

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1998**

No. 57

Introduced by Council Members DiBrienza, Clarke, Cruz, Eldridge, Foster, Freed, Linares, Lopez, Marshall, Michels, Perkins, Reed, Watkins and Malave-Dilan; also Council Members Leffler, White, Robinson, Spigner and Lasher.

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city charter, in relation to creating a department of homeless services within the department of social services, creating population limits for shelters for adults and establishing reporting requirements with respect to such shelters, requiring beds for people seeking assistance at the emergency assistance unit, mandating case management services and repealing section 21-304 of the administrative code of the city of New York.

Be it enacted by the Council as follows:

Section 1. Sections 601, 602 and 603 of chapter 24 of the New York city charter are amended to read as follows:

§ 601. Department; commissioner. There shall be a department of social services the head of which shall be the commissioner of social services *and there shall be within such department a department of homeless services the head of which shall be the commissioner of homeless services.*

§ 602. Deputies. The commissioner *of social services shall appoint a deputy commissioner of social services who shall be the commissioner of homeless services* and may appoint three *other* deputies.

§ 603. Powers and duties *of the commissioner of social services.* [Except as otherwise provided in chapter 24-A, the commissioner] *The commissioner of social services shall have the powers and perform the duties of a commissioner of social services under the social services law, provided that no form of outdoor relief shall be dispensed by the city except under the provisions of a state or local law which specifically provide the method, manner and conditions of dispensing the same.*

§ 2. Chapter 24 of the New York city charter is amended by adding thereto a new section 605 to read as follows:

§ 605. Powers and duties of the commissioner of homeless services. a. The commissioner of homeless services shall possess the qualifications of a deputy commissioner of social services as established pursuant to the social services law.

b. The commissioner of homeless services shall appoint at least one deputy.

c. The commissioner of homeless services shall have the powers and perform the duties of a deputy commissioner of social services under the social services law for the purposes of fulfilling his or her responsibilities under this chapter. In the performance of his or her duties, the commissioner of homeless services shall:

1. be responsible for transitional housing and services provided by the city for eligible homeless families and individuals. The commissioner shall encourage the participation of and receive proposals from the public and private sectors for the development of transitional housing and services for homeless families and individuals. In performing such duties, the commissioner may develop and issue requests for proposals and evaluate responses thereto, negotiate, award, enter into and administer contracts, loans or other agreements, award and administer grants, including those entered into prior to the effective date of this section, and obtain all necessary approvals. For-profit and not-for-profit entities shall be eligible to submit proposals, bid on contracts and other agreements, and apply for grants and loans;

2. develop, maintain and, where necessary, strengthen the system for the provision of transitional housing and services for homeless families and individuals;

3. in consultation with other appropriate agencies, plan housing for homeless families and individuals;

4. maintain, repair and rehabilitate transitional housing owned, operated or managed by the department;

5. establish performance criteria, goals and objectives with respect to contract providers and monitor and evaluate such performance;

6. participate in the development of prevention programs to assist families and individuals who are in imminent danger of becoming homeless;

7. in consultation with other appropriate governmental agencies, develop and operate outreach programs to identify and assist families and individuals who are homeless and living in public spaces. Notwithstanding any outreach programs developed or operated by other city agencies, and outreach programs developed or operated by any entity pursuant to a contract with the department, the commissioner of homeless services shall, with the assistance of the commissioner of social services, maintain a substantial outreach workforce within the department's full-time staff. Beginning on the first day of September, 1998 and on the first day of each succeeding calendar quarter after July 1, 1998, the commissioner shall report to the speaker of the council in writing on the outreach programs operated by the department of homeless services, by other city agencies or by entities contracting with the department. Such report shall include, but not be limited to, the number of contacts during the reporting period, the number of placements in transitional housing resulting from such contacts during the reporting period and the number of referrals of persons contacted to programs or services during the reporting period;

8. direct and supervise the management, operations, budget and funding of services for homeless individuals and families;

9. *work directly with the mayor's office of management and budget with regard to the funding and administration of the city's budget for services to homeless families and individuals; and*

10. *advise and assist the mayor with respect to matters pertaining to homeless families and individuals.*

d. *Beginning on May 1, 1999 and on May first of each succeeding year thereafter, the commissioner of homeless services shall report to the speaker of the council in writing on the transitional housing maintained by the department and such transitional housing operated by any entity pursuant to a contract with the department. Such report shall include, but not be limited to, the percentage and types of transitional housing disaggregated by the borough in which they are located.*

e. *Beginning on May 1, 1999 and on May first of each succeeding year thereafter, the commissioner of homeless services shall report to the speaker of the council in writing on the permanent housing and the transitional housing and services, respectively, projected to be needed to house homeless families and individuals expected to be housed within the system during the fiscal year to begin on each July first thereafter. Such annual report shall include, but not be limited to, the sources, including, but not being limited to, the department of housing preservation and development and the New York city housing authority, from which the commissioner of homeless services projects to meet the permanent housing identified in such report as needed during such fiscal year.*

§ 3. Section 21-301 of the administrative code of the city of New York is renumbered as section 21-129 and, as renumbered, subdivisions a and b are amended to read as follows:

a. *For the purposes of sections 21-130 through 21-141 of this chapter, "Commissioner" shall mean the commissioner of homeless services within the department of social services.*

b. *For the purposes of sections 21-130 through 21-141 of this chapter, "Department" shall mean the department of homeless services within the department of social services.*

§ 4. Section 21-304 of the administrative code of the city of New York is REPEALED.

§ 5. Sections 21-302 and 21-303 of the administrative code of the city of New York are renumbered as sections 21-130 and 21-131, respectively, and sections 21-305 through 21-311 of such code are renumbered as sections 21-132 through section 21-138, respectively.

§ 6. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding new sections 21-139, 21-140 and 21-141 to read as follows:

§ 21-139 *Shelters for adults. a. Definitions.*

1. *"Census" shall mean the actual number of persons receiving shelter at a shelter for adults.*

2. *"Certified capacity" shall mean the maximum number of persons who may receive shelter at a shelter for adults at any one time as authorized by the New York state office of temporary and disability assistance.*

b. *No shelter for adults shall be operated with a census of more than two hundred persons. Notwithstanding such prohibition, any shelter with a census of greater than*

two hundred persons on June first, nineteen hundred ninety-eight may continue to shelter the number of persons specified on the shelter's operating certificate as of that date as long as such shelter is operating in compliance with applicable statutes, laws, rules and regulations.

c. Notwithstanding the provisions of subdivision b of this section, homeless single adult shelters may provide short-term emergency shelter to persons in excess of the certified capacity only when the conditions set forth in subdivision h of section 491.4 of title 18 of the official compilation of the codes, rules and regulations of the state of New York are met, and in no event for more than thirty days in any calendar year. Whenever a shelter for adults operates above its certified capacity, the speaker of the council shall be notified in writing within three business days.

d. A minimum of seven supervisory staff members shall be required to be present whenever a shelter for adults operates with a census of two hundred and one persons or more, and one additional supervisory staff member shall be required for every forty persons in excess of two hundred and one.

e. The commissioner shall submit to the speaker of the council quarterly reports summarizing the health, sanitation, safety and fire protection-related deficiencies identified in any inspection of a shelter for adults conducted by any state agency, including but not limited to the office of temporary and disability assistance, the office of children and family services, and the New York state department of health; and any city agency including, but not limited to, the New York city fire department, the New York city department of health, and the New York city department of buildings; any other government agency; and any organization appointed by any court. The first such report shall be due thirty business days following the calendar quarter ending September thirtieth, nineteen hundred and ninety-eight and all subsequent reports shall be due thirty business days following the last day of each succeeding calendar quarter. Such quarterly reports shall include, but not be limited to, the following:

1. a list of all deficiencies identified by any state, city or other inspecting government agencies or organizations appointed by any court during the quarter which have not yet been brought into compliance with applicable statutes, laws, rules and regulations and the date on which deficiencies previously reported to the speaker of the council were brought into compliance;

2. a list of all deficiencies identified by the fire department in three or more consecutive inspections which have not yet been brought into compliance with applicable statutes, laws, rules and regulations;

3. a copy of all court orders regarding health, sanitation, safety and fire protection-related deficiencies issued during the quarter; and

4. a copy of all corrective action plans, and amendments thereto, regarding health, sanitation, safety and fire protection-related deficiencies filed with any court during the quarter.

§ 21-140 The emergency assistance unit. Any intake facility at which families with children seeking shelter remain overnight, shall, at a minimum, provide each such family with a private, self-contained, lockable sleeping room, in which each family member is provided with a bed, or a crib where appropriate.

§ 21-141 *Case management services.* The commissioner shall provide case management services to all persons assigned to stay at the department's facilities or the facilities of organizations contracting with the department who are either waiting for the department to determine their eligibility for shelter or are receiving such shelter. Such case management services shall include, but not be limited to, assistance obtaining (a) medical treatment, (b) federal, state and local government documents including, but not limited to, birth certificates, marriage licenses, and housing records, and (c) food, medicine and other necessary supplies; and shall address issues such as domestic violence, child abuse and mental illness, when needed.

§ 7. Subdivision a of section 21-134 of the administrative code of the city of New York, as renumbered by section 5 of this local law, shall be amended to read as follows:

a. There shall be an interagency coordinating council established by the mayor which shall consist of representatives of each city agency providing transitional housing or services to eligible homeless persons and other homeless individuals and families. Such interagency coordinating council shall include, but shall not be limited to, representatives of the *department of homeless services within the department of social services*, [the department of homeless services,] the department of housing preservation and development, the department of employment and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor to serve as chairperson of the interagency coordinating council. The commissioner of the department of homeless services *within the department of social services* shall provide appropriate personnel to assist the interagency coordinating council in the performance of its functions.

§ 8. The department of homeless within the department of social services established by section 605 of the New York city charter, as added by section 2 of this local law, shall have the power to continue any business, proceeding or other matter commenced by the department of homeless services that existed prior to July 1, 1998 heretofore. Any provision in any law, rule, regulation, contract, grant or other document relating to the department of homeless services that existed prior to July 1, 1998 shall apply to the department of homeless services within the department of social services.

§ 9. Section 21-124 of the administrative code of the city of New York, as added by local law number 75 for the year 1995, is renumbered as section 21-124.1.

§ 10. If any provision of this local law or application thereof is adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, and the remainder of this local law and application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

§ 11. This local law shall take effect immediately and shall be deemed to have been in full force and effect on June 30, 1998.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 17, 1998, disapproved by the Mayor on December 7, 1998, and repassed by the Council Members on December 17, 1998, and said law is adopted notwithstanding the objection of the Mayor.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 57 of 1998, Council Int. No. 407-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on November 17, 1998: 41 FOR, 7 AGAINST.

Was disapproved by the Mayor on December 7, 1998.

Was returned to the City Clerk on December 7, 1998.

Was reconsidered by the Council on December 17, 1998 and received the following vote of the Council members at a meeting of the Council on December 17, 1998: 36 FOR, 8 AGAINST.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel

The validity of portions of this local law is currently a subject of a disagreement between the Mayor and the City Council. This certification is not intended as a legal opinion as to the validity of the local law, other than certifying the truth of the facts presented herein.