



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Intros. 0149-2018, 1641-2019, 1642-2019, 1794-2019, and 2081-2020

submitted to

The New York City Council General Welfare Committee

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The Coalition for the Homeless (the Coalition) and The Legal Aid Society (LAS) welcome this opportunity to submit written testimony to the New York City Council's Committee on General Welfare pertaining to the following proposed pieces of legislation: Intros. 0149-2018, 1641-2019, 1642-2019, 1794-2019, and 2081-2020.

Homelessness and Barriers to Benefits During the COVID-19 Pandemic

The pandemic has laid bare egregious health and economic disparities in New York City, and has taken a tremendous toll on people of color and those who lack stable housing. Homeless New Yorkers have been particularly at risk, as they often lack a safe and private place in which to practice preventive measures like social distancing and frequent handwashing while a deadly, airborne virus continues to spread across the city. The Coalition and LAS have repeatedly called for the City and State to address the root of the problem – the lack of affordable housing in New York City – through investments in new housing development, rental assistance, supportive housing, and public housing. However, in order to evaluate the scope of the problem and the effectiveness of interventions, it is important to have transparent reporting by the agencies serving homeless New Yorkers as proposed by these bills.

The pandemic has also exacerbated the barriers New Yorkers face in securing the subsistence-level benefits they need to survive and maintain their housing, including rental assistance payments to prevent evictions, Cash Assistance benefits, and Supplemental Nutrition Assistance Program (SNAP) benefits. Unfortunately, applying for benefits through the Human Resources Administration (HRA) is a confusing and complicated process that is not accessible to many New Yorkers because, among other things, HRA is failing to provide adequate information about benefits or accessible alternatives to its online application system and the agency lacks functional telephone systems to field phone calls from the public or even to enable its own staff to receive return phone calls from clients. We appreciate the fact that some of bills being considered by the Council focus on solutions to many of these systemic issues.

Intro. 1642-2019

The Coalition and LAS support the passage of Intro. 1642, which would increase transparency and create an opportunity for more nuanced analyses of where New Yorkers go once they leave any of the City-administered shelter systems. Current reporting is inadequate and not specific enough to be useful, which forces advocates to submit Freedom of Information Law (FOIL) requests to City agencies to glean information about exits to permanent housing. These FOIL requests have often resulted in cumbersome delays and even litigation in order to receive vital data that City agencies should be regularly tracking, analyzing, and disseminating. Requiring the Mayor's Office of Operations to report broadly and clearly on these exits across all systems will show where ongoing investments into permanent housing should be focused and whether homeless New Yorkers in various systems have equitable access to deeply subsidized affordable, long-term housing. Requiring the Mayor's Office of Operations to report on the financings, starts, and completions of permanent housing for those exiting City-administered facilities is essential to ensuring all further planning and investments meaningfully address homeless New Yorkers' needs.

Intro. 1794-2019

The Coalition and LAS support training aimed at improving interactions between clients and agency and contractor staff, such as improving professionalism, cultural sensitivity, and the capacity to de-escalate conflict using trauma-informed care. Homeless New Yorkers regularly describe the day they first entered a shelter as being one of the worst days of their lives. Many of them are dealing with traumatic personal, economic, and/or systemic issues that left them with nowhere to turn but a shelter – a place they come to for *help*. However, we regularly hear that interactions with staff in these facilities can exacerbate rather than ameliorate this trauma.

The Coalition and LAS support the goals of Intro. 1794 because it is imperative that New Yorkers in crisis are served with compassionate, culturally competent, and welcoming staff the moment they enter a shelter. In the absence of sufficient high-quality training, negative interactions with staff can deter individuals and families from seeking shelter and services or cause them to leave the shelter system altogether. We respectfully suggest that the Council consider the following amendments to the bill:

- Require training to be done by social services professionals, with an emphasis on trauma-informed care and de-escalation techniques;
- Require training to include basic information about mental illnesses and addictions, including symptoms and appropriate responses to psychiatric distress and overdose, as well as other disabilities, including how to locate communication assistance for those who require it;
- Require training to include the broadest possible spectrum of cultural competency topics to ensure the diversity of all New Yorkers will be met with compassion and acceptance;
- Ensure contracted providers do not face an unfunded mandate to provide high-quality training without financial assistance;
- Require the training documents to be published annually, along with data regarding the number of staff trained; and
- Solicit advice from people with lived experience, shelter providers, and advocates about training topics.

Intro. 2081-2020

We support the goal of Intro. 2081 to improve access to the HRA rent arrears payments known as One Shot Deals. Since this bill was introduced one year ago, the economic landscape in New York City has changed. More New Yorkers have fallen on hard times and have accrued rental arrears because of the COVID-19 pandemic. As an eviction crisis loomed, an eviction moratorium was enacted by the State legislature, stayed by the Supreme Court, and then re-enacted by the legislature with reforms to respond to the Supreme Court's critique of the prior moratorium. The current eviction moratorium has been extended through January 15, 2022. Also in response to the threat of looming mass evictions, a new federal Emergency Rental Assistance Program (ERAP) has been established to provide rent arrears payments for low-income New Yorkers. We are hopeful that the program will ultimately provide critically needed rental assistance to New Yorkers at risk of eviction. However, the launch of ERAP by the State Office

of Temporary and Disability Assistance (OTDA) has been fraught with implementation problems – making it difficult for tenants and landlords alike to apply for benefits.

Despite the launch of ERAP, many New Yorkers will still need One Shot Deals to cover outstanding rent arrears and avoid eviction. For example, tenants who had arrears prior to March 2020 will need One Shot Deals to pay for the period of arrears not covered by ERAP. Thus, the goal of Intro. 2081 is still critical: to improve access to the One Shot Deal rental arrears payments. We appreciate that Intro. 2081 seeks to achieve the following goals:

1. Improve information about One Shot Deals, including what they are, how tenants can apply, and what type of documents they will need to establish eligibility

One Shot Deals can be an essential resource for vulnerable New Yorkers, but public information about the program is opaque. We agree that the City should have a dedicated phone number to answer questions about rent arrears payments, including One Shot Deals. In addition, the City’s websites should do a better job of clearly explaining what One Shot Deals are, how tenants can apply, and the type of documents needed to establish eligibility for these payments. There is some information about rental assistance on the City’s 311 website and on HRA’s website. However, the most valuable and practical information about One Shot Deals is buried deep in the HRA website as an attached PDF document. Although the text of this flyer includes very important information, explaining what is needed to apply and how to apply, it is not listed directly on the HRA website. Additionally, although HRA encourages New Yorkers to apply online for benefits including One Shot Deals, the ACCESS HRA homepage does not include explanatory information about this resource. A tenant must set up an ACCESS HRA account and click on the One Shot Deal option to learn more and apply. Therefore, we support the legislation’s goal of providing more information about One Shot Deals.

2. Make the process of applying less confusing

We applaud Councilmember Moya for proposing One Shot Deal improvements in Intro. 2081, such as modifying HRA forms and processes so that no tenant gets tripped up by failing to follow the correct process. The rent arrears application process is different for those who receive ongoing Cash Assistance benefits than it is for those who currently do not receive such benefits. Unfortunately, one of the most confusing aspects of the process is that tenants who do *not* want to apply for ongoing Cash Assistance benefits, and only want to apply for a One Shot Deal for rent arrears, nevertheless *must* apply for Cash Assistance because a One Shot Deal payment is considered a type of Cash Assistance. The application form for current Cash Assistance recipients who need rental assistance is also obscure: The W-137A form is buried deep in the HRA website on the FHEPS page at <https://www1.nyc.gov/site/hra/help/fheps.page>. Moreover, the text on that webpage is extremely confusing and complex: It is written at 17th grade level.¹

¹ This is a Flesch-Kincaid Grade Level Score based on an analysis using MS Word Readability tool. See <https://support.microsoft.com/en-us/office/get-your-document-s-readability-and-level-statistics-85b4969e-e80a-4777-8dd3-f7fc3c8b3fd2>

Overall, the process needs to be streamlined, and the forms need to be easier to understand and not buried on HRA's website.

3. Improve the application access for those with barriers to the online ACCESS HRA system: Make phone applications easy to request and secure, and improve the in-person application process as appropriate to accommodate those vulnerable to COVID-19

Many New Yorkers cannot use HRA's online application system known as ACCESS HRA. Some cannot use ACCESS HRA because they lack internet access. As the Council is well aware, there is a significant digital divide in New York City. An estimated 30 percent of New York City residents, or 2.2 million individuals, lack broadband internet access, including 350,000 who can only access internet through cell phones or tablets.² Seniors are much more likely to be without a broadband internet connection compared to the general population: 42 percent of New Yorkers 65 years old and above lack broadband internet access, compared to 23 percent of 18- to 24-year-olds. Further, recent studies indicate that 15 percent of Black and Latinx New York City residents have no internet access, compared to 11 percent of White New York City residents.³ Many other New Yorkers are unable to navigate the process, and some lack the technology to do so. In addition to filling out the application online, tenants must submit required documents to HRA to support their applications. Unfortunately, the only way tenants can submit their documents without traveling in person to an HRA Job Center is to take photographs of each page of their documents and upload them page by page via a smartphone application. Many clients are unable to use this uploading process – indeed, many lack smartphones that would allow them to do so.

To overcome these barriers to ACCESS HRA, the agency should provide live technical help for ACCESS HRA users. HRA should also make phone applications and paper applications readily available and provide safe in-person service at Job Centers. We support the provisions in Intro. 2081 that require the City to enhance the opportunities for seniors, individuals with disabilities, individuals who lack technology, and individuals who lack familiarity with technology to apply for One Shot Deals outside of the ACCESS HRA process, including via community locations outside of Job Centers where they could receive help applying online or via paper applications. In addition, Intro. 2081 also includes provisions to enable phone applications. We believe that this is of the utmost importance because HRA currently is not making phone applications widely available. The agency refers to phone applications as Home Visit Needed applications – and as a result, many clients who call HRA to request a phone application do not receive a phone appointment unless they claim they need a home visit. This practice needs to be reformed, and phone applications need to be easy to request and easy to secure. To accomplish this, HRA needs to plan for many more clients who need phone applications because the agency must acknowledge that a significant number of clients cannot use ACCESS HRA and the digital divide will not be solved overnight. We note that Intro. 2081 calls for HRA to set up weekly designated Job Center hours for applicants who are vulnerable to COVID-19. We support the concept of HRA exploring ways to provide safe in-person access to those who are vulnerable to

² Scott Stringer, *Census and the City: Overcoming New York City's Digital Divide in the 2020 Census*, Office of the New York City Comptroller (July 2019), at 5. https://comptroller.nyc.gov/wp-content/uploads/documents/Census_and_The_City_Overcoming_NYC_Digital_Divide_Census.pdf

³ Id.

COVID-19. Finally, we also note that there is no “live” help available on the ACCESS HRA system at all: not by online chat, texting, or telephone. We would suggest that HRA provide live technical support to ACCESS HRA so more New Yorkers could successfully navigate the system.

4. Reduce erroneous denials and repeat applications due to the mandatory phone interview process by requiring workers to make calls from phones that can be called back

In order to secure a One Shot Deal, applicants must undergo a mandatory telephone interview. Prior to the pandemic, the overwhelming majority of these mandatory interviews took place in-person at Job Centers. However, once the pandemic struck, HRA began using the online ACCESS HRA system for One Shot Deal applications and Cash Assistance applications, and the agency shifted to conducting all of these mandatory interviews by telephone. Indeed, even cases in which a client applies in-person at a Job Center have the eligibility interview conducted by telephone. No eligibility interviews are conducted in-person.

Unfortunately, to conduct these mandatory phone interviews, HRA workers use phones that do not have the ability to be called back. Thus, if a client misses a call and immediately tries to call back, they are unable to do so. Instead, they must call the generic HRA Infoline system, which has multiple phone menus and often cannot be reached because of busy signals and/or dropped calls. We appreciate that Intro. 2081 requires HRA staff to conduct two callbacks to One Shot Deal applicants, in which staff leave a voicemail message that provides their contact information or a dedicated phone number if an applicant does not answer.

5. Increase transparency by providing data

We support the inclusion of data reporting requirements in Intro. 2081, which will help identify trends and areas for improvement. We further suggest that the City report on the number of One Shot Deal applications that were approved, denied, and withdrawn at each center. With respect to approvals, we suggest that the City further report on the percentage of an applicant’s arrears that were paid by HRA. With respect to denials, we suggest the City further report on the reason for the denials (not reached for phone interview, documents incomplete, requested arrears too high, etc.).

Additional Recommendation

We recommend that the bill’s requirements not be contingent on Job Centers being closed. At the time Intro. 2081 was introduced, most of the Job Centers in the city were closed. Thus, it is understandable that some of the bill’s requirements, such as those outlined in sections (d) and (e), were put in place “until HRA reopens the job centers it temporarily closed due to COVID-19.” Although HRA has reopened most HRA Job Centers in the city, there are still significant problems with the One Shot Deal application process. We therefore recommend that the quoted expiration language from section (d) and (e) be stricken.

Intro. 1641-2019

We support the goal of Intro. 1641 to improve service at HRA Job Centers and SNAP Centers. We agree that it is critical to ensure that each person seeking services should be able to promptly

check-in with a staffer and explain their needs. We also feel strongly that they be served in a manner that treats them holistically so that all of their needs are met. We agree that individuals who seek services at Job Centers should be able to learn approximately how long it will take for them to receive the services they seek, and they should be able to get information in real time while they are at the centers in visual and audio form.

Intro. 0149-2018

The Coalition and LAS support increased transparency regarding the full scope of homelessness in New York City, and this bill will help make the data on City's various shelter systems more accessible and comprehensive by including populations that are too often forgotten in public discourse and resource allocation.

Conclusion

We thank the Council for the opportunity to provide written testimony, and we look forward to further collaboration to address the needs of all New Yorkers receiving public benefits or experiencing homelessness.

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. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

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 runaway and homeless youth in New York City. LAS, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness, and LAS is currently using the *Butler* settlement to prevent DHS from transferring disabled homeless New Yorkers to congregate shelters without making legally required reasonable accommodations. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York* Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

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 and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address 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 illnesses 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, scalable solutions and include: Permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income 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, which usually distributes 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services 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. In response to the pandemic, we are operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

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. During the pandemic, the Coalition has worked with The Legal Aid Society to support homeless New Yorkers, including through the *E.G. v. City of New York* Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.