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THE COUNCIL

REPORT OF THE COMMITTEE ON GENERAL WELFARE

December 17, 1998

PRECONSIDERED INT.:

By: Council Member DiBrienza

TITLE:

To amend the administrative code of the city of New, in relation to creating population limits for shelters for adults.

**ADMINISTRATIVE CODE
AND LOCAL LAW:**

Amends subdivision b of section 21-139 of the administrative code of the city of New York.

ANALYSIS AND BACKGROUND:

Pursuant to Int. No. 407-A¹, Chapter 1 of Title 21 of the Administrative Code of the City of New York added a new section 21-139(b), which provides:

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 shelter the number of persons specified on the shelter's operating certificate as of that date as long as such shelter is operating in compliance with applicable statutes, laws, rules and regulations.

1 Int. No. 407-A was enacted by the Council on November 17, 1998. On December 7, 1998 it was vetoed by the

In accordance with §21-139(b), any shelter with a census of greater than 200 persons on June 1, 1998 is authorized to continue to shelter the number of persons specified on its operating certificate on June 1, 1998. As all of the larger shelters except one in Brooklyn² had 200 residents on June 1 and the Council believes that all had operating certificates on that date allowing for a large number of homeless persons, this scheme would have allowed the shelters to continue housing the same number of homeless persons that they had been allowed to house previously. However, the Administration claimed that six of the large shelters did not in fact have operating certificates on June 1, 1998, so the City would have to reduce the census at those shelters to 200 persons and relocate approximately 1,800 homeless persons. The Mayor further claimed that by reducing the number of people at those six shelters, the City would need to open up to 25 new shelters to house those who would have to be relocated. Because this was not the intent of Int. No. 407-A, and despite the belief that this was not the effect of Int. No. 407-A, this Preconsidered Int. was introduced by Council Member DiBrienza in order to avoid any misunderstanding by others based on misrepresentations by the Mayor that Int. No. 407-A would require the City to reduce the census of its shelters and open new shelters for single adults throughout the City.

This Preconsidered Int. would amend §21-139(b) to read:

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

Mayor and on December 17, 1998 it was overridden by the City Council and took effect on that date.

2 One of the homeless shelters at the Kingsboro Psychiatric Center had less than 200 residents on June 1, 1998.

construed to required 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.

By amending §21-139(b) to allow existing homeless shelters with more than 200 residents on June 1, 1998 to 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" the cap would not be based on the shelters' operating certificates but on the highest number allowed by the State. While Int. No. 407-A would not have required any homeless shelters to reduce their census, this Preconsidered Int. would affirmatively restate both the intent and the effect of Int. No. 407-A.

UPDATE:

On December 17, 1998 the General Welfare Committee of the New York City Council passed this Preconsidered Int. with a vote of eight in the affirmative, none in the negative and no abstentions.