

STATE OF NEW YORK

10355

IN ASSEMBLY

April 29, 2020

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing state disaster emergency requirements for homeless shelters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 2-A of the social services law is amended by adding a new title 5 to read as follows:

TITLE 5

STATE DISASTER EMERGENCY REQUIREMENTS FOR HOMELESS SHELTERS

Section 53. State disaster emergency requirements for homeless shelters.

§ 53. State disaster emergency requirements for homeless shelters. 1. For purposes of this title:

(a) "state disaster emergency" shall have the same meaning as defined in paragraph b of subdivision two of section twenty of the executive law, provided, however, such disasters shall be limited to those involving an epidemic or disease outbreak;

(b) "homeless shelter" shall include, but not be limited to a family shelter, a shelter for adults, a domestic violence shelter, a runaway and homeless youth shelter, a safe house for refugees, any hotel, motel or apartment that is currently housing groups of individuals that are not family members or that have requested to be housed together, any other supervised publicly or privately operated shelter designed to provide temporary living arrangements or any other location where homeless individuals and families may be residing;

(c) "homeless" shall mean the lack of a fixed, regular, and adequate nighttime residence; having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport or campground or other places not meant for human habitation.

2. In the event that a state disaster emergency has been declared, all homeless shelters that cannot offer individuals and families adequate spacing for all necessary daily activities which is deemed necessary to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 prevent the spread of the disease or outbreak shall implement the
2 following procedures and protocols for the duration of such state disaster
3 emergency:

4 (a) (i) Prior to admitting any individual into a homeless shelter,
5 every individual shall be tested, utilizing tests which directly detect
6 the presence of antigens for the disease that caused the state disaster
7 emergency to be declared. If an individual tests positive, they shall
8 not be permitted to enter the homeless shelter and shall be immediately
9 referred to a health care facility for further diagnosis and treatment.
10 In the event such individual is a member of a family, and no other indi-
11 viduals in the family test positive, the family may be permitted to
12 enter the homeless shelter.

13 (ii) Prior to the beginning of every shift, every employee shall be
14 screened for any signs or symptoms of the disease that caused the state
15 disaster emergency to be declared. If an employee is showing signs or
16 symptoms of the disease, they shall immediately be sent home.

17 (iii) If any individual, whether an employee or resident, exhibits
18 signs or symptoms of the disease, such individual shall immediately be
19 isolated in accordance with guidance established by the department of
20 health and ensure additional diagnostic and treatment procedures estab-
21 lished by the department of health are followed.

22 (b) For any homeless shelter that cannot ensure adequate spacing and
23 sterilization for all residents and staff to prevent the spread of the
24 disease, the local social services district or other appropriate entity
25 responsible for the initial placement where the homeless shelter is
26 located shall be required to relocate all individuals and families
27 currently residing in such homeless shelter or newly entering the home-
28 less shelter to a hotel, motel, or any other unused apartment or living
29 facility that is available to the state during the state disaster emer-
30 gency. Priority shall be given to all individuals over the age of fifty
31 or that have underlying health conditions that may put them at a higher
32 risk for contracting the disease. Provided however, prior to such relo-
33 cation, the homeless shelter shall obtain consent from the individual or
34 adult head of household of the family. Provided further, individuals
35 and/or families shall not be placed in a location where they are grouped
36 with other individuals unless such individuals are family members or
37 have requested such placement.

38 (c) For any individual or family currently residing in a homeless
39 shelter, that has tested positive for the disease or has a family member
40 who has tested positive for the disease, shall be offered adequate spac-
41 ing to allow for the isolation of the individual or family member.

42 (d) Comply with all policies and guidance set by the department of
43 health related to limiting the spread of the disease, including but not
44 limited to, appropriate isolation for individuals awaiting test results
45 and/or who have demonstrated signs or symptoms of the disease, social
46 distancing and the use of personal protective equipment.

47 3. In the event that a state disaster emergency has been declared, the
48 office of temporary and disability assistance shall be required to
49 establish an outreach network to make contact with homeless individuals
50 and families. Upon contact, the office shall be required to offer, to
51 the extent such locations are available, direct placement in a hotel,
52 motel or any other unused apartment or living facility for the duration
53 of the state disaster emergency to all homeless individuals and fami-
54 lies. Prior to such placement, the office shall be responsible for test-
55 ing all individuals they make contact with, utilizing tests which
56 directly detect the presence of antigens for the disease that caused the

1 state disaster emergency to be declared. If an individual tests posi-
2 tive, they shall immediately be referred to a health care facility for
3 further diagnosis and treatment. In the event such individual is a
4 member of a family, and no other individuals in the family test posi-
5 tive, the family may be placed in accordance with this subdivision.
6 Provided however, prior to such placement, the office shall obtain
7 consent from the individual or adult head of household of the family.
8 Provided further, individuals and/or families shall not be placed in a
9 location where they are grouped with other individuals unless such indi-
10 viduals are family members or have requested such placement.

11 4. In the event of a state disaster emergency, all homeless shelters
12 shall report the number of residents or staff with confirmed infection
13 of the diseases on a daily basis to the department of health and the
14 local health department in the county in which the homeless shelter is
15 located. The department of health shall aggregate and publish de-identi-
16 fied data, submitted by homeless shelters under this title on a weekly
17 basis, in a manner that is consistent with the federal Health Insurance
18 Portability and Accountability Act, as amended, and any regulations
19 promulgated thereunder.

20 5. Notwithstanding any other provision of law to the contrary, one
21 hundred percent of the costs associated with the implementation of this
22 title shall be reimbursed by the state, minus any federal funds that can
23 properly be applied to such expenditures.

24 § 2. This act shall take effect immediately.