

2553--C

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. BENEDETTO, CRESPO, SEPULVEDA, BRAUNSTEIN, MOYA, SIMOTAS, DenDEKKER, DINOWITZ, GJONAJ, MILLER, MOSLEY, SIMANOWITZ, PICHARDO, GOLDFEDER, MARKEY, BLAKE -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 renewal of the lease or operation of such facility

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. A. THE CITY PLAN-
5 NING COMMISSION SHALL REGULATE AND MAY RESTRICT THE LOCATION OF SUPPORT-
6 IVE HOUSING FACILITIES AND SET THE CONDITIONS FOR THE RENEWAL OF LEASES
7 OR PLANS OF OPERATION FOR SUCH FACILITIES. ADDITIONALLY, UPON PASSAGE
8 AND FILING WITH SUCH COMMISSION OF A RESOLUTION BY THE COMMUNITY BOARD
9 IN WHICH A FACILITY IS LOCATED, THE CITY PLANNING COMMISSION MAY SET THE
10 CONDITIONS FOR THE RENEWAL OF A LEASE OR PLAN OF OPERATION OF SUCH
11 FACILITY.
12 B. FOR THE PURPOSES OF THIS SECTION, "SUPPORTIVE HOUSING FACILITY"
13 MEANS A MULTIPLE RESIDENCE OR CENTER OPERATED BY THE STATE, THE CITY, OR
14 A NOT-FOR-PROFIT ORGANIZATION, WHICH PROVIDES HOUSING ACCOMMODATIONS AND
15 SUPPORT SERVICES IN TEMPORARY OR PERMANENT SHELTERS FOR THE HOMELESS.

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

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1 C. THE CITY PLANNING COMMISSION SHALL NOT AUTHORIZE THE ESTABLISHMENT
2 OR LOCATION, OR, UPON PASSAGE AND FILING WITH SUCH COMMISSION OF A
3 RESOLUTION BY THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY IS
4 LOCATED, THE RENEWAL OF THE LEASE OR A CONTRACT TO FINANCE THE OPERA-
5 TION, OF A SUPPORTIVE HOUSING FACILITY UNTIL THE PROVISIONS OF THIS
6 SECTION HAVE BEEN COMPLIED WITH.

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

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

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

47 G. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING
48 A COMMUNITY FORUM THE CITY PLANNING COMMISSION SHALL, AFTER DUE CONSID-
49 ERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE, MODIFY OR DENY
50 AUTHORIZATION OR REAUTHORIZATION FOR THE LOCATION, ESTABLISHMENT OR
51 CONTINUED OPERATION OF THE SUPPORTIVE HOUSING FACILITY OR SUGGEST AN
52 ALTERNATIVE LOCATION FOR SUCH FACILITY. IF SUCH APPLICATION IS APPROVED
53 OR MODIFIED UPON APPROVAL, THE COMMUNITY BOARD SHALL OBTAIN SUCH DECI-
54 SION AND THE LENGTH OF TIME SUCH FACILITY IS AUTHORIZED TO REMAIN IN
55 OPERATION. SHOULD SUCH APPLICATION BE DENIED, THE SPONSOR OF SUCH APPLI-
56 CATION SHALL BE PRECLUDED FROM REAPPLYING FOR APPROVAL OF THE LOCATION,

1 ESTABLISHMENT OR OPERATION OF SUCH FACILITY OR ANY SIMILAR TYPE FACILI-
2 TY, FOR A PERIOD OF TWO YEARS FROM THE DATE OF SUCH DENIAL.

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

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