

## STATEMENT OF BASIS AND PURPOSE OF PROPOSED RULE

The Department of Homeless Services provides temporary emergency shelter to homeless New York City residents and does so in accordance with State and local law and implementing regulations with the goal of moving shelter residents back into permanent housing in the community as soon as possible.

The rule proposed herein instructs shelter staff at all homeless shelters for single adults to refrain from referring clients to permanent housing in buildings that meet one or more of the criteria set forth in the rule and penalizes programs that make such referrals. This requirement prevents the referral of vulnerable individuals to unsafe or substandard buildings.

Title 31 of the Rules of the City of New York is amended by adding a new Chapter 2, to read as follows:

### Chapter 2 Single Adult Homeless Shelter

#### §2-01 Single Adult Permanent Housing Referral Criteria

- (a) Homeless shelters for single adults may not refer clients to permanent housing in buildings that meet one or more of the following criteria:
- (1) Buildings that appear on the New York State Department of Health (“DOH”) Referral Suspension List or on the DOH Uncertified Facilities List, as posted on the DOH website, when a client’s exit from shelter is being planned, or when the shelter otherwise considers referring a client to the address.
  - (2) Buildings that have active vacate orders listed by the NYC Department of Buildings (DOB), Department of Housing Preservation and Development (HPD) and/or the Fire Department (FDNY) on their respective websites at the time when a client’s exit from shelter is being planned, or when the shelter otherwise considers referring a client to the address..
  - (3) Buildings against which HPD has pending litigation, as reflected in the HPD “Complaint, Violations and Registration Information” database, when a client’s exit from shelter is being planned, or when the shelter otherwise considers referring a client to the address, or buildings which at such time are identified on the HPD website as being enrolled in the HPD Alternative Enforcement Program (AEP) established pursuant to New York Administrative Code §27-2153.
  - (4) Buildings with one or more complaints posted on the DOB website (BIS) within the two years preceding the time when a client’s exit from shelter is being planned or when the shelter otherwise considers referring a client to the address, that meet both criteria (i) and (ii) below:

(i) Coded as one or more of the following Complaint Categories:

<u>Code</u>	<u>Complaint Category Description</u>
<u>31</u>	<u>Certificate of occupancy – None/Illegal/Contrary to CO</u>
<u>45</u>	<u>Illegal conversion</u>
<u>71</u>	<u>SRO – Illegal work/No permit/Change in occup – use</u>

(ii) Complaint Disposition Codes A1 through A9 (violations or summons served).

- (b) Referrals by shelters to housing that meets one or more of the criteria set forth in subdivision (a) of this section will be penalized through the Performance Incentive Program, as set forth in the provider’s contract with DHS.
- (c) A shelter provider may not stop a client from choosing to exit shelter to housing that meets one or more of the criteria set forth in subdivision (a) of this section. Should a client make such a choice, the shelter staff must inform the client that the housing option he or she has chosen fails to meet the minimum standards outlined by DHS. Shelter staff must document this conversation in the client’s case record.

## Housing Guidelines Pilot

DHS agrees to implement the following provisional instructions in a subset of shelters (identified below) on a pilot basis for six months from the date of implementation. For the shelters in the pilot, these provisions (“pilot provisions”) will operate *in addition* to DHS’ Housing Referral Guidelines Rule (“Rule”):

1. Add the following paragraph as Section 6 of the Rule: Providers will not refer a client to an address if
  - A. The property has been the recipient of one or more complaints of type 31, 45 and/or 71 within the last four years  
*And*
  - B. the dispositions of those complaints are blank in BIS or the disposition codes are C1 or C2 (failure to gain access) or C3 or C4 (access denied)  
*And*
  - C. the building is identified on the HPD website as having 5 or fewer Class A or Class B units.
2. Add as Section 7: Shelters will evaluate any address presented to clients by a potential landlord or agent making the presentation within a New York City shelter based on the criteria in Sections 1 through 4 of the Rule plus the pilot provisions. If an address is found to violate the Rule or pilot provisions, the presenter will be forbidden from presenting this housing to clients in the shelter.
3. Add as Section 8: Should a client view a housing option and believe that it violates DHS’ Rule or the pilot provisions, DHS/provider staff will offer to assist the client to make a complaint through 311. DHS/provider staff will provide the client with access to a telephone if the client does not have one available. If the client refuses to accept the referral based on his/her report of a condition that would make the referral inappropriate under the rule or the pilot provisions, DHS will not make the referral. In the event a client refuses housing, the reason(s) for the refusal must be documented in the client’s case record.

In addition to these provisional amendments to the Rule, DHS will distribute to the pilot shelters a plain language document that describes the agency’s policy on the conditions that preclude a housing referral (as articulated in the proposed Rule and pilot provisions) and contains information about how to contact the NYC Department of Buildings. The document will be given to all clients in the pilot shelters during the period of the pilot.

DHS will implement this pilot at the following shelters:

30<sup>th</sup> Street  
Keener

Pamoja  
Peter J. Sharp  
Schwartz  
HELP Women's Center  
Kingsboro STAR  
Clarke Thomas  
Willow Avenue

The goal of this pilot is to provide guidance to shelter providers to ensure that clients are referred to safe and appropriate housing. At the end of the six-month pilot, DHS, in consultation with the City Council, will evaluate the impact of these additional instructions on placements from the shelter system, to determine whether this goal has been met. DHS will compare the type and volume of housing referrals from the pilot shelters to comparable, non-pilot shelters and to the rest of the shelter system. DHS will also conduct qualitative analysis of the pilot by interviewing key staff members from the pilot shelters to understand how the pilot protocol impacted the shelter operations and the process of assisting clients to return to permanent housing in the community.

To establish a baseline for comparison, DHS will collect data about referrals that were made during the 12 months prior to the pilot's start date, then will compare that to the pilot data.

*For the pilot shelters, DHS will at a minimum measure each of the following, then will compare it to the baseline data:*

How many clients exited to independent living? How many of these clients were sent to buildings to which DHS shelters collectively made 5 or more placements in the previous 12 months?

In cases where DHS shelters collectively made 5 or more placements in the previous 12 months to a single address, how many of these placements were to buildings with 5 or fewer units?

Of the clients in the category identified in the previous question, how many returned to the shelter system?

What was the average length of stay in these shelters?

*To measure the pilot shelters against the rest of the system:*

On average, how many clients exited to independent living from the pilot shelters vs. the rest of the system?

Of the clients placed into buildings with 5 or fewer units and with 5 or more placements in the previous year, how many returned to shelter from the pilot shelters vs. the rest of the system?

How many placements to buildings with 5 or fewer units and with 5 or more placements in the previous year did the pilot shelters make compared to the rest of the system?

What was the average length of stay in the pilot shelters vs. the rest of the system?

Within 30 days of the commencement of the pilot, DHS will provide a progress report to the Council with preliminary data analysis.

DHS commits to complete this evaluation within 60 days of the end of the pilot. DHS, in consultation with the City Council, will determine whether the pilot is successful within 30 days after the evaluation is complete. If DHS, in consultation with the City Council, determines that

the pilot is successful, then within 30 days of this determination DHIS will amend the Rule to reflect the pilot provisions.