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Int. No. 935

By Council Members Levin, Johnson, Koo and Rodriguez

A Local Law to amend the administrative code of the city of New York, in relation to the division of AIDS services

Be it enacted by the Council as follows:

Section 1. Section 21-126 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

§ 21-126 Division of AIDS services. There shall be a division of AIDS services within the New York city department of social services. Such division shall provide access to benefits and services as defined in section 21-128(a)(1) of this chapter to every person with clinical/symptomatic HIV illness, as determined by the New York state department of health AIDS institute, or with AIDS, as defined by the federal centers for disease control and prevention, who requests assistance, and shall ensure the provision of benefits and services

to eligible persons as defined in section [21-128(a)(3)] 21-128(a)(4) of this chapter with clinical/symptomatic HIV illness or with AIDS.

§ 2. Subdivision g of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

g. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall prepare a draft policy and procedures manual for division staff. Such policy and procedures manual shall include, but not be limited to, strict guidelines on maintaining the confidentiality of the identity of and information relating to all applicants and recipients, instructional materials relating to the medical and psychological needs of persons with clinical/symptomatic HIV illness or with AIDS, application procedures, eligibility standards, mandated time periods for the provision of each benefit and service available to applicants and recipients and advocacy resources available to persons with clinical/symptomatic HIV illness or with AIDS. Such list of advocacy resources shall be updated semi-annually. Within thirty days following the preparation of such draft policy and procedures manual and prior to the preparation of a final policy and procedures manual, the commissioner shall distribute such draft policy and procedure manual to all social service agencies and organizations that contract with the department to provide HIV-related services and to all others whom the commissioner deems appropriate, and hold no fewer than one noticed public hearing at a site accessible to the disabled, at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to comment on such draft policy and procedures manual. The commissioner shall prepare a final policy and procedures manual within thirty days after the conclusion of such hearing and shall thereafter, in consultation with the advisory board established pursuant to subdivision k of this section, review[,] and, where appropriate, revise such policy and procedures manual on an annual basis. Upon any proposed revision, and prior to the finalization of such revision, no fewer than one noticed public hearing shall be held at a site accessible to the disabled at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to

comment on such draft policy and procedures manual. The commissioner shall provide for semi-annual training, using such policy and procedures manual, for all division staff.

§ 3. Subdivision h of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

h. Not later than sixty days from the effective date of the local law that added this section, the commissioner shall publish a proposed rule establishing a bill of rights for persons with clinical/symptomatic HIV illness or with AIDS. Such draft bill of rights shall include, but not be limited to, an explanation of the benefits and services for which persons with clinical/symptomatic HIV illness or with AIDS may be eligible; timetables within which such benefits and services shall be provided to eligible persons; an explanation of an applicant's and recipient's right to examine his or her file and the procedure for disputing any information contained therein; an explanation of an applicant's and recipient's right to a home or hospital visit for the purpose of applying for or maintaining benefits or services; an explanation of the process for requesting a division conference or New York state fair hearing; and a summary of the rights and remedies for the redress of discrimination as provided for in title eight of this code. Within sixty days following the publication of such proposed rule, and prior to the publication of a final rule, or upon any proposed revision of such rule, and prior to the publication of such revision, the commissioner shall hold no fewer than one noticed public hearing at a site accessible to the disabled at which advocates, service providers, persons who have tested positive for HIV, and any other member of the public shall be given an opportunity to comment on such draft bill of rights. The commissioner shall publish a final rule within thirty days after the conclusion of such hearing and shall thereafter, in consultation with the advisory board established pursuant to subdivision k of this section, review [.] and, where appropriate, revise such bill of rights on an annual basis. Such bill of rights shall be conspicuously posted in all division offices that are open to the public, posted on the department's website, and provided to clients upon their first meeting with a caseworker and annually or upon any revision. Caseworkers shall review the provisions of such bill of rights with clients upon such first meeting and at any time a client

requests. Such bill of rights [and] shall be available [for distribution to the public] in English, Spanish and any other languages that the commissioner deems appropriate.

§ 4. Subdivision j of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 32 of 2005, is amended to read as follows:

j. The commissioner shall submit [written, quarterly reports] to the mayor and the council and post on the department's website, in a machine readable format, quarterly reports that shall, at a minimum, provide the following information:

1. The number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits or services set forth in subdivision b of this section or any other benefits or services provided by the division.

2. The processing time for applications for benefits or services, disaggregated by field office, type of benefit and individual versus family case, specified as follows:

(i) for non-emergency applications for food stamps, medicaid and public assistance benefits, including separate determinations of eligibility for medicaid or food stamps:

(1) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from the completed application to denial of the application.

(ii) for immediate needs grants and expedited food stamps:

(1) the number of days from the request date to the date of issuance of a grant; and

(2) in cases of denial, the number of days from the request date to the date of denial.

(iii) for all other non-emergency benefits or services provided by or through any division center or office, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) (a) the number of days from initial request to completed application; and

(b) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from completed application to denial of the application.

(iv) for all other benefits or services provided on an emergency basis, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

- (1) the number of days from initial request to completed application;
- (2) the number of days from completed application to approval or denial of the application; and
- (3) the number of days from approval of an application to the provision of the benefit or service.

(v) for applications for non-emergency housing:

- (1) the number of days from a request for housing to completed application;
- (2) the number of days from completed application to approval or denial of the application;
- (3) the number of days from approval of an application to the date on which the client takes occupancy of non-emergency housing; and

(4) with respect to applications that are approved, the number of days from completed application to the date on which the client takes occupancy of non-emergency housing.

3. The number of division staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, disaggregated by field office and family versus overall cases; the number of cases at each field office, disaggregated by family versus overall cases; and the ratio of case managers and supervisors to clients at each field office, disaggregated by family versus overall cases.

4. The number of cases closed, disaggregated by the reasons for closure.

5. The number of closed cases that were re-opened, the length of time required to re-open such closed cases, starting from the date on which the case was closed, and the total number of cases closed in error and the length of time required to reopen such closed cases, starting from the date on which the case was closed, disaggregated by field office and reported in the following categories: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 60 days; 61 to 75 days; 76 to 90 days; and more than 91 days.

6. The number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the length of time for compliance with such fair hearing decisions, disaggregated

by decisions where there was compliance within 30 days of the decision date and decisions where there was compliance after 30 days of the decision date[;].

7. The number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients[;].

8. The number of clients in emergency housing and the average length of stay, disaggregated on a monthly basis[;].

9. The number of facilities used to provide emergency shelter for clients and the number of units per facility, disaggregated by the type of facility[;].

10. The number of facilities used to provide emergency shelter placed on non-referral status for each month in the reporting period and the number of facilities placed on non-referral status that remedied the situation that led to non-referral status.

11. The number of facilities used to provide emergency shelter placed on discontinuance of use status and the number of facilities placed on discontinuance of use status that remedied the situation that led to discontinuance of use status.

12. The number of requests for emergency housing assistance, the number of persons referred to the department of homeless services; the number of persons referred to commercial single room occupancy hotels, the average length of stay in commercial single room occupancy hotels, the number of applications for non-emergency housing each month; and the number of persons placed in non-emergency housing each month.

13. The number of emergency housing facilities inspected and the number of inspections of emergency housing conducted by the division.

14. Quarterly reports required by this subdivision shall be delivered no later than 60 days after the last day of the time period covered by the report. The first quarterly report required by this subdivision shall be delivered no later than August 31, 2005.

§ 5. Subdivision k of section 21-128 of chapter 1 of title 21 of the administrative code of the city of New York, as last amended by local law 49 of 1997, is amended to read as follows:

k. There shall be an advisory board to advise the commissioner on the provision of benefits and services and access to benefits and services to persons with clinical/symptomatic HIV illness or with AIDS as required by this section. This advisory board shall consist of eleven members to be appointed for two-year terms as follows: five members, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the speaker of the council and six members, including the chairperson of the advisory board, at least three of whom shall be eligible for benefits and services pursuant to this section, who shall be appointed by the mayor. The advisory board shall meet at least quarterly at the call of the chairperson, or upon the call of at least five members and members shall serve without compensation. Such advisory board [may] shall formulate an annual report and recommend to the commissioner [a policy or procedure] policies or procedures for overseeing, [and] monitoring, and improving the delivery of services to persons with clinical/symptomatic HIV illness or with AIDS which may include quality assurance measurements. Such advisory board shall submit [such recommended policy or procedure] such report to the mayor and the council upon submission to the commissioner, who shall post such report on the department's website.

§ 6. This local law takes effect immediately.

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