

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 the eligibility criteria for access to DHS low-barrier transitional housing.

When and where is the hearing? The public hearing will take place remotely via Zoom on November 12, 2025, at 10:00 am. Those wishing to attend the hearing may join by:

Zoom (video and audio): <https://www.zoomgov.com/j/1602048034>

Or go to www.zoom.us, click on “join a meeting” and enter Meeting ID: 160 151 8618

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

When prompted, enter meeting ID: 160 151 8618

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. Please include “Notice of DHS Low-Barrier Transitional Housing” in the subject line.
- **Mail.** You can mail comments to:

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

Please make clear that you are commenting on the Low Barrier Transitional Housing Rule.

Fax. You can fax comments to 917-639-0413. Please include “Low Barrier Transitional Housing Rule” in the subject line.

- **By speaking at the hearing.** You may sign up to speak at the hearing by calling 929-221-6690 or emailing DHSRules@dhs.nyc.gov on or before the start of the hearing on November 12, 2025. 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 November 12, 2025. Comments, including those sent by mail, must be received by DHS on or before November 12th.

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. You may also tell us by telephone at 929-221-6690. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by November 5, 2025.

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

The Department of Homeless Services ("DHS" or the "Department") provides temporary emergency shelter to homeless New York City residents in accordance with State and local law. DHS implements regulations and court orders with the goal of moving shelter residents into permanent housing in the community as quickly as possible. DHS's Street Homeless Solutions ("SHS") provides a range of services to help individuals experiencing street homelessness transition into transitional or permanent housing and address behavioral health, substance use, and other issues along the way.

DHS contracts with not-for-profit providers to operate outreach teams, drop-in centers, and low-barrier transitional housing sites, including stabilization beds and safe havens. Outreach teams operate across all five boroughs, 24 hours a day, seven days a week, 365 days a year. These teams engage individuals experiencing unsheltered homelessness and connect people who are unsheltered to dedicated services and resources, including low-barrier transitional housing programs, which can be a first step toward permanent housing.

SHS manages contracts for nine drop-in centers, two welcome centers, 29 safe havens, and 12 stabilization bed sites. Together, the welcome centers, safe havens and stabilization sites provide

approximately 4,000 overnight beds dedicated to New Yorkers experiencing street homelessness. In addition, SHS manages six street outreach programs with multiple teams operating throughout the city.

Drop-In Centers are publicly accessible specialized facilities that operate 24/7 and provide hot meals, showers, laundry facilities, clothing, medical care referrals, recreational space, employment referrals, and other social services to homeless individuals and families. Staff assist individuals with accessing and coordinating sleeping arrangements at other DHS low-barrier transitional housing sites or shelters.

Low-barrier transitional housing, such as stabilization bed and safe haven sites offer a less restrictive alternative to traditional shelter for those living outdoors for extended periods. These sites offer temporary sleeping accommodations, food and social services and are operated exclusively by not-for-profit providers; DHS does not directly operate any safe haven sites. Outreach teams coordinate with SHS's Joint Command Center ("JCC") to make referrals for entry.

Stabilization Beds are transitional housing placements with flexible requirements and light touch case management. These low-barrier environments without curfews are intended to serve individuals with significant periods of street homelessness and limited case management needs. When a client is referred to the JCC, the JCC will check the StreetSmart and CARES record for such client and confer with the referring entity. If the records or the referring entity indicate a need for more significant case management, the client will not be referred to a stabilization bed and may instead be referred to a safe haven.

Safe Havens are transitional housing resource placements that also feature flexible program requirements but offer more robust case management services. They are intended to serve individuals with significant periods of street homelessness and high clinical needs.

The goal of each low-barrier transitional housing program is to bring people off the streets into a supportive setting focused on helping them transition to permanent housing.

DHS proposes to amend Title 31 of the Rules of the City of New York by adding a new Chapter 6 establishing criteria for placement of unsheltered homeless adults into low-barrier transitional housing. Placement into a low-barrier transitional housing program does not replace or diminish the right to shelter in New York City. Rather, it offers a low-threshold option for individuals seeking temporary shelter who are unable or unwilling to enter the traditional shelter system.

The Department's authority for this proposed rule is found in sections 389, 612, and 1043 of the Charter.

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 6 to read as follows:

Chapter 6: Placement Process for DHS Low-Barrier Transitional Housing

§ 6-01 Definitions.

For the purposes of this chapter, the following terms have the following meanings:

- a) “CARES” means Client Assistance Re-Housing Enterprise System, the shelter case management system used by the New York City Department of Homeless Services.
- b) “Client” means any person seeking services through the SHS or who has been offered assistance by outreach workers contracted by DHS.
- c) “DHS” means the New York City Department of Homeless Services.
- d) “DHS-administered facility” means a city-administered facility managed directly by DHS or by a provider under contract or similar agreement with DHS.
- e) “Drop-in center” means a DHS-administered facility open twenty-four hours a day, seven days a week that provides single adults with basic necessities, such as hot meals, washroom and laundry facilities, clothing, medical care, recreational space, employment referrals and/or housing placement services, but not an overnight bed.
- f) “Intake facility” means a DHS administered facility open twenty-four hours a day, seven days a week to accept and process applications for Temporary Housing Assistance.
- g) “Intermittent Shelter Stays” means repeatedly entering and leaving a city-shelter, over at least a six month period, with no stay lasting more than seven consecutive days.
- h) “Joint Command Center” or “JCC” is a unit within DHS’ Street Homeless Solutions that coordinates with homeless advocate organizations, community groups, other city agencies

and entities tasked with safely engaging individuals experiencing unsheltered homelessness.

- i) “Low-Barrier Placement” means DHS-administered facilities that provide shelter and on-site services such as temporary sleeping accommodations, food and social services, for unsheltered individuals with minimal barriers, eligibility criteria, or requirements for entry. Safe Havens and Stabilization beds are examples of low-barrier placements.
- j) “Proof of Street Homelessness” means documentation, including, but not limited to, case management, medical records, written statements from social service providers or interested parties submitted on a client’s behalf confirming that their nighttime residence is in a place that is not meant for human habitation. Such documentation may be submitted by a social service provider, outreach provider, medical facility, or other interested party, depending on the specific facts and circumstances of an individual client’s case, who can vouch for the duration of time a client has experienced street homeless; if documentation is unavailable, proof of street homelessness can also be demonstrated through at least three engagements with an outreach team within thirty days.
- k) “Safe Haven” means a DHS-administered facility that provides immediate alternative temporary housing for street homeless individuals. Safe Havens are low-barrier placements facilities intended to serve individuals who have experienced significant street homelessness or have significant clinical needs.
- l) “Significant clinical needs” means a physical health, mental health or substance use issue which substantially impairs a person’s ability to function in daily life.

- m) “Stabilization beds” means DHS-administered facilities that provide temporary low-threshold placement options for individuals experiencing street homelessness. Individuals in stabilization beds may work with outreach teams and shelter staff to locate longer-term housing.
- n) “Street homeless” means an individual whose nighttime residence is a place not meant for human habitation, such as a car, subway station, abandoned building, park, or sidewalk.
- o) “Street Homeless Solutions” or “SHS” is a Unit within DHS that oversees the JCC.
- p) “Street Smart” is the DHS street homeless case management system.

§ 6-02 Process for Low-Barrier Placement.

(a) The Joint Command Center will use the following criteria to determine whether placing an individual experiencing street homelessness in a low-barrier placement is appropriate:

- i. There is no eligibility criteria for services provided by drop-in centers.
- ii. If a client has at least six-months of either (i) documented street homelessness as reflected in StreetSmart, or (ii) documented intermittent shelter stays as reflected in CARES, and does not have documented significant clinical needs as reflected in StreetSmart or CARES, the JCC will refer such client to a Stabilization Bed.
- iii. If a client has less than six months of (i) documented street homelessness as reflected in StreetSmart and (ii) documented intermittent shelter stays as reflected in CARES, and does not have documented significant clinical needs as reflected in StreetSmart or CARES, the JCC will refer such client to Intake.
- iv. If a client has at least six months of (i) documented street homelessness as reflected in StreetSmart, or (ii) documented intermittent shelter stays in CARES, and has documented significant clinical needs as reflected in StreetSmart or

CARES, the JCC will refer such client to a Safe Haven. If such client is already assigned to a mental health shelter, the JCC will consult a DHS manager.

- v. If a client has less than six months of (i) documented street homelessness as reflected in StreetSmart, or (ii) documented intermittent shelter stays as reflected in CARES, and has documented significant clinical needs as reflected in StreetSmart or CARES, the JCC will consult with a manager within the JCC or with the Program Administrator overseeing outreach.

(b) In each case, the JCC will review the list of available beds and work with the Outreach Team to identify an appropriate placement for each client.

(c) Managerial or higher-level titled staff will review each case where a low-barrier placement was not provided.

(d) Assistant Commissioner titles and higher may grant exceptions to this policy based on the totality of the circumstances and considering factors including but not limited to:

- i. Proof of street homelessness;
- ii. Indicators of significant mental health, physical health or substance use issues; and
- iii. Documentation from a partner city agency corroborating six months of street homelessness and/or significant clinical needs not captured in Street Smart or CARES.

(e) Outreach teams will provide street homeless individuals with information about the appropriate DHS Intake site if a low-barrier placement is not provided or declined.

(f) The JCC may set aside up to five percent of available beds, subject to availability, for clients not known to outreach teams who are referred by non-city agencies or non-city contracted entities that do not have access to StreetSmart or CARES.

(g) Nothing in this section shall affect pre-existing bed allocations.

**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 Low Barrier Transition Housing.

REFERENCE NUMBER: 2025 RG 078

RULEMAKING AGENCY: The New York City Department of Homeless Services (“DHS”)

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 1, 2025

**NEW YORK CITY MAYOR’S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

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

RULE TITLE: Rules Relating to Low Barrier Transition Housing

REFERENCE NUMBER: DHS-8

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 1, 2025
Date