

Department of  
Homeless Services

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**TO:** All Providers and Shelter Directors

**FROM:** Robert V.  
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**SUBJECT: Limiting Non-Resident Access to Facilities Within the  
DHS Shelter System**

As you know, applicable State and Federal laws and regulations require DHS and its providers to maintain the confidentiality of those who apply for or receive shelter and other public assistance benefits. *See, e.g.,* SSL 5136, 18 N.Y.C.R.R. Part 357, and 42 5 290dd-2. I write regarding your obligation to maintain the confidentiality of residents and limit access to shelters within DHS' system ("Shelters") by nonresidents. The following summarizes DHS' policy with respect to this issue. Shelter directors should utilize this letter, in conjunction with DHS Procedure No. 00-210 (Facility Access Guidelines, attached as Appendix A), in making all determinations regarding nonresident access to Shelters.

It is imperative that Shelters, and the common areas they contain, are used solely to further DHS' core mission of providing temporary shelter and assistance in finding permanent housing. Accordingly, DHS must strictly limit nonresident access to "Shelters to the limited exceptions described in this letter.

As with all of its practices, policies, and procedures, DHS is guided by its legal obligations and its mission to provide homeless families and individuals with safe, temporary shelter. Therefore, providers should grant nonresidents access to Shelters only if such access would further the Agency's mission and/or is required by law. Specifically, nonresidents are granted access to Shelters only if they are (i) performing a function authorized or mandated by applicable law on behalf of DHS (e.g., job training services or childcare); or (ii) within the limited access granted by DHS Procedure No. 00-210 (Facility Access Guidelines) (Appendix A).

When nonresidents are granted access to Shelters, providers must take all necessary steps to protect the confidentiality of the residents. Indeed, certain nonresidents are only granted access to facilities pursuant to contracts or agreements designed to ensure that the confidentiality of shelter residents remains intact.

DHS authorizes its providers to grant shelter access to external organizations,

who provide services required by the New York State Office of Temporary

and Disability Assistance ("OTDA"). *See* SSL X41 *et seq.*; 18 N.Y.C.R.R. Parts 491 and 900; 94 ADM 20 (OTDA 94) and relevant DHS policies, procedures, and guidelines (collectively, "DHS Policies"). Accordingly, shelter directors, at their discretion, enter into agreements with such external organizations in order to provide on-site services mandated or authorized by the applicable law and DHS' practices and procedures. For example, shelter directors in family shelters provide access to organizations that provide after-school programs to further child development. 18 NYCRR § 900.10. In single adult shelters, directors provide access to not-for-profit organizations to provide job training and social rehabilitation (such as mental health services), so that shelter residents obtain the necessary skills to find and move into permanent housing. 18 NYCRR § 491.8.

As stated above, DHS' Facility Access Procedure delineates the circumstances during which providers may grant shelter access to specified categories of nonresidents. That procedure recognizes that a limited group of non-providers must also have shelter access in limited circumstances. This comprehensive list includes legal representatives of shelter residents as well as government officials conducting their official duties, such as judges and court personnel, OTDA inspectors, members of law enforcement and emergency medical services. *See* Appendix A. Shelter directors, along with DHS staff, recognize the important roles these individuals have in the lives and well-being of shelter residents, and thus grant them access to Shelters.

In sum, due to confidentiality requirements and the need of DHS to devote all of its resources solely to its mission of providing temporary shelter and assisting clients in obtaining permanent housing, DHS does not grant the general public use of or access to its shelter facilities. Outside of the groups described above (those granted access by regulatory mandate and those by DHS policies), no nonresident person or organization is permitted to enter a Shelter at any time.

Please contact the General Counsel's office at (212) 361-7996 should you have any questions about the contents of this letter. Please also make sure you are fully familiar with the DHS Facility Access Procedure.

NEW YORK CITY  
DEPARTMENT OF HOMELESS SERVICES

POLICY NO. 00-210

Effective Date

7/17/00

Approved By:



Commissioner

Applicable:

Program Staff and Security  
Personnel at all directly operated  
and DHS-funded facilities and programs

Administered By:

Deputy Commissioners, Adult and Family Services,  
Program Administrators, Shelter, and EAU  
Directors, Shelter and EAU Shift Supervisors,  
Security Supervisors, Contract Managers

This procedure supersedes and replaces Policy and Procedure No. 96-004. This procedure also supersedes and replaces DHS Family Services Procedure 95-010 ("Access to the EAU") and Adult Services Procedure AS 202 ("Visitation in Shelters by Legal Representatives of Shelter Residents"). To avoid confusion, please discard any copies of Procedure 96-004, Family Services Procedure 95-010 and Adult Services Procedure AS 202. DHS-operated family shelter facilities and family assessment

centers must also refer to DHS Family Services Procedure 97-512 ("Shelter Pass Control Procedure").

**Subject:**

**Facility Access Guidelines**

## **I. PURPOSE**

To establish a consistent, agency-wide policy to ensure that access by persons other than clients and authorized staff to DHS intake, assessment and shelter facilities as well as DHS-funded programs is provided in a manner which respects agency prerogatives and adheres to the client confidentiality protections of applicable statutes and regulations.

## **II. APPLICABILITY**

Applicable to all Program Staff and Security Personnel at all directly operated and DHS-funded facilities and programs. Administered by the Deputy Commissioners,

Adult and Family Services, Program Administrators, Shelter and EAU Directors, Shelter and EAU Shift Supervisors, Security Supervisors, Contract Managers.

### **III. BACKGROUND**

DHS provides temporary housing, in accordance with Federal and State statutes and regulations, to persons who have become homeless. DHS is mandated to protect the confidentiality of its clients pursuant to New York Social Services Law § 136; Title 18, part 357 of the New York Codes, Rules and Regulations and 42 U.S.C.A. § 602(a)(1)(iv).

In order to maintain client privacy and to provide a secure environment, DHS has established the following guidelines to assist staff in making decisions regarding access to DHS facilities.

### **IV. INTRODUCTION**

These guidelines apply to the following visitors to intake, assessment and shelter facilities:

- Press representatives;
- Elected officials and their staff;
- Legal representatives of shelter residents;
- Client representatives (non-legal);
- Judges, court personnel and court-appointed monitors;
- City lawyers and senior City officials;
- Inspectors from the State Office of Temporary and Disability Assistance (OTDA);
- Personal visitors of individual residents;
- Employees of social services, health, or mental health providers who are visiting individual clients; and
- Law enforcement personnel. (Note exceptions to sign-in procedure below).
- Emergency Medical Services (EMS) (Note exceptions to sign-in procedure below).

Staff assigned to monitor a facility's entrance are responsible for ensuring that each visitor to the facility shows identification (bona fide photo ID), signs the visitor's log book and prints his or her name and affiliation. The time of arrival and departure of the visitor must also be indicated. A visitor is defined as any individual who does not reside in the facility, or is not an employee assigned to the facility on a full-time basis. This includes all personnel and executive *staff* from OHS' central office, facility maintenance and development staff, as well as staff from other facilities.

The only exceptions to the sign-in and ID requirements discussed above are for uniformed law enforcement personnel and emergency medical services technicians. When law enforcement personnel is summoned to the facility by staff, or if law enforcement is in "hot pursuit" of a suspect of a crime, they should be permitted to enter the facility without delay and before the officers leave, staff must note the names and badge numbers of the officers in the facility and visitor's log books. When EMS is called to the facility in response to an emergency, they should be directed to the problematic situation without delay.. %Staff should note the names and badge numbers or other identifying information of the technicians before they leave in the facility and visitor's log books.

All visitors are also subject to security procedures relating to the use of metal detectors, with the exception of judges, elected officials, law enforcement and EMS personnel.

In addition, at family facilities, personal visitors of individual residents are required to sign the Resident Visitor's Pass Control Form. All other visitors are required to sign the Non-Resident's (Visitor's Pass) Control Form (log book).

Note: Visitors are forbidden to bring cameras into DHS facilities. This ban does not apply to staff from the Office of Temporary and Disability Assistance, who, pursuant to State regulations, are authorized to take photographs during inspections of facilities for adults and families. In addition, court orders or other legal authority may permit certain visitors to take photographs in DHS facilities. If a visitor other than staff from the Office of Temporary and Disability Assistance comes to a facility with cameras during business hours, staff should immediately notify the Legal Division at 212-361-7993. The visitor(s) should be told to wait in the reception area until facility staff obtains directions from the Legal Division. During non-business hours, staff should immediately notify either the First Deputy Commissioner or the Deputy Commissioners or Assistant Commissioners for Family and Adult Services to obtain directions.

## **V. DETAILED INSTRUCTIONS**

### **1. PRESS ACCESS**

DHS policy is to accommodate reasonable requests by the legitimate press for access to DHS intake, assessment and shelter facilities. However, access by such persons must receive the prior authorization of the First Deputy Commissioner as the agency's desire to accommodate the press must be balanced against legitimate administrative and client privacy concerns. Client confidentiality concerns are particularly compelling with respect to homeless persons, some of whom are victims of domestic violence. The fact that shelter facilities are the clients' temporary homes is an additional factor warranting protection of client privacy and confidentiality. Accordingly, the following rules are to be followed:

- Reporters who wish to visit any DHS facility including DHS-funded facilities must receive permission from the DHS First Deputy Commissioner. Reporters who arrive unannounced at any facility are not given access unless and until they first contact the Commissioner's office during business hours and receive the necessary permission from the First Deputy Commissioner. Those who arrive unannounced should be informed by the supervisor-in-charge of the agency's prior approval policy and not admitted to the facility. If requested, staff should provide the telephone number of the Commissioner's office (212-361- 8000) to the press.
- Unless other arrangements are made with the Commissioner's office, the media representative must be accompanied by a DHS representative during the visit. The Commissioner's office will decide whether or not a senior staff person should be present, or if facility staff is sufficient.
- The media representative must be informed at the time of the visit of the agency's rules relating to the protection of client privacy and confidentiality:

A client's name, voice or likeness must not be revealed without the client's express written consent. The publication or broadcast of the client's name, voice or photograph without his or her permission is a violation of the client's legally protected right to privacy and confidentiality.

In order to protect clients' privacy and confidentiality, no cameras are permitted inside DHS facilities. As stated previously in this procedure, the exceptions to this ban are: staff from the State Office of Temporary and Disability Assistance, who are authorized to take photographs during inspections of facilities pursuant to the State regulations, and those persons authorized to take photographs by court order or other legal authority.



Personal information about any client, including but not limited to whether the client has any mental or physical illness, or the client's financial situation, is not to be disclosed except by the client.

- Reporters are free to interview clients outside a facility and need no agency approval unless they wish to enter a facility.

## 2. **ELECTED OFFICIALS**

Agency policy is to cooperate with elected officials (and staff who accompany them) who wish to visit DHS facilities. As a matter of courtesy, these officials are expected to notify the Commissioner's office in advance of their intention to visit a DHS facility. As with press representatives, the agency's desire to accommodate elected officials must take into account administrative considerations and client privacy concerns.

If elected officials appear at a DHS facility without having notified the Commissioner's Office, they are required to wait for the facility supervisor-in-charge (Director; or, in the Director's absence, the senior staff person on site) to notify the First Deputy Commissioner or designee that the elected official is on site. The First Deputy Commissioner or designee will instruct the facility supervisor-in-charge on how to proceed with the visit.

Elected officials may, in certain circumstances, be asked to temporarily delay a visit. Such circumstances include but are not limited to: police activity at a facility, events which place the safety of the official, residents or facility staff at risk, or where the visit interferes with the privacy rights of facility residents. Visits by elected officials shall be conducted in a manner which is not disruptive of facility programs.

- The supervisor-in-charge is to be notified immediately by security whenever an elected official and/or senior staff person representing the official comes to the facility.
- Elected officials and their staff are to be met at the security desk by the supervisor-in-charge before being admitted to the facility, and escorted while in the facility. As with press representatives, the elected officials must be informed of the agency's rules regarding the protection of client privacy and confidentiality.
- If facility staff have not been notified -previously by the Commissioner's office of the elected official's visit, the supervisor-in-charge must **immediately** notify(or have his/her designee notify) the Commissioner's office regarding the visit, and await instructions. If the visit occurs during

non-business hours, the Commissioner, First Deputy Commissioner, and Deputy Commissioners for Family and Adult Services can be reached by beeper or via the City Hall police desk f212-788-3058),

- During visits by elected officials, the facility supervisor-in-charge is to escort the official through the facility. This applies even when these officials come to the facility with visitors who do not ordinarily require escorts, such as Legal Aid staff or Coalition monitors.

Staff of elected officials who wish to visit a DHS facility unaccompanied by elected officials must first request and receive permission from the DHS First Deputy Commissioner. Requests for access must be made during normal weekday business hours. Staff who arrived unannounced at any facility are not to be given access unless and until they contact the Commissioner's office and receive the necessary permission. Those who arrive unannounced should be informed by the supervisor-in-charge of the agency's prior approval policy and should not be admitted to the facility unless and until permission is received. Staff of elected officials must be escorted by the supervisor-in-charge at all times whenever such visits are conducted.

### 3. ACCESS TO OTHER VISITORS

#### a. Client Legal Representatives

- (<sup>1</sup>) **Legal Aid Society Homeless Rights Project** represents homeless individuals and families with children. Legal Aid is entitled to full access to client waiting areas of the EAU. Legal Aid occasionally visits family shelter facilities and has full access rights to client common areas, if any, at these facilities. Legal Aid does not have access rights to individual client rooms in shelters unless they are representing the family residing in that room in a legal matter. To access an individual client room, the Legal Aid representative must show some documentation to illustrate that he or she is the client's legal representative. If no such documentation is available, the client should be asked by staff privately whether or not Legal Aid is representing them in a legal matter, before Legal Aid is provided access to individual client rooms.

Legal Aid staff must have valid, current ID.

Note: In addition to its regular staff, Legal Aid often utilizes student interns, who generally go to the facilities accompanied by a staff member. These interns must have a current letter on Legal Aid Society letterhead in their possession identifying them by name as Legal Aid interns. They are then entitled to the same access to DHS facilities as Legal Aid staff.

, Periodically, experts or consultants accompany Legal Aid. Anyone claiming to be an expert or consultant for Legal Aid must be accompanied by a Legal Aid staff person, unless other arrangements have been made with the Commissioner's Office prior to their arrival. Any access questions regarding persons claiming to be experts or consultants should be directed to the Commissioner's office or the Legal Division at 212-361-7993.

- (2) **Coalition for the Homeless** is the Court-designated monitor of conditions in shelter and intake facilities for single adults. Coalition staff and monitors must show valid, current photo ID upon entry to an adult shelter facility and Coalition monitors must appear on the most recent Adult Services Coalition Monitor List. Coalition IDs are updated regularly and the colors of the IDs are changed periodically to ensure that only Coalition staff with up-to-date IDs are admitted. In adult facilities, Coalition monitors must be given full access to client areas once proper ID is produced. However, after 10 PM monitors will not be admitted to client bath\_ or sleeping areas unless they are of the same sex as the client population served at the particular facility.

Coalition representatives do not have any blanket legal authority to visit or otherwise inspect shelter facilities for families with children. Coalition representatives do, however, sometimes act as non-legal client representatives for particular families and are permitted limited access to family facilities such as the EAU or family shelter facilities in these instances. If a Coalition representative is working with a family, he or she may be provided access with the client to designated visiting areas or other administrative areas to which clients have access. The access rights of client representatives are explained more fully in the section entitled "Client Representatives (Nonlegal)" below.

Note: Coalition monitors change monthly. Adult Services is responsible for distribution of the updated list each month to all adult shelter facilities.

- (3) **Urban Justice Center** also represents single adults in certain cases. This group has followed a practice of making prior arrangements with DHS before visiting a facility. Staff from the Urban Justice Center are required to show a valid, current ID before being given access to the facility. If staff from the Urban Justice Center seek access to a facility without having made prior arrangements with DHS, shelter staff should contact the Legal Division at 212-361-7993 for directions on how to proceed.
- (4) **Client Representatives (non-legal)** are individuals who advocate for or represent clients. All client representatives must show valid, current ID and indicate that they represent an individual client or family. If there is any uncertainty about whether the individual represents a particular client, the client should be asked by staff privately whether or not this individual is

representing him/her. An example of a legitimate organization whose staff may sometimes represent individual clients is the Coalition for the Homeless. Any questions regarding whether a particular individual can be admitted as a client representative should be referred to the Legal Division at 212-361-7993.

#### **b. City Lawyers and Administration Officials**

Attorneys from the New York City Law Department and any senior administration officials (e.g., Mayor, Deputy Mayors, Corporation Counsel) may arrange their visit to intake, assessment and shelter facilities with the Commissioner's office. These visitors are to be escorted by the supervisor-in-charge unless they request otherwise. Any questions that may arise regarding the identity or affiliation of such visitors that cannot be resolved by checking the individual's ID are to be forwarded by the supervisor-in-charge to the Program Administrator with oversight responsibility for that facility.

##### **(1)-- Court Personnel**

At the EAU, Justice Freedman, her law secretary, and the Court-appointed Special Masters are entitled to unrestricted access and are not to be kept waiting at the security desk before being given access (unless they prefer to wait for a supervisor). These visitors are to be met by the supervisor-in-charge and offered any assistance as soon as possible after their arrival. They are to be escorted in the facility by the supervisor-in-charge unless they request otherwise.

##### **(2) New York State Inspectors**

New York State Office of Temporary and Disability Assistance (OTDA) inspectors are entitled to unrestricted access to intake, including the EAU, assessment and shelter facilities and need not provide prior notice of their visits. OTDA inspectors should be asked to present ID before entering the facility. They are to be escorted in the facility by the supervisor-in-charge unless they request otherwise. Please note that OTDA inspectors are permitted to take photographs while in the facility during inspections as provided by State regulations.

##### **(3) Notification of Supervisory Staff**

The senior supervisory staff person on site is to be notified immediately by security whenever any of the visitors noted above come to the facility.

#### **c. Personal Visitors of Clients**

Residents of family and adult shelters may receive personal visitors in designated areas of the facility during reasonable hours. However, personal visitors of clients are not permitted inside the EAU at any time, or during intake hours at the Adult Services intake facilities (30<sup>th</sup> Street, Franklin Women's Shelter, Brooklyn Women's Shelter, and Jamaica Armory). Currently, the rules for DHS family

shelters generally provide that clients may receive visitors between 2:00 PM and 5:00 PM and between 7:00 PM and 9:00 PM. Residents in DHS adult shelters may receive visitors during the visiting hours for the particular facility. Each facility must post visiting hours in a place accessible to residents and visitors. Please note that facility staff should be notified by the resident of the resident's visitors prior to the visit. If a visitor requests to see a resident and staff has not been previously notified of the visit, staff should speak privately with the resident to see whether the resident wants to proceed with the visit. The visitor may only be provided access to the facility if the resident agrees to the visit. If the resident does not agree to the visit, staff should not provide any information regarding the resident individual or family to the visitor, including whether or not the resident resides or is present at the facility.

- (1) At shelters, external service providers such *as* health and mental health providers may be provided access to designated areas of the facility so they can see their clients. These providers are required to show identification indicating their agency affiliation prior to entering the facility. Security shall notify a staff person who must locate the client and obtain his or her agreement to the visit.
- (2) Visitors must be escorted to their destination by security or shelter staff.
- (3) Residents have the right to terminate or deny any visits to persons who have obtained access to the facility under this section.

#### **d. Law Enforcement Personnel**

Agency policy is to provide full cooperation to law enforcement personnel. However, access to clients or information regarding particular clients can only be provided in accordance with legal requirements relating to DHS client confidentiality.

When law enforcement is summoned to the facility by staff, the police officers are to be permitted to enter the facility without delay and directed to the problematic area or situation. Staff are to record the name(s) and badge number(s) of the officer(s) who responded to the call, and include this information in the facility log book and any subsequent incident reports.

Parole and Probation Officers seeking to visit or check on particular clients in their caseload must show documentation indicating that the individual(s) in question have reported the shelter as their residence.

The following applies when law enforcement officers come to a shelter to apprehend a particular client:

**(1) Warrants**

Law enforcement officers must be provided access to the facility if the officers present a warrant (an arrest warrant, bench warrant, or warrant for a parole violation). In addition, access must also be provided if directed by the Commissioner's Office or Legal Division.

At mental health shelters, pursuant to an agreement with the New York Police Department, law enforcement officers should not request access with warrants where the underlying offense is a violation. If law enforcement officers request access under these circumstance, staff should contact the Legal Division at 212-361-7993.

Staff should also be aware that DHS has an agreement with the NYPD Central Warrant Division regarding apprehension of fugitives. These apprehensions or "sweeps" usually occur with notice to DHS and most often involve apprehension of more than one individual.

**(2) Exigent Circumstances**

In exigent circumstances (such as "hot pursuit" by police of a person who has just committed a crime), law enforcement is to be provided access and any requested assistance. In such cases, the supervisor-in-charge or his or her designee must, after providing access and assistance, immediately notify the Program Administrator responsible for that facility, who in turn must notify the Assistant Commissioner to whom he or she reports.

**(3) Interviews without warrants**

If law enforcement officers request to see or interview a client but have no accompanying warrant, staff should inform the client of the police request. If the client agrees to see the police, staff should escort the client to the location where the police are waiting. If the client refuses, staff should inform the police of the situation.

**(4) Arrests without warrants**

If law enforcement officers request access to a facility to arrest a resident, but- have no accompanying warrant, staff should inform the officers that they cannot consent to the officer's request for access without a warrant. Staff should inform the client that the police are present for an arrest. If the client agrees to see the police, staff should escort the client to the location where the police are waiting. If the client refuses, staff should inform the police of the situation and refuse access to the police. Staff can also direct law enforcement officers to contact the Legal Division at 212-361-7993 for further assistance. Staff must note in the facility and security log books that the request for access was denied because no warrant was provided and must also notify the Program Administrator regarding the incident no later than the next business day. If law

enforcement is insistent, however, and proceeds to enter the facility despite staffs' directions, staff should not interfere with police business and must include those facts in the report to the Program Administrator.

**(5) Information about current address without warrant**

Upon request, law enforcement officers must be provided with the current address of a particular individual, even if he or she has no warrant, if the duties of the officer include locating or apprehending the individual, and

- the officer states that the individual is either fleeing to avoid prosecution, custody or confinement after conviction;
- is violating a condition of probation or parole imposed under Federal or State law;
- or if the officer states that the individual has information that is necessary for the officer to conduct his or her official business.

**e. Emergency Medical Services (EMS)**

If EMS is called to the facility, EMS personnel should be permitted to enter the facility without delay and directed to the emergency situation. Before EMS leaves, staff must note the name and identifying information of the personnel who responded to the call, and include this information in the facility log book and subsequent incident reports.

**VI. QUESTIONS**

Any questions regarding access by client legal representatives or law enforcement personnel are to be directed to the Legal Division, at 212-361-7993. Any other questions regarding visitor access to these facilities or to DHS administrative offices are to be directed by facility staff to the Facility Director or to the Program Administrator responsible for the facility. Senior agency staff are to direct their questions to the First Deputy Commissioner at 212-361-8000.

In addition, in the event that a visitor seeks access to a facility but does not fall within any of the categories discussed in this procedure, facility staff should tell the visitor(s) to wait in the reception area and should immediately notify the facility supervisor in charge. The supervisor in charge must immediately notify the First Deputy Commissioner and await directions regarding whether or not access may be granted.