

Testimony of  
Coalition for the Homeless  
and  
The Legal Aid Society

on

Oversight – From PATH to Permanency:  
Navigating the Shelter System as a Family with Children

prepared for submission to

The New York City Council  
Committee on General Welfare

by

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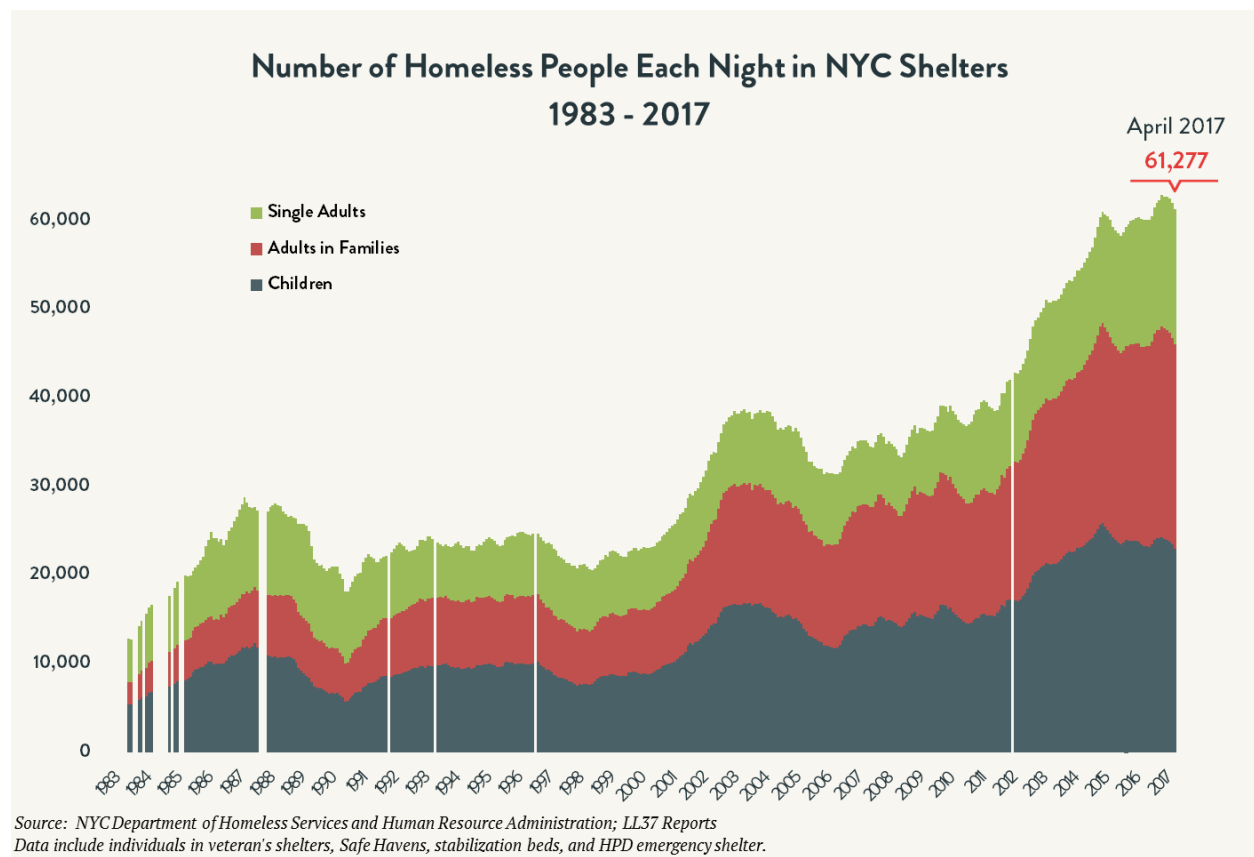
June 27, 2017

Coalition for the Homeless and The Legal Aid Society welcome this opportunity to present testimony to the Committee on General Welfare regarding homelessness among families with children and their experiences in the shelter system.

### Near Record Homelessness among Children in NYC

There is widespread evidence of the negative impact of homelessness on children. Homeless children are far more likely than their housed peers to experience health, developmental, and behavioral problems. They are also much more likely to fall behind in school, miss school, and perform worse on measures of academic achievement.<sup>1</sup>

The number of homeless children in families is now 60 percent higher than a decade ago, as New York City remains in the midst of the worst homelessness crisis since modern mass homelessness first emerged in our city roughly four decades ago. In April 2017, a near-record 61,277 men, women, and children slept in shelters each night, including 23,000 children.

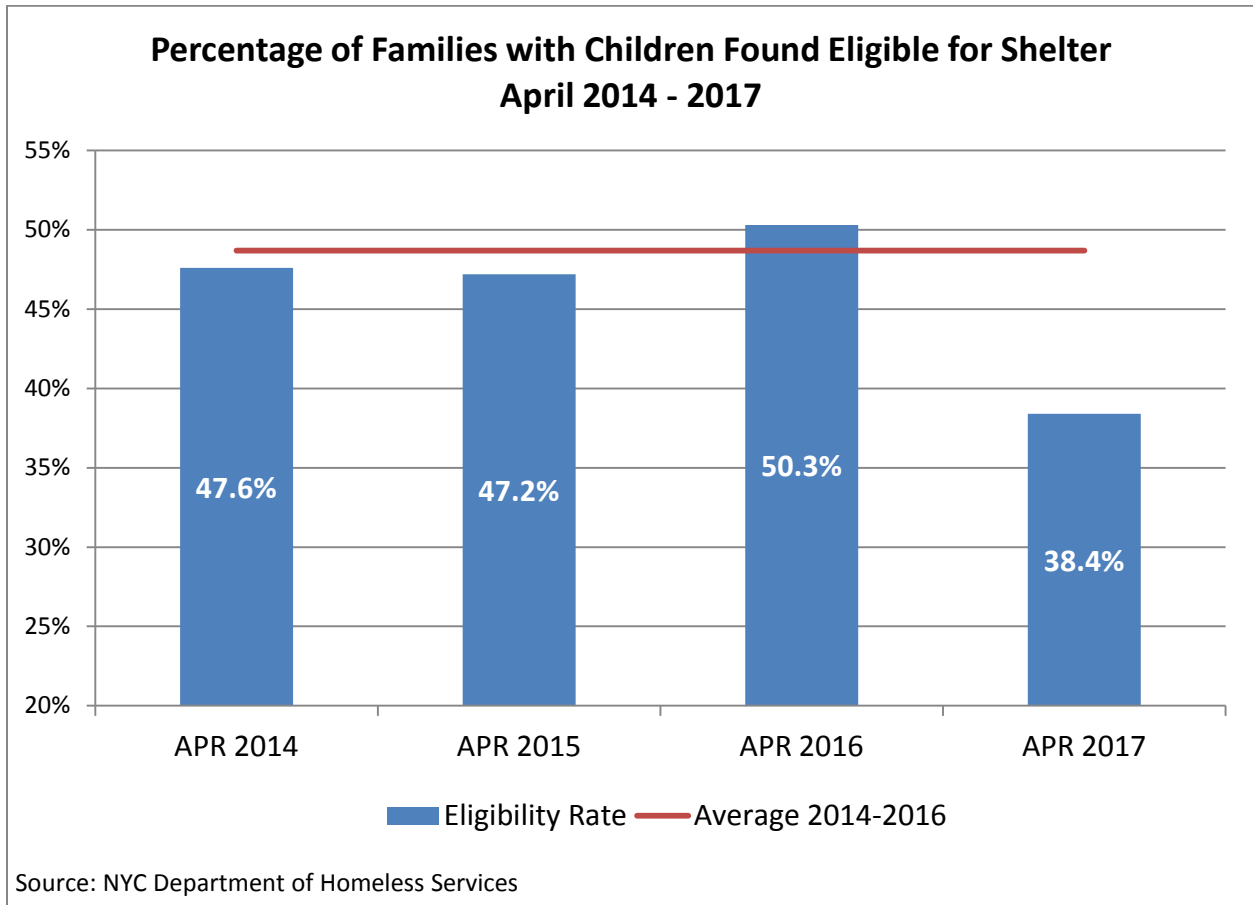


### PATH and the Error-Prone Intake Process for Homeless Families

At the City's request, the State modified an administrative directive in November 2016 which governs eligibility for shelter for families with children. That change allowed the City to make it

<sup>1</sup> Routhier, G. (2012). Voiceless Victims: The Impact of Record Homelessness on Children. Coalition for the Homeless

even more difficult for homeless families to gain access to shelter. Indeed, in each month since the directive was modified, the City has turned away a greater percentage of families in crisis. In April 2017, only 38 percent of families applying for shelter were found eligible, compared with an eligibility rate of over 50 percent the previous April – and an average eligibility rate of 49 percent during the first two years of the de Blasio administration.



As a result, far too many homeless families are left with no option but to return to untenable and often unsafe housing situations or sleep on the streets. Often, the best hope is for a homeless family to repeat the onerous application process for a second or third time as they await the correct outcome: Eventually being found eligible.

In April 2017, 42 percent of families ultimately deemed eligible for shelter had to submit two or more applications, up from 34 percent in April 2014. Being forced to apply multiple times is extremely stressful for families who are already experiencing crises. The process disrupts parents’ jobs, children’s schooling, and generally exacerbates the trauma of homelessness – particularly for children. Further, the difficulty homeless families face in applying for shelter is often compounded by the lack of case management, social supports, and proper training of PATH workers, as illustrated in case examples below.

## **Placements and Disability Accommodations**

As the shelter system has expanded to record levels and capacity has tightened, the City's ability to provide appropriate placements has suffered. Families are now much less likely to be placed near their children's schools, and accommodations for those with disabilities are often not supplied in a timely fashion – if at all. Regrettably, half of all homeless families continue to be placed in hotels or cluster sites, facilities which have notoriously poor physical conditions and lack both services and case management.

The following examples illustrate how inappropriate placements and inadequate disability accommodations have made the trauma of homelessness even worse for families with children:

### **Ms. D and Family**

Ms. D lives in a shelter with her four young children. Ms. D was previously a registered nurse, but she had to give up her job to care for her son who has Down Syndrome, developmental delays, and reactive airway disease. Ms. D became homeless after her home was foreclosed upon. Her children attend school in Queens, but they were initially placed in a shelter in Brooklyn. Even though they received busing, it took them two hours each way to get to and from school. They were also placed in a shelter without air conditioning, and it exacerbated Ms. D's son's condition to the point that it caused him to vomit repeatedly. It took weeks before the family received an air conditioner. After a year in the shelter, the family was told they would be moved to a Queens unit so they could be closer to the children's schools and doctors. However, when they got to the Queens unit, they found that it lacked an elevator and so was inaccessible to Ms. D's son, who uses a wheelchair. The family was sent back to the shelter in Brooklyn, where they waited for over a month before another placement in Queens was located.

### **Ms. S and Family**

The S family includes Ms. S, her husband, and their three children. Their youngest daughter is one year old and suffers from a number of developmental disabilities. Due to her disabilities, she must use a feeding tube to eat. As a result, she must live in a shelter unit with an individual kitchen and bathroom so that the medical and feeding equipment can be properly cleaned. Because DHS placed the family in a unit without an individual kitchen, the hospital could not release the daughter to the family's care. It took weeks and extensive advocacy by the hospital and The Legal Aid Society to secure a unit for the family that is suitable and safe for their daughter.

In addition, the S family is seeking asylum from Nigeria because their daughters were at risk of female genital mutilation at the hands of their extended family. Staff at PATH called family members in the home country, potentially endangering the family who had fled and did not want their extended family to know their whereabouts. PATH workers also called Ms. S and her husband, demanding that they justify their need for shelter by explaining why they were fearful of returning to Nigeria, forcing the family to discuss extremely sensitive and painful issues with staff not properly trained in those issues.

Given the prevalence of challenges such as these, we are pleased that the recent settlement in the Federal class action lawsuit *Butler v. City of New York* should soon be finalized. It will provide a thorough framework for making the shelter system accessible for people with physical and mental disabilities, and the provision of reasonable accommodations for all who need them.

## **Recommendations**

The City, jointly with the State where applicable, must improve shelter processes and conditions in order to reduce the trauma of homelessness for children and families. Specifically, The City and State should implement a less onerous shelter intake process in which 1) applicants are assisted in obtaining necessary documents, 2) the housing history documentation requirement is limited to a list of residences for six months, and 3) recommended housing alternatives are verified as actually available and pose no risks to the health and safety of applicants or to the continued tenancy of a potential host household.

We support Mayor de Blasio's plan to discontinue the use of dangerous and inappropriate shelter models, such as cluster sites and hotels, but urge that the schedule for ending their use be accelerated. Further, the Mayor must make use of all available housing resources for homeless families, in order to achieve meaningful reductions in the shelter census and reduce the need to develop new shelter capacity. This could be done by increasing the number of placements into NYCHA apartments from 1,500 to 3,000 per year and by adding at least 10,000 more affordable housing units set-aside for and built for homeless households not in need of supportive housing.

Last, the pending "Fair Share" bill package introduced in the City Council is designed to restrict the siting of certain facilities and should be amended to exclude shelters, supportive housing, and other facilities serving those with disabilities in order to ensure that they do not exacerbate the current capacity crisis and force more families with children to the streets. As currently written, they could be used to foster unlawful discrimination and violations of the Federal Fair Housing Act and jeopardize the City's access to Federal housing resources.

We thank the Council for the opportunity to testify and look forward to working together on our mutual goal of ending homelessness in New York City.

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## About Coalition for the Homeless 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 is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving 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 hot meals each night to homeless and hungry New Yorkers on 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, and 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 in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*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: "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, and the City has also authorized the Coalition to monitor other facilities serving homeless families.

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 more than 1,100 lawyers, working with some 800 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 more than 1.7 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.