



Legislation Text

File #: Int 0541-2005, Version: A

Int. No. 541-A

By Council Members Gioia, DeBlasio, Quinn, The Speaker (Council Member Miller), Clarke, Fidler, Gerson, Jackson, James, Liu, Martinez, Nelson, Palma, Reed, Seabrook, Sears, Weprin, Baez, Koppell, Moskowitz, Gennaro, Brewer, Monserrate, Reyna, Addabbo Jr., Avella, Perkins, Gonzalez and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to the reporting requirements for the division of AIDS services or its functional or legal equivalent.

Be it enacted by the Council as follows:

Section 1. **Declaration of legislative findings and intent.** The Council hereby finds and declares that people with clinical/symptomatic HIV disease and AIDS who seek assistance from the department of AIDS services and income support or its legal or functional equivalent (the “division”), have particularly acute needs for the timely receipt of benefits and services, intensive case management, and safe, clean housing to keep them healthy. The Council further finds that having accurate information regarding the division’s success in providing timely access to benefits and services, intensive case management and safe housing is critical to accomplishing its charter mandated oversight role with respect to the division. The Council hereby aims to ensure the gathering and reporting of information crucial to determining compliance with the legal mandates imposed on the division.

§2. Section 21-128 of chapter one of title 21 of the administrative code of the city of New York is amended to read as follows:

§21-128. Benefits and services to be provided to persons with clinical/symptomatic HIV illness or with AIDS.

a. Whenever used in this section, the following terms shall be defined as follows:

* * *

2. “Completed application” means:

(a) the date on the client’s receipt indicating that the application is complete pursuant to paragraph 2 of subdivision c of this section; or

(b) where no receipt is provided, the date on which the client has provided the division with all of the information and documentation necessary to complete the client’s application for a benefit or service; or

(c) in the case of a separate determination of eligibility for medicaid or food stamps, the date on which a person’s application for public assistance was denied or a recipient’s public assistance case was closed.

[2]3. “Division” shall mean the division of AIDS services as established pursuant to § 21-126 of this chapter, or its functional or legal equivalent;

[3]4. “Eligible person” shall mean a person who satisfies the eligibility requirements established pursuant to applicable local, state or federal statute, law, regulation or rule for the benefits and services set forth in subdivision b of this section or for any other benefits and services deemed appropriate by the commissioner;

5. “Immediate needs grant” means a pre-investigation grant provided to a person who appears to be in immediate need;

6. “Legally mandated time frame” means the time period within which a benefit or service must be provided to an eligible applicant under federal, state or local law, rule, regulation or by order of a court of competent jurisdiction;

[4]7. “Medically appropriate transitional and permanent housing” shall mean housing which is suitable for persons with severely compromised immune systems, and if necessary, accessible to persons with disabilities as defined in section 8-102 of this code. Such housing shall include, but not be limited to, individual refrigerated food and medicine storage and adequate bathroom facilities which shall, at a minimum, provide an effective locking mechanism and any other such measures as are necessary to ensure privacy;

8. “Non-emergency housing” shall mean housing provided or administered by the division, including but not limited to programs referred to as scatter site I housing, scatter site II housing and congregate housing;

[5]9. "Person with clinical/symptomatic HIV illness or with AIDS" shall mean a person who has at any time been diagnosed with clinical/symptomatic HIV illness, as determined by the New York state department of health AIDS institute, or a person with AIDS, as defined by the federal centers for disease control and prevention;

10. “Processing time for applications for benefits or services” means the length of time required to process an application for benefits or services administered by the division, which shall not be represented in terms of averages, but shall be reported in terms of categories covering various periods of time as follows:

(a) for non-emergency applications for food stamps, medicaid and public assistance benefits: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 65 days; 66 to 75 days; and more than 76 days;

(b) for immediate needs grants and expedited food stamps: same day; 1 to 5 days; 6 to 10 days; 11 to 17 days; and more than 18 days;

(c) for all other non-emergency benefits and services, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 75 days; and more than 76 days;

(d) for all other benefits and services provided on an emergency basis, including benefits and services currently referred to as “emergency CBCFAs”: (i) in reporting the time frame from completed application to approval or denial: 0 to 2 days; 3-5 days; 6-10 days; 11-15 days; and more than 16 days; and (ii) in reporting the time frame from approval to provision of the benefit: 0-1 days; 2-5 days; 6-10 days; 11-15 days; and more than 16 days; and

(e) for applications for non-emergency housing: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 75 days; 76 to 100 days; and more than 100 days.

11. “Separate determination of eligibility for medicaid or food stamps” means a determination

regarding eligibility for medicaid or food stamps made either when a person's application for public assistance has been denied or when a recipient's public assistance case is closed.

§3. Subdivision j of section 21-128 of chapter one of title 21 of the administrative code of the city of New York is amended as follows:

§21-128 j. [Beginning on September 1, 1997 and on the first day of each calendar quarter thereafter, the commissioner shall submit a written report to the mayor and the council providing the following information disaggregated on both a quarterly and annualized basis: the number of persons with clinical/symptomatic HIV illness or with AIDS who requested the benefits and services set forth in subdivision b of this section and any other benefits provided by the commissioner, disaggregated by the field office and by the type of benefit or service requested, and the average length of time required to process such requests, disaggregated by the field office and by the type of benefit or service requested; the number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits and services and were determined to be ineligible for such benefits and services, disaggregated by the field office, by the type of benefit or service requested, and by the reason for such determinations; the number of department staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, the number of recipients, the number of cases and the number of requests for assistance, disaggregated by the field office; the average length of time from the initial request for benefits and services to submission of a complete application for such benefits and services, the average length of time from submission of such complete application to grant or denial of the benefits and services requested, and the average length of time from the grant of such benefits and services to the provision of such benefits and services, disaggregated by the field office and by the type of benefit or service requested; the average length of time from the initial request for an exception to policy to approve enhanced rental assistance to the approval or disapproval of such exception and the average length of time from the approval of such exception to the issuance of such enhanced rental assistance, disaggregated by the field

office; the number of requests for emergency housing assistance, the number of persons referred to the emergency assistance unit of the department of homeless services, the number of persons referred to commercial single room occupancy hotels and the average length of stay, and the number of persons referred to permanent housing; the number of persons requesting supportive housing placements, the number of persons referred to such supportive housing and the average length of time from request to placement; the number of cases closed, disaggregated by field office and by the reasons for such closure, the number of such closed cases that were re-opened and the average length of time required to re-open such closed cases; the number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the average length of time for compliance with such a fair hearing decision; and the number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients. For the purposes of this subdivision, "field office" shall mean any office of the department at which persons with clinical/symptomatic HIV illness or with AIDS may access benefits and services.] The commissioner shall submit written, quarterly reports to the mayor and the council that shall, at a minimum, provide the following information:

1. The number of persons with clinical/symptomatic HIV illness or with AIDS who requested benefits or services set forth in subdivision b of this section or any other benefits or services provided by the division.

2. The processing time for applications for benefits or services, disaggregated by field office, type of benefit and individual versus family case, specified as follows:

(i) for non-emergency applications for food stamps, medicaid and public assistance benefits, including separate determinations of eligibility for medicaid or food stamps:

(1) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from the completed application to denial of the application.

(ii) for immediate needs grants and expedited food stamps:

(1) the number of days from the request date to the date of issuance of a grant; and

(2) in cases of denial, the number of days from the request date to the date of denial.

(iii) for all other non-emergency benefits or services provided by or through any division center or office, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) (a) the number of days from initial request to completed application; and

(b) the number of days from completed application to the provision of the benefit or service; and

(2) in cases of denial, the number of days from completed application to denial of the application.

(iv) for all other benefits or services provided on an emergency basis, including but not limited to exceptions to policy for enhanced rental assistance and additional allowances:

(1) the number of days from initial request to completed application;

(2) the number of days from completed application to approval or denial of the application; and

(3) the number of days from approval of an application to the provision of the benefit or service.

(v) for applications for non-emergency housing: (1) the number of days from a request for housing to completed application;

(2) the number of days from completed application to approval or denial of the application;

(3) the number of days from approval of an application to the date on which the client takes occupancy of non-emergency housing; and

(4) with respect to applications that are approved, the number of days from completed application to the date on which the client takes occupancy of non-emergency housing.

3. The number of division staff, by job title, whose duties include providing benefits and services or access to benefits and services pursuant to this section, disaggregated by field office and family versus overall cases; the number of cases at each field office, disaggregated by family versus overall cases; and the ratio of case managers and supervisors to clients at each field office, disaggregated by family versus overall cases.

4. The number of cases closed, disaggregated by the reasons for closure.
5. The number of closed cases that were re-opened, the length of time required to re-open such closed cases, starting from the date on which the case was closed, and the total number of cases closed in error and the length of time required to reopen such closed cases, starting from the date on which the case was closed, disaggregated by field office and reported in the following categories: 0 to 15 days; 16 to 30 days; 31 to 45 days; 46 to 60 days; 61 to 75 days; 76 to 90 days; and more than 91 days.
6. The number of administrative fair hearings requested, the number of fair hearing decisions in favor of applicants and recipients and the length of time for compliance with such fair hearing decisions, disaggregated by decisions where there was compliance within 30 days of the decision date and decisions where there was compliance after 30 days of the decision date;
7. The number of proceedings initiated pursuant to article 78 of the civil practice law and rules challenging fair hearing decisions, and the number of article 78 decisions rendered in favor of applicants or recipients;
8. The number of clients in emergency housing and the average length of stay, disaggregated on a monthly basis;
9. The number of facilities used to provide emergency shelter for clients and the number of units per facility, disaggregated by the type of facility;
10. The number of facilities used to provide emergency shelter placed on non-referral status for each month in the reporting period and the number of facilities placed on non-referral status that remedied the situation that led to non-referral status.
11. The number of facilities used to provide emergency shelter placed on discontinuance of use status and the number of facilities placed on discontinuance of use status that remedied the situation that led to discontinuance of use status.
12. The number of requests for emergency housing assistance, the number of persons referred to the

department of homeless services; the number of persons referred to commercial single room occupancy hotels, the average length of stay in commercial single room occupancy hotels, the number of applications for non-emergency housing each month; and the number of persons placed in non-emergency housing each month.

13. The number of inspections of emergency housing conducted by the division.

14. Quarterly reports required by this subdivision shall be delivered no later than 60 days after the last day of the time period covered by the report. The first quarterly report required by this subdivision shall be delivered no later than August 31, 2005.

§4. This local law shall take effect upon enactment.

J.D.S. • 4/4/2005 • 4:26 PM