S T A T E O F N E W Y O R K

119

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law, in relation to enacting the "public housing safety and security act of 2009"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public housing law is amended by adding a new article 12-A to read as follows:

ARTICLE 12-A

PUBLIC HOUSING SAFETY AND SECURITY

SECTION 310. SHORT TITLE.
311. LEGISLATIVE FINDINGS.
312. AUTHORITY TO ISSUE GRANTS.
313. ELIGIBLE ACTIVITIES.
314. APPLICATIONS.
315. PERIODIC SAFETY INSPECTIONS.
316. ANNUAL REPORT.

S 310. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "PUBLIC HOUSING SAFETY AND SECURITY ACT OF 2009".

S 311. LEGISLATIVE FINDINGS. 1. (A) THE STATE HAS A DUTY TO PROVIDE PUBLIC HOUSING THAT IS DECENT, SAFE, SECURE AND FREE FROM CRIME;

(B) THOSE WHO LIVE IN PUBLIC HOUSING PROJECTS IN MANY AREAS OF THIS STATE SUFFER FROM RAMPANT CRIME, INCLUDING BREAK-INS, LARCENY, ROBBERY, BURGLARY AND RAPE;

(C) DRUG DEALERS ARE INCREASINGLY IMPOSING A REIGN OF TERROR ON PUBLIC HOUSING TENANTS; THE INCREASE IN DRUG-RELATED CRIME NOT ONLY LEADS TO MURDERS, MUGGINGS, AND OTHER FORMS OF VIOLENCE AGAINST TENANTS, BUT ALSO TO A DETERIORATION OF THE PHYSICAL ENVIRONMENT THAT REQUIRES SUBSTANTIAL GOVERNMENT EXPENDITURES; AND

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

LBD01984-01-9

(D) LOCAL LAW ENFORCEMENT AUTHORITIES OFTEN LACK THE RESOURCES TO DEAL WITH THE CONSTANT SURVEILLANCE AND PATROLLING IN PUBLIC HOUSING PARTICULARLY IN LIGHT OF THE RECENT REDUCTIONS IN FEDERAL AID TO CITIES.

2. RECENT EVENTS AT CERTAIN HOUSING PROJECTS, PARTICULARLY THE TILDEN HOUSING PROJECTS IN BROOKLYN DEMONSTRATE THAT THESE ISSUES ARE SERIOUS, PRESSING AND IN NEED OF IMMEDIATE ATTENTION.

S 312. AUTHORITY TO ISSUE GRANTS. THE DIVISION, IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY ISSUE GRANTS TO PUBLIC HOUSING AUTHORITIES OR AGENCIES FOR USE IN IMPROVING SECURITY IN PUBLIC HOUSING PROJECTS.

S 313. ELIGIBLE ACTIVITIES. A PUBLIC HOUSING AUTHORITY OR AGENCY MAY USE A GRANT UNDER THIS ARTICLE FOR:

1. THE EMPLOYMENT OF SECURITY PERSONNEL IN PUBLIC HOUSING PROJECTS;

2. REIMBURSEMENT OF LOCAL LAW ENFORCEMENT AGENCIES FOR ADDITIONAL SECURITY AND PROTECTIVE SERVICES FOR PUBLIC HOUSING PROJECTS;

3. PHYSICAL IMPROVEMENTS IN PUBLIC HOUSING PROJECTS WHICH ARE SPECIFICALLY DESIGNED TO ENHANCE SECURITY;

4. TRAINING, COMMUNICATIONS EQUIPMENT, AND OTHER RELATED EQUIPMENT FOR USE BY VOLUNTARY PUBLIC HOUSING TENANT PATROLS ACTING IN COOPERATION WITH LOCAL LAW ENFORCEMENT OFFICIALS;

5. PROVIDING FUNDING TO NONPROFIT PUBLIC HOUSING RESIDENT MANAGEMENT CORPORATIONS AND TENANT COUNCILS TO DEVELOP SECURITY PROGRAMS INVOLVING SITE RESIDENTS; AND

6. PURCHASE AND INSTALLATION OF CAMERAS THROUGHOUT PUBLIC AREAS OF PUBLIC HOUSING BUILDINGS.

S 314. APPLICATIONS. 1. TO RECEIVE A GRANT UNDER THIS ARTICLE, A PUBLIC HOUSING AUTHORITY OR AGENCY SHALL SUBMIT AN APPLICATION TO THE COMMISSIONER AT SUCH TIME, IN SUCH MANNER, AND ACCOMPANIED BY SUCH ADDITIONAL INFORMATION AS THE COMMISSIONER MAY REASONABLY REQUIRE. SUCH APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, A PLAN FOR ADDRESSING SECURITY CONCERNS/ISSUES AT THE REQUESTING PUBLIC AUTHORITY OR AGENCY.

2. THE COMMISSIONER SHALL APPROVE APPLICATIONS UNDER THIS ARTICLE BASED UPON:

(A) THE EXTENT OF THE CRIME PROBLEM IN THE FACILITIES OF THE PUBLIC HOUSING PROJECT;

(B) THE QUALITY OF THE PLAN OF THE PUBLIC HOUSING AUTHORITY OR AGENCY TO ADDRESS SECURITY CONCERNS IN THE PUBLIC HOUSING PROJECT OR PROJECTS;

(C) THE CAPABILITY OF THE PUBLIC HOUSING AUTHORITY OR AGENCY TO CARRY OUT THE PLAN; AND

(D) THE EXTENT TO WHICH THE LOCAL GOVERNMENT AND LOCAL COMMUNITY SUPPORT THE ANTI-CRIME ACTIVITIES OF THE PUBLIC HOUSING AUTHORITY OR AGENCY.

S 315. PERIODIC SAFETY INSPECTIONS. PERIODIC SAFETY INSPECTIONS BY DIVISION AGENTS OR EMPLOYEES OF PUBLIC HOUSING UNITS ARE REQUIRED. SUCH INSPECTIONS SHALL OCCUR TWICE PER YEAR AND ENSURE THAT PUBLIC HOUSING UNITS COMPORT WITH (1) LEAD PAINT REGULATIONS; (2) HAVE SUFFICIENT AND OPERATIONAL LOCKING DOORS; (3) ENTRANCES AND DOORWAYS INTO AND OUT OF BUILDINGS ARE SECURE AND STRUCTURALLY SOUND; (4) WINDOWS IN PUBLIC AREAS HAVE ADEQUATE LOCKING DEVICES THAT WORK; AND (5) SUCH OTHER AND FURTHER INSPECTION AS IS DEEMED NECESSARY BY THE DIVISION. THE AGENCY SHALL DEVELOP REGULATIONS SUFFICIENT TO EFFECT INSPECTIONS PURSUANT TO THIS SECTION.

S 316. ANNUAL REPORT. THE DIVISION SHALL SUBMIT AN ANNUAL REPORT TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY, INCLUDING, BUT NOT LIMITED TO, OUTLINING THE STATE OF SAFETY AND

SECURITY AT PUBLIC HOUSING UNITS THROUGHOUT THE STATE; SPECIFIC BUILDINGS THAT HAVE FAILED DIVISION INSPECTION; VIOLATIONS; AND NUMBER OF CRIMES THAT HAVE OCCURRED AT EACH PROJECT.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.