



Testimony of
Coalition for the Homeless

on
Homeless Services in New York State

Assembly Standing Committees on
Social Services
and Oversight, Analysis and Investigation
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presented by

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Thank you for inviting us to testify at this important hearing. My name is Shelly Nortz, and for the last 27 years I have worked for the Coalition for the Homeless in Albany to secure State support for programs and policies that prevent and address homelessness and the socio-economic problems that cause homelessness.

Record Homelessness in NYC

More than 111,000 different homeless New Yorkers, including more than 40,000 children sleep in the NYC municipal shelter system each year, and this constitutes more than 85 percent of the homeless population in all of New York State. It likely comes as no surprise to the members of this committee that the great majority of families and individuals who are homeless require some form of housing assistance in order to secure and retain stable permanent housing.

Indeed, retaining housing is becoming an increasingly important objective in such a tight housing market. The NYC Independent Budget Office recently reported that over 75,000 NYC families with children entered the shelter system due to eviction between 2002 and 2012, 82 percent having previously resided in private regulated and unregulated apartments.

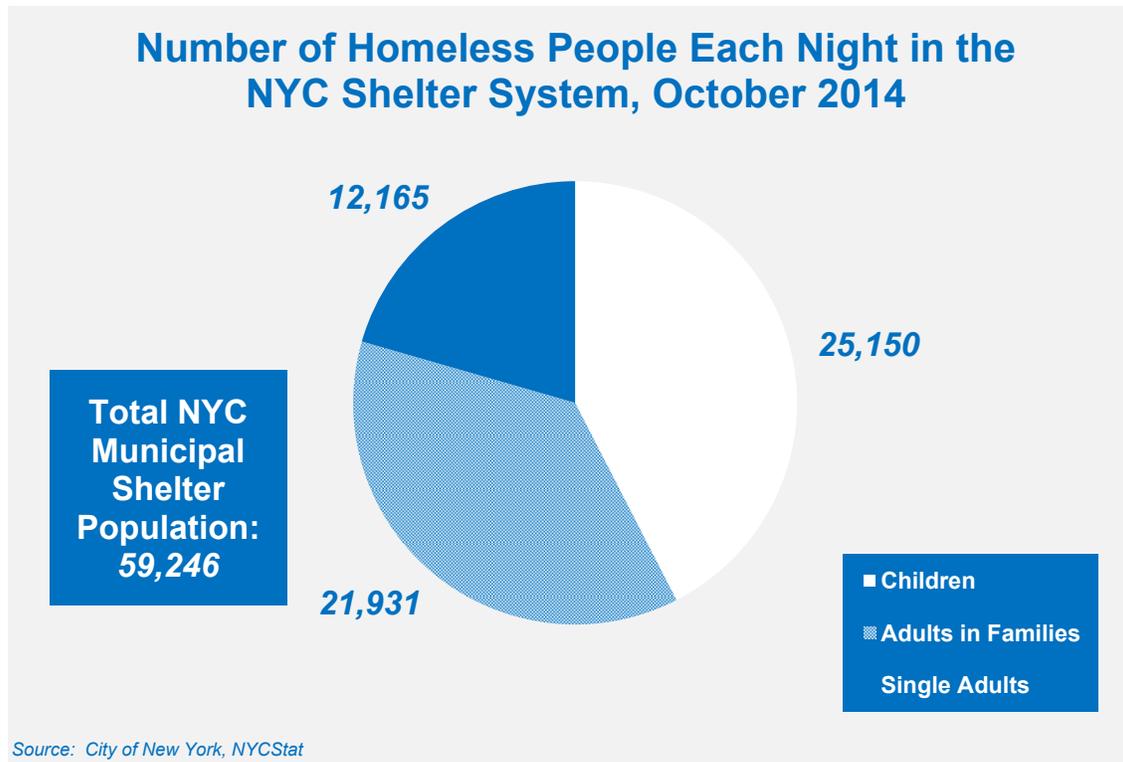
In 2012 I testified that we had reached a new record: There were over 41,000 homeless people staying each night in NYC homeless shelters, including 17,000 children. In January, the number exceeded 53,000 individuals and over 22,500 children. The most recent data show that there are now over 59,000 homeless people staying each night in the shelters including 25,150 children – 42 percent more homeless people staying in NYC shelters each night since 2012.



Thousands more live on the streets or in makeshift arrangements underneath roadways or in abandoned buildings.

The dire situation in New York City cannot be understated:

- The number of homeless children in October was over 25,000 for the first time;
- The number of homeless families was over 14,000 for the first time; and
- The number of homeless single adults was over 12,000 for the first time.



The status quo is unsustainable, and while some important incremental improvements have been made by the City and State in recent months, including new rental assistance programs, better HRA outreach to prevent evictions, and more placements of homeless families in public housing, these efforts fall short of what is needed to turn the tide.

Unfortunately, for example, the current City plan only provides 750 annual public housing placements for homeless households, and that number should be at least 2,500 per year. Under current practice, most vacancies are filled by NYCHA without assessing the actual housing needs of the applicants. At a time of record homelessness, we need *more* targeting of public housing resources to those most in need, as has previously been the practice of all administrations except the last.

In addition, there are a number of improvements needed to make the new rental assistance programs more viable and effective, including:

- a good-cause waiver allowing families to receive rental assistance after five years upon demonstration of ongoing need;
- more realistic work requirements, such as at least 20 hours per week, rather than 35 per week;
- inclusion of families, such as those with disabilities or receiving public assistance, who do not have employment income;
- allowances for those whose benefits may have been cut off in error; and
- use of Fair Market Rents levels as the benchmarks for the program.

State Actions that Can Help Solve Record Homelessness

We know what works to solve homelessness – countless studies have proven the effectiveness and fiscal prudence of sensible solutions including eviction prevention, long-term rental assistance, permanent supportive housing, and maximizing the use of federal resources including public assistance, disability benefits, and public housing.

Less well known solutions have also proven their worth, including programs to help parents secure adequate housing so that they can reunite with their children in foster care or prevent foster care placement, to help young adults aging out of foster care with rental assistance, and to help people with AIDS/HIV to live safely in the community and avoid congregate settings that may place them at risk for opportunistic infections.

In addition there are administrative reforms that can help homeless people to obtain the help they need without bureaucratic obstacles, and we have recommended these to the Executive in the areas of fair hearings and temporary housing assistance denials and sanctions.

At a time of record homelessness, we are fortunate to have a substantial surplus that can be deployed to help address the problem. The core challenge New York faces in addressing homelessness is not that we do not know what to do, but that we have never brought the solutions that work to scale in tackling the problem. We are pleased that you are holding this hearing now, before important budget decisions and one-time settlement fund allocations are made.

Recommendations for the 2015-16 State Budget and One-time Settlement Revenues

Our recommendations for the coming year regarding investments to address homelessness are outlined below and attached to my testimony are documents containing further details relating to some of them.

Campaign 4 New York/New York Housing

First and most important, the New York/New York III Agreement is expiring and there is no replacement yet to sustain the supportive housing development pipeline. ***More than 20,000 NYC households are found eligible for supportive housing each year, but only one-in-six eligible applicants have actually received a supportive housing placement.***

More than 180 groups have gathered to form the ***Campaign 4 NY/NY Housing*** which seeks a new City-State agreement to create 30,000 units of supportive housing over the next 10 years in New York City for families and individuals with disabilities and other special needs.

We specifically seek an agreement that will:

- Dedicate two-thirds of the units in the new agreement (20,000 units) to individuals and the remaining one-third to families (8,700 units) and youth (1,300 units); and
- Fully fund capital expenditures and support services for new construction – as well as rental fees (adjusted to reflect future escalations) and support services to operate scattered-site units. (See <http://www.nynycampaign.org/>)

We believe that a successful City-State agreement must ***target the vast majority of resources toward individuals, families (including childless families), and young adults who are homeless and vulnerable – those living with serious and persistent mental illnesses, chronic health conditions including HIV/AIDS, and long-term addiction.*** This would include people living on the street and in

systems administered by various New York City agencies. The new agreement must also target people with multiple disabilities or other barriers to obtaining housing, and those who are exiting foster care, healthcare, correctional and other institutions into homelessness.

Expansion of Homeless Service, Housing, and Prevention Programs

In recent weeks we have researched the needs for several homeless service programs and find that a number of them should be restored, receive increased appropriations or be expanded in order to improve their effectiveness. Specifically, the 2015-16 State budget should include:

- \$2 million in additional funds to expand the STEHP program in support of eviction prevention activities in NYC. This will help address the growing demand for assistance to help families stave off eviction and avoid entering the shelter system;
- \$2.4 million in additional NYSSHP funds for supportive housing projects that have already opened as well as those that will be opening their doors this year. This will help get this program back on track;
- \$2,000,000 in TANF funding for Emergency Homeless Needs (distributed by RFP for multiple New York City organizations);
- \$250,000 in non-TANF Emergency Homeless Needs for households that are not TANF-eligible;
- \$1 million for the Client Advocacy Program, through which chronically homeless disabled people are assisted in securing Federal SSI/SDI, veterans benefits and housing;
- Raising the monthly amounts for the OCFS preventive, reunification and independent living rent subsidies to \$600 per month;
- Adding authorizations in § 409-a. of the Social Services Law to provide rental assistance for parents and children with disabilities, including young adults, when a child is either at risk of entering foster care due to disability, or where a parent's or child's disability is preventing a discharge from foster care;
- Expanding emergency shelter, transportation and nutritional assistance for homeless people with AIDS/HIV to ensure that this benefit is provided statewide and eliminate perverse incentives that may cause people to become sicker before obtaining help;
- Adding MRT housing funds to provide rental assistance in New York City to help homeless individuals being discharged from Nursing Homes and hospitals, or who need housing assistance in order to receive authorization to receive medically necessary surgery and post-surgery recovery supports in the community.
- Making permanent the increase in the income caps for SCRIE and DRIE set to expire in 2016

Emerging Issue: Medical Respite Programs

Before I conclude I want to mention one matter that has come to our attention. As the healthcare system is changing, we find more and more people with chronic illnesses and serious disabilities making their way into the shelter system after hospitalizations and stays in other institutions such as nursing homes and prisons. People are arriving in need of a level of care and support that shelters are not equipped to provide. Many facilities attempt to accommodate people who have truly extraordinary needs.

Some shelter and supportive housing providers have taken it upon themselves to offer "medical respite" services or have been encouraged to do so, and we need to look at this from a best practices and licensure perspective.

Shelters and supportive housing providers are not currently authorized under NY law to provide nursing services that are customarily provided in licensed settings with properly credentialed personnel. On the

other hand, people are being discharged from institutions and ending up in shelters where they cannot receive things like home care, physical therapy, nursing assistance, etc.

Providers, advocates and regulators across the social services and health care systems need to examine the implications of this and develop policies that allow these needs to be met in a safe and compassionate way. People with serious illnesses and disabilities should be provided with the dignity of community living in ways that do not reinforce inappropriate, premature, and unsafe discharge practices.

Thank you for your time. I welcome any questions you may have today or in the coming months.

Attachments

Basic Facts About Homelessness in New York City with accompanying charts

Campaign 4 New York New York Housing Platform with Endorsers

Proposed amendments to § 409-a. of the Social Services Law to raise the subsidy level and add subsidies for parents with disabilities

Coalition for the Homeless Background

The 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. 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 eleven direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers, and demonstrate effective, replicable 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 exists 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 was one of the last homeless victims of an era with no legal right to shelter.

In addition to litigation and vital services, the 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, Timothy's Law, and ombudsman services for Medicaid Managed Care enrollees beginning in 2014 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.