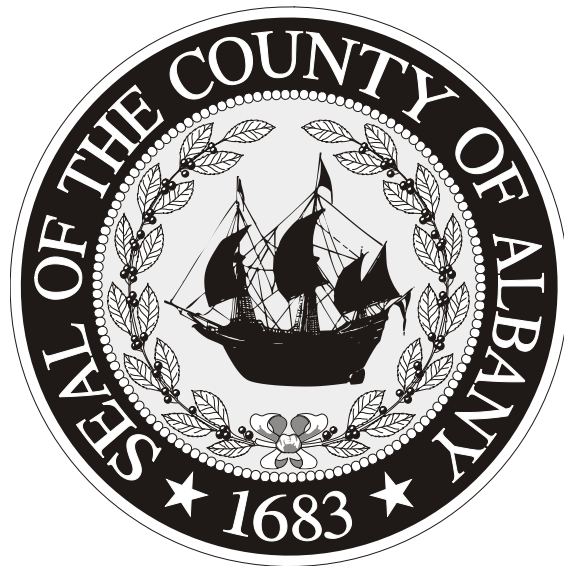


**Review**  
**Department of Social Services**  
**Temporary Assistance Division**  
**Motel Placement**



**Albany County Comptroller's Office**  
**Albany County Comptroller**  
**Michael F. Conners, II**  
**March 2008**

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### **SUMMARY**

The Department of Social Services was negligent when it placed families with children in the same motels as registered sex offenders. Our examination also found families in need of temporary housing are placed in despicable conditions that are unsafe, unsanitary and in violation of New York State requirements. In addition, the Department never conducted the required bi yearly inspections of the facilities individuals and families are placed in by Social Services. The County of Albany has a constitutional and moral obligation to provide adequate care for individuals in need of this type of assistance.

The County of Albany must take immediate action to correct the conditions that are cited in this report and must ensure that those providing these services consistently meet the standards set forth by New York State.

### **INTRODUCTION**

Our office was contacted by Albany County Legislator, Christine Benedict, requesting that we examine the Department of Social Services Temporary Assistance program. Legislator Benedict was given contradictory information by Social Services obtained through the FOIL process. Legislator Benedict was also concerned about the conditions at various motels on Central Ave. Most notably, a grouping of hotels including:

- The Skylane
- The Tompkins
- The Bluebell
- America's Best
- The Super 8
- Best Value Inn

Legislator Benedict was informed in a letter dated April 23, 2007 written by former DSS Commissioner Elizabeth Berlin, "The Albany County Department of Social Services and Homeless and Travelers Aid Society do not shelter homeless families at the same location as homeless level two and level three sex offenders." This was not the case in 2005 and 2006.

This response came after Ms. Benedict received information from a FOIL request dated March 8, 2007 saying that from 1/1/06 to the present 272 children and 28 sex offenders were placed at motels by the DSS.

Legislator Benedict received a letter from the Commissioner of Social Services stating the number of children in the March 8, 2007 letter was incorrect. No children were placed in the motels in question in 2007 and that the total number of children placed in the motels from Jan. 1, 2006 to the present was 96 not 272. It was the conflicting FOIL information that raised a red flag for Legislator Benedict. She enlisted the assistance of the Albany County Comptrollers Office.

According to the Department of Social Services, Albany County has been an ‘active participant in the Ten Year Plan to End Homelessness and utilizes a “housing first” model to place individuals as quickly as possible in permanent housing with support services being provided after housing is obtained.’

Families and individuals who become homeless must apply for temporary assistance through the Albany County Department of Social Services. All applications are taken at 162 Washington Ave or 550 Broadway in Menands. If a family is in need of housing after office hours, they contact the Homeless and Traveler’s Aid Society (HATAS) directly by telephone.

Prior to referring a homeless adult to a shelter, the HATAS caseworker will search databases to determine if the adult is a sex offender:

- NYS Sex Offender Registry
- Albany Police Department “Sex Offender Watch”
- NYSDOCS Prison Inmate registry
- USDOJ Dru Sodjin National Sex Offender Public Website

If an individual appears on one of these registries, the caseworker must investigate that individual further.

If a family uses the after hours option through HATAS, the family or individual must report to DSS the next day for approval. If the family is placed during the workday through HATAS, they are sent to DSS for approval of the stay. A Temporary Assistance Examiner at DSS approves all placements and signs a shelter letter approving these stays.

The Department of Social Services first option to house families in need of temporary housing is to place them in Mirillac Family Shelter, which consists of 24 individual family units. If the facility is at full capacity, the next option is Mercy House (19 beds) and Booth Home (15 beds). The Department’s use of motels is the last resort and they are utilized in order of priority: Schuyler Inn, Super 8 and America’s Best.

## **SCOPE & METHODOLOGY**

The scope of this examination covered fiscal years 2005, 2006 through July 31, 2007.

The Comptroller’s office requested the spreadsheets created by the Department of Social Services that track the payments to providers of temporary housing as well as the name of the

client, their case number and the dates that Social Services paid to have a recipient housed in that location. The data was obtained through databases created by Temporary Housing staff as well as data they received by querying the New York State system.

We obtained a list of all registered sex offenders in Albany County and matched their names with the list provided by Social Services and found 31 individuals who were possible matches to the sex offender registry. We asked to review the files of these individuals to see if they were in fact registered sex offenders. In order to ascertain if they were sex offenders, we obtained copies of their drivers license kept in their case files and checked the photo and date of birth with what was provided from the sex offender website. Once we determined which of the case files we reviewed were sex offenders, we checked the data to determine the location, dates and duration of time they were placed in temporary housing by Social Services. We then checked the data for family placements that overlapped with the placement of registered sex offenders. We also obtained a sampling of case files of families staying at the locations at the same time as sex offenders to see if the dates that they stayed in the motels matched the data obtained from Social Services and to see how many children were affected by the placement. We also received records detailing information on Social Services clients from the owner of the Skylane Motel. It contained details such as the name, case number and the amounts paid to the Skylane by the Department of Social Services. It also showed when they stayed at the motel for the years 2006-2007. He was unable to locate his records for 2005.

To determine whether recipients of services were provided safe and sanitary housing, we obtained building code and fire inspections from the Town of Colonie, the Village of Colonie and the Village of Menands on the motels used to temporarily house needy individuals. We received inspections dating from 2000-2007 on the Skylane Motel, the Blue Bell, the Best Value Inn, the Tompkins, and the most recent fire and code inspection conducted by the Village of Menands for the Schuyler Inn. We also received Temporary Residence Inspection reports from the Albany County Department of Health on The Skylane, The Best Value Inn, America's Best and the Schuyler Inn.

## **OBJECTIVES**

The examination objectives were to determine whether the Department of Social Services:

- Placed families with children in the same shelters as sex offenders in 2005, 2006 and 2007
- Maintains safe and sanitary conditions at the motels it utilizes for temporary shelter
- Has adequate oversight of the facilities it uses for conditional housing.

## **FINDINGS AND RECOMENDATIONS**

Article XVII, Section 1 of the NY State Constitution states, “the aid, care and support of the needy are public concerns and shall be provided by the state and by such its subdivisions.”

Our evaluation found that the Department of Social Services failed to ensure the safety and well-being of the recipients by housing families and sex offenders in the same location in 2005 and

2006 and by failing to inspect the facilities as charged by the NYS Office of Temporary Disability and Assistance. (OTDA) In addition, the Department has no way of ensuring a minimum standard of service provided by hotel/motel operators because of a lack of a written contract with the operators of the motels used to temporarily house homeless families and individuals.

**Housing families and sex offenders**

According to the databases provided to us by DSS, the chart below shows the families affected, the duration and dates, and what registered sex offenders, placed by Social Services, were staying there at the same time:

<b>Family</b>	<b>Date in</b>	<b>Date out</b>	<b>Offender (Dates from/to)</b>	<b>Location</b>
<b>Family 1</b>	11/14/05	12/24/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 (12/8/05-12/31/05)	Skylane
<b>Family 2</b>	12/10/05	12/31/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 (12/8/05-12/31/05)	Skylane
<b>Family 3</b>	6/6/06	6/6/06	Sex Offender #1 (6/1/06-6/30/06) Sex Offender #2 (5/31/06-6/30/06)	Skylane
<b>Family 4</b>	6/29/05	6/29/05	Sex Offender #5 (6/7/06-6/30/06) Sex Offender #1 (6/1/06-6/30/06) Sex Offender #2 (5/31/06-6/30/06)	Skylane
<b>Family 5*</b>	4/17/06	10/15/06 <sup>1</sup>	Sex Offender #1 (3/29/06-7/06/06) Sex Offender #2 (5/31/06-6/30/06, 7/5/06-8/1/06,8/8/06-8/31/06,9/16/06- 9/30/06) Sex Offender #3 (4/5/06-5/18/06) Sex Offender #5 (7/3/06-9/21/06) Sex Offender #6 (6/7/06-6/30/06, 9/15/06-9/30/06)	Skylane
<b>Family 6</b>	1/1/06	1/24/06	Sex Offender #2 (1/7/06-1/31/06) Sex Offender #5 ((1/1/06-1/31/06)	Skylane
<b>Family 7</b>	11/7/05	12/31/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 ((12/8/05-12/31/05)	Skylane
<b>Family 8</b>	7/26/06	8/1/06	Sex Offender #2 (7/5/06-8/1/06) Sex Offender #5 ((7/3/06-9/21/06)	Skylane
<b>Family 9</b>	9/15/05	10/15/05	Sex Offender #4 (9/1/05-9/21/05)	Skylane
<b>Family 9</b>	11/16/05	12/19/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 (12/8/05-12/31/05)	Skylane
<b>Family 10</b>	7/25/06	7/31/06	Sex Offender #2 (7/5/06-8/1/06) Sex Offender #5(7/3/06-7/31/06)	Skylane
<b>Family 11</b>	8/1/06	8/7/06	Sex Offender #5 (8/1/06-8/31/06) Sex Offender #2 (8/1/06)	Skylane
<b>Family 11</b>	11/2/05	12/31/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 (12/8/05-12/31/05)	Skylane
<b>Family 12</b>	11/21/05	12/07/05	Sex Offender #2 (11/16/05-12/31/05)	Skylane
<b>Family 13</b>	1/26/06	1/26/06	Sex Offender #2 (1/17/06-1/31/06) Sex Offender #5(1/1/06-1/31/06)	Skylane

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<b>Family 14</b>	11/17/05	12/12/05	Sex Offender #2 (11/16/05-12/31/05) Sex Offender #5 (12/8/05-12/31/05)	Skylane
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<b>Offender</b>	<b>Status</b>	<b>Crime</b>	<b>Age of Victim</b>
Sex Offender #1	Level 3	Attempted Rape -1 <sup>st</sup> Degree	11 year old female
Sex Offender #2	Level 3	Sexually Violent Offender	Non-NYS
Sex Offender #3	Level 2	Rape 2 <sup>nd</sup> Degree	10 year old female
Sex Offender #4	Level 2	Rape 2 <sup>nd</sup> Degree	13 year old female
Sex Offender #5	Level 3	Sodomy -3 <sup>rd</sup> Degree	15 year old female
Sex Offender #6	Level 3	Attempted Sexual Abuse	Female under 17

- According to the June 20, 2007 correspondence between former Commissioner Berlin and Legislator Benedict, Berlin stated, “the majority of situations occurred through the after hours on call system and HATAS was successful in moving the majority of families out of the Skylane motel the very next day.” As demonstrated by the chart above, twelve of the fourteen families affected were not moved the next day.
- In the case of the sex offender #3, his name was misspelled on his Social Services case file for the period of April 5, 2006 through May 18, 2006. During this time, the client was placed at the Skylane Motel with Family 5.
- We were unable to find any information on the client listed as “Family 5”. The case file and case number did not match the information contained in the case file. All the information in the file was that of her daughter, who gave birth to twins on 7/26/07. However, the database created by Social Services is listed as “unborn child” from 2/1/06-10/15/06. A handwritten notation on our request for the file noted that the daughter’s information was placed in that file in error. The data received from that file on the daughter has no information showing she stayed at the Skylane. The database shows that “Family 5” was at the Skylane from April 17, 2006 – July 31, 2006, left in August 2006 and returned in September through October 15, 2006. When the owner of the hotel was questioned about this, he said she was there for the month of August 2006 and will be checking his records since he believes he was not paid for this month
- The placement of families with children in the same motel as registered sex offenders occurred in 2005 though October 2006. We found no instances where families and sex offenders were housed by Social Services in the same facilities after October 2006. According to Commissioner Berlin’s April 23, 2007 correspondence to Legislator Benedict, “the County has relied on the Skylane Motel to house level two and level three sex offenders and has confirmed with the owner that he does not accept private paying families in recognition of the potential risk of housing sex offenders.”
- According to Commissioner Berlin, each case where a family was placed in the same motel as a sex offender, the Executive Director of HATAS, Ira Mandelker concluded that “HATAS staff faced extraordinary circumstances: no other emergency shelter or motel placement was available”

## **Unsafe and Unsanitary Conditions at Motels**

The New York State Office of Temporary & Disability Assistance (OTDA) requires that “local districts which make hotel/motel referrals must inspect at least once every six (6) months the hotels/motels in which families are placed.” Biannual inspections were never done at any of the motels homeless individuals are placed as required by OTDA. Local districts are responsible to ensure the following:

- ❖ Facilities have verifiable contractual or other arrangements for maintenance, repair and sanitation in the hotel/motel. Such as:
  - Removal of garbage
  - Maintenance of floor coverings
  - Repainting of the facility once every five (5) years
  - Maintenance and inspection of electrical system
  - Maintenance of plumbing fixtures
  - Maintenance of inspection of heating, ventilation and air conditioning systems
  - A regular vermin control program
  - Provision to insure that entrances, exits, steps and walkways are kept clear of garbage, ice, snow and other hazards.
- ❖ Rooms shall be cleaned at least every other day by hotel/motel staff
- ❖ Furniture necessary for daily living including but not limited to tables, bureaus, chairs, beds and cribs shall be in each room
- ❖ No more than two adults shall be placed in each room
- ❖ When children are placed in the same room as adults, there shall be sufficient beds so children shall not have to share single beds
- ❖ All mattresses and bedding shall be clean. Each bed shall have at least two clean sheets, adequate clean blankets, clean pillows and pillowcases. A complete change of linens shall be made by motel staff at least once a week and more often where individuals circumstances warrant or when a new family occupies the unit. Each unit shall be supplied with towels, soap, and toilet tissues. A clean towel shall be provided daily to each resident
- ❖ Each unit must have operational door and window locks. All windows at and above the second floor must have window guards in place unless windows are sealed and the air conditioning works. A heating system shall be permanently installed and operated in accordance with applicable local law. Where local law or code or code does not govern the provision of heat, the system will provide heat to maintain a temperature of 69 ° F (20° C) in all occupied parts of the building, including corridors. Where windows do not open, proper ventilation, including but not limited to air conditioning, shall be operational.
- ❖ Each family with children shall have a private bathroom. At a minimum, this must include a toilet, a sink and a shower, or bathtub, all of which must be properly maintained with hot and cold running water. Couples without children may be placed in rooms with common bathroom facilities.
- ❖ Any violation found during the on site inspection shall be reported to the appropriate authorities.
- ❖ Each inspection shall at least review arrangements for hygiene, vermin control, security, furnishings, cleanliness and maintenance, and shall include a review of any applicable documents pertaining to compliance with any local laws or codes.

- ❖ A written report shall be made of each such inspection and shall be maintained at the office of the local district together with such other information as the district may maintain concerning the families placed in the hotel/motel.

In addition to the information obtained from the Department of Social Services and the Owner of the Skylane Motel, we obtained building and fire inspections from the Town of Colonie and the Village of Menands for some of the motels used by Social Services to house homeless individuals and families. We also obtained “Temporary Residence Inspection” reports for the Skylane, the Super 8 Motel, the Best Value Inn, America’s Best and the Schuyler Inn from the Albany County Department of Health.

A report from a fire at the Skylane Motel in April 2007 shows the cause being a loose knob on the heater used to heat the room, which caused an arch in the wiring causing the insulation to burn. At that inspection, it was discovered by fire inspectors that lead cord was used extensively throughout the room and the adjacent room, used for storage, was filled with garbage and debris.

The Skylane motel had numerous violations listed in its August 2007 fire inspection. (Below)

<b>Property Maintenance (code section)</b>	<b>Exterior property</b>
108.17	<b>Rooms in one story portion require demolition</b>
302.1	<b>Sanitation</b> (Junk and debris accumulation north and west sides)
302.4	<b>Weeds</b> (Tall weeds on west side of building)
303.4	<b>Structural members</b> (Room 13 column not attached at base)
303.6	<b>Exterior Walls</b> (Exterior walls open to elements Room 15)
303.9.1.1	<b>Overhang extensions</b> (overhang on west side is open and rotted)
303.12.1	<b>Handrails/Guardrails</b> (Guardrail on second floor loose)
306.1.1	<b>Infestation</b> (Insect and animal infestation in west side overhang)
501.2.1	<b>Owner responsibility</b> (West side has broken and open sewer pipe)
601.2.1	<b>Owner responsibility</b> (West side electric wiring is run behind siding)
605.1	<b>Proper Installation</b> (Emergency light at top front of staircase has open wire connection w/o junction box)
605.1	<b>Proper Installation</b> (Exterior wiring on west side is not properly supported)
605.1	<b>Proper Installation</b> (High Voltage wires needs to be separated from communication wires)
603.1	<b>Mechanical Equipment Installed Maintained</b> (West side air conditioner units not maintained)
605.1	<b>Proper Installation</b> (Unused wire and cable to removed from the west side)
605.2	<b>Light fixtures</b> (Exterior walkway light needs repair)
704.2	<b>Smoke detectors</b> (Exterior fire alarm has a bird’s nest. Nest must be



	removed)	
		<b>Office</b>
304.3		<b>Structural members</b> (Ceiling shows signs of water damage)
506.2		<b>Sanitary drainage</b> (Need to cap open drain lines in kitchen & bath areas)
605.1.1.1		<b>Proper Installation</b> (Need proper unobstructed access to electric panel)
605.1		<b>Proper installation</b> (Remove wires from electrical panel, which do not terminate in an electric box)
605.1.1		<b>2 Receptacles Per Room</b> (Duplex outlet for air conditioner unit must be extended to face of wall)
<b>Code Section</b>	<b>Room #</b>	<b>Description</b>
504.1.1	2 (Vacant)	<b>Plumbing fixtures</b> (Lavatory faucet does not shut off)
303.13.1	3 (Vacant)	<b>Glazing</b> (Storm window in bathroom broken)
605.1		<b>Proper Installation</b> (Replace heater over electric cover)
304.3	4 (Store Room)	<b>Interior Surfaces</b> (Patch holes in ceiling)
504.1		<b>Plumbing Fixtures</b> (Toilet removed. Drain needs proper cap)
605.1		<b>Proper Installation</b> (Need cover on air conditioner junction box)
605.1	Room 5	<b>Proper Installation</b> (Air Conditioner junction box needs cover and proper receptacle)
403.3		<b>No cooking</b> (Toaster oven in use)
	Room 6	<b>No Entry</b>
	Room 7	<b>No Entry</b>
506.2	Room 8 (Laundry Room)	<b>Sanitary Drainage</b> Open drainpipes need caps
603.4		<b>Flue/Venting/Clearance</b>
605.1		<b>Proper Installation</b> (Open wiring connections w/o junction boxes. All boxes need covers.)
605.2		<b>2 receptacles per room</b> (Outside receptacle needs weatherproof cover)
703.1		<b>Maintenance</b> (Repair ceiling to maintain required fire resistance rating)
	Room 9	<b>No Entry</b>
605.1	Room 10	<b>Proper Installation</b> (Electric heater cover missing)
605.1		<b>Proper Installation</b> (Air conditioner receptacle needs cover)
403.3		No cooking ( <b>Hot place in use</b> )
704.2		<b>Smoke Detectors</b> (Missing)
	Room 11	<b>No Entry</b>
	Room 12	<b>No Entry</b>
304.3	Room 13	<b>Interior Surfaces</b> (door knob hole in wall)
304.3		<b>Interior Surfaces</b> (Every door needs trim on one side)

304.3		<b>Interior Surfaces</b> (Mold in bathroom)
605.1		<b>Proper Installation</b> (Electric Heater cover missing)
704.2		<b>Smoke Detectors</b> (Missing)
303.13	Room 14	<b>Windows</b> (Air conditioner needs proper stripping)
304.3		<b>Interior Surfaces</b> (Ceiling has holes. Needs repair)
304.6		<b>Interior Doors</b> (Door trim broken/missing)
306.1		<b>Infestation</b> (Tenant complains of spider infestation)
304.3	Room 15	<b>Interior Surfaces</b> (Paint in bathroom flaking- mold present)
504.1		<b>Plumbing Fixtures</b> (Shower does not work)
604.3		<b>Air Conditioning</b> (Air conditioner receptacle needs proper cover and needs to be properly mounted)
605.1		<b>Proper Installation</b> (Electric heater needs cover)
605.1		<b>Proper Installation</b> (Bath light installed without junction box)
403.3		<b>No Cooking</b> (Crock Pot in use)
304.3	23 (Vacant)	<b>Interior Surfaces</b> (Ceiling tiles in bathroom new replacement)
304.3		<b>Interior Surfaces</b> (Mold present and paint peeling at tub access door)
504.1		<b>Plumbing Fixtures</b> (Tub faucet leaks, does not shut off)
304.3	Room 24	<b>Interior Surfaces</b> (Hole in wall from door knob)
304.3		<b>Interior Surfaces</b> (Mold on shower ceiling)
605.2		<b>Light Fixtures</b> (Shower fan/light needs cover)
504.1	Room 25	<b>Plumbing Fixtures (no leaks, defects, safe, sanitary)</b> Tub faucet leaks, hot water does not shut off
603.1		<b>Mechanical Equipment Installed/Maintained</b> (Shower fan light needs a cover)
605.1	Room 26	<b>Electric Equipment Proper Installation</b> (Electric wall heater has open wires and needs cover to be attached. Bathroom ceiling fan not properly attached and needs proper cover.)
403.3		<b>No Cooking</b> (remove hot plate)
704.2		<b>Smoke Detectors</b> (Repair or replace smoke detectors)
605.1	Room 27	<b>Electric Equipment Proper Installation</b> (Reattach the cover over the electric heater. Repair or replace fan switch in bathroom and ensure it is properly mounted)
	Room 28	<b>Occupied no answer</b>
	Room 29	<b>Occupied no answer</b>
304.3	Room 30	<b>Interior Surfaces</b> (Wallpaper blistered under a/c unit, check for possible leak. Bathroom floor tile cracked and loose)
504.1		<b>Plumbing Fixtures</b> (Bathroom sink has a hole and needs to be repaired or replaced)
603.1		<b>Mechanical Equipment Installed/Maintained</b> (A/C

		unit not properly mounted)
605.3		<b>Light Fixtures</b> (Bathroom light fixture missing exposed wires coming from wall.)
403.2		<b>Bathroom Ventilation</b> (Bathroom fan not working)
303.13	Room 31 (Occupied no answer)	<b>Windows</b> (Screen to front window was found to have a tear in it)
303.11	Room 32 (2nd Flr store room)	<b>Chimney Towers</b> (Chimney tiles exposed, improperly sealed. Unknown if in service.)
304.3		<b>Interior Surfaces</b> (Holes found in sheetrock fire separation. Need to be sealed.)
General Remarks		Storage needs to be lowered to 24" below the ceiling.
304.2	Room 33	<b>Structural Members</b> Flooring soft near sink and also by bed, check for rotting
304.6		<b>Interior Doors</b> Wooden bathroom door showed some damage
605.1		<b>Electrical Equipment Proper installation</b> Globe on bathroom light fixture missing
	Room 34	<b>Occupied no answer</b>
304.2	Room 35	<b>Structural Members</b> (Flooring soft near sink, check for rotting)
304.3		<b>Interior Surfaces</b> (Peeling wallpaper, small amount of mold found in bathroom)
605.1		<b>Proper Installation</b> (Bathroom light fixture loose and needs to be tightened)
403.2		<b>Bathroom Ventilation</b> (Bathroom ceiling fan/vent was not working.)
304.2	Room 36	<b>Structural members</b> (Flooring soft near sink, check for rotting)
604.3		<b>Air Conditioner/Wiring</b> (Wire to A/C was spliced, not in a box. No cover on A/C receptacle)
403.2		<b>Bathroom Ventilation</b> (Bathroom Ceiling fan/vent was not working.)
704.2		<b>Smoke Detectors</b> (Battery operated smoke detector was not working)
303.13	Room 37	<b>Windows</b> (Front window did not work properly (Open/close)
304.3		<b>Interior Surfaces</b> (Peeling wallpaper, cracked floor tiles in bathroom)
505.1		<b>Hot/Cold Water</b> (No hot water to bathroom sink, toilet continually runs)
603.1		<b>Mechanical Equipment Installed/Maintained</b> (A/C unit not properly mounted and sealed)

605.1		<b>Electrical Equipment Proper Installation</b> (Old hardwired smoke detector gone, cover exposed wiring. Receptacles not grounded. Bedroom light fixture loose, needs to be secured)
	Room 38	<b>Occupied, no answer</b>
303.6	Room 39	<b>Exterior walls/Surfaces</b> (A/C has been removed, need better screening over opening to prevent bugs from entering)
304.3		<b>Interior Surfaces</b> (Repair hole in front sheetrock wall.)
603.1		<b>Mechanical Equipment Installed/Maintained</b> (Reattach cover to electric wall heater)
403.2		<b>Bathroom Ventilation</b> (Bathroom ceiling fan/vent was not working)
304.2	Room 40	<b>Structural members</b> (Flooring soft near sink, check for rotting.)
304.3		<b>Interior Surfaces</b> (Repair cracked floor tiles in bathroom. Replace broken ceiling tile.)
603.1		<b>Mechanical Equipment Installed/Maintained</b> (Reattached cover to electric wall heater. Repair or replace broken bathroom light switch.)
403.2		<b>Bathroom Ventilation</b> (Bathroom ceiling fan/vent needs to be reattached)
303.13.1	Room 41	<b>Glazing</b> (Front window needs reglazing)
304.2		<b>Structural Members</b> (Flooring soft near sink and shower, check for rotting)
304.3		<b>Interior Surfaces</b> (Peeling wallpaper, small amount of mold found in bathroom)
605.1		<b>Electrical Equipment Proper Installation</b> (Reattach light fixture to wall in bedroom)
403.2		<b>Bathroom Ventilation</b> (bathroom ceiling fan/vent was not working)
	Room 42	<b>Occupied, No answer</b>

On that same date, the Albany County Department of Health conducted an inspection. Many of the issues were already noted above but additional findings include:

- Ceiling in room 17 Bowed
- Open sewer pipe behind building
- Non working shower in room 15 (no knobs)
- Plywood being used to cover sections of wall in room 13
- Sheetrock missing in room 4 bathroom ceiling
- Windows in first floor bathrooms and front windows do not open

The follow up inspection done by Albany County conducted on November 02, 2007 found:

- No heat detector found in room 4 (used for storage)

- Electrical power strips used in room 5
- Paint thinner stored in laundry area with oil based paint and combustible primer
- Fire alarm system/heat detector has hanging wires in room 8
- Electric cooking appliances found in room 34
- Heater cover has been removed in room 13
- Light bulb is hanging by its wires in room 13
- Plywood still used to cover section of walls in room 13
- Windows in first floor guestrooms bathrooms still do not open
- Soffit behind building rotted
- Second floor balcony railing not secured

An inspection at the Best Value Inn, a motel used to house both individuals and families with children, conducted in April 2007, also outlines many violations:

<b>Room</b>	<b>Occupants</b>	<b>Violations</b>
1	On entry	Broken Window/ rubbish in electric room in rear / facia rotten
4	2	Bathroom floor rotted out/ electric space heater (Peloni)/ extension cords/ broken light fixture in shower/ chainsaw in room
6	2	Shower floor rotted out/ hot plate/ extension cords/ smoke detector not working
9	No entry	Rotted door threshold
10	1	Moisture between window panes/rotten door threshold/electric griddle/electric space heater/extension cords
11	1	Rotten windows/rotten bathroom floor/ broken exterior light fixture/electric griddle/extension cords/no smoke detector
12	Vacant	window missing/shower floor rotten/ smoke detector painted over
14		Rubbish under stairs outside of room
15	1	A/C not secured
16	1	1 toaster, food processor/extension cords/smoke detectors not working/ birds nest in fire alarm outside of room
17	1	1 electric griddle/smoke detector removed
19	3	No screens on window
21	1	Bathroom ceiling needs repair/electric space heater extension cords/waste accumulation
22	3	
23	1	hot plate/electric griddle/extension cords/ smoke detector not working
24	1	Bathroom missing ceiling tiles/ electric portable heater
25	No entry	Fire alarm being obstructed by material outside room
26	Vacant	Smoke detector not working
29	3	No screens on window
30	1	Frying pan/smoke detector not working/air conditioner plugged into bathroom sealed with rags

32	No entry	No screens on window
33		Toaster oven/ frying pan/broken thermostat/extension cords/smoke detector needs new battery
35	2	Storage of shingles outside of balcony
Deli		Rubbish
Front		Electric lines not installed properly
Laundry/Boiler		Flue needs replacement/obstructed electric panel/oil
No #	1	1 <sup>st</sup> room 2 <sup>nd</sup> Fl right of room 26/no screen rear window/ceiling needs to be patched/hot plate, toaster/extension cords/no bathroom
Rear yard		Accumulation of materials throughout yard/animals in attic/no hanger for gas main/exterior electric line not installed properly/no smoke detector/fire extinguisher not tagged/hole in exterior wall/facia not secure exterior light being used as a planter

The Temporary Residence Inspection report conducted by the Department of Health on The Best Value Inn on November 02, 2007 found many items that needed reinspection. Listed health and safety violations included:

- No fire prevention plan in their emergency plan.
- Non-functioning outside lighting in areas.
- Electrical wiring used in some areas outside the building not rated for outside use.
- The fire alarm system was in “troubling condition”: Wires leading to two-story building were damaged and bells do not work.
- Missing fire rated ceiling tiles in heater room of two-story building
- No valid permit posted
- Fire door in one story building held open where hot water heater is located and section of sheet rock missing from ceiling.

On January 28, 2008, we visited the Schuyler Inn, America’s Best and the Super 8 Motel and requested access to rooms used to house homeless individuals and families. The operators of the motels without contracts, America’s Best and the Super 8 motel, brought us to several rooms where they have previously placed recipients. America’s Best did not have any recipients from Albany County in their establishment on that date. During our interview of the General Manager of America’s Best, we asked the operator where they would typically place a one parent/two child family, a two parent/two child family and a one parent/three child family. He replied that the two children would share a full or queen size bed. In the case of a one parent/three child family, the parent would share a queen size bed with one child and two children would share another full or queen size bed.

In the five rooms we visited, the smoke detectors were working and the rooms seemed reasonably clean. There was evidence of water damage to the ceiling and minor mold problems in the some of the rooms. There was also accumulated ice in front of the rooms leading to the parking area due to lack of downspouts on the gutters as well as some accumulated construction debris in the corridors. (See attachment A).

At the Super 8 Motel, we visited five rooms and asked similar questions regarding the sleeping arrangements of families with children. The responses from management were the same as that given to us by the general manager of America's Best. We were told that in the case of a four family situation (2 children/2 adults) they would place the children in the same size full or queen bed. They have a room that they try to reserve for five or more people which contained two full beds and a rollaway twin size bed. All rooms contained a refrigerator and a microwave. The rooms were also reasonably clean though there were piles of debris in the corridor outside room #264 (See attachment B)

The County of Albany has a contract with The Altamont Program, Inc. for emergency/transitional shelter at the Schuyler Inn. Under the contract, they are also to provide three meals a day to individuals housed at that location. We obtained the latest fire inspection report from the Village of Menands dated December 18, 2007, which states that they "did not find any serious violations", and the rooms they inspected all were in "good condition". The December 27, 2007 Albany County Department of Health inspection and our visit on January 28, 2008 contradicts this finding.

The employees at the Schuyler Inn showed us six rooms. On our visit, we found the rooms unsafe and unsanitary. Pictures taken at this location show serious cleanliness issues, cockroach problems, as well as ripped and very dirty carpets and draperies and walls. We also found, cracked and missing floor tiles/unsanitary conditions in the bathrooms including mold issues and broken tiles on tub walls and floors. In three of the six rooms there were stained mattresses and box springs and in one room there was missing batteries in the smoke detector (Room 150). We found rooms with holes in walls covered with duct/electrical tape and in front of one room, we found a pile of an unknown substance, which could have been old food or vomit. (See attachment C)

The Albany County Department of Health completed an inspection of the Schuyler Inn on December 27, 2007 and found a multitude of problems. They include:

- Non-working smoke detectors in various rooms
- Tub drainage issues in rooms
- Cockroaches
- Towels not being provided for all guests weekly in the "Travelers Aid Section"
- Fire extinguishers not inspected (not caught on Menands inspection)
- Hazardous materials stored in rooms including a gasoline filled snow blower and mineral sprits.
- Non working emergency lighting (not caught on Menands inspection)
- No drinking glasses provided
- Various guest rooms are "very dirty". It was noted in inspection "motel policy states that cleaning supplies and vacuum not provided to Travelers Aid guests and rooms are not cleaned by staff."
- Inadequate sheets and no clean towels available- obtained from Morgan Linen and only 27 sheets were present. (120 guestrooms)

The re-inspection that occurred on January 18, 2007 required the Schuyler Inn to “provide information on routine pesticide services as well as the policy for cleaning the guestrooms in the Travelers Aid section.” The inspector noted that the rooms were still “very dirty”.

On our inspection, we were told by motel staff that cleaning supplies were given to residents but it was their responsibility to clean the rooms. Residents hand their ID card to the front desk and sign out vacuums and cleaning supplies. Once the items are returned, they receive their ID cards back. We are not sure if all residents are aware of this however, since the staff members who escorted us to occupied rooms asked if they were aware of this policy.

This is in direct contradiction to guidelines provided by The New York State Office of Temporary & Disability Assistance. The guidelines state, “Rooms shall be cleaned at least every other day by hotel/motel staff”.

An interview with a father of two children who reside at the Schuyler Inn (male 16, female 15) with their mother at this facility stated that the mother must share the same bed with the daughter and the son sleeps in separate bed in the same room. He stated, “My 15 year old daughter should not have to share a bed with her mother or her 16 year old brother.” He asked the interviewer to “please get his family out of there and find them someplace that is safe and clean.”

Albany County Legislator Christine Benedict requested copies of inspections done by DSS required by OTDA in a letter dated October 3, 2007. On October 10, 2007, a response was sent to Legislator Benedict from Former Commissioner Berlin saying that she would receive a “response as soon as possible”. At the October 23<sup>rd</sup> Social Services Committee meeting, under direct questioning from Legislators, it came to light from Deputy Commissioner, David Kircher, that inspections were never done at the motels used for temporary housing.

If inspections were conducted as required by OTDA, violations such as the lack of working smoke detectors, electrical hazards, no hot water or working windows cockroach issues, and the various rooms with mold issues, would have been caught by Social Services and brought to the attention of local authorities. As shown by the Fire inspection at the Skylane done by the Town of Colonie, every room that the inspectors were granted access to had code violations.

After the October 23, 2007 Social Services Committee meeting, DSS created an inspection sheet for future use. (Attachment D) While the inspection sheet has added categories not required by OTDA, it is missing a check box for “regular vermin control verified by receipts”. It only requires “insect, rodent, weed control pesticides be stored and labeled.” However, since the Department of Social Services only has a formal contract with the Schuyler Inn and measurable standards for these requirements are not included in the contract, it is unclear how the Department can enforce any performance standards and ensure that the motels in question adhere to the standards required by the State.

### **Lack of written contracts with motels**

The Department of Social Services should enter in written contracts with all motels used to house homeless individuals that guarantee safe, secure and sanitary conditions. The table below



shows the money the Department of Social Services paid to each of the motels used for temporary shelter. (data provided by DSS)

<b>Motel</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>TOTALS</b>
<b>Schuyler Inn</b>	\$353,110.49	\$259,475.96	\$380,383.33	\$992,969.78
<b>Skylane Motel</b>	\$31,816.00	\$114,412.00	\$157,164.60	\$303,392.60
<b>America's Best</b>	XXX	\$17,192.69	\$23,446.33	\$40,639.02
<b>Best Value Inn</b>	\$46,405.00	\$90,055.00	\$7,582.00	\$144,042.00
<b>Super 8</b>	XXX	\$133,652.69	\$142,970.00	\$276,622.69
<b>Blue Bell</b>	\$8,847.00	\$661.00	XXX	\$9,508.00
<b>Tompkins</b>	XXX	XXX	\$7,366.00	\$7,366.00
<b>Total</b>	\$440,178.49	615,449.34	\$718,912.26	<b>1,774,540.09</b>

Currently, the only motel that the county contracts with is the Schuyler Inn, owned and operated by The Altamont Program, Inc. The contract gives the County the right to “conduct on-site evaluations of the services provided” as well as access to “any and all books, documents, records, charts, software or any other information relevant to performance under the Agreement”. The Altamont Program, Inc. is also required to “procure and maintain insurance and “furnish the County a certificate showing the requirements are...met...and will provide that the policy shall not be changed or cancelled until 30 days prior written notice has been given to the County and the County of Albany is named as an additional insured.”

The current contract with the Altamont Program, Inc. only requires that temporary room and board be given to homeless individuals and families. There are no measurable standards for maintenance, repair, sanitation, cleanliness, furnishings, hygiene, security or vermin control. Contracts should meet OTDA requirements.

A contract with all motels used to house homeless individuals that include these provisions as well as the ability to terminate the contract for cause would help assure the services provided to homeless individuals in Albany County would be met, as well as protect the County against claims of negligence.

Without written contracts with all motel operators, conflicting understandings of the terms of those agreements may occur and any agreements that are reached between the County and these operators may be unenforceable. If the County entered into written contracts with all motel operators, there would be a clear statement of what is required by both parties, including the services that the operators are required to provide. Formal contracts would establish performance standards that enhance the monitoring of operators.

### **Conclusions**

Our assessment of the Albany County Department of Temporary Assistance found that:

- The Department did not comply with local responsibilities issued by the New York State Office of Temporary & Disability Assistance to inspect hotels/motels used to house recipients in which families are placed.

- The Department did have several instances in 2005 and 2006 where families and sex offenders were placed at the same location. However, according to records provided by the Department and the operator of the motels in question, our office could not find any instance after October 2006 where families with children and sex offenders were placed in the same location.
- The Department has a contract with a motel used for temporary shelter that has a history of code, fire and health violations as seen in reports obtained from the Town of Colonie and the Albany County Department of Health. The lack measurable standards for safe, secure and sanitary conditions make it difficult to enforce required quality standards placed upon Albany County by the State of New York. The County needs to develop contracts that ensure that safe, secure and sanitary housing for recipients are provided.
- In some cases, it was difficult to determine where a client was given temporary housing because it was not clear in the case file. In one instance, we were unable to determine who the client was or if they were ever placed where the department paid to have this individual housed. In this instance, the name of the client on the case file contained information on her daughter, also a recipient of services.

To address these matters we have recommended:

- DSS must comply with OTDA regulations to regularly inspect motels used to house homeless individuals and families.
- Enter into appropriate contracts with all operators of motels used to house homeless individuals and families ensuring that contracts contain measurable performance standards that ensure safe, secure and sanitary housing and penalties for poor performance.
- Continue to ensure that children are not placed in or adjacent to any facility that potentially could house registered sex offenders.

