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

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I N S E N A T E

June 13, 2016

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

Section 1. The administrative code of the city of New York is amended by adding a new section 21-317 to read as follows:

S 21-317 DEPARTMENT TO CONDUCT A HEARING ON THE LOCATION AND CONTINUED OPERATION OF SUPPORTIVE HOUSING FACILITIES. A. THE DEPARTMENT SHALL REGULATE AND MAY RESTRICT THE LOCATION OF SUPPORTIVE HOUSING FACILITIES AND SET THE CONDITIONS FOR THE RENEWAL OF LEASES OR PLANS OF OPERATION FOR SUCH FACILITIES. ADDITIONALLY, UPON PASSAGE AND FILING WITH THE DEPARTMENT OF A RESOLUTION BY THE COMMUNITY BOARD IN WHICH A FACILITY IS LOCATED, THE DEPARTMENT MAY SET THE CONDITIONS FOR THE RENEWAL OF A LEASE OR PLAN OF OPERATION OF SUCH FACILITY.

B. FOR THE PURPOSES OF THIS SECTION, "SUPPORTIVE HOUSING FACILITY" MEANS A MULTIPLE RESIDENCE OR CENTER OPERATED BY THE STATE, THE CITY, OR A NOT-FOR-PROFIT ORGANIZATION, WHICH PROVIDES HOUSING ACCOMMODATIONS AND SUPPORT SERVICES IN TEMPORARY OR PERMANENT SHELTERS FOR THE HOMELESS.

C. THE DEPARTMENT SHALL NOT AUTHORIZE THE ESTABLISHMENT OR LOCATION, OR, UPON PASSAGE AND FILING WITH THE DEPARTMENT OF A RESOLUTION BY THE COMMUNITY BOARD OF THE LOCALITY IN WHICH A FACILITY IS LOCATED, THE RENEWAL OF THE LEASE OR A CONTRACT TO FINANCE THE OPERATION, OF A SUPPORTIVE HOUSING FACILITY UNTIL THE PROVISIONS OF THIS SECTION HAVE BEEN COMPLIED WITH.

D. NO SUPPORTIVE HOUSING FACILITY SHALL BE ESTABLISHED OR LOCATED IN THE CITY, NOR, PURSUANT TO SUBDIVISION H OF THIS SECTION, SHALL THE LEASE FOR OR A CONTRACT TO FINANCE THE OPERATION OF SUCH A FACILITY BE RENEWED, UNTIL THE OPERATOR THEREOF SHALL HAVE FILED NOTICE OF SUCH PROPOSED OR EXISTING SUPPORTIVE HOUSING FACILITY WITH THE DEPARTMENT AND THE COMMUNITY BOARD OF THE LOCALITY IN WHICH SUCH FACILITY IS PROPOSED TO BE LOCATED OR IS LOCATED. SUCH NOTICE SHALL CONTAIN A DESCRIPTION OF

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

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THE SCOPE, NATURE, SIZE AND KINDS OF TREATMENT PROGRAMS TO BE PROVIDED, THE SPECIFIC ADDRESS OF THE FACILITY, THE NUMBER OF ANTICIPATED RESIDENTS OR CLIENTS, THE ENTITIES THAT FINANCE ITS ESTABLISHMENT OR OPERATIONS, AND THE AMOUNT OF FINANCING ISSUED TO ESTABLISH AND OPERATE SUCH FACILITY STATED AS BOTH A SPECIFIC DOLLAR AMOUNT AND AS A PERCENTAGE OF THE TOTAL AMOUNT OF ALL MONEYS USED TO ESTABLISH AND OPERATE SUCH FACILITY.

E. NOT LESS THAN FORTY-FIVE DAYS NOR MORE THAN NINETY DAYS AFTER AN OPERATOR'S NOTICE PURSUANT TO SUBDIVISION D OF THIS SECTION, THE DEPARTMENT SHALL HOLD A PUBLIC COMMUNITY FORUM FOR THE PURPOSE OF OBTAINING PUBLIC AND COMMUNITY BOARD INPUT CONCERNING THE ANTICIPATED IMPACT OF THE PROPOSED SUPPORTIVE HOUSING FACILITY OR THE CONTINUED OPERATION OF SUCH FACILITY UPON RENEWAL OF THE LEASE OR CONTRACT TO FINANCE ITS OPERATION, UPON THE COMMUNITY AND IF THERE IS AN OVER CONCENTRATION OF SUCH FACILITIES IN THE AFFECTED COMMUNITY. SUCH IMPACT MAY INCLUDE AND RELATE TO ANY POTENTIAL ADVERSE EFFECT UPON THE COMMUNITY CAUSED BY SUCH FACILITY BEFORE, DURING OR AFTER ITS ESTABLISHMENT OR RENEWAL, AND THE OVER CONCENTRATION OF SUCH FACILITIES WITHIN SUCH LOCAL COMMUNITY. THE DEPARTMENT SHALL AFFORD COMMUNITY MEMBERS, REPRESENTATIVES OF THE LOCAL COMMUNITY BOARD, LOCAL BUSINESSES AND RESIDENTS A REASONABLE OPPORTUNITY TO SPEAK ABOUT RELEVANT MATTERS AT SUCH COMMUNITY FORUM AND MEASURES THAT MAY HELP TO MITIGATE AGAINST ANY ANTICIPATED OR PAST ADVERSE IMPACTS UPON SUCH COMMUNITY. EVERY SUCH FORUM SHALL BE HELD UPON NOT LESS THAN TWENTY DAYS NOTICE TO THE AFFECTED COMMUNITY AND THE LOCAL COMMUNITY BOARD.

F. THE DEPARTMENT SHALL, PRIOR TO ESTABLISHING THE DATE, TIME AND LOCATION OF THE PUBLIC COMMUNITY FORUM, CONSULT WITH AND OBTAIN THE ADVICE AND CONSENT OF THE APPROPRIATE COMMUNITY BOARD AS TO ESTABLISHING A CONVENIENT DATE, TIME AND LOCATION TO CONDUCT THE FORUM FOR THE LOCALLY IMPACTED COMMUNITY. SUCH FORUM LOCATION SHALL BE WITHIN REASONABLE PROXIMITY OF THE PROPOSED SUPPORTIVE HOUSING FACILITY AND IN SUITABLE FACILITIES THAT PROVIDE ADEQUATE ROOM AND ACCESS TO HEAR PUBLIC COMMENTS PRESENTED.

G. NOT LESS THAN SIXTY DAYS, NOR MORE THAN NINETY DAYS, AFTER HOLDING A COMMUNITY FORUM THE DEPARTMENT SHALL, AFTER DUE CONSIDERATION OF THE COMMENTS AT SUCH FORUM, EITHER APPROVE, MODIFY OR DENY AUTHORIZATION OR REAUTHORIZATION FOR THE LOCATION, ESTABLISHMENT OR CONTINUED OPERATION OF THE SUPPORTIVE HOUSING FACILITY OR SUGGEST AN ALTERNATIVE LOCATION FOR SUCH FACILITY. IF SUCH APPLICATION IS APPROVED OR MODIFIED UPON APPROVAL, THE COMMUNITY BOARD SHALL OBTAIN SUCH DECISION AND THE LENGTH OF TIME SUCH FACILITY IS AUTHORIZED TO REMAIN IN OPERATION. SHOULD SUCH APPLICATION BE DENIED, THE SPONSOR OF SUCH APPLICATION SHALL BE PRECLUDED FROM REAPPLYING FOR APPROVAL OF THE LOCATION, ESTABLISHMENT OR OPERATION OF SUCH FACILITY OR ANY SIMILAR TYPE FACILITY, FOR A PERIOD OF TWO YEARS FROM THE DATE OF SUCH DENIAL.

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

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