

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 143

Introduced by Council Members Levin, Ampry-Samuel, Salamanca, Gibson, Yeger, Rodriguez, Vallone, Maisel, Menchaca, Moya, Adams, Rivera, Reynoso, Dromm, Koo, Ayala, Rose, Holden, Gennaro, Riley, Lander, Rosenthal, Powers, D. Diaz, Treyger, Barron, R. Diaz Sr., Kallos, Grodenchik and Louis.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to providing written notice for shelter transfers

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-325 to read as follows:

§ 21-325 Notification and documentation for shelter transfers. a. Definitions. For the purposes of this section the following terms have the following meanings:

Adult. The term “adult” means any person who is 18 years of age or older.

Adult family. The term “adult family” means a family comprising adults and no children.

Emergency transfer. The term “emergency transfer” means a transfer conducted pursuant to subdivision b of section 491.15 or paragraph 5 of subdivision b of section 900.15 of title 18 of the New York codes, rules, and regulations that the department or a provider under contract or similar agreement with the department determines must be carried out immediately to protect against an imminent risk to the health and safety of clients and staff.

Family with children. The term “family with children” means a family as defined by section 900.2 of title 18 of the New York codes, rules, and regulations.

Non-emergency transfer. The term “non-emergency transfer” means any transfer conducted pursuant to subdivision b of section 491.15 or paragraph 5 of subdivision b of section 900.15 of title 18 of the New York codes, rules, and regulations that is not an emergency transfer.

Shelter. The term “shelter” means temporary housing assistance provided to homeless single adults, adult families, and families with children by the department or a provider under contract or similar agreement with the department.

b. Not less than 48 hours prior to a non-emergency transfer, other than transfers requested by the client themselves or their representative, clients being transferred to another shelter or related facility must be provided notice of their transfer including written notification and where applicable, materials for persons with visual disabilities. Such notice must be provided during usual business hours and be made available in the client’s primary language, provided that such primary language is a covered language defined in section 21-190.

c. The notice shall include, at a minimum, the client’s name; information on how someone can request a reasonable accommodation; the name and address of the shelter the client is being transferred from; the name and address of the shelter the client is being transferred to; a specific reason or reasons for the transfer; relevant staff contact information at the shelter the client is being transferred from; a statement informing the client that case information including any current or pending housing vouchers they have been deemed eligible for, completed supportive housing applications, apartment referrals to the department of housing preservation and development, and other relevant information as part of their independent living plan and any

reasonable accommodations on file shall made available at the shelter they will be transferred to by a shelter case manager. The notice shall additionally include language explaining the right to receive a copy of any documents from the individual's case record and how the client can obtain a copy of such documents and information; information on how the client can apply for mail forwarding services to a new address; information about how the client can access storage for their belongings; and information about how the client can request a fair hearing with the New York state office of temporary and disability assistance if they wish to contest the adequacy of their shelter placement or any other opportunity afforded to clients by an agency or staff to review the transfer.

d. For emergency transfers, affected clients must be provided with, at a minimum, written notice of the transfer that includes the client's name, that the transfer is of an emergency nature and that additional documentation regarding the transfer will be provided to the client. Affected clients must also be provided with written documentation of the transfer in compliance with subdivision c of this section, where practicable, no later than 48 hours after the emergency transfer.

e. Any requirements set forth in this section shall be implemented in compliance with section 491.15 or section 900.15 of title 18 of the New York codes, rules and regulations or any successive provisions in the New York codes, rules and regulations.

f. Reporting. On or before August 15, 2023 and annually thereafter, the department shall submit a report to the speaker of the council and publish on its website the number of emergency transfers made in the previous fiscal year disaggregated by shelter type and the reason for the transfer as documented in the Client Assistance and Rehousing Enterprise System, and the number

of non-emergency transfers made in the previous fiscal year disaggregated by shelter type and the reason for the transfer as documented in the Client Assistance and Rehousing Enterprise System.

g. Shelter Capacity. The department shall secure and maintain shelter system capacity necessary to comply with subdivision b and subdivision d of this section.

§ 2. This local law takes effect 180 days after it becomes law.

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 November 10, 2021 and returned unsigned by the Mayor on December 13, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 143 of 2021, Council Int. No. 1233-A of 2018) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.