



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

SAMUEL D. ROBERTS
Commissioner

MICHAEL PERRIN
Executive Deputy Commissioner

May 12, 2016

John Buyce
Audit Director
Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, New York 12236

Re: Office of State Comptroller's Final Audit Report
(2015-S-23 Oversight of Homeless Shelters)

Dear Mr. Buyce:

As required by Section 170 of the Executive Law, this is the New York State Office of Temporary and Disability Assistance's (OTDA) response to the above-mentioned final report. This response will also be sent under separate cover to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees as required.

During the reporting period, OTDA has taken numerous actions regarding its oversight of the homeless shelter system:

- Undertook a statewide shelter inspection initiative, in partnership with the Office of the State Comptroller, the New York City Comptroller, and the City of Buffalo Comptroller, and inspected 916 shelters throughout the State of New York. Local social services districts will be required to address violations and provide documentation once the violations are remediated.
- Implemented emergency regulations which bolster the state's oversight authority for emergency shelters in New York State by allowing OTDA to impose immediate measures in the case of serious and continuing health and safety violations.
- Published regulations: (1) requiring local districts to provide for inspections of uncertified shelters on an annual basis and submit copies of those inspection reports to OTDA; (2) requiring local districts to send to OTDA all inspection reports relating to commercial hotels/motels used for temporary housing; and (3) authorizing OTDA to review all rates paid for temporary housing assistance by local districts.
- Submitted legislation which was adopted in the 2016-2017 Enacted Budget that authorizes OTDA to designate a temporary operator for homeless shelters where the current operator has been found to have significant financial, operational, or health and safety issues.
- Increased OTDA staffing in order to conduct inspections of both certified and uncertified shelters, review certification requests, and enhance enforcement efforts.

In response to OSC's specific recommendations, OTDA responds as follows:

Recommendation #1: Take necessary actions to complete all annual inspections and issue facility certifications within the time limits prescribed for each shelter type.

Completed. All of the State's shelters were inspected during the reporting period. OTDA has also established a database to track timely performance of inspections and issuance of certifications.

Recommendation #2: Develop and implement a process to follow up on facilities with issues identified in prior inspections to ensure conditions are remedied and acceptable.

Already in process. OTDA has strengthened its inspection report tracking system and hired more staff in order to facilitate better follow up on prior inspections. OTDA's enforcement capabilities have been significantly strengthened by new regulations and the temporary operator law, giving it the legal authority to intervene in situations in which conditions remain unacceptable.

Recommendation #3: Use a risk-based approach to more frequently inspect shelters with a history of problems to ensure conditions remain acceptable.

Already in process. OTDA has already adopted a risk-based approach to ensure that shelters with a history of problems are stabilized. OTDA is implementing a "report card" system for each shelter, and will evaluate each shelter based on numerous criteria, including vulnerability of residents served, number and severity of past violations, number and type of incident and media reports, compliance with corrective action plans submitted, and history of client complaints. Shelters with deficient report cards will be inspected on a more frequent basis.

Recommendation #4: Monitor Local District's oversight activities and obtain sufficient documentation to ensure that the responsibilities delegated to them have been met.

Already in process. New regulations published by OTDA will require local districts to conduct annual inspections of all shelters in their jurisdictions that receive funding for temporary housing assistance and submit these reports to OTDA for its review. The new regulations will also require local districts to send to OTDA all inspection reports relating to commercial hotels/motels used for temporary housing.

Recommendation #5: Work with facilities to develop strategies that will assist in the timely completion of needs assessments and Independent Living Plans ("ILPs") for new residents.

Already in progress. OTDA already monitors whether local districts complete needs assessments and ILPs for new residents in a timely manner. A primary concern is ensuring that a resident's file contains the necessary documentation. OTDA has already communicated this concern to the NYC Department of Homeless Services and working to gain electronic access to each client's file. OTDA will continue to stress the importance of timely completion of needs assessments and ILPs during inspection visits and at conferences attended by local district representatives.

In sum, OTDA takes its shelter oversight responsibilities very seriously and has implemented numerous steps to further strengthen its regulatory authority. Please feel free to contact me if additional information is needed.

Sincerely,

A handwritten signature in black ink, reading "Michael Perrin". The signature is written in a cursive style with a large, prominent initial "M".

Michael Perrin
Executive Deputy Commissioner