

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 35

Introduced by Council Members Bottcher, Ayala, Rivera, Ossé, Hanif, Abreu, Brewer, Louis, Ung, Gutiérrez, Won, Brooks-Powers, Hudson, Nurse, Joseph, Williams, Krishnan, Holden, Schulman, Velázquez, Gennaro, Narcisse, De La Rosa, Restler, Riley, Stevens, Moya, Sanchez, Menin, Marte, Dinowitz, Cabán, Powers, Avilés, Salamanca, Farias, Brannan, Lee and Paladino.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring mental health professionals in families with children shelters

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 by adding a new section 21-330 to read as follows:

§ 21-330 Mental health professionals in families with children shelters. a. Definitions. For purposes of this section, the following terms have the following meanings:

Adult. The term “adult” means any person 18 years of age or older who is not a child.

Child. The term “child” means a person under 18 years of age or a person under 19 years of age if such person is a full-time student regularly attending secondary school or the equivalent level of vocational or technical training.

Families with children shelter. The term “families with children shelter” means temporary emergency housing provided to homeless families with children by the department or by a provider under contract or similar agreement with the department pursuant to subdivision (d) of section 900.2 of title 18 of the New York codes, rules and regulations.

Family with children. The term “family with children” means a family with at least 1 adult and 1 child, a couple including at least 1 pregnant individual, a single pregnant individual, or a parent or grandparent with a pregnant individual.

Mental health professional. The term “mental health professional” means a mental health professional licensed to practice in New York state including, but not limited to, the following: a licensed clinical social worker, a psychiatric nurse practitioner, a psychiatrist, or a psychologist.

Mental health services. The term “mental health services” means in-person or telehealth services including, but not limited to, (i) providing psychotherapy services, (ii) providing psychiatric assessments to diagnose mental illness, conduct diagnosis follow-up or coordinate clinical treatment plans, (iii) liaising with or providing referrals to emergency medical or psychiatric care providers or (iv) providing medication monitoring or management.

Operator. The term “operator” means a person that enters into a contract with the department to provide families with children shelter.

b. Provision of mental health professionals. Subject to appropriation, the department shall ensure that no later than July 31, 2024, mental health professionals are available in the 30 largest families with children shelters to provide on-site mental health services. Subject to appropriation, the department shall ensure that no later than July 31, 2025, mental health professionals are available in each families with children shelter to provide on-site mental health services. The department shall maintain a pro-rated ratio of at least 1 full-time mental health professional for up to every 50 families with children. The department shall consult with operators in determining the types of mental health professionals providing mental health services to families with children. The department shall ensure that operators utilizing telehealth services enter into a contract with

a telehealth provider to provide such services and ensure that there is a confidential space and technology available for persons who utilize such services. The department shall ensure that individuals utilizing such services are informed that utilization of such services is voluntary and may require a mental health professional to report cases of suspected child abuse or maltreatment in accordance with title 6 of article 6 of the social services law. Unless required under title 6 of article 6 of the social services law or section 9.46 of the mental hygiene law, no information shared during utilization of mental health services shall be shared with shelter staff, the department, or contractors without express written consent.

c. Report. No later than December 31, 2024 and annually thereafter, the department shall submit to the mayor and the speaker of the council and post on its website a report regarding mental health professionals in families with children shelters as required by subdivision b of this section. Such report shall include, but not be limited to, the following information for the preceding calendar year for each families with children shelter:

- 1. The number of families with children served by such shelter;*
- 2. The number of families with children served by such shelter receiving mental health services;*
- 3. The number of mental health professionals providing mental health services to families with children;*
- 4. A description of the types of mental health professionals providing mental health services to families with children;*
- 5. A description of the mental health services provided to families with children, including, but not limited to, the types of mental health services; and*

6. The average caseload of mental health professionals providing mental health services to families with children.

d. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information respecting individuals in shelter.

§ 2. This local law takes effect 180 days after it becomes law.

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 March 2, 2023 and approved by the Mayor on March 14, 2023.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 35 of 2023, Council Int. No. 522-A of 2022) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.