



## Office of Temporary and Disability Assistance

ANDREW M. CUOMO  
Governor

SAMUEL D. ROBERTS  
Commissioner

BARBARA C. GUINN  
Executive Deputy Commissioner

September 26, 2017

Mr. Brian Reilly  
Audit Director  
Office of the State Comptroller  
Division of State Government Accountability  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

Re: Oversight of Hotels and Motels Used  
for Homeless and Mixed-Use  
Temporary Residency;  
Report 2016-S-49

Dear Mr. Reilly:

The New York State Office of Temporary and Disability Assistance (OTDA) submits this response to the Office of the State Comptroller's (OSC) final report re: *Oversight of Hotels and Motels Used for Homeless and Mixed-Use Temporary Residency* (Report 2016-S-49, June 2017) (hereinafter the "Report"). As OSC acknowledges, OTDA has taken "positive steps" to improve habitability conditions at hotels and motels used by local social services districts ("districts") to house recipients of temporary housing assistance ("THA") when no other suitable housing is available. Report, at pp. 7, 13, 20. The purpose of this letter is to update OSC as to the additional measures taken by OTDA to implement the recommendations made by OSC. This response will be sent separately to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees as required. This letter shall constitute compliance with Section 170 of the Executive Law.

### **Recommendations 1 & 2:**

Provide additional guidance to districts and establish policies and procedures for recommended action to be taken by districts where hotels or motel are found to be unsatisfactory.

OTDA has already implemented this recommendation. On September 22, 2017, OTDA published additional guidance to establish policies and procedures for commercial hotels/motels used by districts to house temporary housing assistance recipients that are found to be unsatisfactory in some respect. See GIS 17 TA/DC036. Specifically, the newly issued GIS provides guidance on the measures districts should take when commercial hotels/motels that are used to house THA

recipients are found out of compliance with the regulatory requirements set forth in 18 NYCRR § 352.3(g). It instructs that the districts should require commercial hotels/motels to correct violation(s) within 30 days or less, unless the violations are life/safety issues (i.e., a leaking roof, no heat, etc.). If a violation constitutes a life/safety issue, the GIS instructs districts to relocate THA recipients currently residing at the hotel/motel, and cease future referrals unless and until the condition is remediated. The GIS also encourages districts to consult with OTDA when they are uncertain how they should be addressing violations.

OTDA has also gone above and beyond this recommendation and looked at ancillary services offered to persons who need to avail themselves of emergency shelter. For example, OTDA recently issued general guidance regarding the transportation of homeless students to school as required by the McKinney-Vento Homeless Assistance Act ("McKinney-Vento"), 42 U.S.C. § 11431, *et seq.*, as recently amended, and by New York Education Law § 3209. See *Changes in Local District Responsibilities when Transporting Homeless Students*, GIS 17 TA/DC031 (Aug. 4, 2017) (<http://otda.ny.gov/policy/gis/2017/17DC031.pdf>).

### **Recommendation 3:**

#### **Establish a process for analyzing the six-month inspection results.**

OTDA has already implemented this recommendation. OTDA has implemented a clear process for analyzing the six-month inspection reports which moves as follows:

- First, every inspection report submitted by a district pursuant to 18 NYCRR § 352.3(h) is thoroughly reviewed by OTDA staff.
- Next, OTDA follows up with the relevant district(s) as necessary to confirm that violations were appropriately remediated within an acceptable timeframe.
- Where inspection reports have indicated that health, safety, or other problems exist at a hotel/motel used by the district to provide shelter to the homeless, OTDA directs the district to undertake remedial actions or ensure that the property operator has taken appropriate measures to address the deficiencies. For instance, OTDA has directed that a district cease using a hotel/motel that is out of compliance.
- Lastly, OTDA inspectors follow up by performing site visits to certain hotel/motels. For instance, when a single hotel/motel is used and inspected by multiple districts, and inspection reports submitted by the multiple districts appeared inconsistent, OTDA now has a clear policy of following up with a site visit.

OTDA also is in the process working with our information technology partners to design a new database system that will allow OTDA to better capture and analyze data from hotel/motel inspection reports across the State.

**Recommendation 4:**

Seek out opportunities to better communicate and collaborate at both the State and local levels where similar inspection efforts are occurring.

OTDA has also implemented this recommendation. OTDA regularly communicates and collaborates with sister state agencies including both DOH and the districts to strengthen the current inspection system, and ensure the most efficient use of public resources to inspect temporary residences used to house the homeless. It will continue to do so.

If you require further information, please call.

Sincerely,



Samuel D. Roberts  
Commissioner