STATE OF NEW YORK

5504

2023-2024 Regular Sessions

IN ASSEMBLY

March 15, 2023

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:

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

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

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

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

[~~(b)~~] **(ii)** "Domestic violence programs" which shall include any facility which otherwise meets or would meet the requirements of **this** paragraph [~~(a) of this subdivision~~], except that victims of domestic violence and their minor children, if any, constitute at least seventy percent of the clientele of such program; and

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

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[~~(c)~~] **(iii)** "Safe home networks" which shall include any organized network of private homes offering emergency shelter and services to victims of domestic violence and their minor children, if any. Such network shall be coordinated by a not-for-profit organization.

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

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

[~~Residential services for victims of domestic violence. In accordance with section one hundred thirty-one-u of this chapter and the regulations of the office of children and family services, a social services district shall offer and provide necessary and available emergency shelter and services for up to ninety days at a residential program for victims of domestic violence to a victim of domestic violence who was residing in the social services district at the time of the alleged domestic violence whether or not such victim is eligible for public assistance. Two forty-five day extensions of necessary and available emergency shelter may be granted beyond the maximum length of stay at a residential program for victims of domestic violence for residents who continue to be in need of emergency services and temporary shelter.~~] **The care and treatment of service animals, therapy dogs and companion animals in residential programs for victims of domestic violence.** If the victim of domestic violence has a service animal as such term is defined in section one hundred twenty-three-b of the agriculture and markets law, or therapy dog as such term is defined in section one hundred eight of the agriculture and markets law, respectively, such service animal or therapy dog shall be allowed to accompany the victim at the residential program authorized pursuant to this section, so long as such accompaniment would not create an undue burden as defined by section two hundred ninety-six of the executive law.

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

§ 4. Section 459-d of the social services law, as renumbered by chapter 169 of the laws of 1994, is renumbered section 459-c, and subdivisions 11 and 12, as added by chapter 838 of the laws of 1987, are amended to read as follows:

11. [~~a schedule showing the approved daily rates of reimbursement payable to residential programs for victims of domestic violence pursuant to section one hundred thirty-one-u of this chapter; and~~

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

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

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

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

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

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

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

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

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

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

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

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

(c) evidence demonstrating that services will be offered in a manner that complies with existing local, state and federal laws and regulations.

5. Each contract entered into for the provision of services for victims of domestic violence and their children, pursuant to this article, shall be subject to the approval of the director of the budget and shall provide for payment to the not-for-profit domestic violence organization pursuant to a payment schedule. The full amount of the contract or contracts, or any appropriate portion thereof, as determined by the commissioner and subject to the approval of the director of the budget, shall be available for payment at any time on or after the effective date of such contract.

§ 9. This act shall take effect immediately.