



Legislation Text

File #: Res 0176-2002, **Version:** *

Res. No. 176

Resolution calling upon the appropriate committee of the Council of the City of New York to hold hearings to examine the recent federal district court decision in the case of *Henrietta v. Giuliani, et al.*, in which it was found that the Human Resources Administration Division of AIDS Services and Income Support (DASIS) is in violation of the federal Americans With Disabilities Act, the federal Rehabilitation Act, New York State Social Services Law, and the Constitution of the State of New York in failing to provide adequate services to poor people with AIDS as required under Local Law No. 49, and to make recommendations that will assist the magistrate judge appointed to monitor and oversee DASIS's operations

By Council Members Lopez, Perkins, Quinn and Reed; also Council Member Vann

Whereas, The City of New York recognizes that poor people with AIDS need special assistance due to the severe and disabling health problems associated with AIDS; and
Whereas, Accordingly, the Council passed Local Law No. 49 and created the Division of AIDS Services and Income Support (DASIS) within the Human Resources Administration to give poor people with AIDS expedited and coordinated public assistance to cope with their illness; and
Whereas, Specifically, Local Law No. 49 requires that people with AIDS who are in need be provided with expedited, one-stop public assistance benefits such as food stamps, medicaid, cash assistance and rental assistance; and
Whereas, Local Law No. 49 further requires that homeless people with AIDS be provided with housing that is medically appropriate immediately upon request; and
Whereas, In the case of *Henrietta v. Giuliani, et al.*, a federal judge recently found that DASIS has failed systemically to provide the services required by Local Law No. 49; and
Whereas, The federal judge found that DASIS's systemic failure to provide adequate services to people with AIDS is a violation of both the federal Americans with Disabilities Act and the federal Rehabilitation Act requirements that the disabled be provided meaningful access to government programs; and
Whereas, The federal judge also found that DASIS's systemic failure to provide adequate services to people with AIDS violates the New York State Social Services Law mandate that the disabled be provided meaningful access to state social service benefits; and
Whereas, The federal judge also found that DASIS's systemic failure to provide adequate services to poor people with AIDS violates the New York State Social Services Law by failing to provide assistance to the poor; and
Whereas, The federal judge also found that DASIS's systemic failure to provide adequate assistance to poor people with AIDS violates the New York State Constitution by failing to provide for the poor; and
Whereas, As a result of these findings, the federal judge appointed a magistrate judge to monitor DASIS operations to ensure that the agency comes into compliance with Local Law No. 49; and
Whereas, The Council's New York City Charter mandated oversight authority makes it uniquely capable of investigating matters that are relevant to the magistrate judge's monitoring of DASIS; now, therefore, be it
Resolved, That the appropriate committee of the Council of the City of New York hold hearings to examine the recent federal district court decision in the case of *Henrietta v. Giuliani, et al.*, in which it was found that the Human Resources Administration Division of AIDS Services and Income Support (DASIS) is in violation of the federal Americans With Disabilities Act, the federal Rehabilitation Act, New York State Social Services Law, and the Constitution of the State of New York in failing to provide adequate services to poor people with AIDS as required under Local Law No. 49, and to make recommendations that will assist the magistrate judge appointed to monitor and oversee DASIS's operations.

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