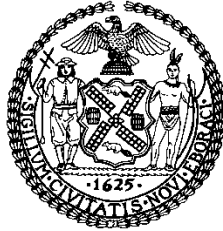


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THE COUNCIL

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION

Robert Newman, Legislative Director

COMMITTEE ON HEALTH

Hon. Maria del Carmen Arroyo, Chair

January 31, 2012

Proposed Int. No. 753-A:

By Council Members Palma, Brewer, Cabrera, Chin, Comrie Jr., Crowley, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Vacca, Williams, Wills, Gonzalez, Vann, Rodriguez, Eugene, Rose, Arroyo, Recchia, Van Bramer, Jackson, Ferreras and Lappin

TITLE:

A Local Law to amend the administrative code of the city of New York and local law number 63 for the year 2005, relating to tracking and reporting by the department of health and mental hygiene, in relation to requiring such department to track and report deaths of homeless persons in the city of New York.

INTRODUCTION

On January 31, 2012, the Committee on Health, chaired by Council Member Maria del Carmen Arroyo, will vote on Proposed Int. No. 753-A, a local law to amend the administrative code of the City of New York, in relation to requiring the Department of Health and Mental Hygiene to track and report deaths of homeless persons in the City of New York. A hearing was previously held on this legislation on January 24, 2012, in conjunction with the Committee on General Welfare. Representatives from the New York City Department of Health and Mental Hygiene (“DOHMH”), the Department of Homeless Services (“DHS”) and advocates testified. Amendments were made to the legislation after the hearing.

Background on Local Law 63 of 2005

Pursuant to Local Law 63 of 2005, DOHMH, DHS, the Department of Housing Preservation and Development (“HPD”), the Human Resources Administration (“HRA”), and the Office of the Chief Medical Examiner (“OCME”) must provide quarterly reports to the Council that summarize the occurrence of homeless deaths in New York City. At the time that Local Law 63 was enacted, no City agency tracked the number or causes of death among the homeless population.¹ Immediately prior to the bill’s introduction, the number of homeless people staying in shelters had reached a record high.² The law was intended to assist

¹ New York City Council Committee Report of the Health and General Welfare Committees, Feb 12, 2004, pg. 3. available <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=441346&GUID=3C319FE5-E2E8-464A-AA9F-B5206110FDEB&Options=Advanced&Search=>.

² Local Law 63 of 2005, Legislative Findings.

policymakers, service providers and government agencies with identifying gaps in service, as well as assess the impact of policy decisions on the homeless population in New York City.³

Substance of Local Law 63 of 2005

As previously noted, Local Law 63 mandates DOHMH to submit quarterly reports to the Council pertaining to the incidence of deaths among homeless people and residents of homeless shelters. The reports must include, at a minimum, the following information:

- the number of homeless persons who died during the reporting quarter (1) for whom there was an investigation by the OCME, (2) who were residents of a shelter and (3) any other homeless persons who died during such quarter;
- the community board district where each such decedent died, disaggregated within each such district by location of death (i.e. outdoors, in a shelter, nursing home, etc.);⁴
- an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located;⁵ and
- the age or approximate age and gender of each such decedent.⁶

For the purposes of the law, “homeless shelter” includes only residences operated by or on behalf of DHS, those operated by HRA for homeless people with HIV/AIDS, or those operated by HPD. Residences available primarily for victims of domestic violence are not included in the reporting.⁷

³ *Id.*

⁴ Information on people who die in a residence for homeless people with HIV/AIDS is disaggregated by borough.

⁵ Information on people who die in a shelter for homeless people with HIV/AIDS is disaggregated by borough.

⁶ NYC Ad Code §17-190 (b)(1).

⁷ *Id.* §17-190 (a)(3).

Quarterly reports are to be submitted to the Council by the first day of every January, April, July and October and should contain information on deaths which occurred during the quarter beginning six months prior.⁸ In addition to the quarterly reports, DOHMH must submit an annual report to the Council and the Mayor by every January 15th summarizing, and updating as necessary, the findings of the quarterly reports and disaggregating the causes of all deaths contained in the reports, including how many deaths were related to outdoor exposure.⁹ Quarterly and annual reports must describe the methodologies used to identify homeless people and analyze the reliability of the methodologies used.¹⁰ All reports are available to the public upon request.¹¹

By its own terms, Local law 115 of 2005 was repealed as of January 30, 2012.

Homeless Death Reports

In order to generate these reports, DHS, HPD and HRA maintain records on deaths of people to whom they provide temporary housing. Additionally, OCME investigates the deaths of some homeless individuals, including those who die in a suspicious or unusual manner, alone, in apparent good health, in a correctional facility, from criminal violence, or suicide. All data is then compiled and analyzed by the DOHMH Office of Vital Statistics. Per Article 27-F of the New York State Public Health Law, HRA cannot disclose information that could identify someone as having an HIV related illness or AIDS. As a result, HRA homeless deaths are not combined with DHS, HPD and OCME deaths and are therefore not included in the total number of deaths among homeless individuals in New York City.

⁸ *Id.* §17-190 (b)(1).

⁹ *Id.* §17-190(b)(2).

¹⁰ *Id.* §17-190(b)(4).

¹¹ *Id.* §17-190(b)(5).

The latest report, Quarterly Report #24, provides data on deaths that occurred from April 1, 2011 through June 30, 2011.¹² According to the report, there were a total of 42 homeless deaths reported by DHS, HPD and OCME.¹³ Quarterly Report #23 reported that there was an average of 41 deaths in the previous quarter (January 1, 2011 – March 31, 2011).¹⁴ Out of the 42 deaths reported in Quarterly Report #24, 62 percent were non-sheltered homeless individuals and 38 percent were sheltered,¹⁵ which is a significant increase from the previous quarter, where on average, 53 percent of the deaths reported were non-sheltered and 47 percent were sheltered.¹⁶ OCME investigated 81 percent of the deaths in the latest report¹⁷ compared to 76 percent in the previous report.¹⁸ According to Quarterly Report #24, 57 percent of the deaths occurred in hospitals, 21 percent occurred in other locations, 17 percent occurred outdoors and 5 percent occurred in homeless shelters.¹⁹ By comparison, in the previous quarter, 49 percent occurred in hospitals, 21 percent occurred outdoors, 14 percent in homeless shelters and 17 percent in other locations.²⁰ Other locations are defined as a friend or family member's apartment, subway car, subway platform, subway station, an abandoned building, public space in a building, a hotel room, drop-in center, building vestibule, or place of employment.²¹

¹² New York City Department of Health and Mental Hygiene Bureau of Vital Statistics, Quarterly Report on Homeless Deaths #24. (Report on file with the Committee on General Welfare) [hereinafter Quarterly Report on Homeless Deaths #24].

¹³ *Id.*

¹⁴ New York City Department of Health and Mental Hygiene Bureau of Vital Statistics, Quarterly Report on Homeless Deaths #23. (Report on file with the Committee on General Welfare) [hereinafter Quarterly Report on Homeless Deaths #23].

¹⁵ Quarterly Report on Homeless Deaths #24, *supra* note 12.

¹⁶ Quarterly Report on Homeless Deaths #23, *supra* note 14.

¹⁷ Quarterly Report on Homeless Deaths #24, *supra* note 12.

¹⁸ Quarterly Report on Homeless Deaths #23, *supra* note 14.

¹⁹ Quarterly Report on Homeless Deaths #24, *supra* note 12.

²⁰ Quarterly Report on Homeless Deaths #23, *supra* note 14.

²¹ Quarterly Report on Homeless Deaths #24, *supra* note 12.

HRA reported a total of 10 homeless deaths in Quarterly Report #24.²² All 10 were residents of single room occupancy units (“SRO housing”), which is supportive housing provided to individuals and families coping with mental illness, trauma, abuse, addiction, or chronic illness. Similarly, in the previous quarter, 9 homeless deaths were reported by HRA and all were residents of SRO housing.²³ Residents of SRO housing are defined as sheltered and therefore not defined as homeless at the time of their death.²⁴

Since the reports were first issued in July 2005, an average of 41 deaths were reported each quarter.²⁵ On average per quarter, deaths among non-sheltered decedents were slightly higher than sheltered decedents (53 percent versus 47 percent).²⁶ Lastly, on average per quarter from July 1, 2005 through June 30, 2011, nearly half of all deaths of homeless individuals occurred in hospitals, 21 percent outdoors, 14 percent occurred in homeless shelters, and 17 percent occurred in other locations.²⁷

Proposed Int. No. 753-A

Proposed Int. No. 753-A would reauthorize Local Law 63 of 2005, would not include a repeal date, and would make the reporting permanent. The proposed legislation would require that rather than creating a quarterly report, as is currently mandated, DOHMH would compile information pertaining to deaths of homeless people (both unsheltered and homeless shelter residents) on a quarterly basis and make it available to the public upon request. The collected information would be summarized in an annual report and would be disaggregated by month. The substance of the annual report would be identical to what is currently reported. The law

²² Quarterly Report on Homeless Deaths #24, *supra* note 12.

²³ Quarterly Report on Homeless Deaths #23, *supra* note 14.

²⁴ Quarterly Report on Homeless Deaths #24, *supra* note 12.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

would take effect immediately and would be deemed to have been in full force and effect on and after January 30, 2012.

Proposed Int. No. 753-A

By Council Members Palma, Brewer, Cabrera, Chin, Comrie Jr., Crowley, Dickens, Dromm, Fidler, James, Koslowitz, Lander, Levin, Mark-Viverito, Mendez, Vacca, Williams, Wills, Gonzalez, Vann, Rodriguez, Eugene, Rose, Arroyo, Recchia, Van Bramer, Jackson, Ferreras and Lappin

A LOCAL LAW

To amend the administrative code of the city of New York and local law number 63 for the year 2005, relating to tracking and reporting by the department of health and mental hygiene, in relation to requiring such department to track and report deaths of homeless persons in the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. In 2005, at the time Local Law 63 was enacted, Department of Homeless Services (DHS) reports indicated that there were approximately 35,000 people living in the shelter system. According to DHS data from December 2011, nearly 40,000 homeless men, women and children were residing in the shelter system, including approximately 17,000 children. Furthermore, according to DHS's most recent estimate, as of January 2011 more than 2,600 people were unsheltered. Prior to the enactment of Local Law 63, the City did not report how many deaths occur within the homeless population, where they occur, or the causes behind them. Local Law 63, by its own terms, was deemed repealed on January 30, 2012. The Council finds that in order to meet the needs of homeless New Yorkers, whose numbers have increased in recent years, the City needs to extend existing legislation requiring the periodic gathering of information regarding deaths of homeless people. Tracking and reporting these deaths helps the City better understand the challenges faced by homeless persons in New York City, and assists in the creation of policies and programs designed to safeguard such persons and prevent future unnecessary deaths.

§ 2. Subdivisions b and c of section 17-190 of the administrative code of the city of New York are amended to read as follows:

b. [Reports] Annual report regarding deaths of homeless persons and homeless shelter residents. 1. The department shall, [on] by January first, April first, July first and October first of each year[, beginning on January first, two thousand six, submit a report to the council indicating] collect information as necessary to comply with the provisions of paragraph 3 of this subdivision regarding the incidence of deaths of homeless persons and homeless shelter residents during the quarter year which began on the first day of the sixth month preceding the month [in] by which the [report] information is required to be [filed] collected. [Subject to paragraph 3 of this subdivision, such quarterly report shall include, at a minimum, (i) the number of homeless persons who died during the reporting quarter for whom there was an investigation by the office of the chief medical examiner as required pursuant to section 557 of the charter, the number of homeless shelter residents who died during such quarter and, to the extent such information is readily available, the number of other homeless persons who died during such quarter; (ii) the community board district where each such decedent died, disaggregated within each such district by whether the death occurred outdoors, in a hospital, in a nursing home and/or other residential health care facility, in a homeless shelter, or, to the extent such information is available, in another facility, residence or other type of location, provided, however, that the location of decedents who died in a residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; (iii) an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located, provided however, that the location of

the residence of decedents known to be living in a homeless shelter operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; and (iv) the age or approximate age and gender of each such decedent; provided, however, that in cases where the identity of a decedent is unknown or in cases where it is unknown whether such decedent was a homeless person or a homeless shelter resident, the department shall provide the information required by this paragraph during the quarter that such information becomes available, as well as the date or approximate date such death occurred.]

2. In addition to the collection of quarterly [reports] information required pursuant to this subdivision, the department shall, subject to paragraph [3] 4 of this subdivision, submit an annual report to the council and the mayor by January fifteenth of each year, (i) summarizing and aggregating, as well as updating and amending if necessary, the information collected in the immediately preceding four [quarterly reports] quarter years for which information was collected pursuant to paragraph 1 of this subdivision; and (ii) indicating the causes of death for all deaths in such report disaggregated by cause, including, but not limited to, how many such deaths were related to exposure to outdoor conditions.

3. Such report shall also include, at a minimum, (i) the number of homeless persons who died during the preceding year, disaggregated by month, for whom there was an investigation by the office of chief medical examiner as required pursuant to section 557 of the charter, the number of homeless shelter residents who died during the preceding year, disaggregated by month, and, to the extent such information is readily available, the number of other homeless persons who died during the preceding year, disaggregated by month; (ii) the community board district where each such decedent died, disaggregated within each such district by whether the

death occurred outdoors, in a hospital, in a nursing home and/or other residential health care facility, in a homeless shelter, or, to the extent such information is available, in another facility, residence or other type of location, provided, however, that the location of decedents who died in a residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; (iii) an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located, provided, however, that the location of the residence of decedents known to be living in a homeless shelter operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; and (iv) the age or approximate age and gender of each such decedent; provided, however, that in cases where the identity of a decedent is unknown or in cases where it is unknown whether such decedent was a homeless person or a homeless shelter resident, the department shall provide the information required by this paragraph during the year that such information becomes available, as well as the date or approximate date such death occurred.

4. The department may withhold information from [a quarterly or] an annual report about an individual decedent otherwise required pursuant to this subdivision to the extent that such withholding is necessary to avoid disclosing the identity of such decedent, provided that the department shall specify when such information is withheld and shall report all other information about such decedent that will not reveal the identity of such decedent.

[4.] 5. In each [quarterly and] annual report required pursuant to this subdivision, the department shall describe the methodologies used to identify homeless persons and homeless shelter residents and provide an analysis of the reliability and validity of such methodologies.

[5.] 6. The quarterly information and annual reports required pursuant to this subdivision shall be made available to any member of the public upon request.

c. Rules. [By December fifteenth, 2005, the] The department after public hearings shall promulgate such rules as are necessary to implement the provisions of this section.

§ 3. Section 4 of local law number 63 for the year 2005 is amended to read as follows:

§ 4. Effective date. This local law shall take effect immediately after its enactment into law [and shall be deemed repealed on January 30, 2012].

§ 4. This local law shall take effect immediately and shall be deemed to have been in full force and effect on and after January 30, 2012.

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