



TESTIMONY OF COALITION FOR THE HOMELESS BEFORE THE NEW YORK CITY COUNCIL

**General Welfare Committee Hearing
May 5, 2009**

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I 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 both 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, 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 more than 900 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 Eleridge 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 Growing Number of Referrals of Homeless Adults by the City of New York to Illegal Boarding Houses

We offer this testimony today in support of Intro. 963, legislation which will prohibit referrals by the City of New York of homeless individuals to illegally-occupied dwellings such as illegal boarding houses, often called "three-quarter houses."

We also offer this testimony to provide an overview of a growing problem: The accelerating use of illegal, unsafe boarding houses to shelter homeless adults in New York City, a problem that has been

made dramatically worse due to the Bloomberg administration's adamant refusal to adopt safeguards to protect vulnerable homeless individuals and New York City neighborhoods.

For more than three 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 already been documented by City inspectors.

Coalition for the Homeless first documented this worsening problem in January 2008 in our report Warehousing the Homeless (available at our website). At the time we issued that report last year, the Coalition had discovered 62 illegal boarding houses where the City had referred homeless adults. Of these, 10 illegal dwellings had subsequently been ordered vacated by City inspectors due to serious health and safety hazards, often including fire safety hazards.

The Coalition has now compiled a list of nearly 120 illegal boarding houses where the City has referred homeless adults. Of these approximately 25 dwellings had subsequently been ordered vacated by City inspectors due to serious health and safety hazards, often including fire safety hazards – indeed, nearly 10 illegal dwellings have been ordered vacated in the past six months alone. (Please see attached lists of illegal dwellings.)

The proliferation of these unsafe dwellings is very clearly the result of an illegal, and expanding, market created by the policies and practices of the NYC Department of Homeless Services. In effect, City taxpayer dollars are subsidizing the growing number of illegal, unsafe dwellings. And this is due to the Bloomberg administration's adamant refusal to adopt common-sense safeguards to prevent homeless individuals from being referred to dangerous or inappropriate dwellings, and the failure to enforce existing health and safety standards.

We remain gravely concerned about the health and safety of homeless adults whom the City has already consigned to illegal boarding houses. 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.

Following are highlights of the problems involved with the City's referrals of homeless New Yorkers to illegal boarding houses:

- Illegal occupancy: The vast majority of illegal boarding houses are one- or two-family homes that have been illegally converted to multiple dwellings. Commonly called "three quarter houses" (a name borrowed from the old term "halfway house"), these residences are overwhelmingly concentrated in low-income, African-American and Latino neighborhoods of central Brooklyn, in particular East New York, Bedford Stuyvesant, Bushwick, and Crown Heights. Some illegal boarding houses are also scattered in low-income areas of the Bronx, Staten Island, and Queens.

Illegal boarding houses are, by and large, operated in small buildings designated in their certificates of occupancy as one- or two-family homes. However, their operators illegally subdivide rooms and crowd as many as 30 or 40 adults, mostly men, into one house, often packing four to 12 men in bunk beds in sleeping rooms. Frequently the operators pack bunk beds in kitchens, garages, basements and other rooms not intended as sleeping rooms.

- Fire safety hazards: Illegal boarding houses operate in violation of City building codes and housing maintenance codes, which prohibit illegal conversions, and many of them have serious fire safety hazards. In many illegal boarding houses City inspectors have found the following fire-safety

hazards: illegal partitions, defective and exposed electrical wiring; illegal or defective gas hookups; no secondary means of egress; no fire alarm; no sprinkler system; and illegal plumbing work.

- Health and safety hazards: Many illegal boarding houses have additional health and safety hazards, including lack of heat and hot water, collapsed or sagging walls, and cracked and bulging ceilings.
- Homeless adults forced to accept referrals to illegal boarding houses: City employees and shelter staff routinely threaten homeless individuals with ejection to the streets for 30 days or more, or other punishments, if they do not accept referrals to illegal boarding houses, in many cases even when the homeless individual has never seen the building. In many instances homeless adults have been taken in vans to illegal boarding houses and left there, despite fears about safety and the condition of the buildings.
- Inappropriate referrals of individuals living with mental illness and other disabilities: The City has negligently placed many homeless adults living with disabilities in illegal boarding houses, including individuals diagnosed with multiple sclerosis, schizophrenia, bi-polar disorder, and severe depression. The illegal boarding houses used by the City do not offer any therapeutic or supportive services for people living with mental illness or other disabilities. In many cases, the homeless adults sent by the City to illegal boarding houses had been approved for “New York/New York” or other supportive housing, but the City failed to refer them to such appropriate housing.
- Operators do not respect tenancy rights: The operators of illegal boarding houses routinely violate their residents’ clear tenancy rights in the following ways: ejecting residents without following lawful eviction proceedings; denying access to the dwelling for many hours of the day; and enforcing curfews and other illegal rules.
- Taxpayer dollars subsidizing these illegal boarding houses: City and State taxpayer dollars subsidize these dangerous boarding houses, despite illegal and hazardous conditions documented by inspectors. Welfare housing allowances and disability benefits are paid by the City and State to the operators of illegal boarding houses, many of whom have converted their buildings in violation of building and housing codes. These payments of taxpayer funds can amount to more than \$100,000 per year per house.

Need for Stronger Safeguards to Protect Homeless Adults and New York City Neighborhoods

For more than three years, and in the face of mounting evidence of the worsening problem of referrals of homeless adults to illegal boarding houses, Bloomberg administration officials have refused to adopt common-sense safeguards to protect homeless individuals and New York City neighborhoods. Indeed, even when City officials have received documented proof of illegal and unsafe conditions in specific dwellings, they have refused to halt referrals of homeless New Yorkers to those buildings.

The current City policy on referrals of homeless New Yorkers to housing – first outlined in a May 21, 2007, letter by Deputy Mayor Linda Gibbs and later in a December 18, 2007, memo by DHS Deputy Commissioner George Nashak – fails to protect homeless adults from referrals to unsafe, illegal boarding houses. Indeed, the policy prohibits referrals only to three very limited classes of dwellings: (1) those with current vacate orders, (2) those involved in City enforcement litigation, and (3) those listed on an very short no-refer list maintained by the State health department – a list that has not grown in two years.

When, on multiple occasions, Coalition for the Homeless has asked Mayor Bloomberg and senior City officials – like DHS Commissioner Robert Hess and Deputy Commissioner Nashak – to alter the policy

or to halt referrals to specific dwellings known to be unsafe or illegally occupied, those officials have adamantly refused to change the City's policy.

In effect, the woefully inadequate Bloomberg administration policy permits referrals to a wide range of illegal, unsafe dwellings. But even worse than that, Department of Homeless Services policies and practices encourage referrals to illegal boarding houses. DHS officials have personally urged homeless adults to accept referrals to illegal dwellings and threatened them with loss of shelter if they failed to do so; DHS officials have instructed shelter providers to accelerate referrals to illegal boarding houses; and DHS shelter contracts include payment incentives that effectively incentivize referrals to illegal boarding houses by penalizing shelters that do not meet unrealistic placement targets.

Given the administration's refusal to address this problem, we strongly support Intro. 963, which is a welcome and important first step towards protecting homeless adults and New York City neighborhoods. The bill prohibits referrals to dwellings that violate certain occupancy standards, a serious problem that characterizes virtually all of the illegal boarding houses that we are aware of.

In addition to this legislation, we think that the following steps should be taken:

- Ensure homeless New Yorkers are referred to safe, legal, and appropriate housing: The City should immediately implement a policy ensuring that homeless New Yorkers are referred to housing that is (1) safe and legal, and (2) appropriate to the needs of the individual. The City and contracted service providers should assess proposed housing placements to ensure that they meet those standards. The City and service providers must also evaluate homeless adults to assess their needs for mental health, medical, or other support services.
- Enforce housing and buildings code requirements and relocate individuals already living in hazardous homes to safe, appropriate housing: For illegal boarding houses that are already in existence, the City and State should enforce the housing maintenance code, building code, and other legal requirements. All formerly homeless individuals currently living in illegal boarding houses with dangerous conditions should be immediately relocated to safe, appropriate permanent housing.
- Expand investments in permanent supportive housing and affordable housing: In order to achieve a genuine and lasting reduction of the numbers of homeless New Yorkers, as well as protect homeless individuals living with mental illness and other special needs, the City and State should expand investments in supportive housing and other low-income housing.

We again urge the City to halt referrals of homeless adults to illegal, unsafe dwellings, and to implement safeguards to ensure that homeless adults are sent to safe, appropriate, and legal housing. Without such safeguards we believe that it is only a matter of time before homeless individuals are injured or killed in one or more of these illegal dwellings.

In closing, we applaud Councilmember Bill de Blasio for introducing this important legislation, and we commit to working with him, his staff, and the New York City Council to ensure that these protections become law. And we thank Councilmember de Blasio and the City Council for holding this important oversight hearing today.

Thank you for the opportunity to present this testimony.