

STATE OF NEW YORK

3888

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. BAILEY, HOYLMAN -- 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 establishing
state disaster emergency requirements for homeless shelters

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

1 Section 1. Article 2-A of the social services law is amended by adding
2 a new title 5 to read as follows:

TITLE 5

STATE DISASTER EMERGENCY REQUIREMENTS FOR HOMELESS SHELTERS

5 Section 53. State disaster emergency requirements for homeless shelters.

6 § 53. State disaster emergency requirements for homeless shelters. 1.

7 For purposes of this title:

8 (a) "state disaster emergency" shall have the same meaning as defined
9 in paragraph b of subdivision two of section twenty of the executive
10 law, provided, however, such disasters shall be limited to those involv-
11 ing an epidemic or disease outbreak;

12 (b) "homeless shelter" shall include, but not be limited to a family
13 shelter, a shelter for adults, a domestic violence shelter, a runaway
14 and homeless youth shelter, a safe house for refugees, any hotel, motel
15 or apartment that is currently housing groups of individuals who are not
16 family members or that have requested to be housed together, any other
17 supervised publicly or privately operated shelter designed to provide
18 temporary living arrangements or any other location where homeless indi-
19 viduals and families may be residing;

20 (c) "homeless" shall mean the lack of a fixed, regular, and adequate
21 nighttime residence; having a primary nighttime residence that is a
22 public or private place not designed for or ordinarily used as a regular
23 sleeping accommodation for human beings, including a car, park, aban-
24 doned building, bus or train station, airport or campground or other
25 places not meant for human habitation;

26 (d) "direct placement" shall mean the process by which a private room
27 with a private bathroom is arranged for and assigned to a homeless indi-
28 vidual or family that does not require travel to any intermediary facil-

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

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1 ity between the location of a homeless shelter or location of outreach
2 engagement and the facility in which such private room with a private
3 bathroom is located.

4 2. In the event that a state disaster emergency has been declared, all
5 social services districts operating, reimbursing, or contracting for
6 homeless shelters, and all other entities operating, reimbursing, or
7 contracting for homeless shelters shall offer individuals and families
8 private rooms with private bathrooms to each family in order to prevent
9 the spread of the disease or outbreak shall implement the following
10 procedures and protocols for the duration of such state disaster emer-
11 gency:

12 (a) (i) Immediately offer to each homeless person or household a
13 private room with a private bathroom through direct placement in and
14 safe transportation to a hotel, motel, public dormitory, or living
15 facility for the duration of the state disaster emergency in order to
16 prevent the spread of such disease or outbreak.

17 (ii) Prior to the beginning of every shift, every employee and volun-
18 teer shall be screened for any signs or symptoms of the disease that
19 caused the state disaster emergency to be declared. If an employee or
20 volunteer is showing signs or symptoms of the disease, they shall imme-
21 diately be sent home.

22 (iii) Provide adequate supervision, security, personnel, meals, main-
23 tenance and services in each such facility for the duration of its use.

24 (b) Comply with all policies, orders and guidance by the department of
25 health related to limiting the spread of the disease, including but not
26 limited to, the provision of private rooms and bathrooms, testing and
27 symptom monitoring, cleaning, maintenance and disinfection, appropriate
28 remote consultation with a designated health official, isolation and
29 transportation for homeless individuals, employees and volunteers who
30 may have been exposed, are awaiting test results and/or who have demon-
31 strated signs or symptoms of the disease, social distancing protocols,
32 and the supply, use, disposal and disinfections of personal protective
33 equipment.

34 3. In the event that a state disaster emergency has been declared, the
35 office of temporary and disability assistance shall be required to
36 establish an outreach network to make contact with unsheltered homeless
37 individuals and families. Upon contact, the office shall be required to
38 offer a direct placement and safe transportation to a hotel, motel,
39 public dormitory room or living facility for the duration of the state
40 disaster emergency to all homeless individuals and families.

41 4. In the event of a state disaster emergency, all homeless shelters
42 shall report the number of residents or staff with confirmed infection
43 of the diseases on a daily basis to the department of health and the
44 local health department in the county in which the homeless shelter is
45 located. The department of health shall aggregate and publish de-identi-
46 fied data, submitted by homeless shelters under this title on a weekly
47 basis, in a manner that is consistent with the federal Health Insurance
48 Portability and Accountability Act, as amended, and any regulations
49 promulgated thereunder.

50 5. Notwithstanding any other provision of law to the contrary, one
51 hundred percent of the costs associated with the implementation of this
52 title shall be reimbursed by the state, minus any federal funds that can
53 properly be applied to such expenditures.

54 § 2. This act shall take effect immediately.