

THE COUNCIL

The City of New York

Int. No. 317-A

May 21, 1998

Introduced by Council Members DiBrienza, Clarke, Henry, Linares, Lopez, Perkins, Reed, Watkins, Eldridge, Malave-Dilan and Cruz; also Council Members Foster, Marshall and Michels—read and referred to the Committee on General Welfare.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to making the department of homeless services a permanent agency, creating population limits and reporting requirements for shelters for adults, providing beds for those seeking assistance at the emergency assistance unit, mandating case management services and using officers or employees of the city.

Be it enacted by the Council as follows:

1 Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is
2 amended by adding new sections 21-312, 21-313, 21-314 and 21-315 to read as follows:

3 § 21-312 *Shelters for adults. a. Definitions.*

4 1. "Census" shall mean the actual number of persons receiving a shelter at a shel-
5 ter for adults.

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

9 b. No shelter for adults shall be operated with a census of more than two hundred
10 persons. Notwithstanding such prohibition, any shelter with a census of greater than two
11 hundred persons on June first, nineteen hundred ninety-eight may continue to shelter the
12 number of persons specified on the shelter's operation certificate as of that date as long
13 as such shelter is operating in compliance with applicable statutes, laws, rules and regu-

1 lations.

2 c. Notwithstanding the provisions of subdivision b of this section, homeless single
3 adult shelters may provide short-term emergency shelter to persons in excess of the certi-
4 fied capacity only when the conditions set forth in subdivision h of section 491.4 of title
5 18 of the official compilation of the codes, rules and regulations of the state of New York
6 are met, and in no event for more than thirty days in any calendar year. Whenever a shel-
7 ter for adults operates above its certified capacity, the speaker of the council shall be
8 notified in writing within three business days.

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

13 e. The commissioner shall submit to the speaker of the council quarterly reports
14 summarizing the health, sanitation, safety and fire protection-related deficiencies identi-
15 fied in any inspection of a shelter for adults conducted by any state agency, including but
16 not limited to the office of temporary and disability assistance, the office of children and
17 family services, and the New York state department of health; the New York city fire
18 department; the New York city department of health, the New York city department of
19 homeless services; the New York city department of buildings, and any other agency or
20 organization, or identified by any court. The first such report shall be due ten business
21 days following the calendar quarter ending September thirtieth, nineteen hundred and
22 ninety-eight and all subsequent reports shall be due ten business days following the last
23 day of each succeeding calendar quarter. Such quarterly reports shall include, but not be
24 limited to, the following:

25 1. a list of all deficiencies identified by inspecting agencies and organizations or by

1 a court during the quarter which have not yet been brought into compliance with appli-
2 cable statutes, laws, rules and regulations and a schedule for compliance;

3 2. a list of all deficiencies identified by the fire department in three or more con-
4 secutive inspections which have not yet been brought into compliance with applicable
5 statutes, laws, rules and regulations;

6 3. the date on which deficiencies previously reported to the speaker of the council
7 were brought into compliance and a summary of the actions taken to achieve compli-
8 ance;

9 4. a copy of all court orders regarding health, sanitation, safety and fire protec-
10 tion-related deficiencies issued during the quarter; and

11 5. a copy of all corrective action plans, and amendments thereto, regarding health,
12 sanitation, safety and fire protection-related deficiencies filed with any court during the
13 quarter.

14 § 21-313 The emergency assistance unit. Any intake facility at which families with
15 children seeking shelter remain overnight, shall, at a minimum, provide each such fami-
16 ly with a private, self-contained, lockable sleeping room, in which each family member
17 is provided with a bed, or a crib where appropriate.

18 § 21-314 Case management services. The commissioner shall provide case man-
19 agement services to all persons assigned to stay at department of homeless services
20 facilities or the facilities of organizations contracting with the department of homeless
21 services who are either waiting for the department of homeless services to determine
22 their eligibility for shelter or are receiving such shelter. Such case management services
23 shall include, but not be limited to, assistance obtaining (a) medical treatment, (b) fed-
24 eral, state and local government benefits and documents issued by such government
25 entities, including, but not limited to, birth certificates, marriage licenses, and housing

1 *records, and (c) food, medicine and other necessary supplies; and shall address issues*
2 *such as domestic violence, child abuse and mental illness, when needed.*

3 *§ 21-315 Use of officers or employees of the city. a. Whenever the department of*
4 *homeless services directly operates an adult or family shelter, the commissioner shall*
5 *use officers or employees of the city in the classified municipal services to provide all*
6 *services, to the extent consistent with existing statutes, laws, regulations and rules;*
7 *except that the department of homeless services may continue to provide a service*
8 *through the use of a private contractor where such service was provided by a private*
9 *contractor on the effective date of this section.*

10 *b. The commissioner shall employ a sufficient number of officers or employees of*
11 *the city in the classified municipal services to ensure the timely processing by the*
12 *department of federal and state funding claims, to address compliance requirements on*
13 *behalf of the department and to assist families receiving shelter in applying for perma-*
14 *nent housing.*

15 *§ 2. Nothing contained in this local law shall affect or impair the rights or privi-*
16 *leges of officers or employees of the city or of any agency existing at the time when this*
17 *local law takes effect, or any provision of law in force at the time when this local law*
18 *takes effect and not inconsistent with the provisions of this local law, in relation to the*
19 *personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension*
20 *and retirement rights, civil rights or any other rights or privileges of officers or employ-*
21 *ees of the city generally or officers or employees of any agency.*

22 *§ 3. Officers and employees in the classified municipal services who are trans-*
23 *ferred to the department of homeless services pursuant to local law 51 for the year 1993*
24 *shall be transferred without examination and without affecting existing compensation or*
25 *pension or retirement rights, or other privileges or obligations of such officers and*

1 employees.

2 § 4. It is the intent of this local law to protect those rights enumerated in sections
3 two and three as they apply to officers and employees of the classified municipal ser-
4 vices of the department of homeless services who were transferred to the department of
5 homeless services during the initial staffing period, as defined in an addendum to the
6 memorandum of agreement dated June 15, 1994 between the city of New York and dis-
7 trict council 37, AFSCME, AFL-CIO. Such employees shall have the right to exercise
8 contractual transfer procedures; the right in case of layoff from the department of home-
9 less services to be returned to the human resources administration without loss in bene-
10 fits; the right in case of the restructuring or abolition of the department of homeless
11 services to be returned to the human resources administration without loss in benefits;
12 and the right that service in either the human resources administration or the department
13 of homeless services shall be deemed as service in the other agency.

14 § 5. Section 4 of local law number 75 for the year 1995 is amended to read as
15 follows:

16 a. This local law shall be effective immediately and shall be deemed in full force
17 and effect on September 6, 1995[]; provided, however, that section 21-125 of the admin-
18 istrative code of the city of New York as added by section three of this local law and the
19 department of homeless services as established by chapter 24-A of the New York city
20 charter and chapter 3 of title 21 of the administrative code of the city of New York as
21 amended by sections one and two of this local law shall expire on July 1, 1998 and the
22 functions, powers and duties of the department of homeless services set forth in chapter
23 24-A of the New York city charter and chapter 3 of title 21 of the administrative code of
24 the city of New York as amended by sections one and two of this local law, including
25 section 21-309 prohibiting referrals to non-compliant hotel units, shall devolve upon the

1 department of social services; provided, however, that if the commissioner of the depart-
2 ment of homeless services fails to eliminate the use of all non-compliant hotel units for
3 the purposes of housing homeless families with children by September 30, 1996, then
4 section 21-125 of the administrative code of the city of New York as added by section 3
5 of this local law and the department of homeless services as established by chapter 24-A
6 of the New York city charter and chapter 3 of title 21 of the administrative code of the
7 city of New York as amended by sections one and two of this local law shall expire on
8 October 1, 1996 and the functions, powers and duties of the department of homeless ser-
9 vices set forth in chapter 24-A of the New York city charter and chapter three of title 21
10 of the administrative code of the city of New York as amended by section one and two
11 of this local law, including section 21-309 prohibiting referrals to non-compliant hotel
12 units, shall devolve upon the department of social services. Notwithstanding the forego-
13 ing requirement to eliminate the use of all non-compliant hotel units for the purposes of
14 housing homeless families with children by September 30, 1996, if such use is necessary
15 to comply with a court order as authorized pursuant to section 21-309 of the administra-
16 tive code of the city of New York as added by this local law, then section 21-125 of the
17 administrative code of the city of New York as added by section three of this local law
18 and the department of homeless services as established by chapter 24-A of the New
19 York city charter and chapter 3 of title 21 of the administrative code of the city of New
20 York as amended by sections one and two of this local law shall not expire on October
21 1, 1996].

22 § 6. Section 21-124 of the administrative code of the city of New York, as added
23 by local law number 75 for the year 1995, is renumbered as section 21-124.1.

24 § 7. If any provision of this local law or application thereof is adjudged by a court
25 of competent jurisdiction to be invalid, such judgment shall not affect, impair or invali-

1 date the remainder thereof, and the remainder of this local law and application thereof to
2 other persons or circumstances shall not be affected by such holding and shall remain in
3 full force and effect.

4 § 8. This local law shall take effect immediately, except that, if this local law is
5 enacted subsequent to June 30, 1998 it shall be deemed to have been in full force and
6 effect on such date.

Note: Matter in *italics* is new; matter in brackets [] to be omitted.

