

STATE OF NEW YORK

4246

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. HEVESI -- read once and referred 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:

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

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

21 3. The department shall annually establish, subject to the approval of
22 the director of the budget, a daily rate of reimbursement for each resi-
23 dential program for victims of domestic violence, as defined in article
24 six-A of this chapter, certified by the department which provides emer-

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

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1 gency shelter and services to persons eligible for such emergency shel-
2 ter and services pursuant to this section. A social services district
3 financially responsible for a victim of domestic violence shall reim-
4 burse a residential program for victims of domestic violence for the
5 costs of emergency shelter and services provided to such victim at the
6 daily reimbursement rate established by the department reduced by any
7 other reimbursement available for such costs. Provided however, if emer-
8 gency shelter and services are provided in accordance with subdivision
9 two of this section, the state shall assume the full cost of the shelter
10 and services during the pendency of the state disaster emergency.

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

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

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

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

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

34 § 3. This act shall take effect immediately.