



Legislation Text

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Int. No. 2284

By Council Members Rosenthal, Kallos and Gennaro

A Local Law to amend the administrative code of the city of New York, in relation to a survivor-centered response by the department of social services to complaints of sexual assault or harassment

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145 to read as follows:

§ 21-145 Response to complaints of sexual assault or harassment. a. Definitions. As used in this section, the following terms have the following meanings:

Complaint. The term “complaint” means a complaint made by a client or by staff of a provider, and involving the staff, personnel or agents of the department, the department of homeless services or a provider.

Harassment. The term “harassment” means harassment, as defined under article 240 and consistent with the provisions of article 485 of the New York penal law, directed at a victim because of a belief or perception regarding the gender or sexual orientation of such victim, regardless of whether such belief or perception is correct.

Provider. The term “provider” means a community-based organization under contract or similar agreement with the department or the department of homeless services.

Relevant agencies. The term “relevant agencies” means the office to end domestic and gender-based violence, the commission on human rights and any other agency that the commissioner deems to be a relevant agency.

Sexual assault. The term “sexual assault” means conduct defined under article 130 of the New York

penal law.

Survivor. The term “survivor” means a person who has experienced sexual assault or harassment.

Survivor assistance organization. The term “survivor assistance organization” means a community-based organization that provides trauma-informed assistance to survivors who are experiencing homelessness.

b. Survivor-centered response. The commissioner, in consultation with relevant agencies, survivor assistance organizations and survivors, shall establish a survivor-centered response to complaints of sexual assault or harassment. The commissioner, or the commissioner’s designee, in a culturally appropriate and trauma-informed manner, shall:

1. Offer sexual assault and harassment resources to each survivor, which the commissioner shall identify, in collaboration with relevant agencies, survivor assistance organizations and survivors, and shall include, but not be limited to, crisis counseling and the survivor resource guide, required by subdivision c;

2. Conduct a follow-up call with each survivor regarding such resources;

3. Assess each complaint of sexual assault or harassment, in consultation with the survivor and relevant agencies, to determine the next steps to take regarding the complaint, including, but not limited to, whether such complaint is referred to a provider or is independently investigated;

4. Follow-up with each provider who has been referred a complaint of sexual assault or harassment, if any; and

5. Every six months, review all complaints of sexual assault or harassment against providers and any settlements entered into by such providers in response to complaints of sexual assault or harassment, if any.

c. Survivor resource guide. In consultation with relevant agencies, survivor assistance organizations and survivors, the commissioner shall develop a resource guide to provide survivors with culturally competent sexual assault and harassment resources. The commissioner shall post such guide on the websites of the department and the department of homeless services and make such guide available, in the designated citywide languages, as defined in section 23-1101, to survivors, as required by subdivision b, providers and relevant

department offices, including, but not limited to, the office of the ombudsman and the office of constituent services, established by section 21-142.2. The guide shall provide information on:

1. Sexual assault and harassment support programs and hotlines;

2. Government benefits available to survivors of sexual assault or harassment;

3. Social services, including, but not limited to, physical and mental health programs and low- or no-cost legal assistance;

4. Addresses and phone numbers of rape crisis centers and hospitals with sexual assault forensic examiner programs approved by the New York state department of health; and

5. Any other information that the commissioner deems relevant.

d. Training. No more than 30 days after the effective date of the local law that added this section, the commissioner shall, in collaboration with relevant agencies, survivor assistance organizations and survivors, develop and implement a training for staff employed by the department, the department of homeless services and providers on the survivor-centered response to complaints as required by this section.

e. Outreach. No more than 30 days after the effective date of the local law that added this section, the commissioner, in consultation with relevant agencies and providers, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert the clients and staff of providers to this section. As part of such outreach, the commissioner shall:

1. Distribute informational flyers to the clients and staff of the providers; and

2. Post signage in each shelter operated by the department or the department of homeless services, which shall be in a conspicuous location, visible to all residents and staff of such shelter and in the designated citywide languages, as defined in section 23-1101.

f. The department shall take steps to protect the privacy of a survivor, including, but not limited to, anonymizing any interagency communication.

g. The commissioner shall promulgate rules necessary and appropriate to the administration of this

section.

§ 2. This local law takes effect 120 days after it becomes law, except that the department of social services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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