

**LOCAL LAWS
OF
THE CITY OF NEW YORK**

FOR THE YEAR 1999

No. 19

Introduced by Council Members DiBrienza, Dear, Malave-Dilan, Fisher, Henry, Michels, Reed, Freed, Linares, Watkins, Perkins, Rodriguez, the Public Advocate (Mr. Green) and Stabile (in conjunction with the Mayor), also Council Members Carrion, Foster, Lasher, Leffler, Marshall, Robinson and Eldridge.

A LOCAL LAW

To amend the New York city charter and the administrative code of the city of New York, in relation to creating a department of homeless services, creating population limits for shelters for adults, requiring beds for people seeking assistance at the emergency assistance unit, and repealing section 605 of such charter and section 21-129 of such code.

Be it enacted by the Council as follows:

Section 1. Sections 601, 602 and 603 of chapter 24 of the New York city charter, as last amended by local law 57 for the year 1998, 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. The commissioner of social services]. *Except as otherwise provided in chapter 24-A of this charter, the commissioner 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 condition of dispensing the same.*

§2. Section 605 of chapter 24 of such charter, as added by local law 57 for the year 1998, is REPEALED.

§3. The New York city charter is amended by adding a new chapter 24-A to read as follows:

CHAPTER 24-A
DEPARTMENT OF HOMELESS SERVICES

§610. *Department; commissioner. There shall be a department of homeless services, the head of which shall be the commissioner of homeless services.*

§611. *Deputies. The commissioner shall appoint at least one deputy.*

§612. *Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this chapter. In the performance of his or her functions, the commissioner 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 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 governmental 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 shall retain 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 thereafter, the commissioner shall report to the speaker of the council in writing on the outreach programs operated by the department, 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 so 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.*

b. In addition to the duties set forth in subdivision a of this section, the commissioner is authorized, in consultation with appropriate agencies, to provide any other services he or she deems necessary to implement and effectuate the provisions of this chapter.

§613. Transitional housing inventory. Beginning on May 1, 1999 and on May first of each succeeding year thereafter, the commissioner 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.

§614. Permanent housing needs, annual report. Beginning on May 1, 1999 and on May first of each succeeding year thereafter, the commissioner 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 home-less services projects to meet the permanent housing identified in such report as needed during such fiscal year and the number of permanent housing to be provided by each source.

§4. Section 21-129 of the administrative code of the city of New York, as renumbered by local law number 57 for the year 1998, is REPEALED.

§5. The administrative code of the city of New York is amended by adding a new chapter 3 to title 21 to read as follows:

CHAPTER 3

DEPARTMENT OF HOMELESS SERVICES

§21-301 Definitions. Whenever used in this chapter, the following terms shall be defined as follows:

- a. "Commissioner" shall mean the commissioner of homeless services.*
- b. "Department" shall mean the department of homeless services.*
- c. "Eligible homeless person" shall mean a person eligible for transitional housing or services from the department pursuant to federal, state and local laws and such rules and regulations as may be promulgated pursuant thereto.*
- d. "Temporary shelter placement" shall mean a shelter placement for a family with children which complies with all applicable requirements of the administrative code of the city of New York.*

§6. Sections 21-130 and 21-131 of the administrative code of the city of New York, as renumbered by local law 57 for 1998, are renumbered as 21-302 and 21-303, respectively, sections 21-132 through 21-138 of such code, as renumbered by local law 57 for 1998, are renumbered as sections 21-305 through 21-311, respectively, and sections 21-139 through 21-141 of such code, as added by such local law, are renumbered as sections 21-312 through 21-314, respectively.

§7. Chapter 3 of title 21 of such code, as added by section 5 of this local law, is amended by adding a new section 21-304 to read as follows:

§21-304 Computerization. In order to ensure that the delivery of services provided by the department to eligible, homeless persons is efficiently coordinated with the services provided by the department of social services to such persons, the commissioner shall, to the maximum extent possible and in conformance with federal and state confidentially laws, develop computer systems which can easily access and share data with department of social services computer systems regarding such persons. The commissioner may appoint an interagency computer liaison to facilitate such interagency communication and information sharing.

§8. Section 21-313 of such code, as renumbered by section 6 of this local law, shall be amended to read as follows:

§21-313 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.] The department shall maintain a facility open for intake twenty-four hours a day, seven days a week to accept and process applications for shelter from families with children. Any family with children seeking shelter who is still in the process of applying as of ten o'clock in the evening on the day such family sought shelter shall be provided temporary shelter placement for that night. The following morning the family shall return to the intake facility to complete the application process. The department shall arrange transportation for the families to and from the temporary shelter placement.

§9. Chapter 3 of title 21 of the administrative code of the city of New York, as added by section 4 of this local law, is amended by adding a new section 21-315 to read as follows:

§21-315 Adult shelters operating in excess of two hundred persons. a. For the purposes of this section, a shelter for adults that operates with a permitted census in excess of two hundred persons pursuant to subdivision b of section 21-312 of this code shall be termed "a grandfathered shelter." In the event that any grandfathered shelter is closed, it may be replaced pursuant to the following provisions:

1. The Kingsboro Shelter Building 6 operating with a census of two hundred twenty-one persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of two hundred twenty-one persons.

2. The Brooklyn Women's Shelter operating with a census of two hundred twenty-nine persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of two hundred twenty-nine persons.

3. *The Atlantic Shelter operating with a census of three hundred fifty persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of three hundred fifty persons.*

4. *The Borden Shelter operating with a census of four hundred ten persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with a shelter with a maximum census of three hundred fifty persons.*

5. *The Bellevue Shelter operating with a census of eight hundred fifty persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.*

6. *The Camp LaGuardia Shelter operating with a census of one thousand seventeen persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.*

7. *The Charles H. Gay Shelter operating with a census of one thousand thirty-seven persons permitted pursuant to subdivision b of section 21-312 of this code may be replaced with two shelters each with a maximum census of four hundred persons.*

b. Each new shelter which replaces a shelter listed in subdivision a of this section shall comply with applicable statutes, laws, rules and regulations, including, but not limited to, section 197-c of the New York city charter.

§10. This local law shall take effect immediately.

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 April 28, 1999, and approved by the Mayor on May 18, 1999.

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 19 of 1999, Council Int. No. 521-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on April 28, 1999: 47 FOR, 0 AGAINST, 0 NOT VOTING.

Was signed by the Mayor on May 18, 1999.

Was returned to the City Clerk on May 19, 1999.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel