§ 17. Powers and duties of the commissioner. The commissioner shall

(a) determine the policies and principles upon which public assistance, services and care shall be provided within the state both by the state itself and by the local governmental units within the limits hereinafter prescribed in this chapter;

(b) make known his policies and principles to local social services officials and to public and private institutions and welfare agencies subject to his regulatory and advisory powers;

(c) in consultation with the civil service commission, establish minimum qualifications for positions in local social services departments and classify such positions according to differing capabilities, skills, responsibilities and education suitable to the various phases of welfare administration, not inconsistent with the standards and guidelines of a duly authorized federal agency, having due regard for recruitment of personnel and the requirements and varying types of communities within the state. Notwithstanding any inconsistent provision of law, rule or regulation, when (i) a position is vacant and not filled for a continuous period of three months, and (ii) provided that no person meeting all the prescribed minimum qualifications is available therefore, the local social services commissioner may, if in accordance with federal standards, waive those qualifications which he deems least essential for such position and make a provisional appointment of a person otherwise qualified therefor;

(d) submit an annual report to the governor and the legislature prior to the fifteenth day of December of each year. Such annual report shall include the following: the affairs of the department and the status of welfare programs in the state with recommendations for the improvement and development of welfare programs; a report on the department's fair hearing system, as required by section twenty-two of this article; a written evaluation report on the delivery of child welfare services in the state, as required by subdivision five of section four hundred seven of this chapter; a report of the operations of the state central register of child abuse and maltreatment and the various local child protective services, as required by section four hundred twenty-six of this chapter; a report on the number and status and the findings of investigations of deaths of children pursuant to subdivision five of section twenty of this chapter; a report on the progress of the

development and operation of the child care review system, as required by subdivision nine of section four hundred forty-two of this chapter; commencing before December fifteenth, nineteen hundred eighty-four and terminating on December fifteenth, nineteen hundred eighty-nine, a progress report on the planning and implementation of the teenage services act as required by the provisions of section four hundred nine-m of title four-B of this chapter; an analysis of the information contained in the registry of community facilities, as required by paragraph (b) of subdivision two of section four hundred sixty-three-a of this chapter; and a report on the operation of the child support enforcement program, as required by chapter six hundred eighty-five of the laws of nineteen hundred seventy-five;

* (d-1) in consultation with the commissioner of the division of criminal justice, submit a report to the governor, the speaker of the assembly, the temporary president of the senate and the chairs of the assembly and senate standing committee on social services, on the services provided to human trafficking survivors for the purpose of assessing the availability, utilization and necessity for such services. The initial report shall be provided one year after the effective date of this subdivision and annually thereafter and shall include, but not be limited to, the following:

(i) the number of human trafficking referrals made to the office of temporary and disability assistance including the number of confirmed cases;

(ii) the number of human trafficking survivors that received housing and/or services, with specific information about the type of housing or service;

(iii) the number of human trafficking survivors that did not receive housing and/or services, and an indication as to what type of housing and/or service was requested and whether such housing and/or services were denied due to a lack of availability or because the case was not confirmed; and

(iv) information pertaining to the types of services provided by providers such as: (1) the number of current contracts to provide housing and services for human trafficking survivors and their annual funding levels, broken down by contract; (2) the number of contracts and/or services that have ended, been terminated or not renewed and the

reason why; (3) the types of housing and/or services that are provided, as well as the availability of such services, including the geographic location of such housing or service; and (4) any other information the office of temporary and disability assistance deems appropriate.

* NB There are 2 sb (d-1)'s

* (d-1)(1) in consultation with each local health department and each social services district in the county in which a publicly funded shelter is located, the commissioner of the department of health, the commissioner of the office of children and family services, the commissioner of the New York city department of homeless services, and the commissioner of the New York city department of health and mental hygiene, conduct a review of information, to the extent such information is known and available after making all diligent efforts, regarding the homeless population in publicly funded shelters, during a state disaster emergency, declared pursuant to executive order two hundred two of two thousand twenty or any extension or subsequent executive order issued in response to the novel coronavirus (COVID-19) pandemic, including but not limited to, the following information:

(i) the number of confirmed infected individuals;

(ii) the number of hospitalizations;

(iii) the number of deaths;

(iv) information regarding the individual, if known: (a) age; (b) race; (c) family composition; (d) shelter status; (e) type of shelter including: family shelter, a shelter for adults, a hotel, an emergency apartment, a domestic violence shelter, a runaway and homeless youth shelter, or a safe house for refugees; (f) any known risk factors; and (g) any other information the office deems appropriate;

(v) with regard to individuals residing in a residential program for victims of domestic violence or for runaway and homeless youth, information regarding the average number of individuals reported with a confirmed infection, the number and percentage of programs struggling with an outbreak, and the number and percentage of residents impacted in those programs compared to the program's maximum capacity.

(2) in consultation with the commissioner of health, utilizing the information reviewed pursuant to paragraph (1) of this subdivision and to the extent that confidentiality requirements set forth in law and regulation are maintained publish a report containing such information

aggregated by county. When confidentiality requirements set forth in law and regulation prevent the publication of information aggregated by county, the report shall contain such information aggregated for multiple counties and organized by geographic region. Notwithstanding any other provision of this paragraph, for residential programs for victims of domestic violence and runaway and homeless youth, reported information shall be aggregated on a statewide basis.

(3) post the report on the office of temporary and disability assistance's website within sixty days of the effective date of this paragraph and update the report at least every three months thereafter during the state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty or any extension or subsequent executive order issued in response to the novel coronavirus (COVID-19) pandemic.

* NB There are 2 sb (d-1)'s

(e) work cooperatively with the commissioner of the office of mental health and the commissioner of the office for people with developmental disabilities to assist the commissioner of education in furnishing integrated employment services to individuals with severe disabilities, including the development of an integrated employment implementation plan pursuant to article twenty-one of the education law;

(f) in conjunction with the commissioner of education, develop and annually review a plan to ensure coordination and access to education for homeless children, in accordance with the provisions of section thirty-two hundred nine of the education law, and monitor compliance of local social services districts with such plan;

(g) require participation of all employees of a child protective service in a training course which has been developed by the office for the prevention of domestic violence in conjunction with the office of children and family services whose purpose is to develop an understanding of the dynamics of domestic violence and its connection to child abuse and neglect. Such course shall:

(i) pay special attention to the need to screen for domestic violence;

(ii) place emphasis on the psychological harm experienced by children whose environment is impacted by familial violence and accordingly explore avenues to keep such children with the non-abusive parent rather than placing them in foster care further traumatizing both the victim

and the children;

(iii) provide instruction regarding the scope of legal remedies for the abused parent;

(iv) identify obstacles that prevent individuals from leaving their batterers and examine safety options and services available for the victim;

(v) provide information pertaining to the unique barriers facing certain immigrant women and the options available under the federal Violence Against Women Act;

(vi) analyze procedures available to sanction and educate the abusing partner; and

(vii) emphasize the need for the system to hold the abusing partner responsible by appropriate referrals to law enforcement.

(h) make available on its website all award allocations for request for proposals issued by the office of children and family services upon release of such awards. Such information shall also include all organizations requesting funding and the amounts requested for each request for proposal. The office of children and family services may also include any other information related to each program that it deems appropriate;

(i) make available to the council on children and families information regarding: (1) all recipients of grants awarded or administered by the office of children and family services for the purposes of providing afterschool programs; (2) registered school age child care providers registered by the office of children and family services; and (3) home visiting programs that meet the criteria as required by section four hundred twenty-nine of this chapter regardless of whether they have a contract with or receive funding from the state. Such information shall be provided in accordance with the requirements set forth in subdivision two of section four hundred eighty-three-h of this chapter. Such information shall be made available no less than once a year; and

* (i) exercise such other powers and perform such other duties as may be imposed by law.

* NB Effective March 31, 2028

* (j) have the authority appoint a temporary operator in accordance with this subdivision:

(1) For the purposes of this subdivision:

(i) "Building" shall mean an entire building or a unit within that provides emergency shelter to homeless persons.

(ii) "Commissioner" shall mean the commissioner of the office or his or her designee.

(iii) "Data" shall mean written documentation or knowledge obtained in the course of an inspection, audits, or other methods authorized by law.

(iv) "Emergency shelter" means any building with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general or for specific populations of the homeless, including residential programs for victims of domestic violence and runaway and homeless youth programs certified by the office of children and family services.

(v) "Established operator" shall mean a provider of emergency shelter.

(vi) "Serious financial, health or safety deficiency" shall include, but not be limited to, missed mortgage payments, missed rent payments, a pattern of untimely payment of debts, failure to pay its employees or vendors, insufficient funds to meet the general operating expenses of the program, or a violation of law, regulation, or code with respect to a building that provides emergency shelter to homeless persons, in which there are conditions that are dangerous, hazardous, imminently detrimental to life or health, or otherwise render the building not fit for human habitation.

(vii) "Temporary operator" shall mean any provider of emergency shelter that:

(A) agrees to provide emergency shelter pursuant to this chapter on a temporary basis in the best interests of its homeless individuals and families served by the building;

(B) has a history of compliance with applicable laws, rules, and regulations and a record of providing emergency shelter of good quality, as determined by the commissioner; and

(C) prior to appointment as temporary operator, develops a plan determined to be satisfactory by the commissioner to address the building's deficiencies.

(2) (i) A temporary operator may only be appointed after the emergency shelter has been provided notice of alleged violations and the ability to cure such violations. The local social services district shall also be notified of the alleged violations prior to the appointment of a

temporary operator. If the emergency shelter fails to cure such violations in a timely manner, a temporary operator may be appointed where: (A) data demonstrates that the building is exhibiting a serious financial, health, or safety deficiency; (B) data demonstrates that the established operator is unable or unwilling to ensure the proper operation of the building; or (C) data indicates there exist conditions that seriously endanger or jeopardize emergency shelter residents. If the commissioner determines to appoint a temporary operator, the commissioner shall notify the established operator and the local social services district of his or her intention to appoint a temporary operator to assume sole responsibility for the provider of the emergency shelter's operations for a limited period of time. The appointment of a temporary operator shall be effectuated pursuant to this section, and shall be in addition to any other remedies provided by law.

(ii) The established operator may at any time request the commissioner to appoint a temporary operator. Upon receiving such a request, the commissioner may, if he or she determines that such an action is necessary, enter into an agreement with the established operator for the appointment of a temporary operator to restore or maintain the provision of quality emergency shelter to the emergency shelter residents until the established operator can resume operations within the designated time period or other action is taken to suspend, revoke, or limit the authority of the established operator.

(3) (i) A temporary operator appointed pursuant to this section shall use his or her best efforts to implement the plan deemed satisfactory by the commissioner to correct or eliminate any deficiencies in the building and to promote the quality and accessibility of the emergency shelter in the community served by the provider of emergency shelter.

(ii) During the term of appointment, the temporary operator shall have the authority to direct the staff of the established operator as necessary to appropriately provide emergency shelter for homeless individuals and families. The temporary operator shall, during this period, provide emergency shelter in such a manner as to promote safety and the quality and accessibility of emergency shelter in the community served by the established operator until either the established operator can resume operations or until the office revokes the authority of the emergency shelter to operate under this chapter.

(iii) The established operator shall grant access to the temporary operator to the established operator's accounts and records in order to address any serious financial, health or safety deficiency. The temporary operator shall approve any decision related to an established provider's day to day operations or the established provider's ability to provide emergency shelter.

(iv) The temporary operator shall not be required to file any bond. No security interest in any real or personal property comprising the established operator or contained within the established operator or in any fixture of the building, shall be impaired or diminished in priority by the temporary operator. Neither the temporary operator nor the office shall engage in any activity that constitutes a confiscation of property.

(4) Costs associated with the temporary operator, including compensation, shall follow the financing structure established in accordance with section one hundred fifty-three of this chapter, as modified by the current aid to localities provisions for the office of temporary and disability assistance within the department of family assistance. The temporary operator shall be liable only in its capacity as temporary operator for injury to person and property by reason of its operation of such building; no liability shall incur in the temporary operator's personal capacity, except for gross negligence and intentional acts.

(5) (i) The initial term of the appointment of the temporary operator shall not exceed ninety days. After ninety days, if the commissioner determines that termination of the temporary operator would cause significant deterioration of the quality of, or access to, emergency shelter in the community or that reappointment is necessary to correct the deficiencies that required the appointment of the temporary operator, the commissioner may authorize an additional ninety-day term. However, such authorization shall include the commissioner's requirements for conclusion of the temporary operatorship to be satisfied within the additional term.

(ii) Within fourteen days prior to the termination of each term of the appointment of the temporary operator, the temporary operator shall submit to the commissioner, to the local social services district, and to the established operator a report describing:

(A) the actions taken during the appointment to address the identified building deficiencies, the resumption of building operations by the established operator, or the revocation of authority to operate an emergency shelter;

(B) objectives for the continuation of the temporary operatorship if necessary and a schedule for satisfaction of such objectives; and

(C) if applicable, the recommended actions for the ongoing provision of emergency shelter subsequent to the temporary operatorship.

(iii) The term of the initial appointment and of any subsequent reappointment may be terminated prior to the expiration of the designated term, if the established operator and the commissioner agree on a plan of correction and the implementation of such plan.

(6) (i) The commissioner shall, upon making a determination of an intention to appoint a temporary operator pursuant to subparagraph (i) of paragraph two of this subdivision, cause the established operator and the local social services district to be notified of the intention by registered or certified mail addressed to the principal office of the established operator and the local social services district. Such notification shall include a detailed description of the findings underlying the intention to appoint a temporary operator, and the date and time of a required meeting with the commissioner within ten business days of the receipt of such notice. At such meeting, the established operator, and the commissioner shall have the opportunity to review and discuss all relevant findings. At such meeting, the commissioner and the established operator shall attempt to develop a mutually satisfactory plan of correction and schedule for implementation. If a mutually satisfactory plan of correction and schedule for implementation is developed, the commissioner shall notify the established operator that the commissioner will abstain from appointing a temporary operator contingent upon the established operator remediating the identified deficiencies within the agreed upon timeframe.

(ii) The commissioner shall, upon making a determination of an intention to appoint a temporary operator pursuant to subparagraph (i) of paragraph two of this subdivision, cause the temporary president of the senate, and the speaker of the assembly to receive appropriate and timely notification of the intention to appoint a temporary operator. Such notification shall include a description of the findings underlying

the intention to appoint a temporary operator, the identification of the new operator when practicable, and the date of expected transfer of operations. Such notice shall be made as soon as practicable under the circumstances.

(iii) The commissioner, at any time he or she deems necessary and to the extent practicable, shall consult and may involve the local social services district.

(iv) Should the commissioner and the established operator be unable to establish a plan of correction pursuant to subparagraph (i) of this paragraph, or should the established operator fail to respond to the commissioner's initial notification, there shall be an administrative hearing on the commissioner's determination to appoint a temporary operator to begin no later than thirty days from the date of the notice to the established operator. Any such hearing shall be strictly limited to the issue of whether the determination of the commissioner to appoint a temporary operator is supported by substantial evidence. A copy of the decision shall be sent to the established operator and the local social services district.

(v) If the decision to appoint a temporary operator is upheld such temporary operator shall be appointed as soon as is practicable and shall provide emergency shelter pursuant to the provisions of this section.

(7) Notwithstanding the appointment of a temporary operator, the established operator shall remain obligated for the continued provision of emergency shelter. No provision contained in this section shall be deemed to relieve the established operator or any other person of any civil or criminal liability incurred, or any duty imposed by law, by reason of acts or omissions of the established operator or any other person prior to the appointment of any temporary operator of the building hereunder; nor shall anything contained in this section be construed to suspend during the term of the appointment of the temporary operator of the building any obligation of the established operator or any other person for the maintenance and repair of the building, provision of utility services, payment of taxes or other operating and maintenance expenses of the building, nor of the established operator or any other person for the payment of mortgages or liens.

* NB Repealed March 31, 2028

* (k) exercise such other powers and perform such other duties as may be imposed by law.

* NB Repealed March 31, 2028