successor agency, shall be authorized to take such action as may be necessary to comply with court orders.

#### **§ 21-310 Compilation of data on homeless veterans.**

1. In addition to any other data which it may deem relevant, the department shall compile data on each person using the homeless shelters of New York city which shall include information regarding:
  - a. whether the person is a veteran;
  - b. whether that person's veteran status has been verified;
  - c. the period of time the person served in the armed forces;
  - d. the type of discharge;
  - e. whether the discharge was a service connected disability; and
  - f. whether the veteran is receiving a veterans' pension.
2. The term "veteran" means a person who has served in the active military of the United States and who has been released from such service otherwise than by dishonorable discharge.

#### **§ 21-311 Quarterly reporting requirements.**

In addition to such other reports as the commissioner is required to submit to the speaker of the city council pursuant to this chapter, beginning on

October 1, 1995 and on the first day of each succeeding calendar quarter thereafter, the commissioner shall submit to the speaker of the city council a report in writing aggregating the following statistics both on a quarterly and fiscal year annualized basis:

- a. placements in permanent housing by program, including but not limited to placements provided by and through the department of housing preservation and development and the New York city housing authority;
- b. the length of time individuals and families receive transitional housing from or through the department without having been placed in permanent housing and the type of such transitional housing utilized;
- c. the number of individuals and families who are rehoused in transitional housing within two years of having been placed in permanent housing and the length of time between such permanent housing placement and such rehousing in transitional housing; and
- d. with reference to any telephone hotline operated by or for the department for the purpose of facilitating contact between families in need of transitional housing and the department, how the public is informed of the availability of the telephone hotline, the number of calls received disaggregated by borough of origin, the average number of department staff receiving calls on a daily basis, the number of persons for whom assistance was provided and the actions taken on each call.

### **§ 21-312 Shelters for adults.**

#### a. Definitions.

1. "Census" shall mean the actual number of persons receiving shelter at a shelter for adults.
2. "Certified capacity" shall mean the maximum number of persons who may receive shelter at a shelter for adults at any one time as authorized by the New York state office of temporary and disability assistance.

b. No shelter for adults shall be operated with a census of more than two hundred persons. Notwithstanding such prohibition, any shelter with a census of greater than two hundred persons on June first, nineteen hundred ninety-eight may continue to operate in excess of the abovementioned two hundred person limitation, and such shelter may continue to shelter the highest number of persons permitted, authorized, approved or otherwise allowed between June first, nineteen hundred ninety-eight and December seventeenth, nineteen hundred ninety-eight, by the state of New York office of temporary and disability assistance. Nothing in this section shall be construed to require any shelter with a census of greater than two hundred persons on the effective date of this local law to reduce its census below two hundred persons.

c. Notwithstanding the provisions of subdivision b of this section, homeless single adult shelters may provide short-term emergency shelter to persons in excess of the certified capacity only when the conditions set forth in subdivision h of section 491.4 of title 18 of the official compilation of the codes, rules and regulations of the state of New York are met, and in no event for more than thirty days in any calendar year. Whenever a shelter for adults operates above its certified capacity, the speaker of the council shall be notified in writing within three business days.

d. A minimum of seven supervisory staff members shall be required to be present whenever a shelter for adults operates with a census of two hundred and one persons or more, and one additional supervisory staff member shall be required for every forty persons in excess of two hundred and one.

e. The commissioner shall submit to the speaker of the council quarterly reports summarizing the health, sanitation, safety and fire protection-related deficiencies identified in any inspection of a shelter for adults conducted by any state agency, including but not limited to the office of temporary and disability assistance, the office of children and family services, and the New York state department of health; and any city agency including, but not limited to, the New York city fire department, the New York city department of health and mental hygiene, and the New York city department of buildings; any other government agency; and any organization appointed by any court. The first such report shall be due thirty business days following the calendar quarter ending September thirtieth, nineteen hundred and ninety-eight and all subsequent reports shall be due thirty business days following the last day of each succeeding calendar quarter. Such quarterly reports shall include, but not be limited to, the following:

1. a list of all deficiencies identified by any state, city or other inspecting government agencies or organizations appointed by any court during the quarter which have not yet been brought into compliance with applicable statutes, laws, rules and regulations and the date on which deficiencies previously reported to the speaker of the council were brought into compliance;
2. a list of all deficiencies identified by the fire department in three or more consecutive inspections which have not yet been brought into compliance with applicable statutes, laws, rules and regulations;
3. a copy of all court orders regarding health, sanitation, safety and fire protection-related deficiencies issued during the quarter; and
4. a copy of all corrective action plans, and amendments thereto, regarding health, sanitation, safety and fire protection-related deficiencies filed with any court during the quarter.

### **§ 21-313 The emergency assistance unit.**

The department shall maintain a facility open for intake twenty-four hours a day, seven days a week to accept and process applications for shelter from families with children. Any family with children seeking shelter who is still in the process of applying as of ten o'clock in the evening on the day such family sought shelter shall be provided temporary shelter placement for that night. The following morning the family shall return to the intake facility to complete the application process. The department shall arrange transportation for the families to and from the temporary shelter placement.

### **§ 21-314 Case management services.**

The commissioner shall provide case management services to all persons assigned to stay at the department's facilities or the facilities of organizations contracting with the department who are either waiting for the department to determine their eligibility for shelter or are receiving such shelter. Such case management services shall include, but not be limited to, assistance obtaining (a) medical treatment, (b) federal, state and local government documents including, but not limited to, birth certificates, marriage licenses, and housing records, and (c) food, medicine and other necessary supplies; and shall address issues such as domestic violence, child abuse and mental illness, when needed.

#### **§ 21-314.1 Signage and other materials.**

a. The commissioner shall, in consultation with not-for-profit organizations dedicated to the advocacy of child welfare, establish, maintain, and update signage and any other materials that are deemed necessary related to the reporting of child abuse and maltreatment which shall be conspicuously placed in all Tier II shelters and any other facilities that shelter homeless families and which shall include but not be limited to:

1. A textual representation of the type of abusive or neglectful behavior that should be reported, which encourages witnesses of such behavior to report any suspected incidents of child abuse or maltreatment;
  2. The name and contact information of the appropriate person or agency to whom suspected incidents of child abuse or maltreatment are to be reported; and
  3. An explicit indication of which persons are mandated to report suspected incidents of child abuse or maltreatment pursuant to section 413 of the social services law.
- b. The commissioner shall, in consultation with not-for-profit organizations dedicated to the study or dissemination of information about proper infant

sleep position and arrangement, establish, maintain, and update signage and any other materials that are deemed necessary related to proper infant sleep position and arrangement which shall include, but not be limited to, a textual and pictorial representation of proper infant sleep position and arrangement. Such signage shall be displayed conspicuously, at a minimum, in every common area of a Tier II shelter and any other facility that shelters homeless families.

c. The commissioner shall provide for the translation of the signage required in subdivisions a and b of this section and any other materials deemed necessary pursuant to this section into every covered language as defined pursuant to section 8-1004 of this code.

d. In addition to the signage and materials provided for in subdivisions a and b of this section, the commissioner shall establish, maintain, and provide training for appropriate shelter employees in the instruction of parents with regard to proper infant sleeping position and arrangement.

### **§ 21-315 Adult shelters operating in excess of two hundred persons.**

a. For the purposes of this section, a shelter for adults that operates with a permitted census in excess of two hundred persons pursuant to subdivision b of section 21-312 of this code shall be termed "a grandfathered shelter." In the event that any grandfathered shelter is closed, it may be replaced pursuant to the following provisions:

1. The Kingsboro Shelter Building 6 operating with a census of two hundred twenty-one persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of two hundred twenty-one persons.

2. The Brooklyn Women's Shelter operating with a census of two hundred twenty-nine persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of two hundred twenty-nine persons.

3. The Atlantic Shelter operating with a census of three hundred fifty persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of three hundred fifty persons.

4. The Borden Shelter operating with a census of four hundred ten persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of three hundred fifty persons.

5. The Bellevue Shelter operating with a census of eight hundred fifty persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.

6. The Camp LaGuardia Shelter operating with a census of one thousand seventeen persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.

7. The Charles H. Gay Shelter operating with a census of one thousand thirty-seven persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.

b. Each new shelter which replaces a shelter listed in subdivision a of this section shall comply with applicable statutes, laws, rules and regulations, including, but not limited to, section 197-c of the New York city charter.

### **§ 21-316 Presumption of eligibility.**

a. For purposes of this section, "HRA domestic violence shelter" shall mean any residential care facility providing emergency shelter and services to victims of domestic violence and their minor children and operated by the department of social services/human resources administration or a provider under contract or similar agreement with the department of social services/ human resources administration.

b. The department shall deem any applicant residing in an HRA domestic violence shelter an eligible homeless person for purposes of temporary shelter placement provided by the department provided (i) the applicant is no longer eligible for such HRA domestic violence shelter because such applicant has exhausted the maximum length of stay permitted at such HRA domestic violence shelter; (ii) the human resources administration or successor entity has provided the department with advance notice of such applicant's upcoming exit from such HRA domestic violence shelter, with the human resources administration or successor entity required to provide such advance notice where applicable; and (iii) such applicant reports to the department on the same calendar day as the applicant's exit from such HRA domestic violence shelter. Such applicants shall not be required to undergo an eligibility determination process at a department intake facility prior to being admitted to a temporary shelter placement.

### **§ 21-317 Medical and mental health services in shelters.**

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Adult.** The term "adult" means any person who is 18 years of age or older.

**Adult families.** The term "adult families" means families comprised of adults and no children.

**Children.** The term "children" means one or more persons under 21 years of age.

**Domestic violence shelter.** The term "domestic violence shelter" means facilities operated by the department of social services or by a provider under contract or similar agreement with the department of social services to provide shelter for victims of domestic violence.

**Drop-in center.** The term "drop-in center" means facilities operated by the department or a provider under contract or similar agreement with the department that provide single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not overnight housing.

**Families with children.** The term "families with children" means families with adults and children, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual.

**HASA facility.** The term "HASA facility" means single room occupancy hotels or congregate facilities managed by a provider under contract or similar agreement with the department of social services to provide shelter for recipients of services from the HIV/AIDS services administration.

**Homeless adult.** The term "homeless adult" means an individual with an address listed in SPARCS that is a known shelter, or an individual who is listed as homeless or undomiciled.

**Intake center.** The term "intake center" means the facilities where individuals or families must apply for shelter with the department.

**New to the shelter system.** The term "new to the shelter system" means an individual who has never lived in a shelter or who has not lived in a shelter for the previous 12 months.

**New York state department of health statewide planning and research cooperate system (SPARCS).** The term "New York State department of health statewide planning and research cooperate system (SPARCS)" means the New York administrative hospital discharge database.

**Safe Haven.** The term "safe haven" means facilities operated by the department or a provider under contract or similar agreement with the department that provide low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a department outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing.

**Shelter.** The term "shelter" means temporary emergency housing provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

**Single adults.** The term "single adult" means individuals without an accompanying adult or child.

b. Not later than September 1, 2018, and no later than September 1 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on medical health services provided to homeless individuals for the preceding calendar year. The first such report shall be preliminary, and limited to the data reasonably available to the department for the preceding calendar year. Such reports shall include, but not be limited to, the following information and shall be disaggregated by whether such medical health services are provided to single adults, adult families or families with children:

1. The number of shelters, domestic violence shelters, and HASA facilities with on-site medical health services, as well as the total number of shelters, domestic violence shelters and HASA facilities;
2. A description of the medical health services in each intake center;
3. A description of the medical health services provided at drop-in centers and safe havens;
4. A description of the medical health services provided to the unsheltered homeless population, including but not limited to the number of clients served by a provider under contract or similar agreement with the department to provide medical health services to the unsheltered homeless population, and the number of clients transported to the hospital;
5. A list of the 10 most common medical health issues for adults living in shelters, as self-reported at intake/assessment, and the 10 most common medical health issues for children living in shelters, as self-reported at intake/assessment;
6. A list of the 10 most common medical health issues for adults living in shelters and the 10 most common medical health issues for children living in shelters, as reported by providers under contract or similar agreement with the department to provide medical services in shelter;
7. The number of individuals new to the shelter system discharged from a hospital to a shelter;
8. The number of individuals new to the shelter system discharged from a nursing home to a shelter;
9. Any metrics relevant to the provision of medical health services reported to the department by any entity providing such services; and
10. No later than September 1, 2020 and every three years thereafter, the most frequent causes of hospitalizations, excluding HIV or AIDS, for homeless adults based on information available through SPARCS.

c. Not later than September 1, 2018, and no later than September 1 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on mental health services provided to homeless individuals for the preceding calendar year. The first such report shall be preliminary, and limited to the data reasonably available to the department for the preceding calendar year. Such reports shall include, but not be limited to, the following information and shall be disaggregated by whether such mental health services are provided to single adults, adult families, or families with children:

1. The number of shelters, domestic violence shelters, and HASA facilities with on-site mental health services and a description of such services, as well as the total number of shelters, domestic violence shelters and HASA facilities;
2. A description of the mental health services in each intake center;
3. A description of the mental health services provided at drop-in centers and safe havens;
4. A description of the mental health services provided to the unsheltered homeless population directly and by referral, including the number of removals initiated pursuant to section 9.58 of the mental hygiene law;
5. A list of the 10 most common mental health issues for adults living in shelters, as self-reported at intake/assessment, and the 10 most common mental health issues for children living in shelters, as self-reported at intake/assessment;
6. A list of the 10 most common mental health issues for adults living in shelters and the 10 most common mental health issues for children living in shelters, as reported by providers under contract or similar agreement with the department to provide mental health services; and
7. Any metrics relevant to the provision of mental health services reported to the department by any entity providing such services.

d. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information respecting individuals in shelter.

(L.L. 2017/114, 7/22/2017, eff. 7/22/2017; Am. L.L. 2017/115, 7/22/2017, eff. 7/22/2017)

### **§ 21-318 Distribution of domestic violence education materials.**

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Domestic violence.** The term "domestic violence" means any crime or violation, as defined in the penal law, alleged to have been committed by any family or household member against any member of the same family or household, as the term family or household member is defined in the social services law.

**Intake facility.** The term "intake facility" means the prevention assistance and temporary housing center and the adult family intake center, or any successor entities.

b. The department shall develop and distribute written or electronic materials containing information with respect to domestic violence. Such information shall be distributed to eligible homeless persons at an intake facility. At a minimum, such information shall include the nature and proper reporting of domestic violence, and shall include information on accessing relevant services.

(L.L. 2017/201, 11/17/2017, eff. 3/17/2018)

### **§ 21-319 Unsheltered homeless population record.**

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Outreach staff.** The term "outreach staff" means department staff or staff contracted by the department to contact and offer services to the unsheltered homeless population.

**Unsheltered homeless person.** The term "unsheltered homeless person" means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

b. To the extent such information is provided voluntarily, the department shall maintain a record of all unsheltered homeless persons who are receiving services from or have been contacted by outreach staff, which shall be updated in real time and shall contain, to the extent available: first and last name, date of birth, race or ethnicity, and the location where outreach staff engaged the unsheltered homeless person, including but not be limited to, bus shelter, drop-in center, hospital, park, safe haven or subway. No later than September 1, 2018, and quarterly thereafter, the department shall submit to the speaker of the council and post online the total number of unsheltered homeless persons included in the record required pursuant to this subdivision, disaggregated to the extent available by the location where outreach staff first engaged the unsheltered homeless person.

(L.L. 2017/217, 12/1/2017, eff. 12/1/2017)

## § 21-320 Opioid antagonist administration training

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Opioid.** The term "opioid" means an opiate as defined in section 3302 of the public health law.

**Opioid antagonist.** The term "opioid antagonist" means naloxone or other medication approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the human body.

**Opioid antagonist administration training.** The term "opioid antagonist administration training" means a program with the purpose of training individuals encountering a suspected opioid overdose with the steps to take in order to prevent a fatality, including contacting emergency medical services and administering an opioid antagonist.

**Shelter.** The term "shelter" means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

b. *Training.*

1. The department shall provide opioid antagonist administration training to staff as identified by the department that may encounter persons experiencing or who are at high risk of experiencing an opioid overdose. The department shall require providers to ensure that at a minimum one such trained staff is on duty at all times during the provider's usual business hours.

2. For such employees identified by the department, the department shall (i) provide a refresher training every two years, or (ii) otherwise require that each trained employee undergo a refresher training every two years.

3. The department shall develop and implement an opioid overdose training plan to offer opioid overdose training to shelter residents who may encounter persons experiencing or who are at a high risk of experiencing an opioid overdose. No later than March 1, 2018, the commissioner of the department of social services shall submit to the mayor and the speaker of the council, and post online, a comprehensive opioid overdose training plan informed, to the extent practicable, by the reporting pursuant to section 17-190, for such residents. Such plan shall include, but need not be limited to:

- (a) Strategies for the agency to offer opioid antagonist administration training to such shelter residents;
- (b) Information on how such shelter residents will be informed about the availability of such training;
- (c) Information specific to the availability of such training;
- (d) Information specific to the availability of opioid antagonist at shelter facilities; and
- (e) The date by which the implementation of such plan will commence.

c. Beginning no later than September 1, 2018, and no later than every September 1 thereafter, the commissioner shall submit to the mayor and the speaker of the council an annual report regarding (i) the number of department employees and employees of service providers under contract with the department who have completed the opioid antagonist administration training, (ii) the number of department employees and employees of service providers under contract with the department who have completed a refresher training and (iii) the number of shelter residents who have completed the opioid antagonist training. Such report shall also include the number of times an opioid antagonist was administered to a resident disaggregated by the type of facility where the administration occurred.

(L.L. 2017/225, 12/1/2017, eff. 12/1/2017)

## § 21-321 Educational continuity.

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Intake facility.** The term "intake facility" means the location where families with children apply for temporary emergency housing with the department, such as the prevention assistance and temporary housing facility, or a successor entity.

**Shelter applicants.** The term "shelter applicants" means families with children in the process of applying for emergency shelter with the department at an intake facility with no prior shelter history or application for shelter within the last 90 days.

b. As part of the intake process at an intake facility, the department shall offer or otherwise make available to all shelter applicants written materials and information on educational continuity. The department shall additionally permit the department of education access to intake facilities for the purpose of holding discussions with shelter applicants on educational continuity, and shall work with the department of education to facilitate such discussions. Such materials, information, and discussions shall include but not be limited to the following:

1. Information on the education rights of any preschool-aged and school-aged children relating to school access and educational continuity rights;
2. Information on transportation and/or enrolling in a new school for any school-aged children;
3. Information relating to early childhood care and education options for shelter applicants with children under 5 years old, including 3-K and Pre-K for All, EarlyLearn, and other forms of subsidized child care, including child care vouchers;
4. Information relating to referring children for evaluations for early intervention services and preschool special education services; and
5. Information on homeless students' rights, including a summary of students' rights pursuant to the McKinney-Vento homeless assistance act of 1987, as enacted by public law 100-77.

c. Any information provided to shelter applicants concerning educational continuity shall include contact information for relevant staff at the department of education. In the event that a representative of the department of education is unavailable and is not scheduled to be available to discuss educational continuity with a shelter applicant during the intake process at an intake facility, the department shall provide such shelter applicant with written materials pursuant to subdivision b and with contact information for relevant staff at the department of education who can assist with matters related to educational continuity.

(L.L. 2018/082, 1/19/2018, eff. 7/18/2018)

## § 21-322 Daily census data.

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Adult.** The term "adult" means any person who is 18 years of age or older;

**Adult family.** The term "adult family" means a family comprising adults and no children;

**Child.** The term "child" means a person under 18 years of age;

**Faith bed.** The term "faith-bed" means a facility that provides overnight housing to individuals, are affiliated with one or more religious groups, and receive client referrals through organizations under contract with the department;

**Family with children.** The term "family with children" means a family with at least one adult and at least one child, couples including at least one pregnant woman, single pregnant women, or parents or grandparents with a pregnant individual;

**Safe haven.** The term "safe haven" means a facility operated by the department or a provider under contract or similar agreement with the department that provides low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a department outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barriers to temporary housing;

**Shelter.** The term "shelter" means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department;

**Short-term housing for veterans.** The term "short-term housing for veterans" means a facility that provide short-term housing for people who actively served in the United States military;

**Single adult.** The term "single adult" means an adult without an accompanying adult or child.

b. No later than January 31, 2018, and every weekday, Monday through Friday, thereafter, the department shall post on its website a shelter census report for the prior calendar day immediately preceding such weekday, excluding holidays. Such report shall include but not be limited to the following information regarding individuals in shelter each such calendar day:

1. The total number of individuals, disaggregated by the number of adults and the number of children;
2. The number of single adults, disaggregated by the number of single men and the number of single women;
3. The number of families with children, disaggregated by the number of adults in such families with children, the number of children in such families with children, and the total number of individuals comprising such families with children;
4. The number of adult families in shelter, including the total number of individuals comprising such adult families;
5. The following information on single adults, including but not limited to:
  - (a) The number of individuals in a drop-in center overnight;
  - (b) The number of individuals in faith-beds;
  - (c) The number of individuals utilizing safe havens;
  - (d) The number of individuals in short-term housing for veterans; and
  - (e) The number of individuals in criminal justice short-term housing.

(L.L. 2018/057, 1/19/2018, eff. 1/19/2018)

## § 21-323 Referral of additional services.

a. *Definitions.* For the purposes of this section, the term "shelter" means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

b. The department shall refer any individual who discloses to their case manager, as defined in section 21-314, that while in shelter they have received an opioid antagonist to combat the symptoms consistent with those of an opioid overdose, to appropriate service providers for appropriate additional services.

(L.L. 2018/127, 6/26/2018, eff. 8/25/2018)

## § 21-324 Community involvement.

a. Notwithstanding any other provision of law to the contrary, the department shall establish a process for the notification of new homeless shelters, other than short-term emergency homeless shelters. Such notification shall include elected officials and the community board for the district in which the proposed shelter is to be sited. Such process shall also include sending a notice annually during the first quarter of each calendar year, electronically and physically, to federal, state and local elected officials requesting potential locations for homeless shelters. Such process shall be posted publicly on the agency's website..

b. The process developed by the department under this section shall also include conducting at least one public information session on the siting of any new homeless shelter. The department shall provide notice to the public of such information sessions on its website no later than fourteen days before the date such session is set to occur. Such public information session shall be held in the community district in which such proposed homeless shelter is to be located and shall allow the public to ask questions and submit comments. Such information session shall not be conducted in a manner that delays the siting of the proposed shelter.

(2020 N.Y. Laws Ch. 383, 12/31/2020, eff. 12/31/2021; Am. 2021 N.Y. Laws Ch. 68, 2/16/2021, eff. 12/31/2021)

**Editor's note:** Section 2 of 2020 N.Y. Laws Ch. 383 provides: "This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

## § 21-325 Pet accommodation plan.\*

\* **Editor's note:** there are two sections designated as § 21-325.

a. *Definitions.* For purposes of this section, the following terms have the following meanings:

**Pet.** The term "pet" means a domesticated animal that is in the lawful possession of a person whose primary purpose in possessing such animal is to

keep such animal as a pet.

**Shelter.** The term “shelter” means any form of temporary housing, including emergency housing, provided by the department to homeless individuals or families.

b. No later than 180 days after the effective date of the local law that added this section, the department shall submit to the speaker of the council a plan to accommodate pets of families and individuals experiencing homelessness with the objective that homeless individuals and families that possess pets need not surrender their pets upon entering shelter or forgo shelter to avoid surrendering their pets. Such plan shall:

1. Outline existing rules and regulations that apply to pets in shelter, including all licensing and vaccination requirements;
2. Assess and report on the health and sanitation implications of pets in shelter, as well as the physical plant requirements for facilities that accept pets;
3. Identify existing providers under contract with the department that have locations that will permit homeless individuals and families that possess pets to enter shelter with their pets;
4. Outline steps the department can take to prioritize acquisition of facilities and contracting for services, in each borough to the extent practicable, that will permit homeless individuals and families that possess pets to enter shelter with their pets;
5. Explore temporary arrangements for the care of pets of homeless individuals and families that will promote the return of such pets to the possession of their owners, including arrangements such as animal shelters, as defined in section 17-802, and not-for-profit organizations that provide foster care for such pets;
6. Identify city-provided and other resources available to homeless individuals and families that possess pets, including but not limited to not-for-profit organizations that provide housing that accommodates pets or that arrange foster care placements for pets of homeless persons, and develop an efficient method for consolidating and sharing information about such resources;
7. Outline the steps necessary in order to collect, where practicable, the following information:
  - (a) The average number of homeless individuals and families that possess pets that enter shelter each month, disaggregated by individuals and families and by the type of animal owned; and
  - (b) The amount of funds required to accommodate pets of families and individuals experiencing homelessness in shelter;
8. Identify barriers to the department’s ability to accommodate pets of families and individuals experiencing homelessness in shelter, and potential ways of overcoming such barriers; and
9. In collaboration with the department of social services, outline steps to address the accommodation of pets of individuals and families provided shelter under programs managed by the department of social services, including pets of victims of domestic violence who seek shelter pursuant to section 131-u of the social services law.

(L.L. 2021/096, 9/26/2021, eff. 9/26/2021)

## § 21-325 Security guard and fire guard training.\*

\* **Editor’s note:** there are two sections designated as § 21-325.

a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

**Covered guard.** The term “covered guard” means a security guard or a fire guard.

**Fire guard.** The term “fire guard” means the same as “fire guard” under section 202 of the Fire Code.

**Security guard.** The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

**Security guard training school.** The term “security guard training school” means an entity that has been approved as a security guard training school by the commissioner of the division of criminal justice services or his or her designee pursuant to article 7-A of general business law and is approved to provide a security guard training course or courses.

**Security services.** The term “security services” means the unarmed protection of individuals and/or property from harm or other unlawful activity, as well as prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of shelter residents, staff, or the public.

**Shelter.** The term “shelter” means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

**Shelter operator.** The term “shelter operator” means any entity that enters into a contract with the department to provide shelter.

b. The shelter operator shall ensure that all covered guards employed by or under contract with the shelter operator shall receive 40 hours of training within 120 days of hire. The commissioner shall determine the content of such training, provided that it shall include (i) techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis; (ii) sexual harassment prevention; and (iii) training on best practices for improving interactions between shelter employees and clients of the department. Such trainings shall include techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict, and use trauma-informed theory.

c. The shelter operator shall ensure that each covered guard employed by or under contract with the shelter operator annually completes an eight-hour refresher training of which at least two hours must be techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis.

d. The trainings required under this section shall be in addition to the minimum training required under article 7-A of the general business law. Such trainings must be provided by a security guard training school and by instructors with at least three years of security guard or law enforcement experience via classroom based interactive sessions or, if a declared public health emergency prohibits classroom-based instruction, via synchronous instruction delivered by a live instructor.

e. Every shelter contract shall require the shelter operator to ensure that all covered guards employed by or under contract with the shelter operator receive training in accordance with this section, and shall require that such guards be paid at their regular hourly rate while receiving such training. Such training requirement shall be deemed a material term of such contract.

f. Beginning no later than September 1, 2023, and every September 1 thereafter, shelter operators shall submit to the commissioner a quarterly report regarding the number of covered guards employed by or under contract with the shelter operator who have completed the trainings required under this section. The shelter operator shall provide the department with an annual certification to verify compliance with such training requirements. Such certification shall include:



1. A list of all covered guards and when they were hired,
  2. A list of all covered guards who have completed trainings pursuant to subdivisions b and c;
  3. The security guard training school at which the training was received; and
  4. Curricula of the training received.
- g. The commissioner shall promulgate implementing rules and regulations as appropriate and consistent with this section.
- h. *Application to existing shelter contracts.* The requirements of this section shall apply only to shelter contracts entered into after the effective date of this section, and shall not apply to any existing shelter contract entered into or renewed prior to such date, provided that any shelter contract that is renewed or amended after the effective date of this local law shall be subject to the requirements of this local law for the renewal term of such contract or the portion of the term of such contract following such amendment.

(L.L. 2021/124, 11/7/2021, eff. 5/6/2022)

### **§ 21-326 Resources for client service providers and responses to complaints of gender-based harassment and sexual assault.**

- a. As used in this section, the following terms have the following meanings:

**Complaint.** The term “complaint” has the meaning set forth in subdivision a of section 21-146.

**Contracted client service provider.** The term “contracted client service provider” means a person that has entered into a contract with the department to provide client services.

**Survivor.** The term “survivor” has the meaning set forth in subdivision a of section 21-146.

b. The department shall provide information and resources compiled by the department of social services pursuant to paragraph 1 of subdivision b of section 21-146 to contracted client services providers to support a survivor-centered, culturally relevant and trauma-informed response to complaints of gender-based harassment and sexual assault made by staff or clients.

c. No later than 45 days after the effective date of the local law that added this section, the department shall make available through its website the links to online training resources related to gender-based harassment and sexual assault that that the department of social services included on its website pursuant to subdivision c of section 21-146.

d. No more than 45 days after the effective date of the local law that added this section, the department shall make available to contracted client service providers outreach materials prepared by the department of social services pursuant to subdivision d of section 21-146. The department shall advise such contracted client service providers to distribute such materials to staff and clients, and to post such materials in conspicuous locations that are visible to staff and clients.

(L.L. 2021/102, 9/26/2021, eff. 1/24/2022)

### **§ 21-327 Information regarding the placement of pets.**

- a. *Definitions.* For purposes of this section, the following terms have the following meanings:

**Family.** The term “family” means any two or more people, at least one of whom is 18 years of age or older, who accompany each other upon entering shelter.

**Individual.** The term “individual” means any person who is 18 years of age or older who enters shelter without an accompanying person.

**Pet.** The term “pet” means a domesticated animal that is in the lawful possession of a person whose primary purpose in possessing such animal is to keep such animal as a pet.

**Shelter.** The term “shelter” means housing provided to individuals and families by the department or a provider under contract or similar agreement with the department.

b. No later than January 15, 2022, the department shall post on its website information regarding the placement of pets for families and individuals entering shelter and how to obtain any required paperwork for a pet to be designated as an emotional support animal. Such information must include the locations of the full-service animal shelters described in section 17-803.

c. No later than January 15, 2023 and every three months thereafter, the department shall post on its website and submit to the speaker of the council and the mayor a report that contains the following information:

1. The total number of families and individuals who applied for shelter disaggregated by those who reported that they had a pet; and

2. For each pet reported:

- (a) Type of animal;

- (b) Whether, upon the individual or family entering shelter, the pet was placed with a family member, friend or foster care provider, surrendered to an animal shelter or, in the case of any other placement or disposition of such pet, the details of such placement or disposition;

- (c) Whether the individual or family reported forgoing shelter because they could not find an acceptable placement for their pet and, if so, the number of days such individual or family reported having forgone shelter for that reason;

- (d) Whether the individual or family would have entered shelter with their pet if permitted to do so; and

- (e) Whether the individual or family intended to regain possession of their pet upon obtaining housing that would accommodate their pet.

c. The information reported pursuant to subdivision b of this section shall be disaggregated by the borough in which the individual or family entered shelter. Where foster care providers are identified as placements, the name of any affiliated not-for-profit organization shall be identified. Where surrender to an animal shelter is identified as a placement, the name and location of the animal shelter shall be identified.

d. No later than 120 days after the effective date of the local law that added this section, the department shall develop and use a questionnaire for the purpose of obtaining and reporting the information this section requires.

(L.L. 2021/097, 9/26/2021, eff. 9/26/2021)