

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2012**

No. 7

Introduced 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, Lappin, Koppell, Mealy, Barron, Garodnick and Sanders Jr.

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 Local Law 63, by its own terms, was deemed repealed on January 30, 2012.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.

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 onFebruary 1, 2012..... and approved by the Mayor
onFebruary 16, 2012.....**

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

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 7 of 2012, Council Int. No. 753-A) contains the correct text and was passed by the New York City Council on February 1, 2012 approved by the Mayor on February 16, 2012 and returned to the City Clerk on February 16, 2012.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.