STATE OF NEW YORK

5178

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. TITUS, GRAF, MOSLEY, OTIS, STECK, COLTON -- Multi-Sponsored by -- M. of A. PERRY -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to residential services for pregnant victims of domestic violence

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 chapter 7 of the laws of 2016, is amended to read as follows:

§ 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. **A victim of domestic violence who is pregnant during the time she utilizes such emergency shelter or services may be granted up to nine months of necessary and available emergency shelter beyond the maximum length of stay at a residential program for victims of domestic violence provided that such pregnant woman is in pursuit of an education and training to reach independent status.** 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 term is defined in section one hundred eight of the agriculture and markets law, respectively, such service animal or therapy dog shall be

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

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allowed to accompany the victim at the residential program authorized 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.

§ 2. This act shall take effect on the one hundred eightieth day next succeeding the date upon which it shall have become a law; provided, however, that if chapter 7 of the laws of 2016 shall not have taken effect on or before such date then section one of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2016 takes effect; provided further, however, that effective immediately the commissioner of children and family services is authorized and directed to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this act on or before its effective date.