STATE OF NEW YORK

8460

IN SENATE

June 3, 2020

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to the provision of emergency shelter for victims and alleged victims of domestic violence during a declaration of a state disaster emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 131-u of the social services law, as amended by section 3 of part J of chapter 56 of the laws of 2019, is amended to read as follows:

2. **Notwithstanding any other law or regulation to the contrary, during the pendency of a declaration of a state disaster emergency as defined by section twenty of the executive law that involves a disease outbreak, local social services districts shall be required to provide emergency shelter and services to victims and alleged victims of domestic violence as defined in article six-A of this chapter. Such shelter shall be provided in a residential program for victims of domestic violence unless the residential program cannot ensure that each alleged victim or victim and their minor children, if applicable, will be provided with separate and private sleeping and restroom accommodations that meet any safety standards recommended by the department of health during the state disaster emergency. In the event the residential program cannot meet such standards, the local social services district shall provide the accommodations in a hotel or motel. In addition to providing shelter and residential services, the local social services district shall be responsible for providing access to testing for any individuals receiving services.**

3. The department shall annually establish, subject to the approval of the director of the budget, a daily rate of reimbursement for each residential program for victims of domestic violence, as defined in article six-A of this chapter, certified by the department which provides emergency shelter and services to persons eligible for such emergency shelter and services pursuant to this section. A social services district financially responsible for a victim of domestic violence shall reim-

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

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burse a residential program for victims of domestic violence for the costs of emergency shelter and services provided to such victim at the daily reimbursement rate established by the department reduced by any other reimbursement available for such costs. **Provided however, if emergency shelter and services are provided in accordance with subdivision two of this section, the state shall assume the full cost of the shelter and services during the pendency of the state disaster emergency.**

§ 2. Subdivision 1 of section 459-a of the social services law, as amended by chapter 153 of the laws of 2019, is amended to read as follows:

1. "Victim of domestic violence" means any person over the age of sixteen, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim **or an alleged victim** of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, strangulation, identity theft, grand larceny or coercion; and

(i) such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and

(ii) such act or acts are or are alleged to have been committed by a family or household member.

A person is an alleged victim if they have reported an act which would constitute a violation of the penal law and it reasonably appears to the residential program or local social services district that the person is a victim of domestic violence.

§ 3. This act shall take effect immediately.