

Testimony of  
Coalition for the Homeless  
and  
The Legal Aid Society

on

**Coordination of Services for Victims of Domestic Violence and  
Int. 0361-2014**

Presented before

The New York City Council  
Committee on General Welfare

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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council in support of Int. 0361-2014, legislation that would require the New York City Department of Homeless Services to grant a presumption of eligibility for applicants to the shelter system who are exiting domestic violence shelters administered by the New York City Human Resources Administration or runaway and homeless youth shelters administered by the New York City Department of Youth and Community Development. We also welcome this opportunity to highlight the need for more permanent housing resources targeted to families in shelter, including homeless families and domestic violence survivors.

### 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 12 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; rental assistance providing rent subsidies and support services to move working homeless individuals and families into 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 over 900 nutritious meals each night to homeless and hungry New Yorkers across 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, 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 around the effort to bring the landmark 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.

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 1,100 of the brightest legal

minds. These 1,100 Legal Aid Society lawyers work with some 700 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 some two 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.

### **Background: Record Numbers of NYC Families in Shelters and the Need to Allocate More NYCHA Resources to Help Homeless Families and Survivors of Domestic Violence**

As this committee is well aware, the current administration inherited an unprecedented homelessness crisis. There are currently 57,000 homeless New Yorkers, including more than 13,000 families and 24,000 children, sleeping each night in the municipal homeless shelter system, administered by the New York City Department of Homeless Services (DHS). (Please see charts attached to this testimony.) These are the highest numbers since the City began keeping records of the homeless population more than three decades ago and the highest since the Great Depression of the 1930s.

In addition, more than 1,000 families, including 1,600 children, sleep each night in the City's domestic violence shelter system, administered by the New York City Human Resources Administration (HRA).

Along with the worsening housing affordability crisis and the failures of Bloomberg-era homeless policies, domestic violence is one of the major causes of homelessness in New York City. Indeed, it is in many ways misleading to distinguish between families in the homeless shelter system and families in the domestic violence shelter system, since many more survivors of domestic violence actually reside in DHS-administered homeless shelters than in HRA-administered domestic violence shelters.

Currently around one in four homeless families has a history of domestic violence. And DHS data shows that, in the current fiscal year, domestic violence was the second most common reason families sought shelter in the DHS system (22 percent of family shelter entrants) after evictions (31 percent).

Clearly the need for permanent housing resources for families in shelter is more critical than ever. Fortunately, in response to the prior administration's failure to address this slowly unfolding disaster the de Blasio administration has unveiled a plan that makes significant progress in providing permanent housing assistance to homeless families and domestic violence survivors. But more can and must be done.

In August the City unveiled its plan to provide permanent housing assistance to help families and children move from shelters to their own homes. The City's plan represents a significant step forward in reversing the most significant factor fueling New York City's homeless crisis: The Bloomberg administration's disastrous elimination of permanent housing aid which has been long-documented to help homeless families leave shelters and remain stably housed.

The current administration's plan proposes to move 5,200 families from shelters into permanent housing over the course of the next year through a variety of programs, including the following:

- 1,100 families helped through a new City-State rent subsidy program (dubbed LINC1) for working homeless families;
- 950 families helped through a new City-State rent subsidy program (LINC2) for homeless families who have had multiple stays in the shelter system;
- 1,900 families helped through a new City-State rent subsidy program (LINC3) for survivors of domestic violence residing in both DHS homeless shelters and HRA domestic violence shelters; and
- 750 families moved into New York City Housing Authority (NYCHA) public housing apartments;
- 500 families helped through federal housing vouchers administered by the NYC Department of Housing Preservation and Development.

While the administration's plan is a positive step forward, there are some notable weaknesses. For instance, the plan fails to address the housing needs of homeless single adults and childless families, many of whom are living with disabilities and serious health problems, as well as families with children living with special needs who reside in homeless and domestic violence shelters. The Campaign 4 NY/NY Housing, supported by more than 160 organizations, is pressing for a new City-State agreement to create 30,000 supportive housing units over the next decade to help move these families and individuals out of costly shelters, off our streets, and into stable, affordable homes.

We believe the most notable flaw in the administration's current plan is the small number of NYCHA public housing apartments allocated to families in shelters. The Coalition for the Homeless and The Legal Aid Society have steadfastly advocated that at least 2,500 public housing apartments be allocated each year to families trapped in emergency shelters, a recommendation that was echoed by dozens of New York City Council members and other leaders. Unfortunately, the administration chose to allocate only 750 NYCHA apartments each year. This, despite the fact that NYCHA expects to place more than 6,000 households in public housing over the next year.

The ability of NYCHA to direct more resources to rescue families with vulnerable children in shelter is most compelling when examining the current NYCHA policy, which actually allocates the majority of public housing apartments to households with no demonstrated housing needs.

## PLACEMENTS INTO NYCHA PUBLIC HOUSING VACANCIES, 2013 and 2014

(Source: New York City Housing Authority)

	2013 (Jan thru Dec)	Percent of total	2014 (Jan thru June)	Percent of total
<b><i>No demonstrated housing needs/ "working preference"</i></b>				
W1	629	15%	438	16%
W2	794	18%	452	16%
W3	1,060	25%	750	27%
<i>Subtotal</i>	<i>2,483</i>	<i>57%</i>	<i>1,640</i>	<i>59%</i>
<b><i>Needs-based priorities</i></b>				
N0	889	21%	339	12%
N1	359	8%	307	11%
N4	590	14%	489	18%
<i>Subtotal</i>	<i>1,838</i>	<i>43%</i>	<i>1,135</i>	<i>41%</i>
<b>Total placements*</b>	<b>4,321</b>	<b>100%</b>	<b>2,775</b>	<b>100%</b>

W1 = 50%-80% of AMI  
W2 = 30%-50% of AMI  
W3 = Below 30% of AMI

\*Note that placement data does not include transfers.

As the table here illustrates, during the first half of 2014, fully 59 percent of NYCHA public housing apartments were given to households who did not demonstrate any housing needs – such as high rent burdens, overcrowding, or hazardous housing conditions. This includes hundreds of households earning as much as \$67,000 annually.

These households with no demonstrated housing needs were in fact given the highest priority for available NYCHA public housing apartments – higher than for households with the most severe housing needs. Mayor Rudy Giuliani first crafted NYCHA's inequitable distribution of our vital public housing resources and Mayor Bloomberg expanded it, with a policy he christened the "Working Family Preference."

In contrast, households with demonstrated housing needs – including many poor working families, domestic violence survivors, homeless families, and New Yorkers living with disabilities, – were allotted only 41 percent of available public housing apartments. Indeed, in the first half of 2014, only 256 households were placed in public housing apartments under the priority for domestic violence survivors, representing only 9 percent of total NYCHA placements in that period.

To make matters worse, current NYCHA admissions policies make it harder for families residing in domestic violence shelters to obtain public housing. For more than two decades, under mayoral

administrations that spanned the entire political spectrum, New York City achieved tremendous success in assigning priority admission to NYCHA housing (and access to Section 8 vouchers) to literally thousands of households referred by DHS, HRA, and other City agencies. In one last senseless maneuver, the outgoing Bloomberg administration rescinded the NYCHA priority code that long permitted such priority referrals. (Beginning in 2005 the Bloomberg administration had, of course, ceased making such referrals for families in shelter – a major cause of soaring family homelessness under Bloomberg – but the priority code, which could have readily been activated by his successor remained in place until September 2013.)

We find it troubling that when the current administration revised the NYCHA admissions guidelines in July, it failed to restore HRA as one of the agencies designated to make priority referrals into NYCHA public housing. Only DHS, HPD, the Administration for Children’s Services, and the HIV/AIDS Services Administration, a division of HRA, were included in the revised priority code. Given HRA’s leadership role in sheltering families fleeing domestic violence, its exclusion is entirely counterproductive.

### **Expand Permanent Housing Resources for Families and Children in Shelters**

Looking forward, here are the essential steps that the City must take to allocate more permanent housing resources to homeless families, including domestic violence survivors:

1. Allocate at least 2,500 NYCHA public housing apartments annually to families in shelters. The City should increase the allocation of NYCHA public housing apartments for homeless families and families residing in domestic violence shelters to 2,500 apartments/year, consistent with the best years of the Bloomberg administration.
2. Restore HRA’s ability to access the priority referral code for NYCHA apartments. The City should restore HRA to the roster of City agencies empowered to designate families with the N-0 priority code for NYCHA public housing. This is one immediate step the de Blasio administration can make so that families in the domestic violence shelter system can be once again given the best and quickest access to the stable housing they deserve.
3. Reform NYCHA admissions policies. The City should eliminate the Giuliani-Bloomberg “Working Family Preference” to ensure that preference is given to families who work, but are still poor and trapped in shelters. In addition, NYCHA should address longstanding bureaucratic barriers that make it difficult for domestic violence survivors to access public housing through the N-1 priority code.
4. Negotiate a new City-State agreement to create permanent supportive housing. As recommended by broad coalition of community groups and leaders who launched the Campaign 4 NY/NY Housing, the Mayor and Governor should sign an agreement to create 30,000 units of supportive housing over the next decade.

### **Introduction 0361-2014**

The Coalition for the Homeless and The Legal Aid Society thank the Council for introducing this important bill, which we fully support. Runaway and homeless youth (RHY) and domestic violence survivors and their families are among New York’s most vulnerable populations and both the New York City Department of Youth and Community Development(DYCD) and HRA are tasked with providing the shelter and support services to meet the unique needs and circumstances of these populations. Int. 0361-2014 would eliminate the wasteful and bureaucratic hurdle which hinders housing eligibility for individuals hundreds of households forced to leave HRA domestic violence and DYCD shelters due to arbitrary time restrictions of those systems.

New York's runaway and homeless youth are both extremely resilient but have tremendous and unique needs. They are predominately LGBT, frequently victims of trafficking and other crimes, and suffer from much higher levels of mental illness than the overall shelter population. DYCD's continuum of crisis shelter and Transitional Independent Living (TIL) placements provide specialized services for youth between the ages of 16-21 years of age. The risk factors facing RHY both before and after they end up on the street are different from those confronting other homeless populations, and the DYCD providers are able to address these factors through specialized services and training. Moreover, because the RHY shelters only service youth who are between the age of 16 and their 21st birthday, they can provide the safe space essential for youth who are often threatened in shelters serving the general homeless population. Unfortunately, DCYD shelter and TIL placements have time limits on stays and homeless youth are often forced back onto the street when they have timed-out of a DYCD shelter. These time limits, which are solely a function of funding limitations, must be eliminated. The Legal Aid Society is currently litigating the C.W. case to abolish these time limits and increase investment in better services for runaway and homeless youth.

Similarly, HRA's confidential shelter system for the survivors of domestic violence and their families provide a safe place for these families to begin planning their future, protected from the threat of violence from an intimate partner. Similar to runaway and homeless youth, domestic violence survivors become homeless for reasons different than many homeless New Yorker and thereby need unique service intervention. Understanding the traumas specific this population and addressing their needs through intensive casework and service provision helps domestic violence survivors to move out of shelter and back into the community with the skills and support they need.

Unfortunately, shelters in both the DCYD and HRA continuums are also time-limited because of funding limitations and the unprecedented number of homelessness in our city, and so youth and domestic violence survivors are too-often forced to move into the general homeless population in the DHS-administered system. Time limits on domestic violence shelter force survivors who have just begun to get back on their feet into a yet another period of instability – at a time when they are most in need of certainty.

These vulnerable individuals and families who are newly homeless should not have to navigate the confusing maze of City agencies offering different services. Yet they suffer greatly because of their very differences, especially when they face the current wasteful and burdensome eligibility process. And in what can only be described as a truly Kafka-esqe hurdle, domestic violence survivors and RHY are often forced prove once again that they are eligible for shelter – even when they are transferred directly to DHS from another City shelter system. Int. 0361-2014 will eliminate these senseless barriers so vulnerable families can fully focus their energy and efforts towards healing and re-engaging in their community.

Thank you for the opportunity to share this testimony. As always, we look forward to working with this committee and the entire City Council in the coming months and years to reduce homelessness in New York City.