

RESOLUTION

NO. R-21-388

CITY HALL: October 21, 2021

BY: COUNCILMEMBERS GISLESON PALMER, BANKS, MORENO AND BROSSETT (BY REQUEST)

WHEREAS, a meeting was held on Tuesday September 28, 2021 via Zoom, to fully inform the public and allow for citizen input and participation in drafting regulations governing Housing Facilities for Seniors and Persons with Disabilities in the City of New Orleans; and

WHEREAS, drafts of the guidelines were made available to the public at City Hall, the main branch of the library, and on the Health Department for the City of New Orleans website; and

WHEREAS, the Council of the City of New Orleans recognizes the importance of providing the citizens of New Orleans with this valuable tool to aid in the protection and preservation of quality of life for our most vulnerable citizens; **NOW THEREFORE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That in accordance with Section 2-1000 of the Code of the City of New Orleans, the regulations governing Housing Facilities for Seniors and Persons with Disabilities in the City of New Orleans are ratified and approved.

BE IT FURTHER RESOLVED, That pursuant to section 4-107(3)(c) of the Home Rule Charter, a summary of the guidelines and notice of its availability to the public shall be published once in the official journal.

BE IT FURTHER RESOLVED, That in accordance with section 4-107(3)(d) of the Home Rule Charter, the regulations attached hereto as Exhibit A shall become effective and legally enforceable at 12:01 a.m. on the twenty-second day beginning on the day following adoption of this resolution.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS:

NAYS:

ABSENT:

AND THE RESOLUTION WAS ADOPTED.

EXHIBIT A

New Orleans Health Department Regulations Governing Housing Facilities for Seniors and Persons with Disabilities

- I. **Authority.** Pursuant to Section 4-1202(3) of the Home Rule Charter of the City of New Orleans and Section 2-1000 of the City Code, New Orleans Health Department of the City of New Orleans proposes the following regulations relative to emergency preparedness and response for housing facilities that provide rental housing to persons aged over 55 years and/or persons with disabilities, as further defined below. These groups may experience increased adverse health impacts from limited access to utilities and lack of traditional community supports in an emergency and require additional support in preparing for and responding to an emergency.
- II. **Applicability.** These regulations shall apply to any housing facility that is not licensed by the Louisiana Department of Health and has six or more units of rental housing specifically designated for persons aged 55 years or older, persons with disabilities, and/or persons receiving permanent supportive housing services. Permanent supportive housing services are defined as low-barrier affordable housing combined with health care and supportive services.

III. Points of Contact. By October 31, 2021, all housing facilities subject to these regulations must submit the name, title, email address and phone number for the person in charge of decision making for the housing facility during a declared emergency and a backup point of contact, including name, title, email address and phone number for the housing facility if the designated decision-maker is not reachable, to the Health Department at pheeh@nola.gov. Thereafter, the point of contacts shall be included in the annual Emergency Operations Plan as described in Section V(1)(b).

IV. Resident Census. All housing facilities subject to these regulations must maintain an updated census of all residents of the housing facility, including all household members of each unit, with each residents' primary phone number, emergency contact name, and phone number and a notation of those residents and household members who voluntarily report any of the following: use of durable medical equipment (such as walkers, rollators, wheelchairs, powerchairs), require oxygen, or use of assistive technology that requires electricity to support themselves. Residents of these facilities must be offered the ability to opt-in to providing this health-related information in writing. The resident census must be updated and

sent in a format prescribed by the Health Department to Safety and Permits by April 1 and updated annually.

V. Emergency Operation Plans.

(1) Housing facilities subject to these regulations must submit emergency operation and evacuation plans in a format prescribed by the Health Department to Safety and Permits by April 1 of each year. Plans must include:

- a. a complete all-hazards plan that describes the facilities' planned response to tropical weather, no-notice flooding, urban heat-related events, prolonged power outages and any other threat deemed required by a hazard vulnerability assessment.
- b. the name, title, email address, and phone number for the person in charge of decision making for the housing facility during a declared emergency and a backup point of contact, including name, title, email address and phone number for the housing facility if the designated decision-maker is not reachable.
- c. a detailed description of any backup generator resources available at the facility in the event of power loss, including:
 - i. the wattage of the generator

- ii. type of fuel required
 - iii. The fuel capacity, the burn rate, and the amount of fuel available on hand at the housing facility for the generator
 - iv. what areas and functions of the housing facility the generator will power in the event of an outage, and how long can the generator power these areas for
 - v. Information about emergency fuel contracts the facility holds, including details for the process of emergency procurement of fuel
 - vi. Information about service contracts for any generators at the facility
 - vii. Information about annual certification or inspections of any generators at the facility
- d. A description of how residents will be evacuated from the housing facility during a mandatory evacuation order or following the loss of electrical power if the facility cannot provide sufficient generator capacity to maintain critical facility systems, including heating, ventilation, and/or air-conditioning equipment in housing units, elevator service, illumination of means of egress, alarms and alerting systems, and communications systems.

(2) If a housing facility subject to these rules is a HUD Multifamily Housing property, the facility owners must submit to Safety & Permits by April 1 of each year, proof of compliance with the HUD Multifamily Emergency/Disaster Guidance put forth in Chapter 38 of the HUD Multifamily Asset Guidebook, including:

- 1) Developing an emergency relocation plan to relocate residents prior to an impending storm
- 2) Developing tracking mechanisms to contact residents and determine the intent to return to the unit
- 3) Developing a pre-disaster checklist that is shared with tenants in the case of a disaster
- 4) Maintaining an inventory of all residents, property, phone numbers, mailing address and emails

(3) The New Orleans Office of Homeland Security and Emergency Preparedness (NOHSEP), the Office of Community Development (OCD), and the Health Department will provide hazard vulnerability assessment data and information at an annual housing facility preparedness meeting that can be used for the following year's plan. Covered housing facilities must post the annual emergency operations and evacuation plan in a conspicuous place at the facility. A copy of the plan must be given

to residents when they move into the facility and provided to each resident again annually by June 1.

VI. Emergency Communications.

- (1) During all declared emergencies or disasters, housing facilities subject to these regulations must provide situational updates regarding resident wellness, utilities, and evacuation status every 24 hours to NOHSEP, or authorized designee. If a housing facility is unable to meet the needs of their residents, this information must be communicated by an immediate phone call to 311 and followed by a written description of request via email to NOHSEP, or authorized designee.
- (2) Maintain a record of which residents remain in the facility throughout the emergency and which have evacuated.
- (3) All housing facilities subject to these regulations shall provide immediate notification by email or phone to NOHSEP, as described above, if the facility evacuates, temporarily relocated, or temporarily ceases operation.
- (4) If a housing facility subject to these regulations experiences an acute incident, such as loss of critical facility systems or structural damage/collapse, that results in life-threatening living conditions and the situation is not part of a city or state declared

emergency or disaster, the facility must provide situational updates every 24 hours via the NOHSEP duty officer.

VII. Effective Date. These regulations shall be effective on the 22nd day following adoption by the New Orleans City Council, as required by Section 2-1000(g) of the City Code.



**LEGISLATIVE SUMMARY
TO ACCOMPANY RESOLUTIONS**

BEFORE SUBMISSION TO CLERK OF COUNCIL

Requesting Department or Agency: Health Department

Name of Contact Person: Jeanie Donovan

Telephone Number: (504) 658-2562

Email Address: Jeanie.donovan@nola.gov

Initials of Sponsoring Councilmember(s): _____

DETAILED SYNOPSIS OF DOCUMENT

Please generally describe the purpose, intent, and effect of the proposed resolution.

The resolution ratifies and approves the Health Department regulations governing

Housing Facilities for Seniors and Persons with Disabilities in the City of New Orleans.

Pursuant to Section 4-107(3)(d) of the Home Rule Charter, the regulations become

effective at 12:01 a.m. on the twenty-second day following adoption of this resolution.

REQUESTED ADOPTION DATE: 10/21/21

Reference: Council Rule 41 & City Code Section 2-813