

## NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The New York City Department of Homeless Services (“DHS”) is proposing a rule regarding notice of shelter siting.

**When and where is the hearing?** The public hearing will take place remotely via Zoom on Monday, December 2, 2024, at 10:00 am. Those wishing to attend the hearing may join by:

**Zoom (video and audio):** <https://www.zoomgov.com/j/1611099761>

Or go to [www.zoom.us](http://www.zoom.us), click on “join a meeting” and enter Meeting ID: 161 109 9761

**Phone (audio only): 1-646-828-7666**

When prompted, enter meeting ID: 161 109 9761

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to DHS through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [DHSRules@dhs.nyc.gov](mailto:DHSRules@dhs.nyc.gov). Please include “Notice of DHS Shelter Siting” in the subject line.
- **Mail.** You can mail comments to:

DHS Rules  
c/o Office of Legal Affairs  
150 Greenwich Street, 38<sup>th</sup> Floor  
New York, NY 10007

Please make clear that you are commenting on the Shelter Siting Notice Rule.

- **Fax.** You can fax comments to 917-639-0413. Please include “Notice of DHS Shelter Siting” in the subject line.
- **By speaking at the hearing.** You may sign up to speak at the hearing by calling 929-221-6990 or emailing [DHSRules@dhs.nyc.gov](mailto:DHSRules@dhs.nyc.gov) on or before the start of the hearing on Monday, December 2, 2024, at 10:00 am. Speakers will be called in the order that they signed up and will be able to speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

**Is there a deadline to submit comments?** Yes. The deadline to submit comments is midnight on Monday, December 2, 2024. Comments, including those sent by mail, must be received by HRA on or before December 2, 2024.

**What if I need assistance to participate in the hearing?** You must tell us if you need language interpretation services or a reasonable accommodation to participate in the hearing. You can tell us by email at [DHSRules@dhs.nyc.gov](mailto:DHSRules@dhs.nyc.gov). You may also tell us by telephone at 929-221-6990. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by November 25, 2024, at 5:00pm.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Shortly after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on DHS' website.

**What authorizes DHS to make this rule?** Sections 603 and 1043 of the City Charter. This proposed rule was not included in the DHS regulatory agenda for this fiscal year.

**Where can I find the DHS rules?** The DHS rules are in Title 31 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DHS must meet the requirements of section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of section 1043(b) of the City Charter.

### **Statement of Basis and Purpose**

In 2019, the New York State Senate introduced legislation (S.7215-A), which proposed to amend section 21-324 of the Administrative Code of the City of New York (“Administrative Code”) to require the New York City Department of Homeless Services (“DHS” or “the Department”) to conduct a public hearing in the community district where a proposed new homeless shelter is to be located before being sited. The purpose of the legislation was to promote accountability and transparency by allowing interested community members and elected officials to voice concerns, including about public safety, transportation and educational accessibility, regarding a proposed homeless shelter. The bill was signed into law and became Chapter 383 of the Laws of 2020.

However, Chapter 68 of the Laws of 2021 further amended section 21-324 to require public information sessions rather than public hearings because a public hearing requirement could cause unnecessary delays in the shelter siting process. Public information sessions will continue to provide the public the opportunity to raise questions and concerns to DHS about proposed homeless shelters and their locations without causing unnecessary delays.

Section 21-324, as amended, imposes several requirements on DHS. First, it requires DHS to “establish a process for the notification of new homeless shelters,” which must include notice to

local elected officials and the community board in which the shelter is to be sited. Second, it requires that annual notices be sent to federal, state, and local elected officials seeking potential locations for future shelter. Lastly, it requires DHS to “conduct at least one public information session on the siting of any new homeless shelter” in the community district where such shelter is to be located, and to post the time and location of such information session no later than fourteen days before such session occurs.

To accomplish this mandate, DHS proposes to establish a new Chapter 6 within Title 31 of the Rules of the City of New York (“RCNY”) to implement notification and public information procedures for new homeless shelters.

The Department’s authority for this proposed rule is found in sections 389, 612, and 1043 of the Charter, and section 21-324 of the Administrative Code.

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the Department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 31 of the Rules of the City of New York is amended by adding a new chapter six to read as follows:

### **Chapter 6: Publication of Information Regarding New Homeless Shelters**

§ 6-01. Definitions. As used in this chapter, the following terms have the following meanings:

(a) “Conduct” means directing, controlling, orchestrating, hosting, coordinating, or participating in a public information session.

(b) “Department” means the New York city department of homeless services.

(c) “New homeless shelter” means a facility that has not previously been operated by the department as a shelter.

(d) “Public information session” means an in-person or a virtual or remote meeting, conference, assembly, or other gathering attended by department staff and open to the public.

(e) “Shelter” means any facility established and operated for the purpose of providing temporary residential care, to homeless adults, adult families, or families with children by the department or by a provider under contract or similar agreement with the department applying for or in receipt of temporary housing assistance.

(f) “Emergency homeless shelter” means any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter to recipients of temporary housing assistance and opened during a state of emergency declared by the Mayor pursuant to section 24 of the Executive Law or by the Governor pursuant to section 28 of such law, or pursuant to an emergency procurement.

§ 6-02. Process for Notification of a New Homeless Shelter.

(a) After it has identified a proposed new homeless shelter, but before registering with the city comptroller a contract to operate such shelter, the department will:

(1) Provide written notice to all federal, state, and local elected officials, as well as to the community board of the community district in which the proposed new homeless shelter is to be located, informing them of such a facility and of the department’s intention to site a shelter at the facility. Such notice will include:

(i) the location of the proposed new homeless shelter;

(ii) the capacity of the proposed new homeless shelter;

(iii) the population the proposed new homeless shelter will serve;

(iv) the name of the provider selected to operate the proposed new homeless shelter, if any;

and

(v) the anticipated opening date of the proposed new homeless shelter; and

(2) Conduct at least one public information session at which members of the public may ask questions and make comments in the community district in which the proposed new homeless shelter is to be sited;

(3) Post on the department's website the date, time, and location of or weblink to such public information session, as well as the address of the proposed new homeless shelter, no less than 14 days before such session is scheduled to occur; and

(4) Accept written questions and comments on the proposal to site a new homeless shelter within 14 days of such public information session.

(b) The procedures in this section do not apply to emergency homeless shelters, provided however, that in the event an emergency homeless shelter will operate beyond the duration of the state of emergency pursuant to which it was established, the department will comply with the notification requirements described in this section before registering with the city comptroller any contract or agreement to operate a shelter at the same site.

(c) No later than March 31 of each calendar year, the department will send written notice, electronically and by mail, to all federal, state, and local elected officials requesting that such officials identify potential locations for new shelters in their districts.

**NEW YORK CITY LAW DEPARTMENT  
DIVISION OF LEGAL COUNSEL  
100 CHURCH STREET  
NEW YORK, NY 10007  
212-356-4028**

**CERTIFICATION PURSUANT TO  
CHARTER §1043(d)**

**RULE TITLE:** Rules Relating to Publication of Information Regarding New Homeless Shelters

**REFERENCE NUMBER:** 2023 RG 107

**RULEMAKING AGENCY:** New York City Department of Homeless Services

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN  
Senior Counsel

Date: October 29, 2024

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS  
253 BROADWAY, 10<sup>th</sup> FLOOR  
NEW YORK, NY 10007  
212-788-1400**

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Rules Relating to Publication of Information Regarding New Homeless Shelters**

**REFERENCE NUMBER: DHS-6**

**RULEMAKING AGENCY: Department of Homeless Services**

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro  
Mayor's Office of Operations

October 29, 2024  
Date