



Testimony of  
Coalition for the Homeless

on  
Homelessness and  
Ways to Address it in New York State

before the  
NYS Assembly Committee on Social Services

January 25, 2012

presented by

Shelly Nortz  
Deputy Executive Director for Policy

Good morning, and thank you for inviting us to testify at this important hearing. My name is Shelly Nortz, and for the last 25 years I have worked for the Coalition for the Homeless in Albany to pioneer efforts to win State support for programs and policies that prevent and address homelessness and the socio-economic problems that cause homelessness.

Let me just pause for a moment for a nod to the Occupy movement - Income inequality causes homelessness, and no grassroots messengers have been more effective in the last few decades than the Occupiers in conveying this most serious message: INCOME INEQUALITY CAUSES HOMELESSNESS. There is a reason that the tents struck a chord with the American public: The 99% feel like they are on the edge of the abyss, and feel the vulnerability to homelessness like never before. We thank the people of the Occupy groups who have sacrificed their comfort and liberty to drive this message home – everyone including elected officials at every level of government have taken notice and shifted their positions and messages in response to the spotlight shining on the problem of inequality.

Because it has been quite some time since we have had any hearings on the issue of homelessness, I am including quite a bit of background on our organization and mission, the record homelessness we face in New York City due to truly disastrous policies of City Hall, and what we recommend, but I will summarize the material and let you read many of the details for yourselves.

### **Background**

Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct service organization that assists more than 3,500 homeless New Yorkers each day – clients who come from nearly every zip code in the five boroughs and beyond as you can see from the attached map. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which now continues into its fourth decade. The Coalition also protects the rights of homeless people through litigation concerning the right to emergency shelter, the right to vote, and life-saving housing and services for homeless people living with mental illness, HIV/AIDS, and other disabilities.

The Coalition operates 12 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, and our client advocacy program helps homeless people with disabilities obtain Federal disability benefits and housing. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, 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.

When modern homelessness first emerged in the late 1970s, thousands of homeless New Yorkers were forced to fend for themselves on the streets, and many died or suffered terrible injuries. Indeed, public health officials in those days often remarked privately that literally hundreds of homeless men and women were perishing each year on the streets of the city, often from hypothermia and other cold-related causes, although no public record was ever made available.

In response to this crisis, in 1979 founders of the Coalition for the Homeless brought a class action lawsuit in New York State Supreme Court against the City and State called *Callahan v. Carey*, arguing that a constitutional right to shelter existed in New York. In particular, the lawsuit was based on *Article XVII of the New York State Constitution* – an amendment which was enacted in the midst of the Great Depression – which declares that "the aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions...."

The lawsuit was brought on behalf of all homeless men in New York City. The lead plaintiff in the lawsuit, Robert Callahan, was a homeless man suffering from chronic alcoholism who lived on the streets in the Bowery section of Manhattan.

In December 1979, the New York State Supreme Court ordered the City and State to provide shelter for homeless men in a landmark decision that cited *Article XVII of the New York State Constitution*. And in August 1981, after nearly two years of intensive negotiations between the plaintiffs and the government defendants, *Callahan v. Carey* was settled as a consent decree. By entering into the decree, the City and State agreed to provide shelter and board to all men who met the need standard for public assistance or who were in need of shelter "by reason of physical, mental, or social dysfunction." (A companion lawsuit, *Eldredge v. Koch*, extended the right to shelter to single women, who are now protected by the consent decree. Separate litigation by the Legal Aid Society has guaranteed similar rights for homeless families.)

The decree established a right to shelter for all men and women in need of shelter from the elements in New York City, and it has been responsible for saving the lives of countless homeless New Yorkers who might otherwise have died on the streets of the city.

Nevertheless, one tragic footnote to the history of the litigation is the fate of Robert Callahan himself. The autumn before the consent decree bearing his name was signed, Mr. Callahan died on Manhattan's Lower East Side while sleeping rough on the streets. Thus, Robert Callahan himself was one of the last homeless victims of an era with no legal right to shelter.

In addition to litigation and vital services, Coalition for the Homeless has engaged in a broad array of advocacy and public education work to deliver such vital and far-reaching victories as the Community Mental Health Reinvestment Act, laws guaranteeing a right to educational services for homeless children and youth, the SRO Support Services program, the Foster Care rent subsidy preventive and reunification rent subsidies, the "Year of the Homeless" social services programs that brought \$20 million in new homeless housing and mobile food, shelter repair, housing subsidies, and mental health services largely to the outer boroughs, the New York/New York II and III agreements, the Disability Rent Increase Exemption program, and Timothy's Law, as well as the Federal Stewart B. McKinney Homeless Assistance Act, and local laws relating to shelter and other homelessness and housing policies in New York City.

## **Record Homelessness**

Following is an excerpt from one of our recent reports that documented yet another new record shelter census in New York City - a system that now serves an unprecedented 113,000 distinct individuals each year, including 40,000 homeless boys and girls. This report, along one on the tragic effects of homelessness upon children as well as some basic fact sheets are attached and can be found on our website at [coalitionforthehomeless.org](http://coalitionforthehomeless.org).

### **Excerpt:**

The New York City municipal shelter population now exceeds 41,000 homeless people per night for the first time since modern homelessness began three decades ago. Following are the highlights of the alarming new homelessness data:

- There are now more than 41,000 homeless adults and children sleeping in the New York City shelter system each night - the first time ever that the shelter population has exceeded 40,000 people.
- The number of homeless children in New York City has reached an all-time record high, with nearly 17,000 children sleeping in municipal shelters each night. Since May alone the number of homeless children in shelters has increased by 10 percent.
- The number of homeless children and families in New York City has continued to rise dramatically since the spring, when the Bloomberg administration eliminated all housing assistance programs designed to help homeless families move from shelters to permanent housing. Since May the total number of homeless families in shelters has increased by more than 5 percent.
- Homeless families are also forced to stay in shelter for longer periods. Average shelter stays have risen from eight to eleven months over the past year, and have risen 8 percent since May alone.
- During the last fiscal year, the City spent more than \$1 billion on homeless services for the first time ever - nearly twice what the City spent on homeless services when Mayor Bloomberg took office.
- The total homeless shelter population is 33 percent higher than when Mayor Bloomberg took office, and the number of homeless families is 45 percent higher than when the Mayor took office.

Back in May, shortly after City officials ended the troubled Advantage program and refused to replace it with proven Federal housing programs, Mayor Bloomberg and administration officials defended their latest controversial policy shift. They said that the shelter population would not increase significantly, and predicted that fewer homeless families would seek shelter. In fact, the Mayor proposed a homeless services budget more than one fifth lower than the last fiscal year's actual expenditures.

But only a few short months later, the verdict on Mayor Bloomberg's latest disastrous homeless policy shift is in. And the result is a new all-time record homeless population in New York City - more than 40,000 people for the first time ever - with even further increases expected in the coming months. The number of homeless families entering municipal shelters is back to historically high levels, and homeless children and families are staying longer and longer in the expensive shelter system.

Mayor Bloomberg's radical departure from the proven policy of giving the homeless access to permanent, affordable housing has failed. As we did in our State of the Homeless 2011 report, Coalition for the Homeless calls on the City to:

- Return to the successful policies of previous New York City mayors of targeting "one in three" Federal housing resources to homeless New Yorkers; and
- Return to the successful policy of targeting a significant share of City-assisted housing units to homeless families and individuals.

### **Eligibility Screening for Families and Individuals**

As you are no-doubt aware, we are in a legal fight with the City over their stealthy plan to start denying shelter to homeless adults by screening them out and sending them off to live with family and friends, even when the housing isn't really available or safe - a policy proposal that has been termed "disastrous" by experts in the field. Under the new eligibility rules the Department can and would deem a homeless person "ineligible" for shelter:

- Even when a family member with whom the homeless person lived in the past states verbally and in writing that the person can no longer live in their home;
- Even when an outreach worker or police officer escorts the homeless person to an intake shelter but the Department claims the person has "not cooperated" with an eligibility investigation;
- Even when the homeless person is unable to provide a complete one-year "housing history";
- Even when the homeless person attempts to document his or her one-year housing history, but the family or friend with whom s/he resided refuses to cooperate with the Department's eligibility investigation;
- Even when the homeless person, who may suffer from a mental or physical impairment, fails to undergo an evaluation for such an impairment;
- Even when the Department claims that the homeless person's other "housing option" is another person's public housing apartment (or some other subsidized housing) and the homeless person's residency jeopardizes the primary tenant's subsidized housing;
- Even when DHS investigators have never visited an alleged "housing option" to see if it is actually available and/or suitable to meet the needs of the homeless person;
- Even when the homeless person is unable to produce documentation of their income or past housing history;
- Even when DHS makes a mistake in determining the homeless person's eligibility for shelter but the homeless person cannot re-apply for shelter because s/he cannot produce "new evidence"; and
- Even when the "housing option" identified by DHS is unsafe but the homeless person has allegedly failed to provide evidence of the safety hazards.

At a time when New York denies more applications for shelter for families than it accepts based on a similar and tortuous such screening, we are more than skeptical about the City's true intentions. I had a report yesterday, in fact, that our earnest efforts to supply our homeless family clients with the documents they need to establish their eligibility for shelter are now mysteriously absent from their case files when we inspect them.

Every day our waiting room is packed with people who have been denied shelter, reassigned to so-called next step shelters, or punished for being homeless too long by being uprooted from one shelter and sent to another with fewer services. Indeed, we have uncovered recent evidence of official City policies to "divert" homeless people from shelter - a policy with potentially deadly consequences given the

characteristics of the chronically homeless population that uses shelters the most. The City's own records show that these attempts at diverting applicants often fail, and from our perspective, to paraphrase a certain judge: The risk of bureaucratic error in these cases is simply too great because people can die from such mistakes.

### **Consolidation of Programs and Recommendations:**

I will not spend a great deal of time on the consolidations, but I will say that generally we have seen consolidation as a mistake. Good new programs for homeless people have largely been established at the initiative of the Legislature to address gaps in services, including models that work or need to be tested. The exception would be most capitol investments in shelter and supportive housing over the years which have usually been initiated by the Executive, though I would also be remiss if I failed to mention that both Speaker Silver and former Social Services Chair Ramirez also provided vital infusions of capitol funds in the 1990s.

Whenever we hit a down cycle in the economy, we see good programs consolidated, and this inevitably leads to dilution, diminishment, and eventual elimination of programs designed to meet specific needs. None of the service programs of the late 1980s remain except those written as entitlements, often within the context of litigation. Those remaining are the special housing subsidies for people with AIDS/HIV and the foster care-related subsidies. The "Year of the Homeless" programs from the late 1990s are all gone as well. Some of the most effective programs that prevent homelessness or help to house homeless people have been lost, not just to consolidation but also the massive and unwarranted shift of nearly \$1 Billion in TANF funds to localities via the Flex Fund where there is little accountability and much substitution of Federal for local dollars with no concrete benefit to the poorest New Yorkers.

Budget cuts over the last three years have taken \$1 Million per year away from our organization - money that paid for crisis worker salaries, hot meals for people living on the streets, and rent arrears grants for families facing eviction. At a time of record homelessness, I really have to question where our priorities are in cutting and consolidating programs while giving every last penny of TANF funds to the localities and eliminating all of the vital programs the Legislature has established over the years.

And for what? So that the State can pay the full cost out of Federal funds not just for welfare benefits but also for emergency shelter while the Bloomberg Administration bars referrals of homeless households to Federally subsidized public housing and Section 8? No other locality blocks referrals to these critical affordable housing resources - to the contrary, as research available on our website shows, referrals to this housing are vital tools in helping to stabilize the housing circumstances of homeless households and to bring shelter utilization down. I can't even begin to tell you how wrong the Mayor's policy is, and how important it is that the Legislature act to address it. We recommend the following:

- Restore the Emergency Homeless Needs program to the \$2.35 Million level with TANF and/or general funds;
- Restore and fully fund the Supportive Housing pipeline and the prevention programs, whether consolidated or not;
- Restore funds for and next year expand the homeless advocacy program that helps disabled homeless people obtain Federal disability benefits and housing (and saves money);
- Close corporate tax loopholes to raise \$1 Billion to restore the accumulated cuts to human services programs;
- Support the proposed New York/New York IV Agreement, and assure that it provides more supportive housing more quickly for homeless individuals with mental illnesses and other

disabilities as well as homeless families with complex needs. Make sure we reinvest savings not just from downsizing hospitals and nursing homes, but also from closing mental health and juvenile beds.

- Unfreeze all of the housing pipelines in the various agencies including OMH, OPWDD and OASAS;
- Expand the Disability and Senior Citizens Rent Increase Exemption Programs to raise the income limits and include more eligible households like families with children who have disabilities.
- Advance the HIV housing rent cap legislation.
- Restore the Neighborhood and Rural Preservation programs where important eviction prevention activities often take place;
- Most important, communicate your displeasure at each and every opportunity to Mayor Bloomberg and his representatives, with his decisions to cancel the Advantage subsidies mid-stream, and the failed policy of denying homeless people referrals to and waiting list priority for public housing and Section 8. Press the Mayor to stop screening out and diverting homeless families and individuals from shelter - our State Constitution guarantees this most basic form of care for our neediest families and individuals, and no mayor - not even a billionaire - should be permitted to flout that most fundamental and humane requirement.
- Finally, urge Governor Cuomo to repeal 18 NYCRR 352.35, the Pataki/Giuliani regulation that wreaks great havoc statewide for homeless people and shelter providers by forcing districts to terminate temporary housing assistance for even minor infractions of myriad bureaucratic rules including missed appointments. The regulation causes too many people to lose access to life-saving shelter and too many shelters to lose too much reimbursement.

Thank you for holding this important hearing. I'll be pleased to answer any questions now or on another occasion.