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**The Council of the City of New York**

**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON GENERAL WELFARE**

**Honorable Stephen Levin, Chair**

## November 10, 2021

**PROPOSED INT. NO. 1232-A:** By Council Members Levin, Ampry-Samuel, Gibson, Menchaca and Kallos

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to shelter transfers

**ADMINISTRATIVE CODE:** Adds new section 21-314.2

**PROPOSED INT. NO. 1233-A:** 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. and Kallos

**TITLE:** A local law to amend the administrative code of the city of New York, in relation to providing written notice for shelter transfers

**ADMINISTRATIVE CODE:** Adds new section 21-325

1. **Introduction**

On November 10, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. Nos. 1232-A and 1233-A, both sponsored by Council Member Levin. The Committee previously held a hearing on these bills on December 17, 2018. At that hearing, those who testified included representatives from the Department of Social Services, advocates for the homeless, and other concerned members of the community.

1. **Background**

***Homelessness in New York City***

|  |
| --- |
| Average Length of Stay In Shelter (in days) |
|  | Fiscal Year 2017 | Fiscal Year 2021 |
| Single Adults | 383 | 476 |
| Adult Families | 559 | 773 |
| Families With Children | 414 | 520 |

New York City continues to face record levels of homelessness. The Department of Homeless Services (DHS) data shows that for the night of November 4, 2021 there were a total of 46,188 individuals in the shelter system, including 8,582 families with children, 1,541 adult families, and 16,813 single adults.[[1]](#footnote-1) As shown in the following chart, the average length of stay in a shelter has increased between Fiscal Year 2017 and Fiscal Year 2021 for all populations.[[2]](#footnote-2) The most significant increase is among adult families.

Source: FY 2021 Mayor’s Management Report

***The DHS Shelter system***

DHS operates separate shelter systems for single adults,[[3]](#footnote-3) families with children[[4]](#footnote-4) and adult families.[[5]](#footnote-5) While the majority of shelters are operated by not-for-profit providers under contract with DHS,[[6]](#footnote-6) the agency also enters into non-contractual arrangements with private landlords and commercial hotels in order to meet its legal obligation.[[7]](#footnote-7) According to DHS, the system typically operates with a nightly vacancy rate of less than one percent.[[8]](#footnote-8)

After being found eligible for shelter, families with children may be placed in a Tier II facility, a hotel, or a cluster site. According to New York State law, a Tier II facility “provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.”[[9]](#footnote-9) The New York City Administrative Code prohibits the use of Tier I shelters (which do not have private units), and further requires that Tier II shelters provide a bathroom, a refrigerator and cooking facilities and an adequate sleeping area within each unit within the shelter.[[10]](#footnote-10) As previously mentioned, families with children may also be placed in hotels and in cluster site facilities, which are apartments within private buildings where homeless families and lease-holding tenants reside.[[11]](#footnote-11)

Adult families without children under the age of 21 are placed in either a Tier II facility, or what DHS classifies in its reporting data as Non-Tier II facilities, which are primarily hotels. Single adults in the shelter system are primarily divided by gender,[[12]](#footnote-12) and each system includes assessment shelters, general shelters and program shelters.[[13]](#footnote-13) As of October 31, 2018, DHS reported that there were 485 buildings with shelter units, including 153 Tier II facilities, 82 family cluster units and 105 hotels.[[14]](#footnote-14)

1. **Bill Analyses**

**Proposed Int. 1232-A** – A local law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to the shelter transfers

This bill would require the Department of Homeless Services (DHS) to create a sign and other relevant materials that inform residents of homeless shelters of various rights related to shelter transfers including the right to request an agency conference and a fair hearing to challenge the adequacy of their shelter placement. The bill requires that such signs be displayed conspicuously at all homeless shelters and related facilities and that the signs must also be available on DHS’ website in each of the designated citywide languages. Since introduction, this bill has been amended to clarify that notice of various rights related to shelter transfers shall include the right to request an agency conference and a fair hearing to challenge the adequacy of a client’s shelter placement. The bill would take effect 90 days after it becomes law.

**Int. 1233** – A local law to amend the administrative code of the city of New York, in relation to providing written notice for non-emergency shelter transfers

This bill would require DHS to provide written notification to shelter residents at least 48 hours prior to any non-emergency shelter transfer. The notification would include a detailed summary of reasons for the transfer, the name and address of the shelter the client is being transferred to, and language about how a client can obtain a copy of their case record. The legislation would also require that the same information be provided to clients affected by emergency transfers no later than 48 hours after the emergency transfer. The legislation would require DHS to submit an annual report on the number of emergency transfers and non-emergency transfers, disaggregated by the shelter type and the reason for transfers. Since introduction, this bill has been amended to include the requirement that shelter residents who are being transferred in both non-emergency and emergency transfers be provided additional information such as how they can obtain a copy of their case record. The bill would take effect 180 days after it becomes law.

Proposed Int. No. 1232-A

By Council Members Levin, Ampry-Samuel, Gibson, Menchaca and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to requiring homeless shelters to post signs and distribute other materials relating to shelter transfers

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-314.2 to read as follows:

§ 21-314.2 Signage and other materials about 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 minor children.

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.

Shelter. The term “shelter” means any temporary emergency housing provided to

homeless adults, adult families and families with children by the department or by a provider under contract or similar agreement with the department.

b. The commissioner shall create, maintain, and update signs and any other related

materials that are deemed necessary, including materials for people who have visual disabilities that include information about the office of disability affairs, related to shelter transfers. Such signage and related materials shall be conspicuously placed in all shelters and shall include, at a minimum:

                     1. A statement that individuals and families have a right to seek shelter and a right to shelter if eligible;

2. A statement that clients have a right to request a reasonable accommodation if they have a disabling condition that needs to be accommodated for them to access shelter;

3. A statement that the department will consider requests for transfer from clients who have a documented safety risk in a specific neighborhood, borough, or at a specific shelter;

4. A statement that clients have a right to request an agency conference or a fair hearing pursuant to part 358 of title 18 of the New York codes, rules and regulations to challenge the adequacy of a shelter placement;

                     5. Information about how to request an agency conference, fair hearing or any opportunity afforded to clients by an agency or staff to review the transfer;

                     6. A plain language summary of the department’s current transfer policy, which shall include examples of why a client may be transferred and the notification process should a transfer be initiated;

                     7. A statement that clients have the right to apply for shelter, even if they have left voluntarily;

                     8. Information about school-related transfers, including a statement that clients may request a transfer to a shelter closer to their child’s school and the process for requesting such a transfer; and

9. Contact information, including phone numbers for the 311 customer service center, available free legal assistance, and any appropriate non-profit organizations aimed at helping individuals find shelter.

c. The department shall ensure that such signage and related materials are available on the department’s website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.

§ 2. This local law takes effect 90 days after it becomes law.

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Proposed Int. No. 1233-A

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. and Kallos

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.

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1. Department of Homeless Services, Daily Report: 11/5/21 (Data from Tuesday, November 4, 2021), *available at* <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf> [↑](#footnote-ref-1)
2. Mayor’s Management Report, Fiscal Year 2021, (Sept. 2021) *available at* https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2021/dhs.pdf [↑](#footnote-ref-2)
3. DHS considers a single adult to be any man or woman over the age of 18 who seeks shelter independently, without being accompanied by other adults or minors. See <http://www1.nyc.gov/site/dhs/shelter/singleadults/single-adults.page>. [↑](#footnote-ref-3)
4. DHS considers families with children to be the following households: families with children younger than 21 years of age, pregnant women and families with a pregnant woman. See <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page>. [↑](#footnote-ref-4)
5. DHS considers an adult family to be any family without minor children, including the following household compositions: applicants who are a legally married couple and present a valid original marriage certificate; or applicants who are a domestic partners couple and present a valid original domestic partnership certificate; or adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another; and two or more adults who can provide birth certificates to prove a parent and child or sibling family relationship or share a "caretaking" (emotionally or physically supportive) relationship. See <http://www1.nyc.gov/site/dhs/shelter/families/adult-families.page>. [↑](#footnote-ref-5)
6. LL 19 of 1999 Transitional Inventory Report for 2015 (Oct. 2015)(report on file with Committee staff)(hereinafter LL 19 Report). [↑](#footnote-ref-6)
7. Id. [↑](#footnote-ref-7)
8. Testimony of the Dept. of Homeless Services before the Committees on General Welfare and Education, Oversight: “DOE’s Support for Students who are Homeless or in Temporary Housing” (Feb. 4, 2016). [↑](#footnote-ref-8)
9. 18 N.Y.C.R.R. § 900.2(2). [↑](#footnote-ref-9)
10. N.Y.C. Admin Code. § 21-124 (b)(1). [↑](#footnote-ref-10)
11. Testimony of Seth Diamond, Commissioner, Department of Homeless Services, hearing of the New York City Council General Welfare Committee, (June 10, 2010), p. 19. [↑](#footnote-ref-11)
12. There are 4 co-ed shelters with a capacity for 268 single adults.Id. [↑](#footnote-ref-12)
13. Id. [↑](#footnote-ref-13)
14. DHS Shelter Repair Scorecard (October 2018) *available at* <https://www1.nyc.gov/assets/dhs/downloads/excel/Shelter-Repair-Scorecard-Archive/scorecard_2018_oct_no_formulas_building_list.xlsx> [↑](#footnote-ref-14)