

Testimony of
Coalition for the Homeless
and
The Legal Aid Society

on

**Homelessness and the Implementation of the Living in Communities (LINC)
Rental Assistance Programs**

Presented before

The New York City Council
Committee on General Welfare

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Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council on the record-high number of homeless individuals, families, and children sleeping in City shelters, and the implementation of “The Living in Communities (LINC) Rental Assistance Programs.” We also welcome this opportunity to highlight the need for more permanent housing resources targeted to homeless families and individuals.

About the Coalition and The Legal Aid Society

Coalition for the Homeless: The Coalition, 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. The Coalition also protects the rights of homeless people including 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 eleven direct-services programs that offer vital services to our homeless, at-risk, and low-income neighbors – which also demonstrate replicable, 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 to help working homeless people move into private-market apartments, and permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program provide hundreds of homeless children with a critical respite each year. The Coalition’s mobile soup kitchen distributes more than 900 nutritious meals each night of the year to homeless and hungry New Yorkers. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with daily necessities, such as food, clothing, and transportation – as well as 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 through 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.

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.

Operating from 26 locations in New York City with a full-time staff of more than 1,800 and an annual caseload of more than 300,000 individual cases and legal matters each year, the Society handles 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.

A Step Forward to Address Historic Homelessness Crisis in New York City

New York City's homeless population is currently at all-time-record levels. There are more than 60,000 homeless New Yorkers, including 14,519 families with 25,640 children and 12,325 single adults, sleeping each night in the municipal homeless shelter system, administered by the New York City Department of Homeless Services (DHS), as of November 2014. These are the highest numbers since the City began keeping records three decades ago, and the largest number of New Yorkers experiencing homelessness each night since the Great Depression of the 1930s.

Additionally, 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).

In 2014 the de Blasio administration unveiled its plans to provide permanent housing assistance to help homeless families and individuals move from the shelter system to their own homes. The City's plan represents a significant step forward in at last addressing the major cause of soaring homelessness in New York City, as well as the most glaring policy failure of the previous administration: The Bloomberg administration's disastrous elimination of permanent housing aid designed to help homeless New Yorkers leave shelters and remain stably housed.

The de Blasio administration's plan proposes moving 5,200 homeless families from shelters to permanent housing by the fall of 2015. Some 4,000 families would be helped by the Living in Communities (LINC) rental assistance programs, which provide up to five years of rent subsidy and are targeted to homeless survivors of domestic violence, working homeless families and families with multiple episodes of homelessness. The remaining 1,200 homeless families would be provided New York City Housing Authority public housing apartments or other federal housing programs.

In December, the administration rightfully decided to expand the LINC program to include homeless single men and women. The plan would assist 2,100 homeless adults, including seniors and working shelter residents.

While the City's plan is a significant step forward in addressing record family homelessness, there are some unfortunate weaknesses in the plan. The most notable flaw is the small number of NYCHA public housing units allocated to homeless families: only 750 units per year, less than 13 percent of NYCHA vacancies each year and fewer even than were offered by the Giuliani administration. We have long advocated that at least 2,500 public housing apartments be allocated to homeless families each year, a recommendation that has been echoed by dozens

of New York City Council members and other advocates and equivalent to the number provided in the best years of the Bloomberg administration. The Housing Authority currently allocates most of its vacant apartments without any inquiry to the housing needs of the applicant family, and could make many more of these apartments available to homeless families through existing needs-based waiting-list priorities.

Mayor de Blasio's current plan is a major step forward in addressing the historic homelessness crisis in New York City. Yet, there is much more that must be done.

Recommended Improvements to the LINC Programs

For the LINC program to be successful at actually reducing the number of homeless families, greater efforts must be made at the "front door" of the shelter system to prevent evictions and homelessness. For example, the inclusion of a provision to address victims of domestic violence in the LINC program should be replicated in the FEPS program, as should the higher subsidy levels, which now more closely reflect the real cost of securing housing in the private market in New York City. Now more than ever, it is clearly going to be less expensive and less of an administrative burden to avoid housing families in the shelter system than it is to re-house them, even with the LINC program in place.

Following are changes that would significantly improve the LINC rental assistance programs. We believe these changes will help assist more families and better ensure the housing stability of formerly-homeless families who secure permanent housing using these programs.

1. In general terms, while the five-year duration of the LINC programs targeting homeless families provide is a significant improvement over the deeply flawed Advantage program, there are likely to be some families who will continue to need rental assistance beyond five years. We recommend that the rule be revised to provide a good-cause waiver allowing families to receive rental assistance after five years upon demonstration of ongoing need.
2. The working requirement of 35 hours/week per household is extremely unrealistic and burdensome for working homeless families. Low-wage workers almost never control the number of hours that they work – their employers do. And many employers of low-wage workers systematically maintain employees' work hours at less than 35 hours/week. Indeed, City data from the flawed Work Advantage program found that the typical participant in that program worked 30 hours or less per week. This provision should be revised to require that participants work a more realistic number of hours per week, such as at least 20 hours/week.
3. The earned income requirement excludes the significant number of homeless families with multiple shelter stays who are receiving public assistance benefits but are not employed and do not receive other public benefits like Supplemental Security Income. Also, some recipients may be too disabled to work but also ineligible for federal disability benefits while they wait a mandatory period to file for citizenship. The rule should be revised to include public assistance-recipient families.
4. All LINC programs should account for the bureaucratic errors, which often result in public assistance recipients wrongfully losing their benefits. The LINC program should be revised to reflect the efforts public assistance recipients make to restore benefits that are erroneously suspended or terminated.

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 and individuals:

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 on the basis of need, rather than the current policy, which for most vacancies does not take housing need into consideration. NYCHA could fill a far greater number of its vacancies with shelter residents 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.
5. Convert "cluster-site" shelter units back to permanent housing by using rent subsidies, as well as aggressive building code-enforcement, so families that wish to stay in the units they already reside may secure leases. This would significantly reduce family homelessness and phase out this wasteful program.

Thank you for the opportunity to offer testimony. And, as always, we look forward to working with the committee and the City Council in the coming months and years on efforts to reduce New York City's homeless population.