

# STATE OF NEW YORK

8865

## IN ASSEMBLY

January 19, 2022

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

AN ACT to amend the social services law, in relation to services for victims of domestic violence; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Subdivisions 4 and 5 of section 459-a of the social  
2 services law, subdivision 4 as added by chapter 838 of the laws of 1987,  
3 the opening paragraph of subdivision 4 and subdivision 5 as amended by  
4 chapter 169 of the laws of 1994, are amended to read as follows:

5 4. "A domestic violence organization" means an organization that  
6 provides emergency shelter and/or services and care to victims of domes-  
7 tic violence and their minor children, and shall include, but not be  
8 limited to:

9 (a) "Residential program for victims of domestic violence" [~~means any~~]  
10 which shall include residential care program certified by the department  
11 and operated by a not-for-profit organization in accordance with the  
12 regulations of the department for the purpose of providing emergency  
13 shelter, services and care to victims of domestic violence. Residential  
14 programs for victims of domestic violence shall include, but shall not  
15 be limited to:

16 [~~(a)~~] (i) "Domestic violence shelters", which shall include any resi-  
17 dential care facility organized for the exclusive purpose of providing  
18 emergency shelter, services and care to victims of domestic violence and  
19 their minor children, if any;

20 [~~(b)~~] (ii) "Domestic violence programs" which shall include any facil-  
21 ity which otherwise meets or would meet the requirements of this para-  
22 graph [~~(a) of this subdivision~~], except that victims of domestic  
23 violence and their minor children, if any, constitute at least seventy  
24 percent of the clientele of such program; and

25 [~~(c)~~] (iii) "Safe home networks" which shall include any organized  
26 network of private homes offering emergency shelter and services to

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

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1 victims of domestic violence and their minor children, if any. Such  
2 network shall be coordinated by a not-for-profit organization.

3 ~~[5-]~~ (b) "Non-residential program for victims of domestic violence"  
4 ~~[means]~~ which shall include any program operated by a not-for-profit  
5 organization, for the purpose of providing non-residential services to  
6 victims of domestic violence, including, but not limited to, information  
7 and referral services, advocacy, counseling, and community education and  
8 outreach activities and providing or arranging for hotline services.  
9 Victims of domestic violence and their children, if any, shall consti-  
10 tute at least seventy percent of the clientele of such programs.

11 § 2. The opening paragraph of section 459-b of the social services  
12 law, as amended by chapter 7 of the laws of 2016, is amended to read as  
13 follows:

14 ~~[Residential services for victims of domestic violence. In accordance~~  
15 ~~with section one hundred thirty-one-u of this chapter and the regu-~~  
16 ~~lations of the office of children and family services, a social services~~  
17 ~~district shall offer and provide necessary and available emergency shel-~~  
18 ~~ter and services for up to ninety days at a residential program for~~  
19 ~~victims of domestic violence to a victim of domestic violence who was~~  
20 ~~residing in the social services district at the time of the alleged~~  
21 ~~domestic violence whether or not such victim is eligible for public~~  
22 ~~assistance. Two forty five day extensions of necessary and available~~  
23 ~~emergency shelter may be granted beyond the maximum length of stay at a~~  
24 ~~residential program for victims of domestic violence for residents who~~  
25 ~~continue to be in need of emergency services and temporary shelter.]~~ The  
26 care and treatment of service animals, therapy dogs and companion  
27 animals in residential programs for victims of domestic violence. If the  
28 victim of domestic violence has a service animal as such term is defined  
29 in section one hundred twenty-three-b of the agriculture and markets  
30 law, or therapy dog as such term is defined in section one hundred eight  
31 of the agriculture and markets law, respectively, such service animal or  
32 therapy dog shall be allowed to accompany the victim at the residential  
33 program authorized pursuant to this section, so long as such accompani-  
34 ment would not create an undue burden as defined by section two hundred  
35 ninety-six of the executive law.

36 § 3. Section 459-c of the social services law is REPEALED.

37 § 4. Section 459-d of the social services law, as renumbered by chap-  
38 ter 169 of the laws of 1994, is renumbered section 459-c, and subdivi-  
39 sions 11 and 12, as added by chapter 838 of the laws of 1987, are  
40 amended to read as follows:

41 11. ~~[a schedule showing the approved daily rates of reimbursement~~  
42 ~~payable to residential programs for victims of domestic violence pursu-~~  
43 ~~ant to section one hundred thirty-one-u of this chapter, and~~

44 ~~12.]~~ all such other matters as may be necessary to inform the governor  
45 and the legislature regarding the implementation and effectiveness of  
46 programs covered by this article.

47 § 5. Section 459-e of the social services law is renumbered section  
48 459-d.

49 § 6. Section 459-f of the social services law is REPEALED.

50 § 7. Sections 459-g and 459-h of the social services law, section  
51 459-h as renumbered by chapter 428 of the laws of 2009, are renumbered  
52 sections 459-e and 459-f.

53 § 8. Section 131-u of the social services law, as amended by chapter  
54 169 of the laws of 1994, the section heading and opening paragraph of  
55 subdivision 1 as amended by section 1 and subdivision 2 as amended by

1 section 3 of part J of chapter 56 of the laws of 2019, is amended to  
2 read as follows:

3 § 131-u. Domestic violence services. 1. Notwithstanding any inconsis-  
4 ent provision of law, [~~a social services district~~] the department shall,  
5 in accordance with the provisions of this section and regulations of the  
6 department, [~~offer and provide emergency shelter and services at a resi-~~  
7 ~~dential program~~] ensure that residential and non-residential services  
8 and care are sufficiently available and accessible in every county of  
9 the state for victims of domestic violence, as defined in article six-A  
10 of this chapter[~~, to the extent that such shelter and services are~~  
11 ~~necessary and available to a victim of domestic violence, as defined in~~  
12 ~~article six A of this chapter, and in need of emergency shelter and~~  
13 ~~services, who was residing in the social services district at the time~~  
14 ~~of the alleged domestic violence~~] and their minor children.

15 2. [~~The department shall annually establish, subject to the approval~~  
16 ~~of the director of the budget, a daily rate of reimbursement for each~~  
17 ~~residential program for victims of domestic violence, as defined in~~  
18 ~~article six A of this chapter, certified by the department which~~  
19 ~~provides emergency shelter and services to persons eligible for such~~  
20 ~~emergency shelter and services pursuant to this section. A social~~  
21 ~~services district financially responsible for a victim of domestic~~  
22 ~~violence shall reimburse a residential program for victims of domestic~~  
23 ~~violence for the costs of emergency shelter and services provided to~~  
24 ~~such victim at the daily reimbursement rate established by the depart-~~  
25 ~~ment reduced by any other reimbursement available for such costs~~]  
26 Subject to the approval of the director of the budget, the commissioner  
27 is hereby authorized to enter into contracts with domestic violence  
28 organizations, as defined in section four hundred fifty-nine-a of this  
29 chapter, to provide state financial assistance to support the provisions  
30 of domestic violence residential and non-residential services and care  
31 for victims of domestic violence and their minor children.

32 3. The state financial assistance shall be in the form of grants.

33 4. The commissioner shall require that, in order to receive funds  
34 pursuant to this article, domestic violence organizations, as defined in  
35 article six-A of this chapter, shall submit an operating plan. Such plan  
36 shall include:

37 (a) the manner in which the operating expenses of the program shall be  
38 met;

39 (b) the services that will be provided to victims of domestic  
40 violence; and

41 (c) evidence demonstrating that services will be offered in a manner  
42 that complies with existing local, state and federal laws and regu-  
43 lations.

44 5. Each contract entered into for the provision of services for  
45 victims of domestic violence and their children, pursuant to this arti-  
46 cle, shall be subject to the approval of the director of the budget and  
47 shall provide for payment to the not-for-profit domestic violence organ-  
48 ization pursuant to a payment schedule. The full amount of the contract  
49 or contracts, or any appropriate portion thereof, as determined by the  
50 commissioner and subject to the approval of the director of the budget,  
51 shall be available for payment at any time on or after the effective  
52 date of such contract.

53 § 9. This act shall take effect immediately.