



Legislation Text

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A Local Law to amend the administrative code of the city of New York, in relation to shelter security guard trainings

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-109.2 to read as follows

§ 6-109.2 Security guard training requirements. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Commissioner. The term “commissioner” means the commissioner of homeless services.

Comptroller. The term “comptroller” means the comptroller of the city.

Department. The term “department” means the department of homeless services.

Security guard. The term “security guard” means an unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such individual to perform security services in the state of New York.

Security guard company. The term “security guard company” means a company licensed to provide security guards under contract to other entities pursuant to article 7 of the general business law, and that is engaged by a shelter operator to provide security guards to perform security services at a shelter pursuant to a shelter contract.

Security guard training school. The term “security guard training school” means an entity which has

been approved as a security guard training school by the commissioner of the division of criminal justice services or his or her designee pursuant to article 7-A of general business law and is approved to provide a security guard training course or courses.

Security services. The term “security services” means the unarmed protection of individuals and/or property from harm or other unlawful activity, as well as, prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of shelter residents, staff or the public.

Shelter. The term “shelter” means temporary emergency housing provided to homeless individuals by a shelter operator pursuant to a shelter contract.

Shelter contract. The term “shelter contract” means any written agreement whereby the department is committed to expend and does expend funds and the principle purpose of such agreement is to operate a shelter. The term “shelter contract” does not include contracts awarded pursuant to the emergency procurement procedure as set forth in section 315 of the charter.

Shelter operator. The term “shelter operator” means any entity that enters into a shelter contract with the department.

b. The shelter operator shall ensure that all security guards providing security services at a shelter shall receive 40 hours of training after they are hired, of which at least 10 hours must be shelter-specific training. Following the initial training each security guard shall be provided annually with an eight-hour refresher training of which at least two hours must be shelter-specific training. The 40- hour post hire training and the eight-hour refresher training shall be in addition to the minimum training required under article 7-A of the general business law. Such trainings must be provided by a security guard training school and by instructors with at least three years of security guard or law enforcement experience via classroom based interactive sessions or, if a declared public health emergency prohibits classroom-based instruction, via synchronous instruction delivered by a live instructor. Trainings must occur within 120 days of hire or 120 days after the

effective date of the local law that added this section for existing security guards. Security guards shall be compensated at their regular hourly rate for the time spent participating in such trainings, and a shelter operator shall be reimbursed by the department for the training after it demonstrates that the training has been provided.

c. The commissioner shall determine the content to include in the shelter-specific training, except that trainings will include at a minimum one-hour length sessions on sexual harassment prevention specific to interactions with populations shelter security guards will encounter during the course of their work and de-escalation techniques for interactions with individuals experiencing a mental health emergency or crisis.

d. The shelter operator shall provide the department with an annual certification to verify compliance with the training requirements of subdivision b of this section. Such certification shall include:

1. A list of all security guards and when they were hired,
2. A list of all security guards who have completed the initial training and the refresher training,
3. The security guard training school at which the training was received; and
4. Curricula of the training received.

e. A shelter operator that has entered into a contract with a security guard company may obtain records from the security guard company verifying compliance with the training requirements of subdivision b of this section.

f. Failure to provide training from a security guard training school during the time frame required under this subdivision shall be considered a violation of this subdivision. Each failure to train shall be considered a separate violation. The department shall provide notice and opportunity to be heard and after making a final determination finding that the training requirements have not been provided by the department shall against a shelter operator or a security guard company:

1. Upon the first offense issue a warning or a fine not to exceed \$500;
2. Upon the second offense issue a fine not less than \$500 and not more than \$1,000; and
3. Upon the third or subsequent offense issue a fine not less than \$1,000 and not more than \$2,000.

g. The commissioner shall promulgate implementing rules and regulations as appropriate and consistent with this section.

h. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

i. Application to existing shelter contracts. No later than 30 days after the effective date of the local law that added this section, the commissioner shall provide notice of the provisions of this section to existing shelter operators. To the extent permitted under a shelter contract between the department and a shelter operator executed prior to the effective date of the local law that added this section, the commissioner shall commence to renegotiate such existing shelter contract to include the provisions of this section and shall terminate such existing shelter contract if the shelter operator does not accept the new terms within 90 days of receiving notice of the provisions of this section. The commissioner shall provide sufficient funding for shelter operators to fulfill the additional requirements imposed under this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of homeless services may promulgate any rules necessary for implementation of this local law and take any other measures as are necessary for its implementation, prior to such date.

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