



**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  
March 18, 2013**

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Coalition for the Homeless**

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.

**A History 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 rules expand upon the initial rule change in 2010 that began to address the serious and long-standing problem of referring homeless single adults to illegally converted boarding houses, also known as "three-quarter houses."

For many years prior to 2010, the NYC Department of Homeless Services routinely referred thousands of homeless individuals—many of them living with mental illness and other disabilities—into illegal boarding houses with hazardous conditions. Illegal boarding 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 “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.

### **A Change in Policy Begins to Address the Problem**

The data underscored the need for a change in DHS policies that set standards for referrals to permanent housing. The agency agreed to adopt new rules in 2010, which added 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 share and is therefore a good way of identifying these types of dwellings.

But this initial change was still just a first step and contained a significant 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.

In response to this still gaping loophole, DHS agreed with the New York City Council to implement a pilot program in nine shelters that went even further than the proposed rule. In these shelters, staff were not allowed to refer a homeless individual to a building under six units if it had one or more *complaints* regarding occupancy in the last *four* years, including complaints in which DOB was denied access the building. We are pleased that this initial pilot program is now becoming part of the official rule and will be enforced at all single adult shelters.

Since the implementation of the original rule change and pilot program, we have seen a marked decrease in the number of homeless men and women referred to illegal boarding houses, despite the fact that the industry continues to thrive from other referral sources. We believe the final changes to the rule will continue to have the intended effect of significantly reducing these harmful placements.

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

Thank you for the opportunity to present this testimony.