

Testimony of  
Coalition for the Homeless  
And  
The Legal Aid Society

On

Oversight – Three-Quarter Housing

Presented before

The New York City Council  
Committee on General Welfare  
Committee on Housing and Buildings

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Coalition for the Homeless and the Legal Aid Society welcome this opportunity to testify before the Committees on General Welfare and Housing and Buildings regarding oversight on three-quarter houses.

### **Homelessness in NYC and the Growth of Three-Quarter Housing**

New York City remains in the midst of the worst homelessness crisis since the Great Depression. In August 2016, an all-time record 61,464 men, women, and children slept in shelters each night. Homelessness among single adults has doubled since the Great Recession, with over 14,000 single men and women now sleeping in New York City shelters each night. With shelters bursting at the seams and thousands more people bedding down in subways, parks and other public spaces, the City must enact proven solutions that end homelessness and keep individuals stably housed.

The problem of three-quarter houses goes back over a decade and has exacerbated homelessness and housing instability among the most vulnerable individuals. Three-quarter 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, failure to acknowledge tenancy rights, fraudulent use of public benefits by operators, and serious fire safety hazards.

Under the previous mayoral administration, direct referrals of homeless individuals to three-quarter houses posed an ongoing problem for many years, with the safety and stability of homeless individuals at risk. Homeless individuals placed in three-quarter houses often cycled in and out of the shelter system and received no support in reporting illegal conditions or asserting tenancy rights. After years of advocacy by Coalition for the Homeless and the Legal Aid Society, in 2010 the Department of Homeless Services promulgated a rule prohibiting shelters from referring adults to illegal three-quarter houses. However three-quarter houses still receive referrals and placements from other sources, including jails and prisons, institutional care facilities, and drug treatment programs, and many residents of three-quarter houses still struggle with homelessness and criminal justice involvement.

### **City Council Intros 1164, 1166, 1167, 1168, and 1171**

Coalition for the Homeless and the Legal Aid Society support this package of bills as a step forward in curbing the abuses of unscrupulous three-quarter house operators and helping existing tenants assert their rights and access more stable housing resources.

- Intro 1164 would require HRA to send information about tenancy rights to all recipients of the public assistance shelter allowance. This bill would provide a basic level of education about tenants' rights to those most at risk of illegal eviction and could allow individuals to access homelessness prevention resources before becoming homeless. This bill would build on the City's already-extensive efforts to prevent homelessness and provide legal assistance to low-income New Yorkers.

- Intro 1166 would require the City’s Task Force on Three-Quarter Housing to publicly report on its activities. This bill would provide public oversight about the City’s efforts to curb the use of these illegal dwellings.
- Intro 1167 would remove the 90-day deadline for vulnerable tenants to establish their eligibility for relocation services from HPD. HPD is required by law to provide emergency relocation services to people who are displaced from their homes by City-issued vacate orders, including three-quarter house residents. HPD emergency relocation services are often an individual’s last, best chance to move into stable housing. Last year, over nearly universal objection by tenants and advocates, HPD adopted a rule automatically denying relocation services if a displaced person applies more than 90 days after the date of the vacate order. Many three-quarter house residents pursue alternatives to shelter when they are displaced before seeking HPD’s help. Removal of this deadline would open access to vital housing resources for many individuals who make initial unsuccessful attempts to find alternative solutions to homelessness.
- Intro 1168 aims to prevent unscrupulous and abusive landlords from profiting from referrals to substance abuse treatment programs that may not be suitable for an individual tenant’s needs. The intro would thus prevent hundreds of adults from being forced into treatment that is neither effective nor necessary for fear of losing their housing.
- Intro 1171 would expand the types of acceptable documentation of residency that HPD must accept when someone is applying for emergency relocation services. We have seen many clients who were denied relocation services by HPD on the basis that they did not have the sort of lease a tenant in a more traditional apartment setting might be able to present. Three-quarter house tenants are almost never offered such documents by their landlords.

We thank the Council for the opportunity to testify and for your work on curbing the abuses of three-quarter houses. We look forward to working together on our mutual goal of ending homelessness in New York City.

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## **About Coalition for the Homeless 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 involving 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 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: supportive housing for families and individuals living with AIDS; job-training for homeless and formerly-homeless women; 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 over 900 nutritious meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation on behalf of homeless men and women in *Callahan v. Carey* and *Eldredge v. Koch* and remains a plaintiff in these now consolidated cases. In 1981 the City and State entered into a consent decree in *Callahan* through which they 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, and the City has also authorized the Coalition to monitor other facilities serving homeless families.

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 more than 1,100 lawyers, working with some 800 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26

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 more than 1.7 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.