

STATE OF NEW YORK

8689

IN SENATE

July 8, 2020

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

AN ACT to amend the social services law, the correction law and the public housing law, in relation to programs, supports and services for individuals being released from state and local correctional facilities; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Subdivision 4 of section 158 of the social services law, as
2 amended by section 44 of part B of chapter 436 of the laws of 1997, is
3 amended to read as follows:

4 4. (a) Social services officials shall determine eligibility for safe-
5 ty net assistance within forty-five days of receiving an application for
6 safety net assistance. Such officials shall notify applicants of safety
7 net assistance about the availability of assistance to meet emergency
8 circumstances or to prevent eviction.

9 (b) When a local social services district is identified as the
10 district of residence for an individual being released from a state or
11 local correctional facility, such district shall accept an application
12 for safety net assistance forty-five days prior to such individual's
13 earliest expected release date.

14 § 2. Subparagraph (iv) of paragraph (a) of subdivision 1 of section
15 209 of the social services law, as amended by section 4 of part E of
16 chapter 57 of the laws of 2012, is amended to read as follows:

17 (iv) is a resident of the state and is either a citizen of the United
18 States or is not an alien who is or would be ineligible for federal
19 supplemental security income benefits solely by reason of alien status.
20 Provided however, an individual incarcerated in a state or local correc-
21 tional facility, with the intention of residing in the state of New York
22 upon their release, shall be eligible to apply for state supplemental
23 payments at least ninety days prior to their earliest expected release
24 date.

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

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§ 3. Subdivision 2 of section 112 of the correction law, as amended by section 19 of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

2. The commissioner shall have the management and control of persons released on community supervision and of all matters relating to such persons' effective reentry into the community, as well as all contracts and fiscal concerns thereof. The commissioner shall have the power and it shall be his or her duty to inquire into all matters connected with said community supervision. The commissioner shall make such rules and regulations, not in conflict with the statutes of this state, for the governance of the officers and other employees of the department assigned to said community supervision, and in regard to the duties to be performed by them, as he or she deems proper and shall cause such rules and regulations to be furnished to each employee assigned to perform community supervision. The commissioner shall also prescribe a system of accounts and records to be kept, which shall be uniform. The commissioner shall also make rules and regulations for a record of photographs and other means of identifying each inmate released to community supervision. The commissioner shall appoint officers and other employees of the department who are assigned to perform community supervision. Each incarcerated individual shall be eligible to apply for safety net assistance, supplemental security income and state supplemental payments prior to their earliest expected release date in accordance with section one hundred fifty-eight of the social services law, 42 USC § 1383 and section two hundred nine of the social services law, respectively. The department shall provide assistance in completing and filing such applications and may contract with not-for-profit providers with experience assisting individuals during the application and appeals processes of such benefits to provide incarcerated individuals with assistance completing applications for such benefits.

§ 4. The correction law is amended by adding a new section 500-q to read as follows:

§ 500-q. Reentry services. Each incarcerated individual shall be eligible to apply for safety net assistance, supplemental security income and state supplemental payments prior to their earliest expected release date in accordance with section one hundred fifty-eight of the social services law, 42 USC § 1383 and section two hundred nine of the social services law, respectively. The chief administrative officer or other person in charge of a local correctional facility shall provide assistance in completing and filing such applications and may contract with not-for-profit providers with experience assisting individuals during the application and appeals processes for such benefits to provide incarcerated individuals with assistance in completing applications for such benefits.

§ 5. The public housing law is amended by adding a new section 223-c to read as follows:

§ 223-c. Housing policies regarding persons with criminal records. All authorities shall create policies regarding the eligibility of persons with criminal convictions that conform with Title 42, § 13661 of the United States Code and any relevant guidance developed by the Office of Public and Indian Housing of the United States Department of Housing and Urban Development. Such policy shall: (a) not contain a one-strike rule unless required by federal law or regulation; (b) prohibit the use of arrest records when making a housing decision; (c) only use criminal records in housing decisions if required by federal law or regulation; and (d) provide for admission or reintegration of all persons with crim-

1 inal records unless such admission or reintegration was prohibited by
2 another state or federal law, or if the public housing authority deter-
3 mines with particularity that the person would adversely affect the
4 health, safety, or right to peaceful enjoyment of the premises by other
5 residents, the owner, or public housing agency employees. If an authori-
6 ty already has such policy, it shall be amended to meet the requirements
7 of this section. For the purposes of this section, a "housing decision"
8 shall include any decision regarding admission, eviction, access to
9 assistance, or termination of assistance. Nothing in this section shall
10 be construed to require an authority to admit, provide assistance, or
11 not evict a person with a criminal conviction if the authority deter-
12 mines with particularity that the person would adversely affect the
13 health, safety, or right to peaceful enjoyment of the premises by other
14 residents, the owner, or public housing agency employees.

15 § 6. The correction law is amended by adding a new section 71-b to
16 read as follows:

17 § 71-b. Reintegration pilot program. 1. The department, in collab-
18 oration with the office of temporary and disability assistance, the
19 office of mental health and the office of addiction services and
20 supports shall establish and conduct a five year reintegration pilot
21 program to help ensure incarcerated individuals within the correctional
22 facilities receive the supports and services necessary to meaningfully
23 prepare for their release while still incarcerated, assist individuals
24 to reintegrate into the community upon release and reduce recidivism.
25 Such pilot program shall be conducted in three correctional facilities,
26 one female and two male facilities, selected by the department, taking
27 into consideration adequate geographic distribution within the state as
28 well as availability of sufficient links to supports and services
29 required by this section. For purposes of this pilot program, there
30 shall be at least one hundred incarcerated individuals who on a volun-
31 tary basis request placement in the pilot program. Upon admission to the
32 program, each incarcerated individual shall receive an in-depth screen-
33 ing and assessment to determine their specific needs as relating to,
34 including but not limited to, mental health and substance use disorder
35 services, educational needs and job readiness. In addition to an
36 in-depth screening and assessment, participants in the pilot program
37 shall also be linked with not-for-profit organizations and peer to peer
38 engagement opportunities to assist with the individual's reintegration
39 planning. This shall occur no less than ninety days prior to their
40 expected release date and shall consist of, but not be limited to,
41 assistance applying for public benefits, referrals and links to mental
42 health and/or substance use disorder service providers if applicable,
43 connections to employment opportunities as well as job training programs
44 if appropriate, assistance finding available stable housing options to
45 be available upon release and general supports and services that may be
46 helpful for an individual reintegrating back into the community.

47 2. Upon release from the correctional facility, individuals will
48 continue to receive supports and services, as needed, for an additional
49 six months, to ensure the individual's successful reintegration into the
50 community. Such services shall include, but not be limited to, connect-
51 ing individuals to health and behavioral health services, as appropri-
52 ate, assistance ensuring compliance with any parole or court mandated
53 activities, connections to employment opportunities based on their
54 skills identified while incarcerated and assistance acquiring stable
55 affordable housing. The collaborating agencies shall contract with not-

1 for-profit providers to effectuate the requirements specified in this
2 section.

3 3. The commissioner, in consultation with appropriate community organ-
4 izations, shall submit within one year of the effective date of this
5 section, and annually thereafter, a report to the governor, the tempo-
6 rary president of the senate and the speaker of the assembly on the
7 effectiveness of this pilot program. Such reports shall include an anal-
8 ysis of the outcomes of the pilot program and recommendations for
9 continued efforts to meaningfully prepare incarcerated individuals for
10 their release while still incarcerated, assist individuals to reinte-
11 grate into the community upon release and reduce recidivism. Such infor-
12 mation provided in the report shall include, but not be limited to,
13 information on the types of convictions of incarcerated individuals
14 participating in the pilot program; the specific types of services that
15 were provided while incarcerated as well as upon release; the outcomes
16 and effectiveness, to the extent it is known, of such services provided;
17 whether participants in the pilot program were able to find stable
18 affordable housing and/or employment during their participation in the
19 pilot program and any barriers that may have contributed to their
20 inability to find housing and/or employment; and any other information
21 or factors that were identified that may have created barriers to an
22 individual's reintegration once released and the additional services
23 that may alleviate those barriers.

24 4. No person shall have the right to demand or require participation
25 in the pilot program authorized by this section.

26 5. Nothing in this section shall be construed to authorize the depart-
27 ment to hold an incarcerated individual in confinement beyond their
28 earliest release date.

29 § 7. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law and shall expire and be deemed repealed six
31 years after such effective date.