STATE OF NEW YORK

5649--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. REYES, HEVESI, MAMDANI, GUNTHER, THIELE, SIMON, MEEKS, GONZALEZ-ROJAS, SIMONE -- read once and referred to the Committee on Social Services -- 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 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 in private and common areas accessible to residents. Such shelter shall have at least one router and at least one modem, or any technological equivalent that performs the function of providing an area with high-speed broadband internet service. For the purposes of this subdivision, 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. 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

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

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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 year of the effective date of this subdivision. Temporary housing facilities shall implement and comply with such plans within one year 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 or subpoena issued by a court of competent jurisdiction.

(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, temporary housing facilities, and their employees and subcontractors 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.

(4) Where credentials, such as a password and username, are necessary to access WiFi, temporary housing facilities must conspicuously display such credentials in all public areas of the facility. Temporary housing facilities need not disclose the credentials to access WiFi that is reserved for staff or emergency service use.

(5) Where a temporary housing facility is a hotel or motel as defined in section one hundred thirty-one-v of this chapter, and such temporary housing facility provides WiFi access to patrons at no additional cost, such facility shall provide WiFi to all residents, without discrimination at no additional cost.

§ 2. 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 subdivision (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.

§ 3. This act shall take effect immediately; provided, however, that the amendments to subdivision (l) of section 17 of the social services law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith. 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.