



Testimony of

**Coalition for the Homeless**

and

**The Legal Aid Society**

on

**Intros. 2405-2021, 2379-2021, and 1829-2019**

submitted to

The New York City Council Committee on General Welfare

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The Coalition for the Homeless and The Legal Aid Society (LAS) welcome this opportunity to testify before the New York City Council's Committee on General Welfare in support of three important pieces of legislation that, if passed, would positively impact thousands of New Yorkers who seek services from various shelter systems in New York City. Intro. 2405-2021 would guarantee access to permanent housing assistance for runaway and homeless youth (RHY) by extending eligibility for CityFHEPS vouchers to young people who receive services from the youth shelter system. Intro. 2379-2021 would create the first domestic violence (DV) shelter dedicated to New Yorkers who identify as men. Intro. 1829-2019 would prevent the Department of Homeless Services (DHS) from requiring children to be present during the long intake process while their parents apply to enter a family shelter. We strongly urge the Council to pass all three of these bills, and we thank you for your steadfast commitment to helping homeless New Yorkers.

The urgency of passing these bills cannot be overstated. New York City remains in the worst homelessness crisis in a century. More than 45,000 people sleep in DHS shelters each night,<sup>1</sup> while more than 800 RHY reside in shelters run by the Department of Youth and Community Development (DYCD). The Human Resources Administration (HRA) runs the country's largest DV shelter system, with nearly 2,700 emergency beds and almost 300 Tier II units,<sup>2</sup> very few of which are dedicated to New Yorkers who identify as men. Each shelter system has a unique intake process, and the RHY and DV shelter systems also have limited capacity, which means New Yorkers who might otherwise be eligible for these specialized shelter services may have to reside in a DHS shelter if there are no available RHY or DV beds when they apply. Meanwhile, families entering DHS shelters must undergo an onerous shelter application process during which they must prove they have nowhere else to stay. These three bills will make necessary reforms to improve access to shelters and housing for vulnerable New Yorkers.

### **Intro. 2405-2021: CityFHEPS for Runaway and Homeless Youth**

In New York City, runaway and homeless youth are generally defined as unaccompanied young people between the ages of 16 and 24 years old who have run away or been forced to leave home and now reside in temporary situations, places not otherwise intended for habitation, or emergency shelters. Although some homeless youth live in DHS-run shelters, DYCD oversees 813 beds in the youth shelter system, as well as youth-focused street outreach and drop-in centers.<sup>3</sup> These youth-centered programs are designed to address the unique needs of youth experiencing homelessness. Research has proven that high-quality RHY programs not only meet basic requirements, but “address higher order relational, psychological, and motivational needs... fostering a sense of resilience among RHY” and providing long-term benefits to a

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<sup>1</sup> New York City Department of Homeless Services Daily Census Report for October 19, 2021, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>.

<sup>2</sup> New York City Department of Social Services 2018 Annual Report on Exits from NYC Domestic Violence Shelters as mandated by Local Law 83 of 2019. Page 2.

<sup>3</sup> Department of Youth and Community Development Local Law 86 of 2019 Report to the Speaker of the City Council Fiscal Year 2020, available at [https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20\\_LL86\\_RHY\\_Demographics-and-Services\\_Report\\_%20Final.pdf](https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20_LL86_RHY_Demographics-and-Services_Report_%20Final.pdf).

youth's functioning.<sup>4</sup> Chapin Hall research reinforces this premise and supports the idea that housing solves homelessness: "to exit homelessness permanently, youth require housing and support services tailored to their unique developmental needs," and youth-specific shelters and services for which we have long advocated meet this need.<sup>5</sup> In summary, well-funded, high-quality RHY programs help young people stabilize and successfully transition from crisis to independence.

A young person's choice to access DYCD youth shelters instead of DHS shelters should not impact their ability to access meaningful permanent housing resources that are available to other similarly situated homeless New Yorkers. However, despite Mayor de Blasio's repeated promises to address the lack of permanent housing options for RHY, his administration has not given young people receiving services under DYCD access to any of the housing resources available to homeless New Yorkers in other systems.<sup>6</sup> This is despite the fact that one of the three key takeaways in a 2019 Youth Homelessness Assessment commissioned by the administration was that "[m]ore long-term housing options are needed for youth in the high-cost rental market of New York City,"<sup>7</sup> and Mayor de Blasio promised to grant youth access to rental assistance programs by the end of 2017 in his report "Turning the Tide on Homelessness in New York City."<sup>8</sup> Currently, a young person who enters a DHS-run shelter may have access to various housing assistance programs, including rent subsidies as well as a priority for New York City Housing Authority (NYCHA) apartments.<sup>9</sup> If that same young person enters the front door of a DYCD-run shelter, *they would not be able to access these housing assistance opportunities*. As a result of this disparity, young people receiving services from DYCD-run youth programs are at a significant disadvantage when trying to exit shelters directly into their own permanent housing.<sup>10</sup> Moreover, effectively penalizing young people for choosing to receive youth-focused

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<sup>4</sup> Gwadz, M., et al., *Moving from crisis to independence: The characteristic, quality, and impact of specialized settings for runaway and homeless youth*, supra. This groundbreaking white paper was released by the Center for Drug Use and HIV Research at NYU Rory Meyers College of Nursing in collaboration with the Coalition for Homeless Youth. Although

<sup>5</sup> Chapin Hall of the University of Chicago, *Missed Opportunities: Youth Homelessness in America*, November 2017, at [http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall\\_VoYC\\_1-Pager\\_Final\\_111517.pdf](http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall_VoYC_1-Pager_Final_111517.pdf).

<sup>6</sup> <https://www.thecity.nyc.gov/housing/2019/12/2/21210663/homeless-youth-age-into-adulthood-still-waiting-for-housing-aid-promised-in-2017>. Although RHY are now eligible for Emergency Housing Vouchers (EHV) under the American Rescue Plan, there are a limited number of vouchers and once they are matched with young people, there is not an expectation that additional vouchers will be provided.

<sup>7</sup> Morton, M. H., Kull, M. A., Chávez, R., Chrisler, A. J., Carreon, E., & Bishop, J. (2019). *A Youth Homelessness System Assessment for New York City*. Chicago, IL: Chapin Hall at the University of Chicago, available at [https://www.chapinhall.org/wp-content/uploads/Report\\_A-Youth-Homelessness-System-Assessment-for-NYC\\_2019\\_FINAL.pdf](https://www.chapinhall.org/wp-content/uploads/Report_A-Youth-Homelessness-System-Assessment-for-NYC_2019_FINAL.pdf).

<sup>8</sup> *Turning the Tide on Homelessness in New York City*, 2017, page 20, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf> ("In 2017, the City will... [e]xpand these rental assistance programs to include, for the first time, youth living in Department of Youth and Community Development (DYCD) youth shelters at risk of entering Department of Homeless Services (DHS) shelters").

<sup>9</sup> It is important to note that RHY can currently access supportive housing placements, however, not all young people receiving RHY-focused services are eligible or want to live in a supportive housing environment.

<sup>10</sup> Department of Youth and Community Development Local Law 86 of 2019 Report to the Speaker of the City Council Fiscal Year 2020, page 6, available at [https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20\\_LL86\\_RHY\\_Demographics-and-Services\\_Report\\_%20Final.pdf](https://www1.nyc.gov/assets/dycd/downloads/pdf/FY20_LL86_RHY_Demographics-and-Services_Report_%20Final.pdf).

shelters and services from a program that is designed to support their development and identity is reprehensible – or, as Chair Levin has described it, “inhumane.”<sup>11</sup>

It is imperative that the Council take action to ameliorate the harm perpetuated by the de Blasio administration by passing Intro. 2405-2021. Doing so will remove an arbitrary barrier to housing assistance for a long-neglected subset of the homeless population: homeless youth receiving services from DYCD-funded programs.

### **Intro. 2379-2021: Domestic Violence Shelter for Men**

Although most people think of women when they hear statistics about survivors of domestic violence or intimate partner violence, the Centers for Disease Control and Prevention reports that “approximately 1 in 10 men in the U.S. experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime.”<sup>12</sup> DV is the primary reason families with minor children seek access to the DHS shelter system.<sup>13</sup> HRA runs the country’s largest DV shelter system, but many DV shelters do not allow clients who identify as men to reside there, including households with older men and male-identifying children. The Coalition for the Homeless and LAS staff regularly witness the difficulty these individuals face in trying to access a safe, confidential shelter. Without a dedicated shelter for survivors who identify as men, an entire portion of New Yorkers in need cannot receive the specifically tailored services provided in the DV shelter system. Creating a refuge for survivors who identify as men is long overdue, and the Coalition for the Homeless and LAS strongly support Intro. 2379 as a first step to provide supportive shelters to an often-ignored portion of our community.

### **Intro. 1829-2019: Not Requiring Children at PATH**

The Coalition and LAS strongly support Intro. 1829, which would preclude the Department of Homeless Services from requiring a child’s presence at an intake center when a family applies for shelter. Families seeking to access the shelter system encounter an onerous and lengthy application and eligibility process that is rife with bureaucratic hurdles and errors. In August 2021, a mere 23.5 percent of families with children applying for shelter were found eligible, and more than half of families with children had to submit two or more applications before ultimately being found eligible.<sup>14</sup> This flawed process traps many families in a frustrating and disruptive cycle of repeatedly trying to prove that they need to access emergency shelters.

During the pandemic, DHS changed various policies to ensure that individuals and families seeking access to the DHS shelter system could do so as safely as possible.<sup>15</sup> Intro. 1829 seeks to

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<sup>11</sup> <https://www.thecity.nyc/platform/amp/housing/2021/9/23/22690856/homeless-youth-would-get-an-easier-path-to-housing-help-under-city-council-bill>

<sup>12</sup> <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/men-ipvsvandstalking.html>

<sup>13</sup> “In Fiscal Year (FY) 2018, domestic violence accounted for 41 percent of the family population entering DHS shelters, with eviction, the second-leading cause, accounting for 27 percent. That is a dramatic shift since FY 2014, when domestic violence accounted for 30 percent of the population and eviction 33 percent.” Housing Survivors: How New York City Can Increase Housing Stability for Survivors of Domestic Violence, Report from Comptroller Scott Stringer, October 2019, available at <https://comptroller.nyc.gov/reports/housing-survivors/>.

<sup>14</sup> Eligibility rates calculated using data from reports published pursuant to Local Law 37.

<sup>15</sup> “Families who are applying for shelter at PATH do not have to bring their children with them.” March 23, 2020, letter authored by DHS Administrator Joslyn Carter on file with The Legal Aid Society.

permanently ensure that one of these policies remains after the pandemic subsidies: eliminating the requirement that children must be present with their parents who apply for shelter at the City's intake center for families with minor children, also known as PATH.<sup>16</sup> Prior to the pandemic-related shift in policy, both the Coalition for the Homeless and LAS regularly fielded complaints from New Yorkers who felt frustrated by the hours-long and occasionally days-long process families endured while applying for shelter at PATH. This process was made additionally difficult because parents were expected to bring all of their children to PATH for the entire application process, which could last up to 12 hours in a single day, and often required two consecutive days of appointments and interviews just to put in an initial application. For years, the Coalition for the Homeless, LAS, and other advocates have been strongly urging DHS to remove the requirement that children be present at PATH so that they would not have to sit, idle and bored, in an administrative building for hours and hours, missing school, medical appointments, and daycare.<sup>17</sup>

Policy changes such as eliminating the requirement that children be present at PATH with their parents have proven to be of great benefit to homeless families and children during the pandemic, and it is critical that DHS not backslide to the previous harmful policy. The policy change proved that it is possible to effectively screen a family without making every child appear in person at PATH, thereby exposing the lack of rational basis for the original policy. Intro. 1829 would codify this long-overdue change and make it permanent even once the pandemic subsidies, rather than relying on vague promises from DHS that they do not intend to reverse the policy in the near term. This will provide relief for families who do not wish to subject their children to the arduous application process, while also permitting families who wish to have their children present the flexibility to do so. While further changes are needed to make the family shelter eligibility process for both families with children and adult families more human-centered and less burdensome, this bill would be a positive first step in sparing children many hours of sitting in the PATH intake center. For these reasons, the Coalition for the Homeless and LAS both support the passage of Intro. 1829.

## **Conclusion**

We thank the General Welfare Committee, sponsoring Councilmembers, and Chair Levin for their consistent dedication to the issues of homelessness and housing. The Coalition for the Homeless and LAS encourage the full Council to pass Intros. 2405-2021, 2379-2021, and 1829-2019 as quickly as possible to further support homeless New Yorkers.

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

The Legal Aid Society: The Legal Aid Society (LAS), 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

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<sup>16</sup> PATH is the acronym for Prevention Assistance and Temporary Housing.

<sup>17</sup> Recently, Advocates for Children released a report showing the low attendance rates for students residing in shelters.

[https://www.advocatesforchildren.org/sites/default/files/library/students\\_in\\_shelter\\_attendance\\_brief\\_10.2021.pdf](https://www.advocatesforchildren.org/sites/default/files/library/students_in_shelter_attendance_brief_10.2021.pdf)

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, LAS provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

LAS'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 LAS'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, LAS'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. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, 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 Legal Aid 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.