



Testimony of  
**Coalition for the Homeless**  
and  
**The Legal Aid Society**  
on

Oversight: Housing Lotteries

Presented before  
New York City Council  
Committee on Housing and Buildings

Giselle Routhier  
Policy Director  
Coalition for the Homeless

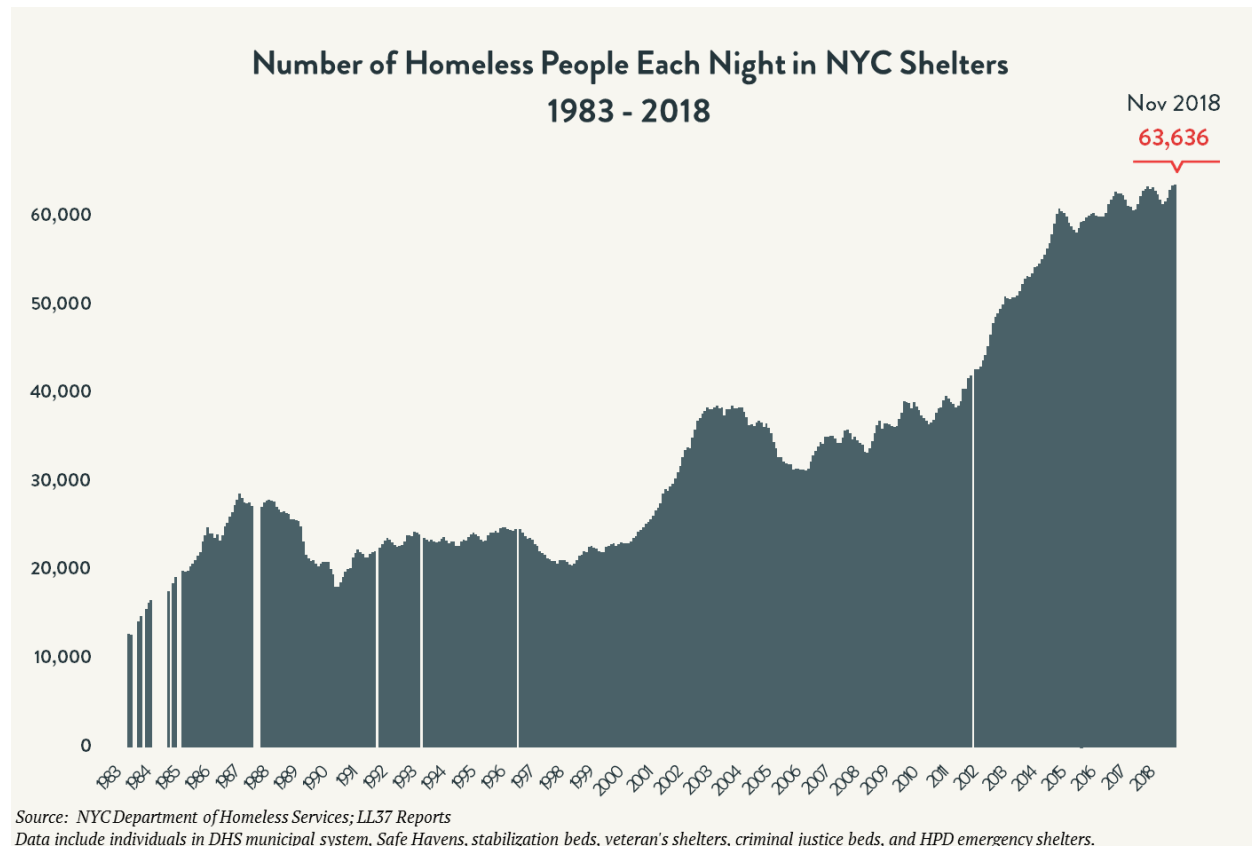
Joshua Goldfein  
Staff Attorney  
The Legal Aid Society

January 14, 2019

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council Committee on Housing and Buildings regarding Intro. 1211.

### **Record Homelessness in NYC**

New York City remains in the midst of the worst homelessness crisis since the Great Depression, as the number of men, women, and children sleeping in shelters each night reached a new record high of 63,636 in November 2018, including more than 23,000 children and an all-time record 17,623 single adults.

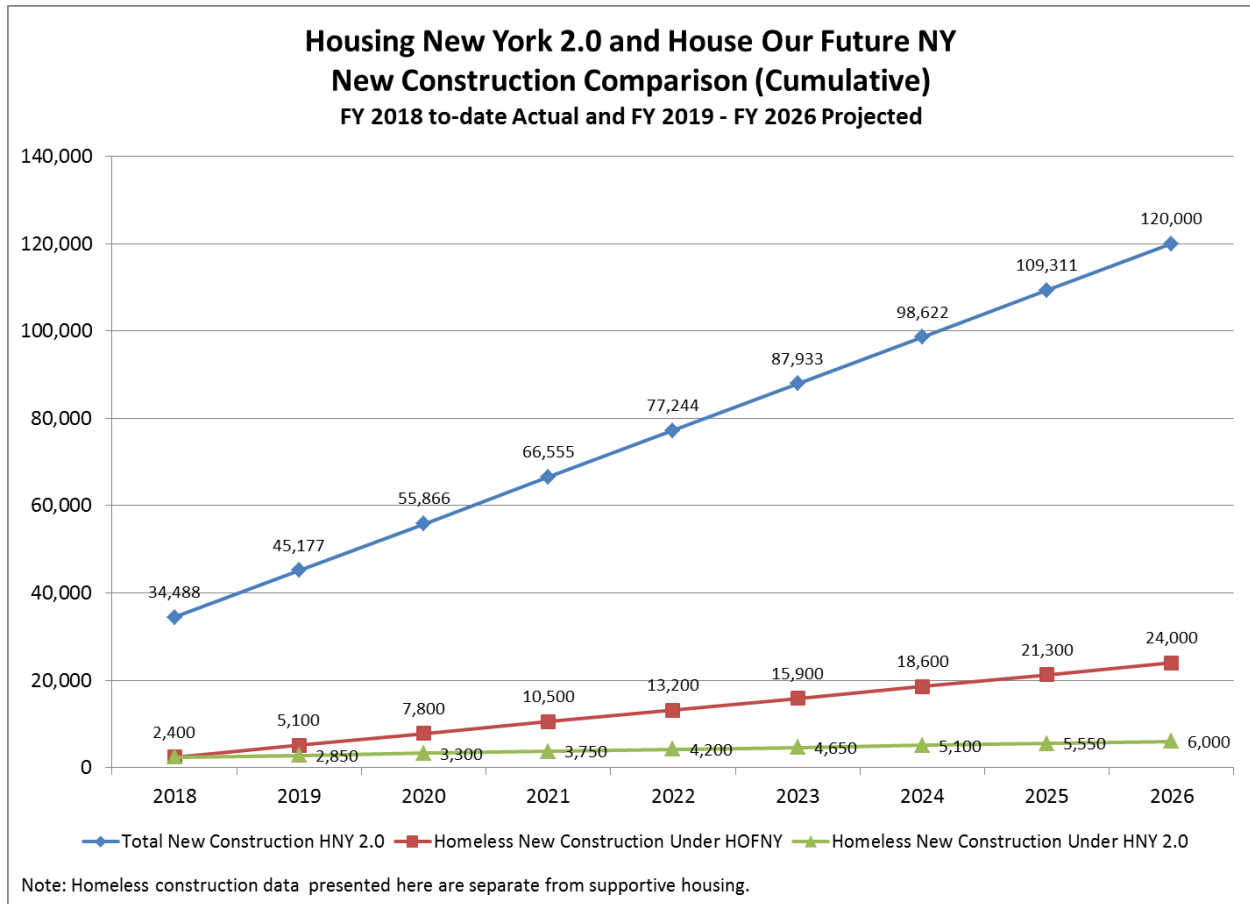


### **House Our Future NY and Intro 1211**

[House Our Future NY](#) is an advocacy campaign formed by the Coalition for the Homeless and over 60 partner organizations, homeless men, women, and children, and other caring New Yorkers. We are urging Mayor de Blasio to dedicate 10 percent of his overall *Housing New York 2.0* plan to provide housing for homeless New Yorkers, including 20 percent of all new construction. Specifically, we are asking the Mayor to provide 30,000 new units of affordable, permanent housing for homeless New Yorkers by 2026, with 24,000 of these units to be created through new construction. As of December 2018, 38 City elected officials have endorsed this campaign, including Comptroller Stringer, Borough Presidents Adams, Brewer, Diaz Jr., and Katz, and 32 members of the City Council.

Currently, Mayor de Blasio's affordable housing plan is slated to dedicate just 5 percent of all 300,000 units for homeless households. Shockingly, the Mayor's plan will have built just 6,000

new construction units for homeless households by the end of the plan, out of 120,000 new units scheduled to be built city-wide. Building a sufficient pipeline of new construction units for homeless households is the only way to begin to reduce the record number of individuals and families living in shelters. This is because the majority of housing units slated to be preserved by the City are already occupied, and thus will not be available when people need them to provide a route to help a homeless person or family move out of a shelter. A full analysis of the shortcomings of the Mayor’s current plan and the House Our Future NY ask is attached in the policy brief, entitled “Housing DisConnect.”



Intro 1211 provides one of the tools necessary for the City to increase the number of new construction units built for homeless households. It does so by requiring a minimum of 15 percent of all units created or preserved in projects that receive City funding to be set aside for homeless individuals and families. Currently, there is no across-the-board requirement for homeless set-aside units in projects that receive City funding. Some HPD term sheets require homeless set-aside units, but a full 40 percent of new units developed so far have not been in developments that utilized one of these term sheets.<sup>1</sup> Moreover, in some cases HPD term sheets are not even reaching their currently inadequate homeless set-aside goals. For example, the Mix

<sup>1</sup> Source: Coalition for the Homeless calculation from HPD data, produced via FOIL: Total new construction units financed that are not part of the ELLA, Mix & Match, SARA, or SHLP programs divided by the total number of new construction units financed..

and Match Term Sheet requirement that 10 percent of units in each development be set aside for homeless families and individuals has largely been ignored. To date, of the 5,300 units created under Mix and Match, fewer than 5 percent have been set aside for homeless households.<sup>2</sup> For these reasons, we fully support Intro 1211. It will provide a critical minimum threshold that will help move us toward the *House Our Future NY* goal of 20 percent of all new construction being developed specifically for homeless individuals and families.

In addition to promoting more production of units for homeless people, we also believe transparent and regular reporting by HPD about housing preservation and production should be required and would urge Council Members to introduce such legislation. Specifically, we suggest requiring routine reporting on the number of units and projects financed, broken down by new construction and preservation, AMI brackets, homeless set-aside units (in addition to and separate from supportive housing), and supportive housing units. We also recommend requiring reporting on the number of units leased for occupancy by homeless individuals and families in HPD developments. We recently had to sue HPD in order to obtain these data, which show that just 1,660 homeless households moved out of shelters and into HPD-financed units over the past four years. In contrast, more than 23,000 households moved out of shelters with the assistance of DSS-funded vouchers, including LINC, CityFEPS, and SEPS during the same period.

In sum, the City's housing agencies can and must do far more to help stem the ongoing homelessness crisis – providing only a few hundred placements per year is a paltry effort unworthy of a mayor pledging to create the fairest city in the land.

### **Conclusion**

We thank the Committee on Housing and Buildings for holding this very important hearing, and applaud Council Member Salamanca for his inspiring leadership in the pursuit of housing for homeless New Yorkers.

---

<sup>2</sup> Source: HPD, via FOIL.

---

## About The Legal Aid Society and Coalition for the Homeless

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 2,000 attorneys, social workers, 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 uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. 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. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of RHY in New York City. Our goal in litigation is to ensure that the City creates and maintains enough youth-specific beds to meet the needs of *all* youth seeking shelter. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness.

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, the right to reasonable accommodations for those with disabilities, 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. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.