



18 NYCRR Part 491.12 Resident rights.

(b) Upon admission to a shelter for adults, a small-capacity shelter or a shelter for adult families, each resident must be provided with a copy of the facility rules setting forth their rights and responsibilities while residing in the facility, and must be advised in writing of the consequences of failing to comply with the rules of the facility including discharge, and in certain circumstances discontinuance of temporary housing assistance.

(c) **Resident Rights.** At a minimum, the operator shall afford each resident the following rights, which will be set forth in the resident rules:

- (1) a resident shall have the right to remain in the facility and not to be discharged except as provided in this Part;
- (2) a resident shall have the right to leave and return to the facility and grounds at reasonable hours in accordance with the rules of the facility;
- (3) a resident's civil rights shall not be infringed;
- (4) a resident's religious liberties shall not be infringed;
- (5) a resident shall have the right to have private written and verbal communications including the right to meet with legal representatives, legal counsel, medical providers, social workers, and any other service providers or persons authorized by the social services district. Any requirements as to prior notice and hours of access shall be set forth in the resident rules;
- (6) a resident shall have the right to receive and send mail or any other correspondence without interception or interference, except that incoming mail may be scanned and x-rayed to ensure that it does not contain contraband that could pose a threat to the security of the facility or to the health and safety of residents or staff;
- (7) a resident shall have the right to join with other residents or individuals to work for improvements in resident care;
- (8) a resident shall have the right to present grievances on one's own behalf, or on behalf of other residents, to the operator or operator's designee, to the social services district, and/or the Office, without fear of reprisal;
- (9) a resident shall have the right to manage one's own financial affairs;
- (10) a resident shall have the right to confidential treatment of personal, social, financial and medical records;
- (11) a resident shall have the right to receive courteous, fair and respectful care and treatment;
- (12) a resident shall have the right to be free from restraint or confinement and shall not be locked in a room at any time;
- (13) a resident shall have the right to privacy in caring for personal needs;
- (14) a resident shall have the right to have his or her version of the events leading to an accident or incident in which he/she is involved included on all accident or incident reports;
- (15) a resident shall not be obliged to perform work by coercion or threat,
- (16) a resident shall not be permitted, or obliged, to provide any operator or agent of the operator any gratuity in any form for services provided or arranged for in accord with law or regulation;
- (17) a resident shall have the right to receive visitors in designated areas of the facility, where feasible, during reasonable hours as specified in the resident rules; and
- (18) a resident shall have the right to request that a shelter operator or social services district make reasonable accommodations for any physical or mental disability that substantially limits one or more major life activities.