

DATE: August 8, 2016

TO: Subscribers

SUGGESTED DISTRIBUTION: Commissioners; TA Directors; Housing/Homeless Services Directors

FROM: Kerri Neifeld, Assistant Deputy Commissioner
Division of Shelter Oversight and Compliance

SUBJECT: Inspections of commercial hotels/motels used for temporary housing assistance

EFFECTIVE DATE: Immediately

CONTACT PERSON: otda.sm.css.bss@otda.ny.gov

This GIS relates to an amendment to 18 NYCRR Section 352.3(h) (“Section 352.3(h)”). Section 352.3(h) requires local social services districts (“SSDs”) that make hotel/motel referrals to “inspect at least once every six months the hotels/motels in which families are placed.” The amendment to Section 352.3(h), published on June 22, 2016, further requires SSDs to submit “a copy of any such inspection report...to [OTDA] within thirty days of its completion.”

In order to facilitate the inspection process and ensure the consistent application of standards across the state, OTDA is providing a form for the social services districts to use when completing the required inspections. An SSD may request to use a local equivalent form, providing that the alternative form meets all regulatory requirements. To make such a request, the SSD must submit the proposed alternate form to OTDA at the email address above and in accordance with the provisions set forth in 16 ADM-03. OTDA will respond to all requests within thirty days of receipt of the request.

On or before November 30, 2016, each SSD should submit to OTDA a plan outlining how it intends to ensure the required inspections are conducted. This plan should be resubmitted to OTDA for approval any time revisions are proposed. All hotels/motels regularly used by SSDs must be inspected every six months. If a previously unused hotel/motel is used for the first time, it must be inspected within five (5) business days of making a placement, and then every six months in accordance with the regulation. If a hotel/motel is not used for six consecutive months, it does not need to be inspected. The SSD may negotiate with other inspection entities to ensure inspections are conducted, providing that the inspection requirements are met. In instances where more than one SSD makes use of the same hotel/motel, the districts may determine together which SSD is responsible for conducting the bi-annual inspections. In those cases the hotel/motel only needs to be inspected by one SSD.

When conducting inspections the SSD should inspect each room being used for temporary housing assistance on the day of the inspection. In instances where there are no or very few units in use to provide temporary housing assistance, the SSD should inspect at least one unit in each section of the building, on each floor of the building. For example in a two story motel with two wings, there should be one unit from each wing inspected on each floor for a total of four units inspected. The SSD should conduct inspections on an unannounced basis

and should randomly choose which units to inspect. If an SSD is called to a hotel/motel and for any reason completes an interim inspection, that inspection can be used to reset the six month time clock as long as the interim inspection takes place no more than 90 days ahead of the bi-annual schedule. For example, if an SSD conducts a bi-annual inspection on January 1, the next inspection should be conducted on or about July 1. However, if the SSD is called to the hotel/motel any time on or after April 1 and conducts an inspection that comports with regulatory requirements on that date, the next bi-annual inspection will not be due until September. In these instances, the complete inspection must be performed and the report must be sent to OTDA.

Upon completion of the inspection, and within thirty days, the SSD must submit to the above email address the fully completed inspection form using the Microsoft Excel form provided. OTDA will review each report and confirm its acceptance with the SSD.