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

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I N A S S E M B L Y

February 1, 2016

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

AN ACT to amend the social services law, in relation to authorizing service animals or therapy dogs to accompany victims of domestic violence at residential programs; and to amend a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence at residential programs, as proposed in legislative bills numbers S.5372 and A.6626, in relation to the effectiveness thereof

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

Section 1. Section 459-b of the social services law, as amended by a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence at residential programs, as proposed in legislative bills numbers S.5372 and A.6626, is amended to read as follows:

S 459-b. Residential services for victims of domestic violence. In accordance with section one hundred thirty-one-u of this chapter and the regulations of the office of children and family services, a social services district shall offer and provide necessary and available emergency shelter and services for up to ninety days at a residential program for victims of domestic violence to a victim of domestic violence who was residing in the social services district at the time of the alleged domestic violence whether or not such victim is eligible for public assistance. Two forty-five day extensions of necessary and available emergency shelter may be granted beyond the maximum length of stay at a residential program for victims of domestic violence for residents who continue to be in need of emergency services and temporary shelter. If the victim of domestic violence has a service animal AS SUCH TERM IS DEFINED IN SECTION ONE HUNDRED TWENTY-THREE-B OF THE AGRICULTURE AND MARKETS LAW, or therapy dog as such [terms are] TERM IS defined in section [123-b and section 108] ONE HUNDRED EIGHT of the agriculture and markets law, respectively, such service animal or therapy dog shall be allowed to accompany the victim at the residential program authorized

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

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pursuant to this section, SO LONG AS SUCH ACCOMPANIMENT WOULD NOT CREATE AN UNDUE BURDEN AS DEFINED BY SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW.

WHERE SUCH ACCOMPANIMENT WOULD CONSTITUTE AN UNDUE BURDEN, THE RESIDENTIAL PROGRAM SHALL MAKE REASONABLE EFFORTS TO FACILITATE PLACEMENT OF SUCH ANIMAL AT AN OFF-SITE ANIMAL CARE FACILITY OR IF REASONABLE EFFORTS FAIL, PROVIDE REFERRAL TO ONE OR MORE OFF-SITE ANIMAL CARE FACILITIES. SUCH OFF-SITE ANIMAL CARE MAY INCLUDE, BUT NOT BE LIMITED TO, BOARDING AT A VETERINARY HOSPITAL OR UNDER THE AUSPICES OF A DULY INCORPORATED HUMANE SOCIETY, OR DULY INCORPORATED ANIMAL PROTECTION ASSOCIATION APPROVED FOR SUCH PURPOSE BY THE DEPARTMENT OF AGRICULTURE AND MARKETS.

NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT ANY RIGHTS OR OBLIGATIONS PROVIDED PURSUANT TO FEDERAL OR STATE LAW, INCLUDING BUT NOT LIMITED TO PROVIDING REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES.

S 2. Section 2 of a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence in residential programs, as proposed in legislative bills numbers S.5372 and A.6626, is amended to read as follows:

S 2. The office of children and family services is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act ON OR BEFORE ITS EFFECTIVE DATE.

S 3. Section 3 of a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence in residential programs, as proposed in legislative bills numbers S.5372 and A.6626, is amended to read as follows:

S 3. This act shall take effect [immediately] ONE YEAR AFTER THE DATE ON WHICH IT SHALL HAVE BECOME A LAW.

S 4. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2015 amending the social services law, relating to authorizing service animals or therapy dogs to accompany victims of domestic violence in residential programs, as proposed in legislative bills numbers S.5372 and A.6626, takes effect.