The New York City Council

Legislation Details (With Text)

File #:	Res 0160-2010	**Version:**	*	**Name:**	Cluster Sites
Type:	Resolution			**Status:**	Filed
				In control:	Committee on General Welfare
On agenda:	4/14/2010				
Enactment date:				**Enactment #:**	
Title:	Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.				
Sponsors:	G. Oliver Koppell, Gale A. Brewer, Letitia James, Ydanis A. Rodriguez, Deborah L. Rose, Albert Vann				
Indexes:					
Attachments:					

Date	Ver.	Action By	Action	Result
4/14/2010	*	City Council	Introduced by Council	
4/14/2010	*	City Council	Referred to Comm by Council	
12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 160

Resolution calling on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

By Council Members Koppell, Brewer, James, Rodriguez, Rose and Vann

Whereas, Cluster sites are temporary transitional housing units for families located within apartment buildings where lease holding tenants may also be renting out apartments; and

Whereas, On June 30, 2008, the Department of Homeless Services (DHS) had thirteen cluster site locations: three located in Manhattan and ten located in the Bronx; and

Whereas, As of April 2009, DHS cluster sites had grown to seventeen; two located in Manhattan, nine in the Bronx, and six in Brooklyn; and

Whereas, The above numbers demonstrate not only a growing prevalence of cluster sites but also that

DHS is seeking out more locations where it can place the growing number of homeless individuals throughout the City; and

Whereas, While as of January 2010, DHS had brought the number of cluster sites down to eleven, cluster sites remain a concern to communities across the city; and

Whereas, DHS has an open-ended request for proposals for cluster sites, which was recently modified via an addendum; and

Whereas, The addendum, which became effective on January 7, 2010, requires that potential operators both notify and meet with the community board where the cluster site will be located, and subsequently provide proof to DHS that the community board is aware of the request and had the opportunity to provide feedback; and

Whereas, While cluster site numbers slightly decreased recently and the notification requirements were increased for potential operators by the RFP, these requirements fall short of what is necessary; and

Whereas, Under section 41.34 of the Mental Hygiene Law, commonly referred to as the Padavan Law, site selection of community residential facilities requires advance notification to affected community boards before such residential facilities are licensed; and

Whereas, A community residential facility is defined in the Padavan Law as a "[c]ommunity residential facility for the disabled," which means a supportive living facility with four to fourteen residents, or a supervised living facility subject to licensure by the office of mental health or the office of mental retardation and developmental disabilities, which includes residences for up to fourteen mentally disabled persons, including residential treatment facilities for children and youth; and

Whereas, A "sponsoring agency" is defined in the Padavan Law as an agency or unit of government, a voluntary agency or any other person or organization which intends to establish or operate a community residential facility for the disabled; and

Whereas, The Padavan Law allows community boards forty (40) days to either affirm a site for a

community residential facility, recommend alternative sites, or object to the establishment to the facility; and

Whereas, While cluster sites are not required to obtain licenses in order to operate, good reasons exist why such sites ought to be subjected to the Padavan Law; and

Whereas, For example, the fact that homeless individuals are residing at least temporarily in cluster site apartments among lease holding tenants makes it important for proper notice to be provided to the community before the city or DHS enters into a cluster site program with the landlord; and

Whereas, According to DHS's December 2009 monthly report on shelter census numbers, there are 11 units in the smallest cluster site location and at most 348 units in the largest location; and

Whereas, According to DHS's January 2010 monthly report on shelter census, the smallest cluster site location had 17 units and the largest location had 351; and

Whereas, Considering the fact that the number of people in these residences is above and at times significantly beyond the Padavan Law threshold of fourteen, these cluster site facilities should be subjected to the same rules mandated by the above mentioned law; and

Whereas, The Padavan Law is efficacious, insofar as communities and neighborhoods affected are given notification and can provide valuable input into decision-making concerning the sites of residential facilities; and

Whereas, The Padavan Law also gives communities the power to block residential institutions from being created that fail to meet community standards; and

Whereas, In order to avoid an oversaturation of and a significant alteration to, as mentioned in the Padavan Law, "the nature and character of the areas within the municipality" it is imperative that DHS and sponsoring agencies be required to comply with its notification requirements when seeking to locate cluster sites; and

Whereas, In addition to complying with notification laws, landlords seeking contracts to operate transitional housing such as cluster sites with DHS ought not to have any outstanding class C violations written

by Code Enforcement inspectors of the Department of Housing Preservation and Development (HPD); and

Whereas, On March 10th, media reports highlighted that in a cluster site unit located in the Bronx a ceiling infested with water bugs and centipedes came crashing down on a 2-year-old; and

Whereas, This report brings to light the dangers of housing families in units that are not meeting the highest building code standards; and

Whereas, HPD violations are classified as Class A - non-hazardous, Class B - hazardous and Class C - immediately hazardous; and

Whereas, Class C violations are the most severe housing violations and must be corrected within 24 hours; and

Whereas, Class C violations include inoperable sprinklers and the lack of heat and hot water; and

Whereas, When landlords do not correct class C violations HPD will sometimes order emergency repairs and then bill the owner for these repairs; and

Whereas, Generally, when a Class C violation is written, if, in the discretion of the inspector, the condition is such that an immediately hazardous or harmful condition exists, such as an inoperable sprinkler, or a leaning parapet wall, then the inspector will go one step further and write up a form for Emergency Repair upon his or her return to the office; and

Whereas, Upon receipt of the form, Emergency Repair personnel will then send notification to the owner that repairs must be made within 24 hours or the City will do the repair work; and

Whereas, In addition to both notifying the communities regarding cluster site locations and ensuring that landlords have no outstanding class C violations, DHS must also ensure that the landlords have not harassed tenants; and

Whereas, In subchapter 1 of Chapter 2 of Title 27 of the City's Administrative Code, also known as the Housing Maintenance Code, paragraph (48) of subdivision (a) of section 27-2004 defines "Harassment" by an owner as "any act or omission by or on behalf of an owner that causes or is intended to cause a lawful occupant

to vacate an apartment unit or forgo any occupancy rights;" and

Whereas, While the City must provide for homeless families, it should first attempt to house families in locations that are traditional shelters because traditional shelters must undergo the scrutiny of community "fair share" assessments through the New York City Charter; and

Whereas, If cluster sites are the only other location in which the City is able to house homeless families because shelters are at capacity, however, the units should be located in buildings that have safe conditions, and communities should have the opportunity to participate in the process of site selection; and

Whereas, The state should provide the protections afforded to communities under the Padavan Law to those communities where DHS seeks to locate cluster sites because cluster sites are temporary sleeping accommodations that provide a significant amount of on-site support services for residents, and their placement in communities is not subject to the fair share analysis in the City Charter; and

Whereas, Cluster site placement should be subject to the Padavan Law, and before entering into a cluster site contract or an arrangement with landlords, DHS should ensure that landlords neither harass tenants in order to open apartments for the creation of cluster sites nor have outstanding class C violations; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass, and the Governor to sign, legislation: (i) requiring the Department of Homeless Services and sponsoring agencies seeking to operate cluster sites to be subjected to the notification requirements under the Padavan Law; and (ii) creating standards landlords must meet before cluster site projects are awarded and before entering into contracts.

MBT
LS 83
3/25/10
4:16 PM
5 pages