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TO: Subscribers

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

FROM: Cheryl Contento, Deputy Commissioner
Division of Shelter Oversight and Compliance

SUBJECT: Further Guidance on the Inspections of Commercial Hotels/Motels

EFFECTIVE DATE: Immediately

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I. Introduction

This GIS reminds social services districts (districts) of their obligations regarding commercial hotels and motels used to house those in need of temporary housing assistance.

II. Background

The attached GIS 16 TA/DC049 was issued on August 8, 2016 and outlined the requirements for the district's inspections of commercial hotels/motels. This GIS provides additional guidance to districts regarding those inspections.

III. Guidance

Inspections

GIS 16 TA/DC049, OTDA outlined the district's responsibility for inspecting commercial hotels and motels used to house those in need of temporary housing assistance, as required by 18 NYCRR § 352.3(h). In sum, districts are required to perform inspections every six months utilizing the checklist that was included in the GIS (see Attachment 1 for reference). The checklist was developed from the regulatory requirements set forth in 18 NYCRR § 352.3(g). The questions on the checklist mirror the regulatory requirements.

If a district finds that the commercial hotel/motel is not in compliance with the regulations set forth in 18 NYCRR § 352.3(g), the district should request that the commercial hotel/motel to correct the violation(s) within 30 days or less, unless the violation is a life/safety issue (i.e., a leaking roof, no heat, etc.). If a violation is a life/safety issue, the district should cease placing individuals at the hotel/motel and should relocate any clients currently placed at the facility. Similarly, if the commercial hotel/motel refuses to correct any cited violations, the district should cease placing individuals at the hotel/motel and relocate any clients currently placed in the facility. OTDA is available for consultation if the district is uncertain whether a violation warrants ceasing referrals to a hotel/motel and moving clients.

OTDA recommends that districts enter into a formal agreement with any commercial hotel/motel used for emergency housing. This agreement will help to ensure that the commercial hotel/motel is adhering to the regulations. Attached for your review is a sample memorandum of understanding used by New York City's Department of Homeless Services (Attachment 2).

District's Collaboration with the local Department of Health

OTDA recognizes that local Departments of Health also may inspect commercial hotels and motels for purposes of protecting the general public from public health hazards. There is nothing precluding a district from making arrangements with a local Department of Health to perform the inspections of commercial hotels/motels on behalf of the district using the prescribed form.

McKinney-Vento

OTDA recently released GIS 17 TA/DC031 that provides new information on the McKinney-Vento Homeless Assistance Act which deals with the education of children and youth in homeless situations. If the district has any questions about its obligations to children and youth in homeless situations, including those placed in commercial hotels/motels, it should consult GIS 17 TA/DC031 or contact OTDA for additional information.