



Legislation Text

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Int. No. 127-B

By Council Members Quinn, DeBlasio, Reyna, Palma, Avella, Boyland, Brewer, Fidler, Gioia, Jackson, James, Martinez, Reed, Sanders, Gennaro, Liu, Clarke, Sears, Stewart, Weprin, Moskowitz, Seabrook, and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to track and report deaths of homeless persons in the city of New York.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. According to the Department of Homeless Services (DHS), the number of homeless New Yorkers residing in shelters each night reached the highest point in New York City history in November of 2003. Although the City has seen a recent decline in this population, there are approximately 35,000 homeless men, women and children residing in the shelter system, including approximately 14,000 children. While the City continues in its efforts to reduce street homelessness through the use of outreach teams and drop-in centers, recent estimates are that approximately 4,400 New Yorkers are sleeping on the streets, in parks and on the subways. While deaths take place each year within the homeless population, currently the City has no way of knowing exactly how many such deaths occur, where they occur, or the causes behind them. The Council finds that in order to more effectively protect these vulnerable residents, the City needs legislation requiring the periodic gathering of information regarding their deaths. Tracking and reporting these deaths will help the City better understand the challenges faced by homeless persons in New York City, and assist in the creation of policies and programs designed to safeguard such persons and prevent future unnecessary deaths.

§ 2. Chapter one of title 17 of the administrative code of the city of New York is hereby amended by

adding a new section 17-190 to read as follows:

§17-190 a. Definitions. For the purposes of this section, the following terms shall be defined as follows:

1. “Homeless person” means a person who at the time of death did not have a known street address of a residence at which he or she was known or reasonably believed to have resided.

2. “Homeless shelter resident” means a person who at the time of death lived in a homeless shelter as defined in paragraph 3 of this subdivision.

3. “Homeless shelter” means (i) a residence operated by or on behalf of the department of homeless services; (ii) an emergency residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness; or (iii) a residence operated by or on behalf of the department of housing preservation and development to the extent that such residence houses clients of the department of homeless services; provided, however, that such term shall not include any residence that is available primarily for battered women.

b. Reports regarding deaths of homeless persons and homeless shelter residents. 1. The department shall, on January first, April first, July first and October first of each year, beginning on January first, two thousand six, submit a report to the council indicating the incidence of deaths of homeless persons and homeless shelter residents during the quarter year which began on the first day of the sixth month preceding the month in which the report is required to be filed. Subject to paragraph 3 of this subdivision, such quarterly report shall include, at a minimum, (i) the number of homeless persons who died during the reporting quarter for whom there was an investigation by the office of the chief medical examiner as required pursuant to section 557 of the charter, the number of homeless shelter residents who died during such quarter and, to the extent such information is readily available, the number of other homeless persons who died during such quarter; (ii) the community board district where each such decedent died, disaggregated within each such district by whether the death occurred outdoors, in a hospital, in a nursing home and/or other residential health care

facility, in a homeless shelter, or, to the extent such information is available, in another facility, residence or other type of location, provided, however, that the location of decedents who died in a residence operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; (iii) an indication as to whether the decedent was known to be living in a homeless shelter at the time of death and the community board district in which such homeless shelter is located, provided however, that the location of the residence of decedents known to be living in a homeless shelter operated by or on behalf of the department of social services/human resources administration which is available primarily for homeless persons with HIV or AIDS related illness shall be provided by borough; and (iv) the age or approximate age and gender of each such decedent; provided, however, that in cases where the identity of a decedent is unknown or in cases where it is unknown whether such decedent was a homeless person or a homeless shelter resident, the department shall provide the information required by this paragraph during the quarter that such information becomes available, as well as the date or approximate date such death occurred.

2. In addition to the quarterly reports required pursuant to this subdivision, the department shall, subject to paragraph 3 of this subdivision, submit an annual report to the council and the mayor by January fifteenth of each year, (i) summarizing and aggregating, as well as updating and amending if necessary, the information provided in the immediately preceding four quarterly reports; and (ii) indicating the causes of death for all deaths in such report disaggregated by cause, including, but not limited to, how many such deaths were related to exposure to outdoor conditions.

3. The department may withhold information from a quarterly or annual report about an individual decedent otherwise required pursuant to this subdivision to the extent that such withholding is necessary to avoid disclosing the identity of such decedent, provided that the department shall specify when such information is withheld and shall report all other information about such decedent that will not reveal the identity of such decedent.

4. In each quarterly and annual report required pursuant to this subdivision, the department shall describe the methodologies used to identify homeless persons and homeless shelter residents and provide an analysis of the reliability and validity of such methodologies.

5. The quarterly and annual reports required pursuant to this subdivision shall be made available to any member of the public upon request.

c. Rules. By December fifteenth, 2005, the department after public hearings shall promulgate such rules as are necessary to implement the provisions of this section.

§3. If any section, subsection, sentence, clause, phrase, or other portion of this local law, including any requirement imposed pursuant to it, is for any reason declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§4. Effective date. This local law shall take effect immediately after its enactment into law and shall be deemed repealed on January 30, 2012.

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