



**TESTIMONY OF COALITION FOR THE HOMELESS
BEFORE THE DEPARTMENT OF HOMELESS SERVICES**

**Public Hearing on Proposed Changes to Title 31 of the Rules of the City of New York
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We present this testimony on behalf of Coalition for the Homeless, a not-for-profit organization that assists more than 3,500 homeless New Yorkers each day. Since its founding in 1981, the Coalition has advocated for proven, cost-effective solutions to the crisis of modern homelessness, which now continues into its third decade. The Coalition has also struggled for more than 25 years to protect the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and appropriate housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates several direct-services programs that offer vital services to homeless, at-risk, and formerly-homeless New Yorkers, and demonstrate effective long-term solutions. These programs include supportive housing for families and individuals living with AIDS, a job-training program for homeless and formerly-homeless women, a Rental Assistance Program which provides rent subsidies and support services to help working homeless individuals rent private-market apartments, and two buildings in Manhattan which provide permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes 1,000 nutritious meals to street homeless and hungry New Yorkers each night. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, client advocacy, referrals for shelter and emergency food programs, and assistance with public benefits.

The Coalition also represents homeless men and women as plaintiffs in Callahan v. Carey and Eldredge v. Koch. In 1981 the City and State entered into a consent decree in Callahan in which it was agreed that, "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason to physical, mental or social dysfunction is in need of temporary shelter." The Callahan consent decree and Eldredge case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults.

The Growth of Referrals of Homeless Adults by the City of New York to Illegal Boarding Houses

We offer this testimony today in support of the proposed changes to Title 31 of the Rules of the City of New York, regarding the referrals of homeless single adults to permanent housing. These new rules are a significant step forward in response to the serious and long-standing problem of referring homeless single adults to illegally converted boarding houses, also known as "three-quarter houses." In addition, we also offer our support for a new pilot program to be implemented by the Department

of Homeless Services in nine shelters that will go even further than the proposed rule in offering protections to homeless adults from being placed in illegal and unsafe dwellings.

For more than four years, the City of New York has referred thousands of homeless individuals—many of them living with mental illness and other disabilities—into a growing number of illegal boarding houses with hazardous conditions, many of which have been documented by City inspectors. These houses are typically one or two-family dwellings that have been converted to boarding houses by cramming bunk-beds into every corner of the building—sometimes upwards of 50 beds in one house. These dwellings are characterized by the following conditions: illegal occupancy, extreme overcrowding, persistent health and safety violations, a complete lack of services including appropriate mental and physical health services, failure to acknowledge tenancy rights, fraudulent use of public benefits by operators, and serious fire safety hazards.

As of February 2010, the Coalition had compiled a list of more than 180 known illegal boarding houses throughout the City, most of which the NYC Department of Homeless Services (DHS) had referred individuals to at least once. Indeed, in a September 2009 letter from then DHS Commissioner Robert Hess to then chair of the New York City Council General Welfare Committee, Bill de Blasio, DHS admitted to referring 340 individuals in the course of a single year to only 14 so-called “three-quarter houses” -- buildings which were subsequently ordered vacated by City inspectors. This averages out to 25 people per house, not taking into account others that may have been residing there without being referred from DHS.

This shocking data underscores the weakness in current DHS policies that set standards for referrals to permanent housing. The current policy prohibits referrals to only three very limited classes of dwellings: (1) those with current vacate orders, (2) those involved in City enforcement litigation, and (3) those listed on a very short no-refer list maintained by the State health department—a list that has not been updated in three years. This woefully inadequate policy continues to allow referrals to a wide range of illegal and unsafe dwellings, a practice that has been accepted and even encouraged by DHS officials.

Over the past several years, the number of illegal boarding houses has grown exponentially, the result of an expanding market fed in part by the policies and practices of DHS. In analyzing the Coalition’s list of known “three-quarter houses,” we found that many operators have more than one building. A handful of the more egregious owners together operate more than 40 buildings, mostly in Brooklyn and the Bronx.

The Need to Put Strong Safeguards in Place

We strongly support the proposed changes to Title 31 of the Rules of the City of New York, which would be a significant step forward in addressing this very serious problem. The new rules will add a more effective level of protection for homeless individuals by prohibiting referrals to buildings with one or more occupancy violations in the last two years, as listed on the NYC Department of Buildings (DOB) website. Illegal occupancy is the most common characteristic that illegal boarding houses and as a result is a good way of identifying these types of dwellings.

However, this new rule is still just a first step and contains a rather large loophole. Many illegal boarding house operators do not allow City inspectors access to their buildings, thus prohibiting DOB and other agencies from issuing any violation against the property. In fact, the operators and owners frequently instruct their residents to refuse access to DOB under threat of (illegal) eviction. Indeed, as the market for illegal boarding houses has grown, the operators have gotten smarter at dodging the regulators.

In response to this still gaping loophole, DHS has agreed with the New York City Council to implement a pilot program in nine shelters that will go even further than the proposed rule. In these shelters, staff will not be able to refer a homeless individual to a building under six units if it has one or more complaints regarding occupancy in the last four years, including complaints in which DOB was denied access the building. We believe this pilot program will add the extra necessary protections for homeless individuals and we look forward to the time when it will be implemented system-wide.

In closing, we are grateful that the NYC Department of Homeless Services has agreed with the City Council to propose these rule changes and we support this very valuable first step in protecting the safety and well-being of homeless New Yorkers.

Thank you for the opportunity to present this testimony.