

Testimony of
Coalition for the Homeless
And
The Legal Aid Society

On

Oversight: Homelessness in NYC

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 Committee on General Welfare regarding the ongoing homelessness crisis in New York City.

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 11 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; 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 over 1,100 of the brightest legal minds. These 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.

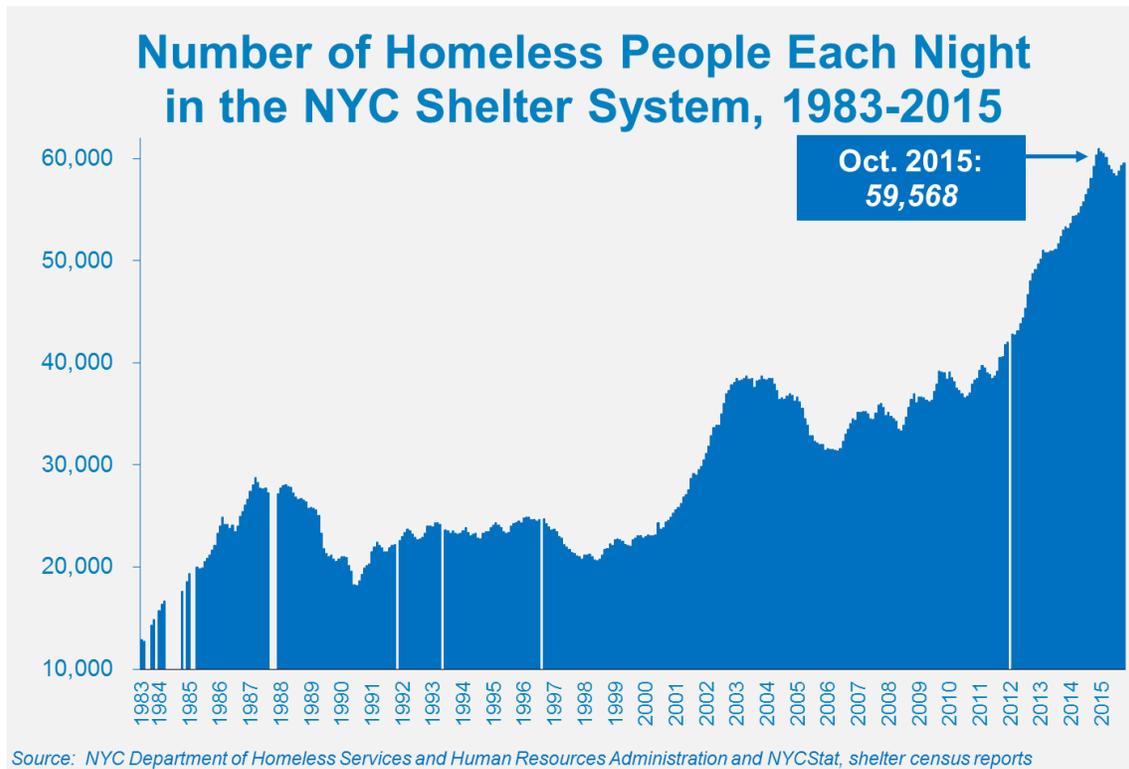
The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, 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: New York City's Homelessness Crisis

New York City is currently facing an unprecedented homelessness crisis. There are currently over 59,000 men, women, and children sleeping each night in the City's municipal shelter system, including an all-time high of over 13,700 single adults. In addition to the number of individuals in shelter, there are countless more individuals and families sleeping rough on New York City streets.



There are dual forces at work contributing to record homelessness: 1) housing market and economic conditions and 2) government policies. Current economic trends, including the ever-widening gap between wages and rents, are forcing more and more households into precarious and unstable housing, and finally over the edge into homelessness. In New York City, median rents continue to increase at much greater rates than incomes. In 2014, a full 42 percent of very low-income renters were paying over 50 percent of their income on housing costs.¹ At the same time, the disastrous policies put in place under the Bloomberg administration—including the elimination of nearly all permanent housing assistance for homeless families, including priority access to federal housing resources—directly contributed to the 94 percent increase in the homeless population between December 2005 and December 2014.

In 2015, the shelter census slowly began to reverse the previous years' trends in some key ways. The number of homeless families declined for seven consecutive months in 2015, marking the first sustained decrease of this length in nearly six years. Additionally, the percentage of families entering shelter who had at least one previous shelter stay decreased in both fiscal years 2014 and 2015, for the first time since 2009.

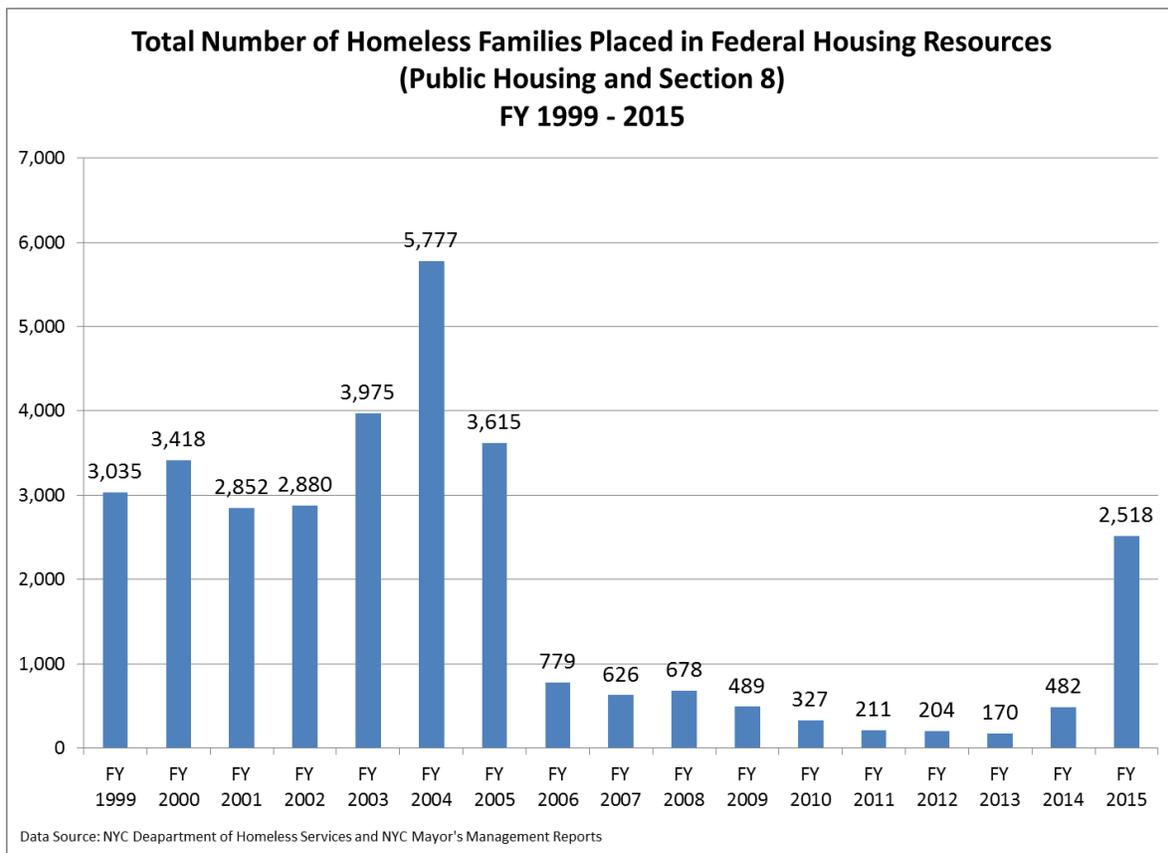
However, concurrent with this significant positive progress, the number of homeless single adults in shelter each night continues to surge – reaching an all-time record level of more than 13,700 adults as of October 2015 (the latest complete data we have). Moreover, the steady reduction in the number of

¹ NYU Furman Center. (2014). State of New York City's Housing and Neighborhoods. <http://furmancenter.org/research/sonychan>

homeless families in NYC has begun to be eroded, as the family shelter census has once again started to rise slightly in the past three months.

Progress Made: Critical Responses Put in Place by Current Administration

The recent halt in NYC’s unrelenting increase in homelessness followed drastic steps taken by the de Blasio administration – most significantly, key reversals of the previous administration’s most harmful policies. One of the most important policy actions taken by Mayor de Blasio was the reinstatement of priority access to federally-funded permanent housing resources for homeless families, including public housing and Housing Choice Vouchers (also known as Section 8). In the past fiscal year, the administration moved over 2,500 homeless families out of costly emergency shelter and into permanent housing via these critical programs. It is hard to overstate the importance of this singular policy reversal, particularly when juxtaposed with the mere 170 such placements made by the Bloomberg administration in its final full fiscal year.



In addition to these vital placements into federally-funded permanent housing, the de Blasio administration also launched an array of locally-funded rental subsidies that improve greatly upon the previous administration’s failed, and ultimately aborted Advantage program, by providing much-needed flexibility and longer assistance times. Through these programs, including LINC I-VI and CityFEPS, the city has moved an additional 2,300 households out of shelter in fiscal year 2015.

Lastly, the mayor's recent commitment to create 15,000 units of supportive housing over the next 15 years marks an extraordinary and unprecedented investment to stem the suffering of our most vulnerable neighbors. A significant subset of men and women living in emergency shelters and sleeping rough on our streets, struggle with oppressive disabilities including mental illness, drug and alcohol addiction, and physical or intellectual disabilities. For these individuals (and members of homeless families as well), permanent supportive housing is long-proven the most successful and cost-effective way to end the catastrophe of homelessness.²

However, in order to be truly effective at matching the scale of New York City's current, unprecedented need, we need Governor Cuomo to step up with the State's share of funding for an additional 15,000 units of supportive housing. The Campaign 4 NY/NY, of which the Coalition for the Homeless is a leading member, has consistently called for 30,000 units of supportive housing to be funded by the City and State, as well as an additional 5,000 units outside of New York City to match the extraordinary need.

Shelter Census and Capacity

The de Blasio administration has undoubtedly taken significant steps to begin to address NYC's current homelessness crisis. However, some problems continue to persist, particularly in relation to emergency shelter capacity and the ability of the City to adequately meet the needs of homeless New Yorkers.

With a record number of homeless single adults, shelter capacity has been heavily strained in recent months. Alongside this capacity crunch comes the risk of an exacerbation of practices that deter individuals from seeking shelter, including long wait times for beds and frequent transfers. Recently, DHS has made some progress in adding capacity to the single adult shelter system and the Coalition and The Legal Aid Society will continue to monitor this progress and urge DHS to continue to meet its legal obligations to provide shelter to homeless New Yorkers.

For homeless families, problems continue to persist for those seeking shelter at PATH. With so many families in shelter, it is very difficult for DHS to place children and their families in locations that meet their needs. DHS is scrambling on a daily basis to have enough space for all the families applying for shelter and must place people in whatever unit is vacant at the time the family applies. As a result, children are placed hours away from their schools, adults face epic commutes to work and medical appointments, and individuals with disabilities are offered placements in units that do not accommodate their needs (in some cases, the failure to accommodate makes it impossible for them to access shelter).

Another area of concern is the City's continuing reliance on "cluster" scattered-site placements. As you know, the City currently spends approximately \$3,000 per month to rent approximately 3,000 apartments in private buildings to use as shelter space for families with children. Almost all of these units are rent-regulated and could be a housing resource for families who need permanent affordable housing, although many of the units are in terrible condition and need substantial work. While we share the City's goal to return these apartments to the private market, our clients are frustrated that the City has been unwilling to

² Campaign 4 NY NY Housing. (2015). Platform found at: <http://www.nynycampaign.org/platform/>

take bolder steps to speed their conversion given the current capacity crisis. At one location, 60 Clarkson Street in Brooklyn, DHS has ceased operating shelter units and The Legal Aid Society currently represents dozens of families who seek to remain there as permanent tenants. The City should use its enforcement powers to bring more cluster site landlords to the table or force them to convert these units to decent affordable housing for homeless shelter residents.

The City must also redouble enforcement of discrimination laws that protect shelter residents seeking permanent housing. Many people awarded the City's new housing subsidies (specifically LINC and CityFEPS), are often thwarted when attempting to use them, because landlords illegally refuse to accept their vouchers, in blatant violation of the Council's Local Law 10 of 2008, which prohibits discrimination in housing on the basis of the tenant's source of income. The Legal Aid Society brought the only case to date challenging such flagrant discrimination when we sued Spring Creek Towers in Brooklyn (formerly known as Starrett City), for refusing to accept applicant tenants with LINC vouchers. It is imperative that the NYC Human Rights Commission and Office of Corporation Counsel bring more of these cases, so that these commendable new housing programs are allowed to flourish. In addition, HPD must demand greater participation in these programs by the landlords and developers it works with.

Finally, Coalition for the Homeless and The Legal Aid Society are concerned about rising street homelessness and the very real potential for punitive and harmful responses. Recent heated rhetoric suggesting that our neighbors living on our streets should be swept up, chased, or otherwise made to disappear during business hours are not only ineffective responses to visible homelessness, but are proven to be counterproductive to engaging homeless men and women and helping them find their way to the security and sanctity of permanent housing. Indeed, when these tactics were last unleashed in full force, the net result was that those most in need of assistance were pushed further to the margins of our city and away from outreach workers and others most able to engage and help them. Put simply, without a real, safe, and appropriate alternative to the streets, namely permanent housing, a critical mass of homeless persons will continue to live on our City's streets, suffering in silence.

Next Steps

We commend the de Blasio administration for his efforts thus far, including reinstating federal housing priority for homeless families, creating new permanent housing subsidies, and committing to the City's share of 30,000 units of supportive housing. These policies will undoubtedly make a difference in the lives of thousands of homeless New Yorkers. However, the City must continue to work diligently to make sure progress continues to be made. Specifically, permanent housing placements must continue to remain at levels that match the critical need. The City must:

1. Continue to place at least 2,500 families into NYCHA and Section 8 units;
2. Set aside at least 10 percent of the Mayor's affordable housing plan units for homeless individuals and families;
3. Step up enforcement of landlords who discriminate against voucher holders; and
4. Work diligently to return cluster site units to affordable, permanent housing.

Additionally, the City must ensure that the shelter system responds to the needs of homeless individuals and families; and that our most vulnerable fellow New Yorkers living on the streets are treated with dignity and provided with real, permanent housing options.