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:

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

TITLE 5

STATE DISASTER EMERGENCY REQUIREMENTS FOR HOMELESS SHELTERS

Section 53. State disaster emergency requirements for homeless shelters.

§ 53. State disaster emergency requirements for homeless shelters. 1. For purposes of this title:

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

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

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

(d) "direct placement" shall mean the process by which a private room with a private bathroom is arranged for and assigned to a homeless individual 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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ity between the location of a homeless shelter or location of outreach engagement and the facility in which such private room with a private bathroom is located.

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

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

(ii) Prior to the beginning of every shift, every employee and volunteer shall be screened for any signs or symptoms of the disease that caused the state disaster emergency to be declared. If an employee or volunteer is showing signs or symptoms of the disease, they shall immediately be sent home.

(iii) Provide adequate supervision, security, personnel, meals, maintenance and services in each such facility for the duration of its use.

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

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

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

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

§ 2. This act shall take effect immediately.