STATE OF NEW YORK

3593--C

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

Introduced by Sens. BIAGGI, BAILEY, BRISPORT, CLEARE, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN, JACKSON, KAMINSKY, KENNEDY, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to providing internet access to all individuals residing in temporary housing; and to amend the New York state urban development corporation act, in relation to the ConnectAll digital equity grant program

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

Section 1. Subdivision (k) of section 17 of the social services law, as relettered by chapter 424 of the laws of 2017, is relettered subdivision (l) and a new subdivision (k) is added to read as follows:

(k) require that all temporary housing facilities shall provide uninterrupted access to high-speed broadband internet service and WiFi service to all individuals residing in such temporary housing. The WiFi service shall be made available throughout all private and common areas accessible to residents. Such WiFi service must be accessible through personal devices of the residents. The WiFi service signal strength shall be consistent and sufficient to support simultaneous use by all residents. For the purposes of this section, the term "high-speed broadband internet service" means internet service with download speeds of at least one gigabit per second and upload speeds of at least one gigabit per second, or if such speeds are not available the maximum download and upload speeds commercially available within the local social services district, unless a plan with lower speeds is deemed sufficient and

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

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approved by the Division of Broadband Access of the New York state urban development corporation, and the term "WiFi service" means access to high-speed broadband internet through wireless router which connects to the internet by wire or cable. For purposes of this subdivision, temporary housing shall include but not be limited to, shelters for adults, shelters for adult families, small-capacity shelters, shelters for families with children, domestic violence shelters, runaway and homeless youth shelters, shelters in hotels or shelters for refugees. Each temporary housing facility shall submit their plan to provide internet access pursuant to this subdivision to the department for oversight and approval within one hundred twenty days of the effective date of this subdivision. Temporary housing facilities shall implement and comply with such plans within twelve months of such approval.

(1) (i) A temporary housing facility shall not use, disclose, sell, retain, or permit access to the personal information pertaining to a person residing in temporary housing obtained in the course of providing internet access except as required to provide such access without regard to content, application, service, or use of a non-harmful device, or to respond to a warrant issued by a court of competent jurisdiction under the procedures described in the Federal Rules of Criminal Procedure or article six hundred ninety of the criminal procedure law.

(ii) For the purposes of this subdivision, personal information shall mean information that directly or indirectly identifies, relates to, describes, is capable of being associated with, or could reasonably be linked to a particular individual, family, or personal device. Information is reasonably linkable to an individual, family, or personal device if it can be used on its own or in combination with other reasonably available information, regardless of whether such other information is held by the social services district or temporary housing facility, to identify an individual, family, or a personal device.

(2) Any contract or agreement for internet access provided by an internet service provider to a temporary housing facility shall have the same terms and conditions, other than the requirements of this section, as the regularly priced comparable internet plan offered by such internet service provider.

(3) Local social services districts and temporary housing facilities shall not be required to actively monitor or control the information accessed through the WiFi service and shall not be held responsible for any illegal and/or criminal activities committed, orchestrated, or organized through the provided Wifi access by residents.

§ 2. Section 153 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. Notwithstanding any other provision of law to the contrary, one hundred percent of the cost for the expense incurred after the effective date of this subdivision by temporary housing facilities to provide internet access as required by subdivision (k) of section seventeen of this chapter shall be reimbursed by the state.

§ 3. Subdivision 10 of section 16-gg of section 1 of chapter 174 of the laws of 1968, as added by section 2 of part MMM of chapter 58 of the laws of 2022, is amended to read as follows:

10. ConnectAll digital equity grant program. The ConnectAll digital equity grant program is hereby established to support individuals to have the information technology capacity needed for full participation in society and the economy, including the effective implementation of a State Digital Equity Plan or any successor plan and to facilitate, fund, or reimburse, the provision of internet access as provided in subdivi-

sion (k) of section 17 and section 153 of the social services law. Grants issued pursuant to this program shall be awarded in a manner and form as determined by the division consistent with all relevant federal laws, codes, rules, and regulations associated with the federal Digital Equity Act as established under the Infrastructure Investment and Jobs Act. The division shall establish such State Digital Equity Plan and the procedures to solicit, receive and evaluate proposals for the program consistent with rules, regulations, or guidelines established by the commissioner.

§ 4. This act shall take effect immediately. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.