



Legislation Text

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By Council Members Palma, Brewer, Ferreras, Mealy, Mendez, Rose, Vann, Williams, Nelson, Vacca, Lander, Mark-Viverito, Van Bramer, Garodnick, James, Barron, Jackson, Rodriguez, Koppell, Levin and Wills

A Local Law to amend the administrative code of the city of New York, in relation to families' eligibility for shelter.

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 to add a new section 21-316 to read as follows:

§21-316. Eligibility for families. a. The department shall develop procedures to determine families' eligibility for shelter based upon whether or not such families have viable housing available to them, in accordance with the guidelines set forth in this subdivision.

(1) The department shall conduct investigations to determine whether a family with children seeking shelter has viable housing available to them. The department shall assist such families by providing information, guidance and support to clarify the investigation process and by helping secure necessary information and documents from government agencies and third parties. Provided such families cooperate with the investigation, such families shall not be found ineligible for shelter solely because of the non-cooperation of third parties or solely based on their inability to provide requested documentation. Documents or other evidence submitted by such families at any time during the investigation shall be considered.

(2) In order to determine whether a family with children seeking shelter is eligible to receive shelter, the department shall consider, among other things, whether potential housing resources are unsafe or overcrowded and therefore should not be considered available to the family. The department shall conduct an

individual analysis of each family's situation. Determination of whether a family is eligible to receive shelter shall be based on the totality of the circumstances.

(3) The department shall inquire about domestic violence, medical, and child welfare issues in the household of the family seeking shelter when determining whether a family is eligible for shelter and shall consider such factors in making appropriate shelter placements. The department shall promptly refer any member of a family seeking shelter who may have been subject to abuse or domestic violence to a worker specifically trained in domestic violence counseling, and all shelter eligibility investigations, with the exception of the currently pending interview of such family member, shall cease pending the trained domestic violence worker's evaluation.

(4) A permanent address shall not be required to establish or maintain eligibility for public benefits, including cash assistance, food stamps benefits, and medical assistance.

(5) Families with children seeking shelter shall receive a written notice of eligibility or ineligibility.

(6) Families with children found ineligible for shelter shall be permitted to reapply at any time.

b. The department shall not bar legal representatives from shelters or intake centers. Legal representatives shall be permitted to enter intake centers, visit families in their individual shelter units and access other areas of department facilities for the purpose of providing legal assistance to families.

c. The department shall post on its website, included within its monthly Critical Activities Report, shelter application and eligibility data disaggregated by families with and without children. The department shall include in such report the number of applicant families with children found ineligible for shelter due to the availability of other housing options, who reapplied and were subsequently found eligible within 90 days and the mean number of applications filed by such families. Such report shall also include the number of families with children who reapplied and did not receive immediate needs shelter and then were found eligible on that same application and the mean number of applications filed by such families.

§2. This local law shall take effect ninety days after its enactment.

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