



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to shelter security guard and fire guard training

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 Security guard and fire guard training. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered guard. The term “covered guard” means a security guard or a fire guard.

Fire guard. The term “fire guard” means the same as “fire guard” under section 202 of the Fire Code.

Security guard. The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

Security guard training school. The term “security guard training school” means an entity that has been approved as a security guard training school by the commissioner of the division of criminal justice services or his or her designee pursuant to article 7-A of general business law and is approved to provide a security guard training course or courses.

Security services. The term “security services” means the unarmed protection of individuals and/or property from harm or other unlawful activity, as well as prevention, deterrence, observation, detection and/or

reporting to government agencies of unlawful activity or conditions that present a risk to the safety of shelter residents, staff, or the public.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by the department or by a provider under contract or similar agreement with the department.

Shelter operator. The term “shelter operator” means any entity that enters into a contract with the department to provide shelter.

b. The shelter operator shall ensure that all covered guards employed by or under contract with the shelter operator shall receive 40 hours of training within 120 days of hire. The commissioner shall determine the content of such training, provided that it shall include (i) techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis; (ii) sexual harassment prevention; and (iii) training on best practices for improving interactions between shelter employees and clients of the department. Such trainings shall include techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict, and use trauma-informed theory.

c. The shelter operator shall ensure that each covered guard employed by or under contract with the shelter operator annually completes an eight-hour refresher training of which at least two hours must be techniques for interactions with individuals experiencing homelessness and those individuals in a mental health emergency or crisis.

d. The trainings required under this section shall be in addition to the minimum training required under article 7-A of the general business law. Such trainings must be provided by a security guard training school and by instructors with at least three years of security guard or law enforcement experience via classroom based interactive sessions or, if a declared public health emergency prohibits classroom-based instruction, via synchronous instruction delivered by a live instructor.

e. Every shelter contract shall require the shelter operator to ensure that all covered guards employed by or under contract with the shelter operator receive training in accordance with this section, and shall require that

such guards be paid at their regular hourly rate while receiving such training. Such training requirement shall be deemed a material term of such contract.

f. Beginning no later than September 1, 2023, and every September 1 thereafter, shelter operators shall submit to the commissioner a quarterly report regarding the number of covered guards employed by or under contract with the shelter operator who have completed the trainings required under this section. The shelter operator shall provide the department with an annual certification to verify compliance with such training requirements. Such certification shall include:

1. A list of all covered guards and when they were hired,
2. A list of all covered guards who have completed trainings pursuant to subdivisions b and c;
3. The security guard training school at which the training was received; and
4. Curricula of the training received.

g. The commissioner shall promulgate implementing rules and regulations as appropriate and consistent with this section.

h. Application to existing shelter contracts. The requirements of this section shall apply only to shelter contracts entered into after the effective date of this section, and shall not apply to any existing shelter contract entered into or renewed prior to such date, provided that any shelter contract that is renewed or amended after the effective date of this local law shall be subject to the requirements of this local law for the renewal term of such contract or the portion of the term of such contract following such amendment.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of homeless services may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

9/29/2021