



Testimony of
Coalition for the Homeless

on
the 2014-2015 Executive Budget

Assembly Standing Committee on Children and Families
December 1, 2014

presented by

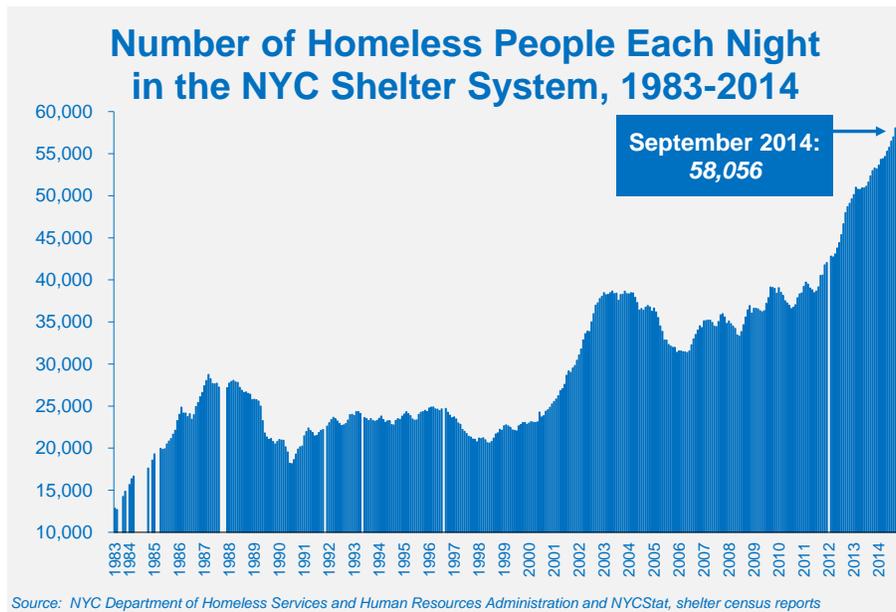
Shelly Nortz
Deputy Executive Director for Policy

Good afternoon. 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 about 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.

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, that number exceeded 53,000 and over 22,500 children. The most recent data show that there are now over 58,000 homeless people staying each night in the shelters including 24,600 children – 41 percent more homeless people in NYC shelters since 2012.



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

Today, I want to speak about a subset of the homeless population, and those at risk, whose needs are often hidden from view, and what we can do to better address them via preventive services.

Services for Struggling Families

Specifically, I want to address the needs of families with children in foster care seeking to reunite; youth aging out of foster care; families facing the prospect of children entering foster care due to the lack of adequate housing; and the specific needs of parents and children with disabilities who may be separated or facing foster care placement due to disabilities.

As you may know, the Coalition played an instrumental role in securing legislative authorization for the provision of rental assistance as a preventive service to help families and youth aging out of foster care to secure permanent housing where the lack of adequate housing prevents discharge from foster care or may lead to the entry of a child or children into foster care. These subsidies provide \$300 per month for up to 3 years in the form of a special grant and may include payment of rent arrears and other costs related to securing housing. Decades after its inception, the subsidy has been never been increased: It is time to raise it to a more adequate level in order to fulfill the purpose of the program.

Further, parents with disabilities and those with children who have disabilities face tremendous challenges when they enter the shelter system. Often they face the most daunting odds as they seek permanent housing that they can afford and that can accommodate their needs. They frequently end up in shelter merely for the lack of adequate resources to pay for housing in a building with an elevator, and then may end up staying in shelter for inordinately long periods of time because they cannot afford housing that can accommodate their needs. Families and young adults leaving foster care need housing where they can use their wheelchairs, where they can access their apartments via working elevators, and where live-in home health aides can stay with them, for example.

I come to you today with two very simple recommendations:

- That the monthly amounts for the preventive, reunification and independent living subsidies be raised to \$600 per month; and
- That new authorizations be established in § 409-a. of the Social Services Law to assist 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.

In addition I want to just take a brief moment to mention a related issue that has surfaced from time to time in recent years. You are possibly aware that some advocates and lawmakers have concluded that our grounds for terminating the parental rights of parents with certain disabilities should be repealed because they serve to stigmatize mental illness and developmental disabilities.

We think that the above service enhancements are a far better solution than repealing the grounds: The statute in New York, and its interpretation by the courts, provides vitally important added protections for these parents to assure that they do not permanently lose custody of their children unless they are both now and for the foreseeable future, *unable to safely parent* their children. Absent these protections, such parents could far more easily lose their children to adoption on mere grounds of neglect, even when they can safely parent with some added support services. So few parents face the termination of their parental rights on the grounds of mental illness or mental retardation that *each family* could receive a \$600 monthly subsidy, and the cost would be roughly \$2 million per year. Or, 50 of the families with intensive needs could be helped with intensive congregate rehabilitative services each year at a cost of about \$1 million. Such parents, living with their children can become able to safely parent their children and “graduate” to more independent housing, making room for another family in need.

Attached are proposed amendments to § 409-a. of the Social Services Law to raise the subsidy level and ad subsidies for parents with disabilities. My analysis of the termination of parental rights issue is attached for your information.

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

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 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, 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, 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.