

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1995**

No. 75

Introduced by Council Members DiBrienza, Clarke, Duane, Freed, Henry, Koslowitz, Linares and Watkins; also Council Members Cruz, Eisland, Michels and Ruiz .

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to the department of homeless services and coordination by such department with the department of social services.

Be it enacted by the Council as follows:

Section 1. Chapter 24-A of the New York city charter, as added by local law number 51 for the year 1993, is hereby amended to read as follows:

CHAPTER 24-A

DEPARTMENT OF HOMELESS SERVICES

§610. Department; commissioner. There shall be a department of homeless services the head of which shall be the commissioner of homeless services.

§611. Deputies. The commissioner shall appoint at least one deputy.

§612. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this chapter. In the performance of his or her functions, the commissioner shall:

1. be responsible for transitional housing and services provided by the city for eligible homeless families and individuals. The commissioner shall encourage the participation of and receive proposals from the public and private sectors for the development of transitional housing and services for homeless families and individuals. In performing such duties, the commissioner may develop and issue requests for such proposals and evaluate responses thereto, negotiate, award, enter into and administer contracts, loans or other agreements, award and administer grants, and obtain all necessary approvals. For-profit and not-for-profit entities shall be eligible to submit proposals, bid on contracts and other agreements, and apply for grants and loans;

2. [plan and implement a redesign and restructuring of] *develop, maintain and, where necessary, strengthen* the system for the provision of transitional housing and services for homeless families and individuals;

3. in consultation with other appropriate governmental agencies, plan housing for homeless families and individuals;

[4. develop programs designed to improve access of homeless families and individuals to existing housing;

5.] 4. maintain, repair and rehabilitate transitional housing owned, operated or managed by the department;

[6.] 5. establish performance criteria, goals and objectives with respect to contract providers and monitor and evaluate such performance; [and]

6. *participate in the development of prevention programs to assist families and individuals who are in imminent danger of becoming homeless; and*

7. *in consultation with other appropriate governmental agencies, develop and operate outreach programs to identify and assist families and individuals who are homeless and living in public spaces [and participate in the development of prevention programs to assist families and individuals who are in imminent danger of becoming homeless]. Notwithstanding any outreach programs developed or operated by other city agencies, and outreach programs developed or operated by any entity pursuant to a contract with the department, the commissioner shall retain a substantial outreach workforce within the department's full-time staff. Beginning on October 1, 1995 and on the first day of each succeeding calendar quarter thereafter, the commissioner shall report to the speaker of the city council in writing on the outreach programs operated by the department, by other city agencies or by entities contracting with the department. Such report shall include, but not be limited to, the number of contacts during the reporting period, the number of placements in transitional housing resulting from such contacts during the reporting period and the number of referrals of persons so contacted to programs or services during the reporting period.*

b. In addition to the duties set forth in subdivision a of this section, the commissioner is authorized, in consultation with appropriate agencies, to provide any other services he or she deems necessary to implement and effectuate the provisions of this chapter.

§613. Transitional housing inventory. Beginning on May 1, 1996, and on May first of each succeeding year thereafter, the commissioner shall report to the speaker of the city council in writing on the transitional housing maintained by the department and such transitional housing operated by any entity pursuant to a contract with the department. Such report shall include, but not be limited to , the percentage and types of transitional housing disaggregated by the borough in which they are located.

§614. Permanent housing needs; annual report. Beginning on May 1, 1996, and on May first of each succeeding year thereafter, the commissioner shall report annually to the speaker of the city council in writing on the permanent housing projected to be needed to house homeless families and individuals expected to be housed within the system for the provision of transitional housing and services during the fiscal year to begin on each July first thereafter. Such annual report shall include, but not be limited to , the sources, including, but not being limited to, the department of housing preservation and development and the New York city housing authority, and the number of permanent housing units to be provided by each such source, from which the commissioner projects to meet the permanent housing identified in such report as needed during such fiscal year.

§2. Title 21-A of the administrative code of the city of New York, as added by local law number 51 for the year 1993, is hereby renumbered as chapter 3 of title 21 of such code and is amended to read as follows:

[TITLE 21-A] CHAPTER 3
DEPARTMENT OF HOMELESS SERVICES

§21-301 Definitions. Whenever used in this [title] *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.

§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 [human resources administration] *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 [human resources administration] *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 Homeless services advisory board. There shall be an advisory board to advise the commissioner on the provision of transitional housing and services for reliable homeless persons. This advisory board shall consist of eleven members to be appointed for two-year terms as follows: five members appointed by the speaker of the city council and six, including the chairperson of the advisory board, by the mayor. The members of the advisory board shall include one or more members who are or were, within the immediate past twenty-four months, homeless. The members of the advisory board shall serve without compensation.

§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 [human resources administration] *department of social services*, the department of homeless services, the department of housing preservation and development, the department of employment and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor or 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.

b. The interagency coordinating council shall:

1. Not later than October 1, [1994] 1995 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 duplication and 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 shall have been 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.

§21-308. Five-year plan to relieve homelessness. 1. [Not later than nine months after the effective date of the local law that amended this section, the]*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 [in each of the five years].

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 [for each of the five years].

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. [Beginning in 1994, the]*The* Five-Year Plan shall be review 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. [Each such annual update of the Five-Year Plan shall also include, but not be limited to, the number of applicants for transitional housing, the number and types of transitional housing placements of eligible homeless persons that were made, the number and types of social services provided to applicants for transitional housing, the number and types of permanent housing placements of eligible homeless persons made by borough, and the locations of all transitional housing units used during the reporting period.] *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.*

[3. a. Not later than June 1, 1995, the commissioner shall eliminate for the purpose of providing transitional housing for homeless families with children the department's use of:

(i) any privately owned hotel with a total of more than 100 units which is operated by the owner or another person for profit; and

(ii) 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, a refrigerator, cooking facilities 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 subdivision, "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. In eliminating the use of such hotel units pursuant to paragraph a of this subdivision, the commissioner shall comply with the following timetable: (i) eliminate on or before March 1, 1994 the use of not less than 150 of the units in use on June 8, 1993 for the purpose of providing transitional housing for homeless families with children which are not in compliance with all of the requirements set forth in paragraph a of this subdivision; (ii) eliminate on or before June 1, 1994 the use of an additional 140 such units; and (iii) eliminate on or before June 1, 1995 the use of all remaining units used for purpose of providing transitional housing for homeless families with children which are not in compliance with all of the requirements set forth in paragraph a of this subdivision; provided that during the period from June 1, 1994 through June 1, 1995 the commissioner may continue to use only the following units to house homeless families with children: (A) units which comply with all the requirements set forth in paragraph a of this subdivision, or (B) units which comply with all of the requirements of paragraph a of this subdivision except the requirement set forth in subparagraph (i) of such paragraph and the requirement of individualized cooking facilities set forth in subparagraph (ii) of such paragraph; and provided further that on and after June 1, 1994 the commissioner shall not house homeless families with children in units the use of which was eliminated in compliance with this paragraph.

c. After June 8, 1993, the commissioner shall not use any units in a privately owned hotel operated by the owner or another person for profit for the purpose of providing transitional housing for homeless families with children which (i) do not comply with all of the requirements set forth in paragraph a of this subdivision and (ii) were not in use for such purpose on such date.

d. In the event that other housing is unavailable and referral to a unit in a privately owned hotel operated by the owner or another person for profit which does not comply with all of the requirements set forth in paragraph a of this subdivision is necessary to meet orders of the courts or federal, state or other legal mandates, nothing in this subdivision shall be construed to preclude the commissioner, or the commissioner of any successor agency, from using any such unit to provide transitional housing for homeless families with children as long as such unit does not pose a danger to health and safety and (i) an emergency such as a flood, earthquake or fire, or a medical emergency as certified by the commissioner of health, has rendered existing shelters or other facilities unsuitable for use to house homeless families with children (ii) an unanticipated emergency occurs. Any use of a privately owned hotel operated by the owner or another person for profit under any one of such circumstances shall be limited to a period of no more than sixty consecutive days. No homeless families with children shall be housed pursuant to this paragraph for a period of more than sixty days in a unit which does not comply with all of the requirements set forth in paragraph a of this subdivision. In the event a referral is made to any hotel the use of which was to have been eliminated pursuant to this

subdivision, the commissioner shall provide written notification of the referral to the speaker of the council within twenty-four hours of such referral and the reasons therefor, and shall, on a weekly basis during such time any such hotel unit is used for emergency housing, provide the speaker with a written census report indicating the number of homeless families with children housed pursuant to this paragraph. The commissioner shall provide timely written notice to affected families with children of the provisions of this paragraph. Notwithstanding any other provision of this subdivision, 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 or federal or state law, rules, regulations, or other federal or state mandates.]

§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.

§[21-309] 21-310 Compilation of data on homeless veterans. 1. In addition to any other which it may deem relevant, the department shall compile data on each person using the homeless shelters of New York [City] city which shall include the 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;
- f. whether the veteran is receiving a veteran's 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 contract 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.*

§3. Title 21 of such code is hereby amended by adding sections 21-124 and 21-125 to respectively read as follows:

§21-124 Homeless diversion teams. *The commissioner shall fully staff "homeless diversion teams" at each income support center and emergency assistance unit except those that exclusively service individuals. Such homeless diversion teams shall screen families who present themselves as being homeless and in need of transitional housing in an effort to assist those who can to return to former housing situations. Beginning on October 1, 1995 and on the first day of each succeeding calendar quarter thereafter, the commissioner shall report to the speaker of the city council in writing on the homeless diversion teams including, but not limited to, the following information aggregated on a quarterly and fiscal year annualized basis;*

- a. *the number of clients interviewed;*
- b. *the number of clients diverted, how and to where diverted; and*
- c. *the number of clients who presented themselves as homeless during the reporting period subsequent to a diversion and the number of days since such initial diversion.*

§21-125 Computer linkages to any emergency assistance unit and assessment center. For the purpose of facilitating the provision and coordination of benefits to homeless individuals and families, the commissioner shall provide computer linkages, and personnel where necessary to access such linkages, at any emergency assistance unit and assessment center as may be operated by, or under contract with, the department of homeless services.

§4. This local law shall be effective immediately and shall be deemed in full force and effect on September 6, 1995; provided, however, that section 21-125 of the administrative code of the city of New York as added by section three of this local law and the department of homeless services as established by chapter 24-A of the New York city charter and chapter 3 of title 21 of the administrative code of the city of New York as amended by sections one and two of this local law shall expire on July 1, 1998 and the functions, powers and duties of the department of homeless services set forth in chapter 24-A of the New York city charter and chapter 3 of title 21 of the administrative code of the city of New York as amended by sections one and two of this local law, including section 21-309 prohibiting referrals to non-compliant hotel units, shall devolve upon the department of social services; provided, however, that if the commissioner of the department of homeless services fails to eliminate the use of all non-compliant hotel units for the purposes of housing homeless families with children by September 30, 1996, then section 21-125 of the administrative code of the city of New York as added by section three of this local law and the department of homeless services as established by chapter 24-A of the New York city charter and chapter 3 of title 21 of the administrative code of the city of New York as amended by sections one and two of this local law shall expire on October 1, 1996 and the functions, powers and duties of the department of homeless services set forth in chapter 24-A of the New York city charter and chapter three of title 21 of the administrative code of the city of New York as amended by sections one and two of this local law, including section 21-309 prohibiting referrals to non-compliant hotel units, shall devolve upon the department of social services. Notwithstanding the foregoing requirement to eliminate the use of all non-compliant hotel units for the purposes of housing homeless families with children by September 30, 1996, if such use is necessary to comply with a court order as authorized pursuant to section 21-309 of the administrative code of the city of New York as added by this local law, then section 21-125 of the administrative code of the city of New York as added by section three of this local law and the department of homeless services as established by chapter 24-A of the New York city charter and chapter 3 of title 21 of the administrative code of the city of New York as amended by sections one and two of this local law shall not expire on October 1, 1996.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of the City of New York, passed by the Council on September 6, 1995, and approved by the Mayor on September 22, 1995.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 75 of 1995, Council Int. No. 587-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on September 6, 1995: 33 for, 13 against, 1 not voting.

Was approved by the Mayor on September 21, 1995.

Was returned to the City Clerk on September 21, 1995.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel