

4542--B

2015-2016 Regular Sessions

I N S E N A T E

March 26, 2015

Introduced by Sens. KLEIN, ADDABBO, AVELLA, COMRIE, GOLDEN, PERALTA, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Cities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to the location of supportive housing facilities and social services centers, and renewal of the lease or operation of such facility or center

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

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 25-111-a to read as follows:
3 S 25-111-A CITY PLANNING COMMISSION TO REGULATE THE LOCATION AND
4 CONTINUED OPERATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES
5 CENTERS. A. THE CITY PLANNING COMMISSION SHALL REGULATE AND MAY RESTRICT
6 THE LOCATION OF SUPPORTIVE HOUSING FACILITIES AND SOCIAL SERVICES
7 CENTERS, AND SET THE CONDITIONS FOR THE RENEWAL OF LEASES OR PLANS OF
8 OPERATION FOR SUCH FACILITIES AND CENTERS. ADDITIONALLY, UPON PASSAGE
9 AND FILING WITH SUCH COMMISSION OF A RESOLUTION BY THE COMMUNITY BOARD
10 IN WHICH A FACILITY OR CENTER IS LOCATED, THE CITY PLANNING COMMISSION
11 MAY SET THE CONDITIONS FOR THE RENEWAL OF A LEASE OR PLAN OF OPERATION
12 OF SUCH FACILITY OR CENTER.
13 B. FOR THE PURPOSES OF THIS SECTION, "SUPPORTIVE HOUSING FACILITY OR
14 SOCIAL SERVICES CENTER" MEANS A MULTIPLE RESIDENCE OR CENTER OPERATED BY
15 THE STATE, THE CITY, OR A NOT-FOR-PROFIT ORGANIZATION, WHICH PROVIDES
16 HOUSING ACCOMMODATIONS AND SUPPORT SERVICES TO TEN OR MORE RESIDENTS OR

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

LBD04367-04-6

1 FIFTY OR MORE NON-RESIDENT CLIENTS PER DAY WHO HAVE MENTAL ILLNESS,
2 CHEMICAL DEPENDENCY AND/OR CHRONIC ILLNESS; AND SHELTERS FOR THE HOME-
3 LESS.

4 C. THE CITY PLANNING COMMISSION SHALL NOT AUTHORIZE THE ESTABLISHMENT
5 OR LOCATION, OR, UPON PASSAGE AND FILING WITH SUCH COMMISSION OF A
6 RESOLUTION BY THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR
7 CENTER IS LOCATED, THE RENEWAL OF THE LEASE OR A CONTRACT TO FINANCE THE
8 OPERATION, OF A SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER
9 UNTIL THE PROVISIONS OF THIS SECTION HAVE BEEN COMPLIED WITH.

10 D. NO SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES CENTER SHALL BE
11 ESTABLISHED OR LOCATED IN THE CITY, NOR, PURSUANT TO SUBDIVISION H OF
12 THIS SECTION, SHALL THE LEASE FOR OR A CONTRACT TO FINANCE THE OPERATION
13 OF SUCH A FACILITY OR CENTER BE RENEWED, UNTIL THE OPERATOR THEREOF
14 SHALL HAVE FILED NOTICE OF SUCH PROPOSED OR EXISTING SUPPORTIVE HOUSING
15 FACILITY OR SOCIAL SERVICES CENTER WITH THE CITY PLANNING COMMISSION AND
16 THE COMMUNITY BOARD OF THE LOCALITY IN WHICH SUCH FACILITY OR CENTER IS
17 PROPOSED TO BE LOCATED OR IS LOCATED. SUCH NOTICE SHALL CONTAIN A
18 DESCRIPTION OF THE SCOPE, NATURE, SIZE AND KINDS OF TREATMENT PROGRAMS
19 TO BE PROVIDED, THE SPECIFIC ADDRESS OF THE FACILITY OR CENTER, THE
20 NUMBER OF ANTICIPATED RESIDENTS OR CLIENTS, THE ENTITIES THAT FINANCE
21 ITS ESTABLISHMENT OR OPERATIONS, AND THE AMOUNT OF FINANCING ISSUED TO
22 ESTABLISH AND OPERATE SUCH FACILITY OR CENTER STATED AS BOTH A SPECIFIC
23 DOLLAR AMOUNT AND AS A PERCENTAGE OF THE TOTAL AMOUNT OF ALL MONEYS USED
24 TO ESTABLISH AND OPERATE SUCH FACILITY OR CENTER.

25 E. NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN NINETY DAYS AFTER AN
26 OPERATOR'S NOTICE PURSUANT TO SUBDIVISION D OF THIS SECTION, THE CITY
27 PLANNING COMMISSION SHALL HOLD A PUBLIC COMMUNITY FORUM FOR THE PURPOSE
28 OF OBTAINING PUBLIC AND COMMUNITY BOARD INPUT CONCERNING THE ANTICIPATED
29 IMPACT OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR SOCIAL SERVICES
30 CENTER, OR THE CONTINUED OPERATION OF SUCH FACILITY OR CENTER UPON
31 RENEWAL OF THE LEASE OR CONTRACT TO FINANCE ITS OPERATION, UPON THE
32 COMMUNITY AND IF THERE IS AN OVER CONCENTRATION OF SUCH FACILITIES AND
33 CENTERS IN THE AFFECTED COMMUNITY. SUCH IMPACT MAY INCLUDE AND RELATE
34 TO ANY POTENTIAL ADVERSE EFFECT UPON THE COMMUNITY CAUSED BY SUCH FACIL-
35 ITY OR CENTER BEFORE, DURING OR AFTER ITS ESTABLISHMENT OR RENEWAL, AND
36 THE OVER CONCENTRATION OF SUCH FACILITIES AND CENTERS WITHIN SUCH LOCAL
37 COMMUNITY. THE CITY PLANNING COMMISSION SHALL AFFORD COMMUNITY MEMBERS,
38 REPRESENTATIVES OF THE LOCAL COMMUNITY BOARD, LOCAL BUSINESSES AND RESI-
39 DENTS A REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH
40 COMMUNITY FORUM AND MEASURES THAT MAY HELP TO MITIGATE AGAINST ANY
41 ANTICIPATED OR PAST ADVERSE IMPACTS UPON SUCH COMMUNITY. EVERY SUCH
42 FORUM SHALL BE HELD UPON NOT LESS THAN TWENTY DAYS NOTICE TO THE
43 AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

44 F. THE CITY PLANNING COMMISSION SHALL, PRIOR TO ESTABLISHING THE DATE,
45 TIME AND LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH AND OBTAIN
46 THE ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD AS TO ESTAB-
47 LISHING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR
48 THE LOCALLY IMPACTED COMMUNITY. SUCH FORUM LOCATION SHALL BE WITHIN
49 REASONABLE PROXIMITY OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR
50 SOCIAL SERVICES CENTER, AND IN SUITABLE FACILITIES THAT PROVIDE ADEQUATE
51 ROOM AND ACCESS TO HEAR PUBLIC COMMENTS PRESENTED.

52 G. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING
53 A COMMUNITY FORUM THE CITY PLANNING COMMISSION SHALL, AFTER DUE CONSID-
54 ERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE, MODIFY OR DENY
55 AUTHORIZATION OR REAUTHORIZATION FOR THE LOCATION, ESTABLISHMENT OR
56 CONTINUED OPERATION OF THE SUPPORTIVE HOUSING FACILITY OR SOCIAL

1 SERVICES CENTER, OR SUGGEST AN ALTERNATIVE LOCATION FOR SUCH FACILITY OR
2 CENTER. IF SUCH APPLICATION IS APPROVED OR MODIFIED UPON APPROVAL, THE
3 COMMUNITY BOARD SHALL OBTAIN SUCH DECISION AND THE LENGTH OF TIME SUCH
4 FACILITY OR CENTER IS AUTHORIZED TO REMAIN IN OPERATION. SHOULD SUCH
5 APPLICATION BE DENIED, THE SPONSOR OF SUCH APPLICATION SHALL BE
6 PRECLUDED FROM REAPPLYING FOR APPROVAL OF THE LOCATION, ESTABLISHMENT OR
7 OPERATION OF SUCH FACILITY OR CENTER, OR ANY SIMILAR TYPE FACILITY OR
8 CENTER, FOR A PERIOD OF TWO YEARS FROM THE DATE OF SUCH DENIAL.

9 H. THE PROVISIONS OF SUBDIVISIONS D, E, F AND G OF THIS SECTION SHALL
10 ONLY APPLY TO APPLICATIONS FOR THE CONTINUED OPERATION OF A SUPPORTIVE
11 HOUSING FACILITY OR SOCIAL SERVICES CENTER PURSUANT TO THIS SECTION IF
12 THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY OR CENTER IS
13 LOCATED PASSES AND FILES WITH SUCH COMMISSION A RESOLUTION REQUESTING A
14 HEARING ON SUCH RENEWAL AT LEAST ONE HUNDRED EIGHTY DAYS PRIOR TO THE
15 EXPIRATION OF THE EXISTING LEASE OR CONTRACT. UPON PASSAGE AND FILING OF
16 SUCH A RESOLUTION, NO SUCH FACILITY OR CENTER SHALL CONTINUE TO OPERATE
17 UNTIL SUCH PROVISIONS OF THIS SECTION SHALL BE COMPLIED WITH.

18 S 2. This act shall take effect on the sixtieth day after it shall
19 have become a law.