

Testimony of
Coalition for the Homeless
and
The Legal Aid Society

on

**Affordable Housing Needs for
People Displaced by Hurricane Sandy**

Presented before

The New York City Council
Committee on Housing and Buildings

Giselle Routhier
Policy Analyst
Coalition for the Homeless

Judith Goldiner
Attorney in Charge, Civil Law Reform Unit
The Legal Aid Society

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Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council about the need for long-term affordable housing solutions for people displaced by Hurricane Sandy.

About the Coalition and The Legal Aid Society

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which now continues past its third decade. The Coalition also protects the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates twelve direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers, and demonstrate effective, long-term solutions. These programs include supportive housing for families and individuals living with AIDS, job-training for homeless and formerly-homeless women, rental assistance which provides rent subsidies and support services to help working homeless individuals rent private-market apartments, and 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 900 nutritious meals each night to street homeless and hungry New Yorkers. 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 of physical, mental or social dysfunction is in need of temporary shelter." The Eldredge case extended this legal requirement to homeless single women. The Callahan consent decree and the 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 Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of 1,000 of the brightest legal minds. These 1,000 Legal Aid Society lawyers work with nearly 700 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 25 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits some 2 million low income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the Callahan and Eldredge cases. The Legal Aid Society is also counsel in the McCain/Boston litigation in which a final judgment requires the provision of lawful shelter to homeless families.

Exposing a Persistent Crisis

Hurricane Sandy exposed and exacerbated the ongoing housing affordability crisis in New York City. Before the hurricane touched down, a record 48,000 homeless people were already sleeping in City shelters each night, including more than 20,000 children. Thousands more families were living in unstable housing situations, including illegally-converted apartments and overcrowded conditions. Many of these marginally-housed families were living in the low-income coastal neighborhoods impacted most heavily by Sandy.

Over three months after the hurricane, well over 2,000 displaced households are still living in temporary hotels, SROs, and shelters administered and paid for by FEMA and the City of New York. Thousands more remain in their affected communities, either in dangerous conditions or doubled-up with family and friends. The majority of these households were struggling to survive on low-incomes even before the storm. They are now left with even fewer resources and much greater needs.

The biggest and most important need continues to be permanent, long-term affordable housing, but the City's current resources for addressing this need are vastly inadequate. After the storm, the Department of Housing Preservation and Development created a "housing portal" meant to match low-income Sandy evacuees to affordable apartments. But so far, even these "affordable" apartments are out of reach for most evacuees. Out of the 1,500 households who have registered with the portal, three-quarters have incomes too low to qualify for these units.

Evacuee Stories

Since the first days after Hurricane Sandy hit, Coalition for the Homeless and the Legal Aid Society have conducted extensive outreach to displaced families and individuals, first in the haphazard system of evacuation shelters and continuing to this day in hotels, YMCAs, SROs, and shelters. We've seen firsthand the problems that displaced people have had accessing basic necessities like food and transportation, as well as access to vital services and benefits like health care.

We've also seen firsthand that many of displaced people in hotels previously resided in marginal housing, including basement apartments, rooming houses, and illegal boarding houses – housing to which they will not be able to return. And we've seen that many are extremely-low-income households who cannot afford unsubsidized market-rate rents in New York City's tight housing market.

Here are some of their stories:

Ms. E is elderly and has multiple health issues, including diabetes, asthma, and depression. She was previously renting a room in Far Rockaway without a lease. Her FEMA assistance is still pending and she currently has no income. She has spent time in at least four temporary shelters and hotels since being evacuated and has had to be admitted to the hospital twice since.

Ms. P and her fiancé were renting a room in Brighton Beach before the storm, but did not have a lease. They are both on SSI and receive a total monthly income of just \$1300. She is currently pregnant and has been experiencing a lot of stress from living in temporary hotels.

Ms. M and her fiancé were previously renting a bungalow in Rockaway Park, but their lease had expired. During the storm, their home flooded and they had difficulty escaping in time. Ms. M's fiancé injured his foot during their escape and spent several weeks in the hospital. They have some income from unemployment and a pension totaling about \$1700 a month. They have not yet been able to identify an apartment that they can afford.

Ms. F was previously living in a nursing home in Coney Island, where she had been for the past three years. She receives just \$781 a month in SSI and has been at a hotel in Brooklyn for the past few months with no family members or other supports. She has had limited contact with the nursing home staff and doesn't know when or if her nursing home will ever be habitable again.

During our outreach, we have met dozens and dozens of other households who were marginally housed before the storm, either in apartments without leases, or in rooms, boarding houses, or doubled-up.

An Opportunity for Real Solutions

Nearly four months after the storm hit, the need for immediate action to address the housing needs of displaced people is more urgent than ever. There are several steps that the City, in partnership with the federal government, must take to address the long-term housing needs of displaced families and individuals, in particular the lowest-income households.

First, the City and the federal government must act to provide rental assistance – using Section 8 vouchers and temporary FEMA rental assistance as a bridge to long-term Section 8 vouchers – to the lowest-income displaced households. At the same time, the City must prioritize existing City and federal housing resources for displaced households and for New York City's all-time record homeless shelter population.

Second, and in the longer term, as the City begins to receive billions of dollars in federal aid, it is critical that low-income and displaced families are not left without assistance, nor should they be forced to compete with other homeless and low-income families for the dwindling stock of affordable housing that currently exists. Rebuilding must be used as an opportunity to expand the availability of affordable housing for all displaced families, including those left homeless by

Hurricane Sandy as well as those previously forced out of the increasingly unaffordable housing market in New York City.

We call on the City and the federal government immediately to enact the following recommendations to address both immediate and long-term housing needs in New York City:

Immediate Needs:

1. Request new federal rental vouchers for low-income New Yorkers. The City should immediately request at least 10,000 Housing Choice (Section 8) Vouchers, as allowed under the federal recovery bill (H.R. 152), to help displaced individuals and families secure permanent housing. Both the City and the federal government should take all possible steps to expedite this process so as to move families out of temporary housing as quickly as possible.
2. Ensure that displaced households who receive temporary FEMA rental assistance are guaranteed long-term housing stability. For the lowest income displaced families and individuals, temporary FEMA rental assistance (limited to no more than 18 months) will not suffice to ensure housing stability. The City must work with the Federal government to ensure that FEMA rental assistance is used as a bridge to longer-term housing assistance like Section 8 vouchers for the poorest households.
3. Ensure marginally-housed families receive access to FEMA reimbursements and rental assistance. The federal government should recognize the unique housing market of New York City and allow households who were living in marginal housing without a standard lease to present other documentation to qualify for housing assistance.
4. Target new and existing housing resources to the lowest-income evacuees and previously homeless families. The City should target all new and existing affordable housing resources – including NYCHA public housing and current Section 8 resources and City-subsidized housing units – to help displaced New Yorkers, including those that were homeless before Hurricane Sandy.
5. Create a local rental assistance program modeled on the Section 8 program. The City and State should work together to create a new local rent subsidy, modeled on Section 8, that will provide much-needed additional resources to thousands of displaced and homeless families.

Long Term Needs:

1. Any new housing construction must expand housing stock for households living below 30 and 50 percent of Area Median Income. Recent “affordable” housing development has been, in reality, unaffordable to the lowest income New Yorkers. Rebuilding housing stock and stabilizing neighborhoods should require a significant portion of new housing to be affordable to the lowest income renter households.
2. Repair and build affordable and supportive housing: Immediate and long-term repairs must be made to public housing and other subsidized housing damaged by the storm. The Federal government should also immediately approve New York’s proposal to utilize Medicaid funding to create permanent supportive housing for people living with mental illness and other special needs.

Thank you for the opportunity to share this testimony. And, as always, we look forward to working with the Committee and the City Council in the coming months and years on efforts to assist New Yorkers displaced by the storm and to reduce New York City's homeless population.