



Legislation Text

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By Council Members Rosenthal, Brannan, Maisel, Ayala, Rivera, Cumbo, Chin, Gibson, Richards, Kallos, Lander, Levin, Barron and Miller

A Local Law to amend the charter and administrative code of the city of New York, in relation to reporting on certain domestic violence initiatives, indicators, and factors

Be it enacted by the Council as follows:

Section 1. Title 3 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

SUBCHAPTER 7

OFFICE TO END DOMESTIC AND GENDER-BASED VIOLENCE

§ 3-170 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Domestic violence. The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.

Family justice center. The term “family justice center” means the centers and any successor locations through which the office or successor entity provides criminal justice, civil legal, and social services to victims of domestic violence and gender-based violence.

Family or household member. The term “family or household member” means the following individuals: (i) persons related by consanguinity or affinity; (ii) persons legally married to one another; (iii) persons formerly married to one another regardless of whether they still reside in the same household; (iv) persons who have a child in common regardless of whether such persons have been married or have lived

together at any time; (v) persons not legally married, but currently living together in a family-type relationship; and (vi) persons not legally married, but who have formerly lived together in a family-type relationship.

Office. The term “office” means the office to end domestic and gender-based violence.

§ 3-171 Reporting on domestic violence initiatives, indicators, and factors. On June 1, 2019, and no later than January 31 annually thereafter, the office shall submit to the mayor and speaker of the council and post on its website an annual report regarding certain domestic violence initiatives, indicators, and factors. Such report shall include, but need not be limited to:

1. The number of contracted legal service providers providing services in the family justice centers, disaggregated by the primary area of legal practice and languages spoken by the contracted legal service providers, for each family justice center and in total for all family justice centers;

2. The number of contracted service providers providing non-legal services in the family justice centers, disaggregated by type of service, for each family justice center and in total for all family justice centers;

3. The number of family justice center clients, disaggregated by: (i) the total number of client visits, (ii) the total number of unique clients, and (iii) the number of clients accessing each service type, for each family justice center and in total for all family justice centers;

4. A list of all family justice center programs and services offered which pertain to economic empowerment, such as but not limited to those that promote short- and long-term financial planning or navigation of public benefits, disaggregated by type of program or service, for each family justice center and in total for all family justice centers;

5. The total number of outreach events conducted by the office, disaggregated by type of event;

6. The total number of prevention education workshops conducted by the office for youth, staff administering or operating youth programming, or caregivers for youth;

7. The total number of trainings conducted by the office for: (i) city agency staff, (ii) non-profit staff,

and (iii) community members; and

8. A list of any new data or research reports published by the office.

§ 2. Subdivision a of section 14-150 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Report on domestic violence factors. a. For the purposes of this subdivision, the following terms have the following meanings:

Chronic domestic violence case. The term “chronic domestic violence case” means crimes determined by the department to be related to domestic violence that involve a chronic offender.

Chronic offender. The term “chronic offender” means a perpetrator who has been arrested three or more times in an 18-month period for a crime determined by the department to be related to domestic violence.

Domestic violence. The term “domestic violence” means any crime as determined by the department, not including those done in self-defense, when committed against a family or household member as determined by the department. Perpetrator. The term “perpetrator” means a person who has or who is alleged to have committed domestic violence.

b. Beginning June 1, 2019, and annually thereafter, the department shall submit to the mayor and speaker of the council and shall post on its website, an annual report regarding certain domestic violence initiatives, indicators, and factors in the city. Such report shall include, but need not be limited to the following:

1. The total number of domestic violence complaints, disaggregated by precinct;

2. The total number of chronic domestic violence complaints, disaggregated by borough;

3. The total number of domestic violence offenders, disaggregated by precinct;

4. The total number of chronic offenders, disaggregated by precinct;

5. The scope of outreach efforts by the department to victims of domestic violence in cases where a perpetrator violates an order of protection issued by a court of competent jurisdiction; and

6. Any other interventions by the department that relate to domestic violence.

§ 3. Paragraphs 2 and 3 of subdivision c of section 13-d of the New York city charter, as added by local law number 162 for the year 2016, are amended to read as follows:

2. work with the office to [combat] end domestic and gender-based violence to ensure that services for crime victims are coordinated.

3. advise and assist the director of the office to [combat] end domestic and gender-based violence in developing methods to improve the coordination of systems and services for victims of intimate partner violence;

§ 4. Paragraph 7 of subdivision d of section 18 of the New York city charter, as added by local law number 185 for the year 2017, is amended to read as follows:

7. consult with and provide information and advice to relevant city agencies, in coordination, as appropriate, with the office to [combat] end domestic and gender-based violence, the office of criminal justice, and other agencies or offices as the mayor may designate, on addressing the unique needs of immigrant crime victims and witnesses, including agency standards and protocols for issuing law enforcement certifications required in order to apply for nonimmigrant status under subparagraphs (T) and (U) of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States code, or successor statutes.

§ 5. Section 19 of the New York city charter, as amended by local law number 61 for the year 2005, is amended to read as follows:

§ 19. Office to [combat] end domestic and gender-based violence. a. The city of New York recognizes that domestic violence is a public health issue that threatens hundreds of thousands of households each year and that respects no boundaries of race, ethnicity, age, gender, sexual orientation or economic status. The city of New York further recognizes that the problems posed by domestic violence fall within the jurisdiction and programs of various City agencies and that the development of an integrated approach to the problem of

domestic violence, which coordinates existing services and systems, is critical to the success of the city of New York's efforts in this area.

b. There shall be, in the executive office of the mayor, an office to [combat] end domestic and gender-based violence. The office shall be headed by a director, who shall be appointed by the mayor.

c. The director of the office to [combat] end domestic and gender-based violence shall have the power and duty to:

1. coordinate domestic violence services;
2. formulate policies and programs relating to all aspects of services and protocols for victims of domestic violence;
3. develop methods to improve the coordination of systems and services for domestic violence;
4. develop and maintain mechanisms to improve the response of city agencies to domestic violence situations and improve coordination among such agencies; and
5. implement public education campaigns to heighten awareness of domestic violence and its effects on society and perform such other functions as may be appropriate regarding the problems posed by domestic violence.

d. 1. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "Agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

(ii) "Domestic violence fatality" shall mean a death of a family or household member, resulting from an act or acts of violence committed by another family or household member, not including acts of self-defense.

(iii) "Family or household member" shall mean the following individuals:

- (a) persons related by consanguinity or affinity;
- (b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons have been married or have lived together at any time;

(e) persons not legally married, but currently living together in a family-type relationship; and

(f) persons not legally married, but who have formerly lived together in a family-type relationship.

Such term, as described in (e) and (f) of this subparagraph, therefore includes "common law" marriages, same sex couples, registered domestic partners, different generations of the same family, siblings and in-laws.

(iv) "Perpetrator" shall mean a family or household member who committed an act or acts of violence resulting in a domestic violence fatality.

(v) "Victim" shall mean a family or household member whose death constitutes a domestic violence fatality.

2. There shall be a domestic violence fatality review committee to examine aggregate information relating to domestic violence fatalities in the city of New York. Such committee shall develop recommendations for the consideration of the director of the office to [combat] end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency. The committee shall be convened by the director of the office to [combat] end domestic and gender-based violence, or his or her designee, and shall consist of the director of the office to [combat] end domestic and gender-based violence, or his or her designee, the commissioner of the police department, or his or her designee, the commissioner of the department of health and mental hygiene, or his or her designee, the commissioner of the department of social services/human resources administration, or his or her designee, the commissioner of the department of homeless services, or his or her designee and the commissioner of the administration for children's services, or his or her designee. The committee shall also consist of two representatives of programs that provide social or

legal services to victims of domestic violence and two individuals with personal experience with domestic violence. The director of the office to [combat] end domestic and gender-based violence, or his or her designee, shall serve as chairperson of the committee. At the discretion of the director of the office to [combat] end domestic and gender-based violence, the committee may also include a representative of any of the offices of the district attorney of any of the five boroughs and/or a representative of the New York city housing authority. Each member of the committee other than any member serving in an ex officio capacity shall be appointed by the mayor.

(i) The service of each member other than a member serving in an ex officio capacity shall be for a term of two years to commence ninety days after the effective date of the local law that added this subdivision. Any vacancy occurring other than by expiration of term shall be filled by the mayor in the same manner as the original position was filled. A person filling such a vacancy shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term.

(ii) Members of the committee shall serve without compensation.

(iii) No person shall be ineligible for membership on the committee because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

(iv) The committee shall meet at least four times a year.

3. The committee's work shall include, but not be limited to, reviewing statistical data relating to domestic violence fatalities; analyzing aggregate information relating to domestic violence fatalities, including, non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; examining any factors indicating a high-risk of involvement in domestic violence fatalities; and developing recommendations for the director of the mayor's office to [combat] end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence

provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

4. The committee may request and receive information from any agency as may be necessary to carry out the provisions of this subdivision, in accordance with applicable laws, rules and regulations, including, but not limited to, the exceptions to disclosure of agency records contained in the public officers law. Nothing in this subdivision shall be construed as limiting any right or obligation of agencies pursuant to the public officers law, including the exceptions to disclosure of agency records contained in such law, with respect to access to or disclosure of records or portions thereof. The committee may also request from any private organization providing services to domestic violence victims pursuant to a contract with an agency information necessary to carry out the provisions of this subdivision. To the extent provided by law, the committee shall protect the privacy of all individuals involved in any domestic violence fatality that the committee may receive information on in carrying out the provisions of this subdivision.

5. The committee shall submit to the mayor and to the speaker of the city council, on an annual basis, a report including, but not limited to, the number of domestic violence fatality cases which occurred in the city of New York during the previous year; the number of domestic violence fatality cases reviewed by the committee during the previous year, if any; any non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; any factors indicating a high risk of involvement in domestic violence fatalities; and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

§ 6. Subdivision a of section 1069 of the New York city charter, as amended by local law number 22 for the year 2002, is amended to read as follows:

a. Pursuant to the provisions of this section, each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of the public health

insurance program options pamphlet published by the department of health and mental hygiene pursuant to section 17183 of the administrative code of the city of New York. The following offices are hereby designated as participating agencies: the administration for children's services, the board of education, the city clerk, the commission on human rights, the department for the aging, the department of correction, the department of employment, the department of homeless services, the department of housing preservation and development, the department of juvenile justice, the department of health and mental hygiene, the department of probation, the department of social services/human resources administration, the taxi and limousine commission, the department of youth and community development, the office to [combat] end domestic and gender-based violence, and the office of immigrant affairs; provided, however, that the department of health and mental hygiene, as it deems appropriate, may designate additional agencies to be participating agencies.

§ 7. Subdivision a of section 12-208 of the administrative code of the city of New York, as added by local law number 182 for the year 2018, is amended to read as follows:

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Child care center. The term "child care center" means a program regulated by article 43 or article 47 of the New York city health code and that is contracted by the administration for children's services or contracted and funded by the department of education.

Covered entity. The term "covered entity" means a child care center, domestic violence shelter, family justice center, LYFE program, or temporary shelter.

Domestic violence shelter. The term "domestic violence shelter" means an emergency shelter for domestic violence survivors managed by or under a contract or similar agreement with a city agency and subject to section 459-b of the social services law or a tier II shelter for domestic violence survivors managed by or under a contract or similar agreement with a city agency and subject to the provisions of part 900 of title 18 of the New York codes, rules, and regulations.

Family justice center. The term "family justice center" means a center and any successor location

through which the office to [combat] end domestic and gender-based violence or a successor entity provides services to victims of domestic and gender-based violence.

LYFE programs. The term "LYFE programs" means the living for the young family through education (LYFE) programs operated by the department of education to provide early childhood education to children of student parents.

Temporary shelter. The term "temporary shelter" means a facility with the capacity to shelter families with children operated by or under contract or similar agreement with the department of homeless services and the department of youth and community development.

§ 8. Subdivision a of section 14-162 of the administrative code of the city of New York, as added by local law number 55 for the year 2016 and renumbered by local law number 124 for the year 2016, is amended to read as follows:

a. Definitions. As used in this section, the following terms have the following meanings:

Major felony. The term "major felony" means any of the following offenses: murder, including penal law sections 125.25, 125.26, and 125.27, non-negligent manslaughter, including penal law sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, and 125.22, sex offenses, including penal law sections 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.65, 130.65-a, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90, 130.91, 130.95, and 130.96, robbery, including penal law sections 160.05, 160.10, and 160.15, burglary, including penal law sections 140.20, 140.25, and 140.30, felony assault, including penal law sections 120.01, 120.02, 120.05, 120.06, 120.07, 120.08, 120.09, 120.10, 120.11, and 120.12, firearm and weapons possession and use, including penal law sections 265.01-A, 265.01-B, 265.02, 265.03, 265.04, 265.08 and 265.09, shooting incidents, and possession and sale of a controlled substance, including penal law sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, and 220.43.

Neighborhood tabulation area. The term "neighborhood tabulation area" means a geographic area that is no larger than a community district and comprised of two or more census tracts.

Priority area. The term "priority area" means a geographic area, no larger than a precinct sector, designated by the department, in which the previous fiscal year's major felony crime data indicates that the area has experienced a high occurrence of crime relative to the occurrence of crime experienced by the city as a whole.

Support service agency. The term "support service agency" includes but need not be limited to the following city agencies: (i) the human resources administration, (ii) the administration for children services, (iii) the department of homeless services, (iv) the office to [combat] end domestic and gender-based violence, (v) the department of youth and community development, (vi) the department of education, (vii) the department of buildings, (viii) the department of housing preservation and development, (ix) the fire department, (x) the New York city housing authority, and (xi) the department of health and mental hygiene.

§ 9. Section 20-706.5 of the administrative code of the city of New York, as added by local law number 99 for the year 2016, is amended to read as follows:

By December 1, 2016, the commissioner, in consultation with the commission on gender equity, the mayor's office to [combat] end domestic and gender-based violence, and other city agencies as appropriate, shall establish and implement an outreach and education program to promote [women's] financial independence, stability and success. Such program shall provide information on issues that typically and especially affect [women] vulnerable populations, including but not limited to the following: (i) short- and long - term financial planning, including planning for retirement; (ii) navigation of public benefits programs; (iii) the prevalence of gender-based pricing; and (iv) deceptive business practices and predatory consumer and financial products. Such outreach and education program shall also provide information related to the office of financial empowerment and its financial education providers. The outreach and education program required by this section shall include the production of educational materials that shall be made available on the department's website and submitted to the commission on gender equity and the mayor's office to [combat] end domestic and gender-based violence. Such educational materials shall be made available in English and in the six languages

most commonly spoken by limited English proficient individuals in the city as determined by the department of city planning. The commissioner shall review the educational materials made available on the department's website on an annual basis, update the educational material as needed, and submit such updated material to the commission on gender equity, the mayor's office to [combat] end domestic and gender-based violence, and other city agencies as appropriate on or before December 1 of each year.

§ 10. Subdivision a of section 21-307 of the administrative code of the city of New York, as amended by local law number 207 for the year 2017, is amended to read as follows:

a. There shall be an interagency coordinating council established by the mayor which shall consist of representatives of each city agency providing transitional housing or services to eligible homeless persons and other homeless individuals and families. Such interagency coordinating council shall include, but shall not be limited to, representatives of the department of homeless services, the department of social services/the human resources administration, including at least one representative who works in housing for individuals with HIV/AIDS, housing for victims of domestic violence, and supportive housing, the department of housing preservation and development, the department of youth and community development, the administration for children's services, the department of education, the department of health and mental hygiene, and such other agencies as the mayor shall designate. The mayor shall designate a deputy mayor to serve as chairperson of the interagency coordinating council. The commissioner of the department of homeless services shall provide appropriate personnel to assist the interagency coordinating council in the performance of its functions. Representatives of the New York city housing authority and of the office to [combat] end domestic and gender-based violence may serve on the interagency coordinating council, and the chairperson of the interagency coordinating council or his or her designee shall notify such agencies of their ability to serve.

§ 11. This local law takes effect immediately.

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