



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Homelessness in New York State

before the

New York State Assembly Committee on Social Services

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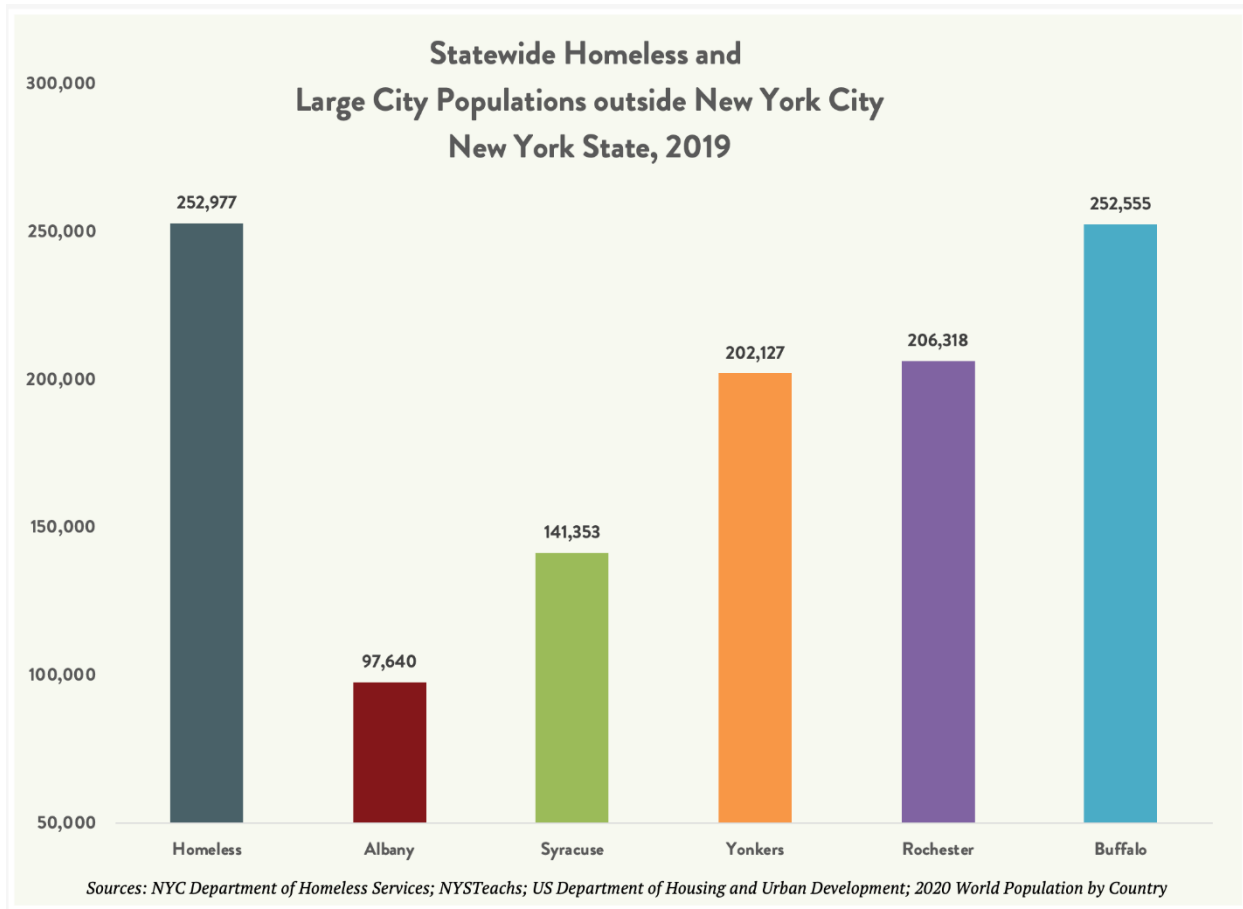
December 14, 2021

The Coalition for the Homeless and The Legal Aid Society (LAS) welcome this opportunity to testify before the New York State Assembly Committee on Social Services regarding homelessness in New York State. Ms. Nortz regrets that she cannot appear in person in New York City today, and is most grateful to Chair Rosenthal for holding this vitally important hearing, and to our colleagues at The Legal Aid Society for collaborating on this testimony and appearing on behalf of both organizations.

Homelessness in New York State

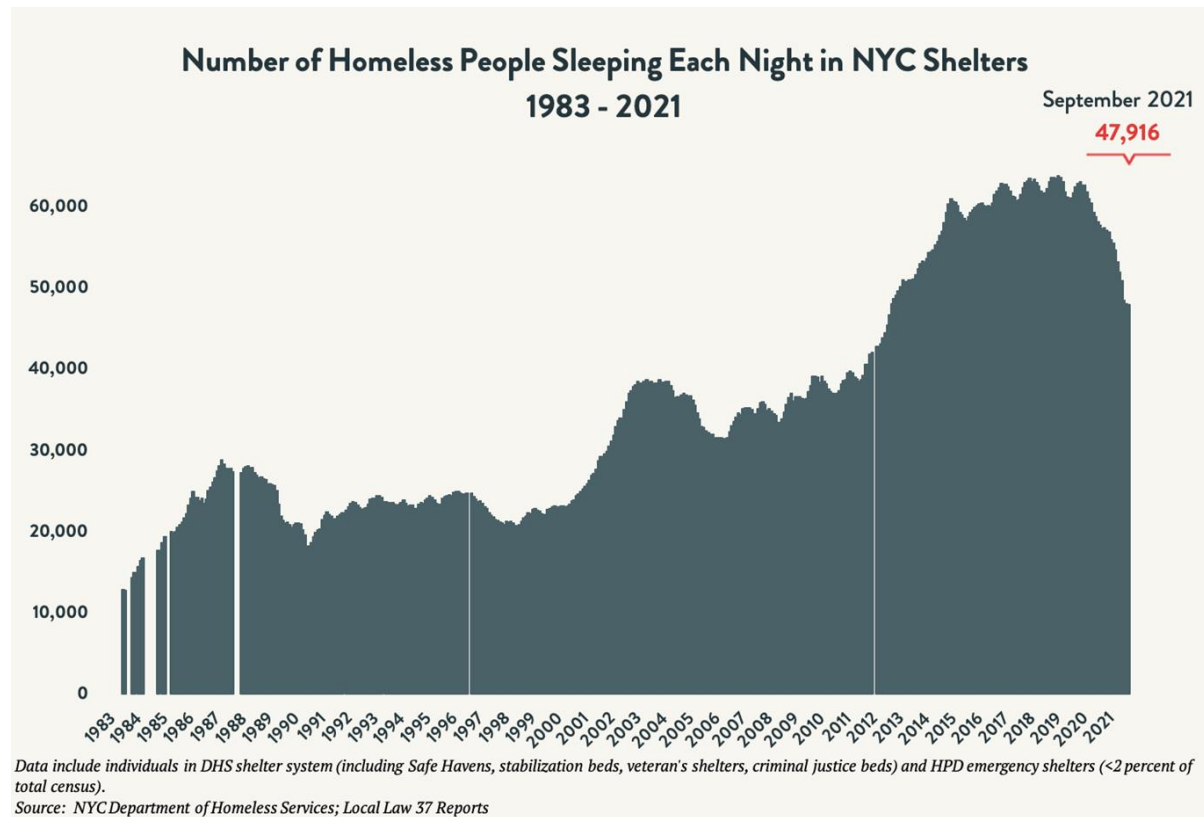
We are hopeful that Governor Hochul will rectify the mistakes of our past executive chamber by working with Chair Rosenthal and the Legislature to enact policies that prevent homelessness and help the tens of thousands of people who are homeless to exit shelters for permanent housing and supportive housing. Below is a description of where we are today and how we got here.

In 2019, there were more than 250,000 homeless New Yorkers statewide, exceeding the entire population of Buffalo. In New York City, where 85 percent of the state’s homeless population lives, the worst homelessness crisis since the Great Depression continues, and there is no doubt that it will deepen with the expiration of the eviction moratorium as the next wave of displacement and homelessness follows.



It has been 40 years since the right to shelter was first established in New York City with the signing of the *Callahan* Consent Decree in August of 1981. At that time, it was inconceivable

that the number of New Yorkers without homes would grow almost unchecked for four decades, creating a need for a shelter system that, at its height in January 2019, provided beds for nearly 64,000 people each night.

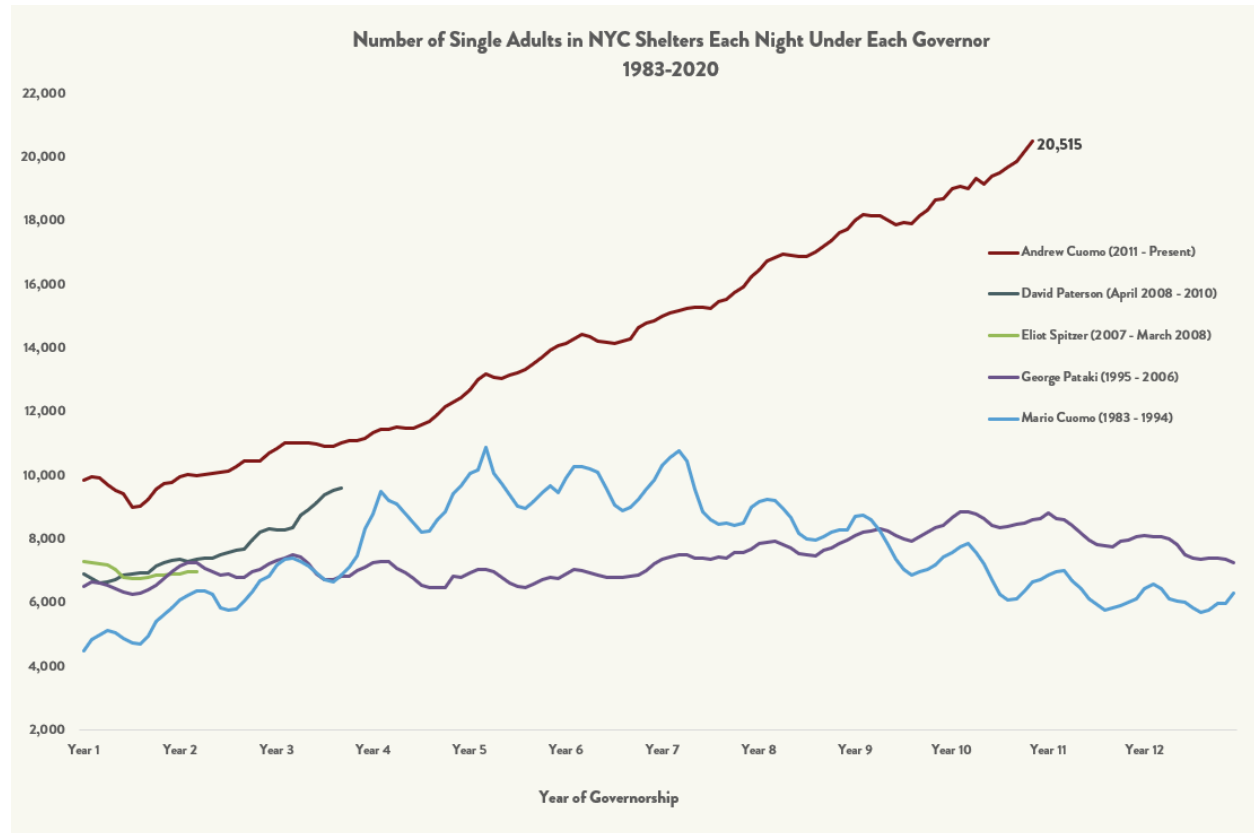


The root of this problem is, and has always been, the Federal government’s abdication of its responsibility to provide housing for low-income renters, and the subsequent failure of the City and State to view it as a housing crisis and not a homelessness crisis. This mindset has fueled decades of shortsighted policies and a reflexive retreat into simplistic, often ideological attempts to manage the problem, rather than solve it. The cost of this failure has been massive in both its human and monetary quotients.

While the right to shelter in NYC does create a critical baseline of decency in our city – and has, over the past four decades, saved countless lives by providing those who’ve lost their homes with an alternative to bedding down on the streets – shelters do not solve homelessness. Housing does. The moral imperative of providing all with the dignity and safety of a home has never been more strikingly obvious than it has during the pandemic.

There are far more single individuals seeking shelter each night now in New York City than during the terms of any governor since modern mass homelessness began. The reasons for this are clear: our former governor, Andrew Cuomo, (1) failed to ever raise the “shelter allowance,” the amount allotted to recipients of cash assistance, which was last updated for families in 2003 and adult households in 1988; (2) eliminated State funds for a mediocre rent subsidy program without ever replacing it with a better one; and (3) dragged out the process of starting a new

State supportive housing program for years, and released increasing numbers of people from State prisons directly to NYC shelters rather than investing in adequate reentry planning.



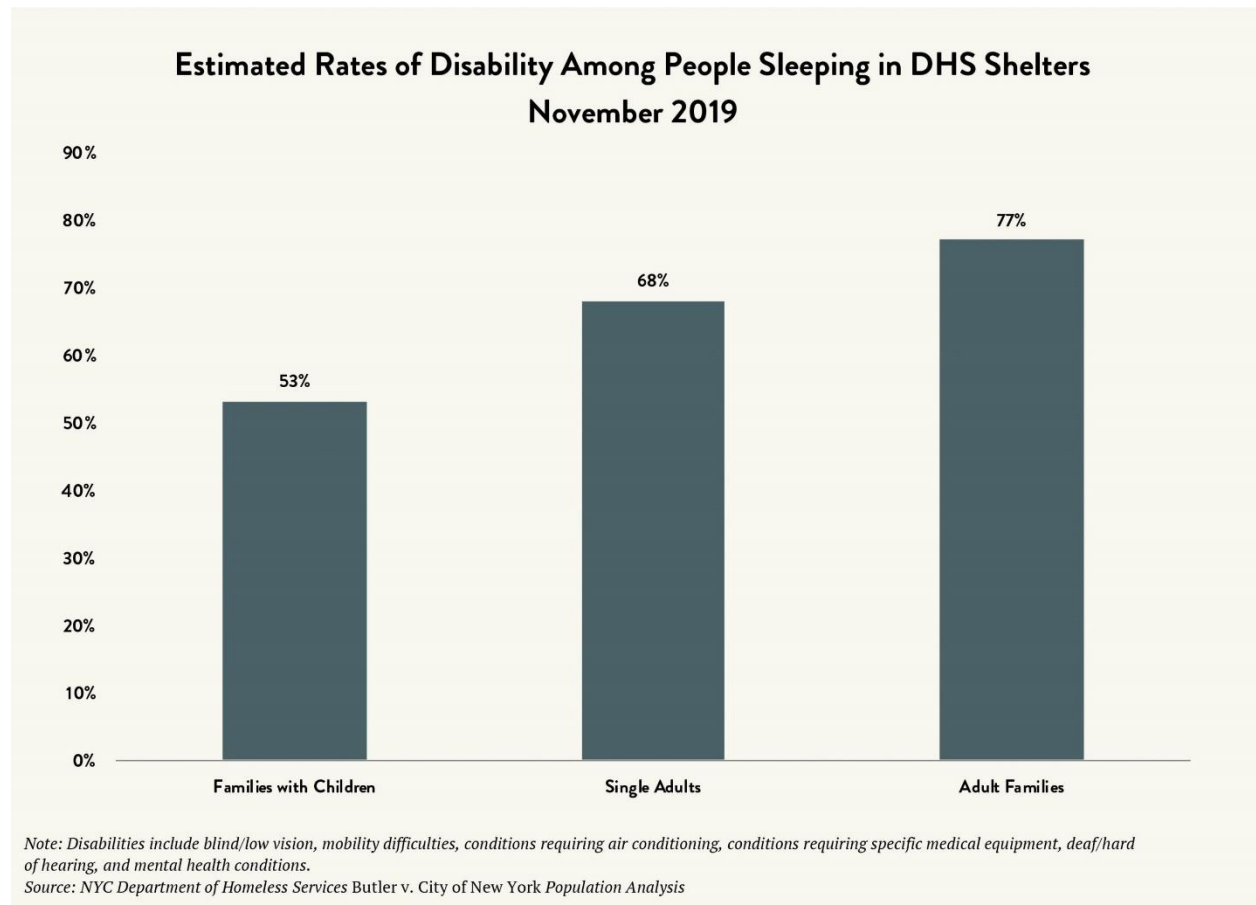
Not surprising given the outdated and inadequate shelter allowance and the absence of adequate programs to enable New Yorkers to afford rent, a 2016 analysis found that two-thirds of the 171,000 households receiving public assistance shelter allowances statewide have rents that exceed their allowances, placing them at risk of homelessness. Of these, more than 80,000 households were then on the brink of homelessness; surely their number has grown and their circumstances have become more acute since then. According to the NYS Action Plan Amendment filed in September 2020 with the U.S. Department of Housing and Urban Development (HUD):

“Over 59,000 individuals are at-risk of being homeless each year,” and “966,000 (79%) of the state’s 1.22 million extremely low-income (ELI) households are simply or severely cost-burdened... They face an estimated statewide shortage of 595,900 affordable and available housing units... financial cost burdens in conjunction with the shortage of affordable units (which) puts these extremely low-income households at continuous risk of homelessness.”

In fact, according to the most recent City and State plans submitted to HUD (prior to the impact of the pandemic), 23,000 more New Yorkers become homeless than escape homelessness each year. Because homelessness rose so dramatically, between 2011 and 2019, New York had to add 31,918 new shelter beds (up 62 percent in that time) even as the State cut back on funds for local

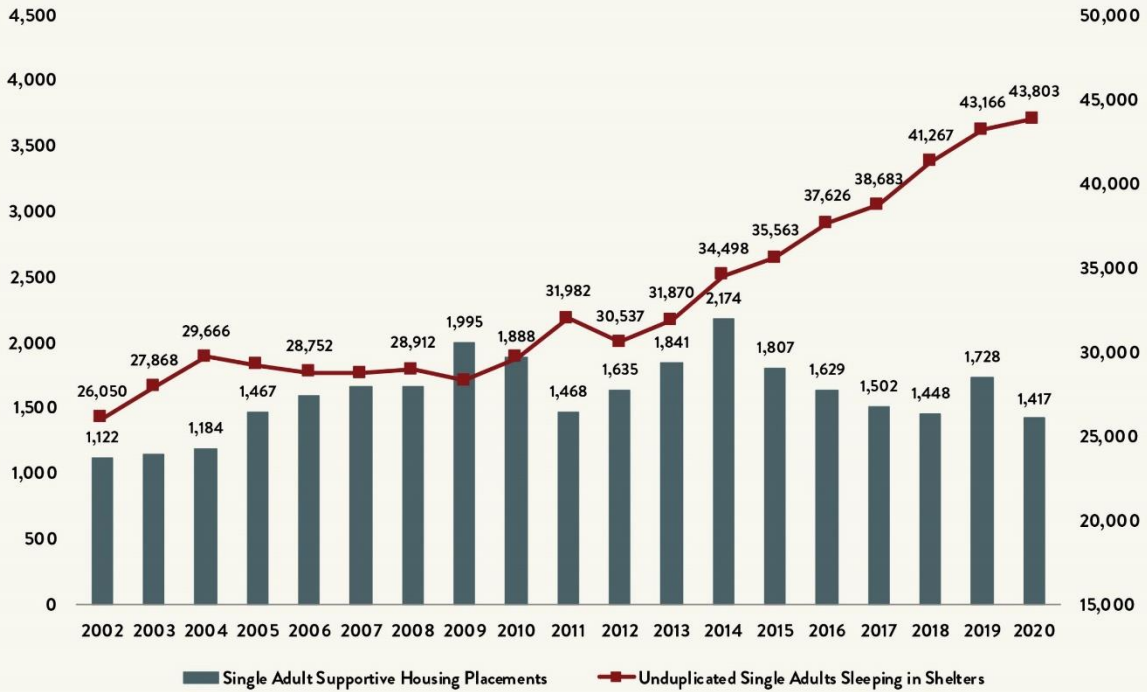
housing assistance and shelter operations, shifting many of these costs to municipal governments and taxpayers.

People with disabilities are disproportionately represented among the homeless population. As part of the settlement reached in our disability rights case *Butler v. City of New York*, the NYC Department of Homeless Services (DHS) was required to conduct a population analysis measuring the estimated rates and types of disabilities among people utilizing shelters. In November 2019, DHS reported that 77 percent of adult families and 68 percent of single adults sleeping in shelters were living with some type of disabling condition, such as mobility disabilities, conditions requiring the use of air conditioning or medical equipment, and other types of disabilities.



The State’s unnecessary delays in funding and initiating supportive housing production created a worsening shortage of supportive housing placements for homeless single adults in New York City: Just 1,417 single adults were placed in supportive housing in 2020, or 3.2 percent of adults who spent time in shelters that year, down dramatically from 6.3 percent of single adults in 2014.

Annual Supportive Housing Placements for Homeless Single Adults and Unduplicated Single Adults Sleeping in Shelters Each Year Fiscal Years 2002 - 2020

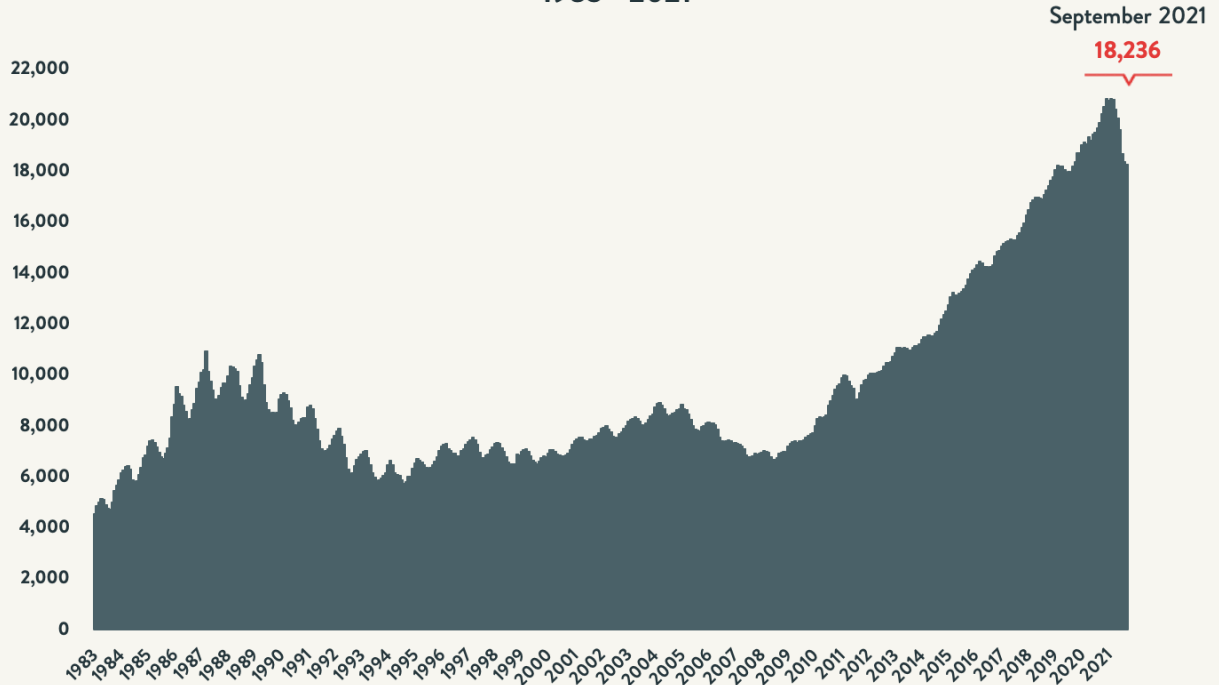


Source: NYC Department of Homeless Services

Record Numbers of Single Adults in New York City Shelters

Despite the recent progress in reducing homelessness among families with children, New York City continues to see near-record levels of single adult homelessness. There were 18,236 single adults sleeping in DHS shelters each night in September 2021, a staggering 97 percent more than a decade ago. Although this is a slight decrease from the record high of 20,822 in February 2021, the expiration of the New York State eviction moratorium next month threatens this progress. Due to systemic racism in housing and economic policies, people of color are disproportionately represented among the homeless population: 86 percent of single adults in DHS shelters in Fiscal Year 2021 were Black or Latinx. Furthermore, an estimated 68 percent of single adults sleeping in DHS shelters have a disability. It is important to note that these data reflect only those single adults sleeping in the DHS shelter system. There are thousands of additional homeless single adults who reside in shelters overseen by other agencies, who bed down on the streets, or who are doubled-up or couch-surfing.

Number of Homeless Single Adults Sleeping Each Night in NYC Shelters 1983 - 2021



Source: NYC Department of Homeless Services and Human Resources Administration; Local Law 37 Reports

According to DHS data for Fiscal Year 2019, the primary reasons for homelessness reported by single adults are discord at prior residence (30 percent), release from jail or prison (11 percent), and coming in off the streets after a period of unsheltered homelessness (10 percent). An additional 9 percent of single adults entered shelters after being discharged from a hospital (including both medical and psychiatric units) or other non-hospital programs, including nursing homes. Long-overdue criminal justice reforms and a shift toward decarceration, and specifically New York State prison releases directly to shelters, have contributed to record homelessness because of the absence of adequate reentry planning. In 2019, 52 percent of people released from New York State prisons to New York City were released directly to shelters, comprising 3,614 people, up from 3,466 individuals in 2018. While the right to shelter is a vital part of the safety net, people being released from prisons and jails need the stability of permanent housing to help them get back on their feet.

New York State Prison Releases to NYC Including Releases to NYC Shelters 2014 - 2019

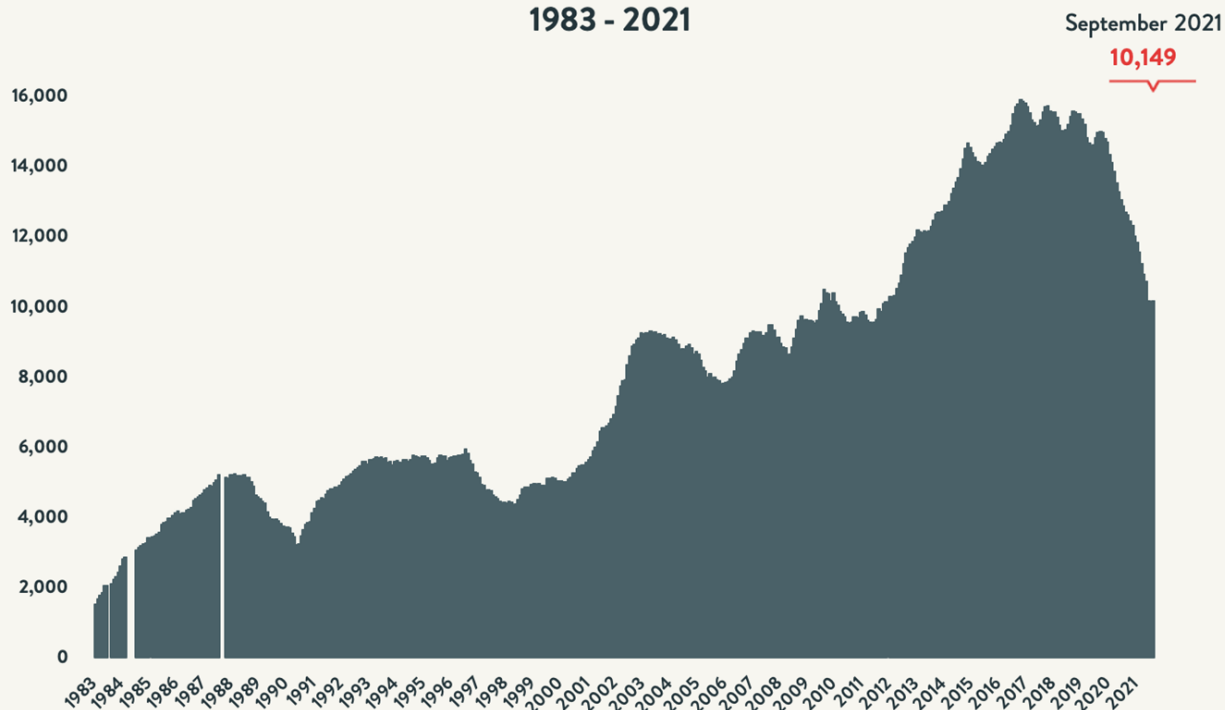


Source: NYS Department of Corrections and Community Supervision

Family Homelessness Declines, But May Increase When Eviction Moratorium Ends

In September 2021, the number of families sleeping in NYC shelters was 10,149, down from 14,344 in February 2020 and down 36 percent from the all-time high of 15,899 in November 2016. Several important policy decisions led to the lower census in the shelter system for homeless families. The de Blasio administration’s introduction of an array of housing assistance programs over the past several years stemmed what had been a skyrocketing family census, but the number of families staying in shelters did not begin to decrease in any meaningful way until the onset of the pandemic. The sharp decrease in the family census can be primarily attributed to a series of State orders halting most evictions. In Fiscal Year 2019, eviction remained the second most common reason families with children entered shelters (21 percent), and the most common reason for adult families (29 percent). The stay on evictions undoubtedly helped many families who may otherwise have been evicted into homelessness remain in their homes. However, many of these families now face mounting rent arrears, and without immediate rent relief and long-term rental assistance, the family shelter census is likely to suddenly and sharply increase in the year ahead.

Number of Homeless Families Sleeping Each Night in NYC Shelters 1983 - 2021



Source: NYC Department of Homeless Services and Human Resources Administration; Local Law 37 Reports

Another reason for the decrease in the number of families sleeping in shelters each night is reduced access to the front door of the shelter system, evidenced by shockingly low shelter eligibility rates for homeless families. Families must undergo an arduous and bureaucratic application process to be deemed eligible for shelter, and many are erroneously found ineligible due to difficulties in gathering the copious amount of documentation required, or due to City intake workers incorrectly determining that the family can return to a dwelling that is not actually available to them.

The difficulties that homeless families had long faced in gaining access to the shelter system were exacerbated in 2016 after the State, at the request of DHS, revised an administrative directive to allow more restrictive shelter eligibility rules. The revised directive resulted in an increasing number of homeless families being denied shelter placements – at their time of greatest vulnerability. The already shamefully low eligibility rates got even worse during the pandemic: Data from the months following the onset of the pandemic show that DHS made establishing eligibility even more challenging in 2020 and 2021, resulting in all-time record low shelter acceptance rates for homeless families. From July to December 2020 (the first half of Fiscal Year 2021), the average monthly eligibility rate for homeless families with children was just 30 percent, down from 49 percent in 2015. Likewise, the average monthly eligibility rate for adult families was just 22 percent, down from 37 percent in 2015. These low eligibility rates have continued throughout 2021.

COVID-19 Pandemic

New York City was the initial epicenter of the country's COVID-19 pandemic. The disproportionate impact of COVID-19 on our client communities is well-documented. COVID-19 has exposed the long-standing racial and social inequities that have led to vulnerable populations bearing the brunt of this crisis. Throughout the crisis, Black and Latinx New Yorkers have died of COVID-19 at twice the rate of White people and have a hospitalization rate that is almost three times that of White people. Low-income workers have also faced higher job losses during the pandemic. In the first month of the pandemic, employment for workers in the bottom quintile dropped 35 percent as compared to a 9 percent drop in employment for the highest quintile of earners.

Although the economy is starting to rebound, the pandemic has had a devastating financial impact on millions of New Yorkers, with many experiencing unemployment, death of a household member, disability, and a range of increased expenses. Many New Yorkers struggled to pay their rent prior to the pandemic, and the COVID-caused financial crisis has further exacerbated this instability.

Emergency Rental Assistance Program (ERAP)

In December 2020, Congress passed, and President Trump signed into law the Consolidated Appropriations Act of 2021, which included the Emergency Rental Assistance (ERA1) program. The act created a fund of \$25 billion in rental and utility assistance and directed the Treasury Department to allocate the funds to states and localities. On March 11, 2021, Congress enacted the American Rescue Plan, which included an additional \$21.5 billion in ERA funds (ERA2). In total, New York State and its localities were allocated almost \$2.6 billion from these funds. Seven localities opted out of New York State's program, leaving over \$2.4 billion available for rent relief directly distributed by the State. On June 1, 2021, New York State's Emergency Rental Assistance Program (ERAP) opened. Since that time, the program has received 288,216 applications. The New York State Office of Temporary and Disability Assistance has approved 164,259 households for rental assistance and has disbursed \$1.13 billion to cover 90,375 households. The State is holding another \$924.5 million for landlords whose applications have not yet been connected to their tenants and for landlords who have not yet cooperated with the program.

Unfortunately, total requests for ERAP have exceeded the funds provided by the Federal government, and only limited applications are currently being accepted. We do not know whether the U.S. Treasury will reallocate unused funds to states with additional need. New York State will suffer if hundreds of thousands of tenants are evicted. A tsunami of displacement would hurt tenants, landlords, and our recovering economy. We cannot wait for the Treasury Department to act. New York State must provide more funding for ERAP to ensure that we can continue toward an equitable and just recovery and reopen the ERAP portal.

NYC Shelter Conditions and the Pandemic

The Coalition for the Homeless is the court- and City-appointed independent monitor of the DHS shelter system, and we regularly observe and hear reports of issues in shelters ranging from inadequate maintenance and extreme temperatures to perennial complaints about the quality and quantity of food served and conflicts with security staff not properly trained to work in shelters.

The pandemic exacerbated many of these issues, bringing staffing challenges and the threat of contracting an airborne virus in a single adult shelter system composed mostly of congregate dorms.

While DHS moved thousands of single adults out of congregate facilities and into single- and double-occupancy hotel rooms in 2020 to better protect them from the virus that causes COVID-19, Mayor de Blasio prematurely decided to return the vast majority of single adults to congregate shelters this summer. With mounting evidence of the chaos caused by the abrupt and unnecessary returns to congregate shelters, The Legal Aid Society and Jenner & Block LLP, on behalf of the Coalition for the Homeless, Center for Independence of the Disabled, and homeless New Yorkers, and in coordination with the Safety Net Project at the Urban Justice Center, filed a motion in *Butler v. City of New York* – a previous legal victory concerning disability-based discrimination in the City’s shelter system. The court record documented numerous deficiencies in the City’s hasty process, including the sudden and inappropriate uprooting of people with physical and psychiatric disabilities without due consideration for the accommodations they may need to safely and fully access shelters and other support at DHS facilities. The court eventually required the City to develop and implement a notification and assessment procedure before proceeding with additional moves. Nonetheless, the mass shelter transfers over the summer were traumatic and disruptive for homeless single adults, some of whom left the shelter system entirely and now reside on the streets.

At the start of the COVID-19 pandemic, remote learning became the new norm, and adequate internet access became a basic requirement for receiving an education. While the Department of Education (DOE) initially provided iPads and later computers to families living in shelters, most shelters did not have reliable or stable cellular coverage, and so the iPads could not connect to the internet, thereby preventing the students from attending school. The Legal Aid Society along with Milbank LLP filed a class action lawsuit, *E.G. et al. v. City of New York*, on behalf of the Coalition for the Homeless and individual shelter residents and their children. The parties reached a settlement requiring the City to install wireless internet in over 240 shelters housing more than 11,000 school-age children, so that these students could participate in remote learning during the COVID-19 pandemic and beyond. Both the Coalition for the Homeless and The Legal Aid Society support extending wireless internet access, a basic necessity for participation in a technology-dependent society, to all New Yorkers living in temporary housing across the state and encourage Governor Hochul to include this item in the 2022 Executive Budget.

As COVID-19 infection rates again increase and the world closely tracks contagious new variants, thousands of homeless single adults will face the next phase of the pandemic – and likely future pandemics – in dorms rather than in the safety of hotel rooms due to Mayor de Blasio’s short-sighted decision. Learning from the pandemic, we believe the shelter system for single adults should be re-designed to reduce the reliance on large congregate facilities, and shift the creation of new capacity toward single-occupancy accommodations with full accessibility features for those with disabilities as well as smaller, low-threshold shelters such as Safe Havens.

Unsheltered New Yorkers

In addition to the homeless New Yorkers who reside in shelters, thousands of others bed down in the streets, subway system, and other public places. Interviews with hundreds of unsheltered

New Yorkers indicate that most are aware of the shelter system but feel it does not fulfill their desire for safety, dignity, and independence. Unsheltered homeless New Yorkers have long faced daunting challenges and indignities as they draw on meager resources and their own perseverance to survive life on the streets. Their day-to-day struggles include meeting the basic needs for food, clothing, and restrooms, as well as avoiding abuse, including unnecessary, traumatic interactions with law enforcement personnel. The pandemic created new problems, as the subways were closed overnight for months and many public restrooms and other resources were largely unavailable.

Unfortunately, rather than adopting a harm reduction approach to unsheltered homelessness, former Governor Cuomo vilified unsheltered New Yorkers in his public statements, and Mayor de Blasio directed his agencies to dramatically increase street sweeps. These sweeps often result in City workers discarding homeless people's meager belongings and forcing them to move to a different location if they do not want to enter the shelter system. Sweeps can be traumatic and counterproductive in that they break the trust that trained outreach staff work hard to build with unsheltered people, often over long periods of time. Furthermore, this increase in sweeps during the pandemic egregiously and shamefully flouts guidance from the Centers for Disease Control and Prevention, which states: "If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread."

All activities that criminalize unsheltered homelessness must end, and localities must meet the immediate needs of homeless New Yorkers by providing them with ready access to stable, permanent affordable and supportive housing options. Many people sleeping on the streets who are not interested in the main shelter system are willing to accept the offer of a low-threshold shelter placement like a Safe Haven or stabilization bed, and more of these options must be readily available. Ultimately, what unsheltered New Yorkers truly want and need is permanent housing, but housing applications can be particularly challenging for those sleeping outdoors. For example, Coalition for the Homeless staff have struggled to meet the arduous documentation requirements to prove that an individual has been sleeping on the streets for a certain length of time in order to qualify for supportive housing. All bureaucratic barriers that prevent people from moving off the streets and into homes of their own must be identified and removed.

Affordable and Supportive Housing

The right to shelter provides a foundation of decency to protect the lives of homeless New Yorkers, and must always be upheld. It should never be used as a substitute for the safety and dignity of a permanent home. Housing is a fundamental human right that must be fulfilled through the policies and budget priorities of government in order to solve homelessness. Coalition for the Homeless and The Legal Aid Society have repeatedly called for the City and State to address the primary cause of homelessness – the lack of affordable housing – through investments in new deeply subsidized, affordable and accessible housing development, rental assistance, permanent supportive housing, and public housing preservation. New York State must build upon the State's promise to build more supportive housing units by creating and preserving 2,000 additional units per year, focus predominately on the needs of extremely low-income renters in a new five-year affordable housing investment plan, and ensure that sufficient

housing resources are invested to provide adequate housing opportunities for all who are homeless and at risk of becoming homeless, including those with disabilities and people who are undocumented.

Rental Assistance

With the exception of those established within the context of litigation, the State has failed to provide housing subsidies to homeless New Yorkers and those at risk, even when fully funded by the Legislature, and former Governor Cuomo consistently opposed popular and viable plans to do so. Most local governments lack the resources necessary to address the homelessness crisis while the State offers only meager contributions toward City housing subsidies: Just 9 percent of the total cost of City rent subsidies is reimbursed by the State. Governor Cuomo annually disqualified the City from reimbursement for subsidies while all of the counties outside New York City were eligible to receive aid.

We know that housing stability leads to better outcomes for all homeless New Yorkers and New York State must prioritize a path to permanent housing with rental assistance programs. The supply of apartments affordable to low-income renters, including those relying on a public assistance shelter allowance, has rapidly disappeared, and many New Yorkers have been shut out of the housing market entirely. Since the lack of affordable housing is the fundamental cause of the homelessness crisis, it is fiscally prudent and, at the same time, far more humane to bridge the difference between incomes and rents to enable people to stay in their homes and communities instead of being forced into the costly and impermanent shelter system, and to help those who are already homeless move out of shelters.

As discussed below, New York has choices regarding how to bridge the difference between the rent and income. The most obvious choice is to raise the levels of assistance provided as part of the basic safety net program in New York State, Cash Assistance, which provides a grant for “Food and Other” basic needs, and a grant for paying rental expenses, called the “shelter allowance.” The value of the total grant is less than 50 percent of the “Federal Poverty Level” throughout the state, relegating New Yorkers to a state of deep poverty. The shelter allowance portion of the grant for households with children has not been increased since 2003, and remarkably, the shelter allowance for adult only households has not been increased since 1988. In New York City this means, that without any additional assistance, a single individual receiving welfare is allotted only \$215 per month, a three-adult household (for example two parents and a 20 year old child) is allotted \$286 per month, and a three person household with a minor children is allotted merely \$400 a month. By making a long overdue increase to the shelter allowance to cover market rents (as well as the basic needs portion of the grant), New York State can address the shortfall between the money low-income New Yorkers need to pay rent and the rents themselves, thereby preventing evictions and homelessness.

Thanks to Chair Rosenthal’s leadership, last week Governor Hochul signed into law an increase to the FHEPS program, which bridges the gap between the inadequate shelter allowance and rents up to 100 percent of the Fair Market Rent in NYC. But this leaves out residents in other jurisdictions, as well as those families that do not include a minor child or do not otherwise qualify for FHEPS. We look forward to working with Chair Rosenthal and the members of the Legislature to make a long-needed grant increase to everyone on Cash Assistance a reality.

In addition to the grant increase, which mainly focuses on recipients of Cash Assistance, there are other rental assistance proposals that help both Cash Assistance recipients and other low-income New Yorkers, including low-wage workers.

State Rental Assistance Proposals

Our organizations have also long supported the idea of creating a State housing voucher program like Federal Housing Choice Vouchers (Section 8). Recently, the New York Housing Conference found tenants who received Section 8 vouchers were 77 percent less likely to experience homelessness and homeless families who received Section 8 vouchers were 42 percent less likely to be separated from their children. The New York Housing Conference also found that families and individuals who receive Section 8 vouchers gain an average of \$7680 a year leading to increase spending, economic activity, and job creation.

A leading proposal that mimics the potential for successful outcomes of Section 8 is the Housing Access Voucher Program bill (HAVP). This legislation seeks to address the needs of both homeless New Yorkers and those at risk of becoming homeless through the creation of a new State-funded housing voucher program. HAVP has the potential to help a broader spectrum of New Yorkers struggling with housing, such as those receiving disability income or who may otherwise be ineligible for Cash Assistance, and enable even more families and individuals to avoid the indignity and trauma of homelessness.

HAVP would be administered through the public housing authorities throughout the state. Currently those public housing authorities administer the federal Section 8 program. As HAVP is similar to the federal Section 8 program in its details, counties and localities would not be administratively burdened by having to train workers on a new program. A recent report found that communities where people spend more than 32 percent of their income on rent can expect a more rapid increase in homelessness. The Housing Access Voucher Program would cap tenants' rent at 30 percent of household income to increase housing stability as beneficiaries' incomes rise and fall. Additionally, the public housing authorities would be required to inspect rental units so to ensure that public monies do not go to landlords renting unsafe housing. It is for these reasons that 31 Senators, 56 Assemblymembers Housing Justice for All support the passage of HAVP.

In addition, short of enacting a shelter allowance increase to cover market rents for all Cash Assistance recipients, we continue to support Home Stability Support (HSS) program, legislation sponsored by Chair Rosenthal and co-sponsored by dozens of Senators and well over 100 members of the Assembly. The Coalition for the Homeless helped design and draft this legislation with our esteemed colleagues at The Legal Aid Society, Empire Justice Center, and the NYS Coalition Against Domestic Violence. More than 100 community groups have endorsed this legislation, as well as dozens of local officials, Congressional representatives, and faith leaders across the state.

As discussed above, homelessness among single adults is near record levels, and many more households will be at risk of homelessness when evictions fully resume. HSS is a rent supplement designed to help individuals and families receiving Cash Assistance to remain housed when they are at risk of displacement due to eviction, hazardous conditions, or domestic

violence, and also to help those who are already homeless obtain and retain stable housing. Critical to the design of the program is that these groups – those who are homeless and those at risk of homelessness – be helped simultaneously. This is the best way to ensure that the costly shelter system can become smaller as the number of families and individuals receiving subsidies grows. An estimated 80,000 households would benefit from receiving HSS subsidies once fully implemented.

To place this in context, just over 229,000 households receive Federal Housing Choice Vouchers (Section 8) in New York State, but the waiting lists for this assistance are largely closed. HSS could increase the number of households receiving long-term rental assistance by about 35 percent. The FY2021 Fair Market Rent for a two-bedroom apartment in New York City is \$2,053, but as referenced earlier, the Cash Assistance shelter allowance for a typical family of three with at least one child is only \$400 per month. HSS would require New York State to supplement these inadequate shelter allowances to cover market rents. HSS supplements would be considerably less expensive than the \$70,722 annual cost of emergency shelter for each family in New York City. As NYC Comptroller Scott M. Stringer projected in 2017, HSS could reduce New York City's shelter population by 80 percent among families with children and 40 percent among single adults in a decade, saving New York City about \$316 million in its tenth year through foregone shelter costs and streamlined services. The State has largely left localities to fund shelters and preventive services on their own in recent years, so the State's investment in HSS would represent a long-overdue course correction.

We believe that the most sensible course is for the HAVP to be adopted in addition to a fix for the grossly inadequate Cash Assistance shelter allowances to cover market rent, either a universal grant increase or HSS (given the distinct target populations), and we favor amendments to deduct medical expenses from income; eliminate the maintenance of effort requirement to avoid under-cutting HSS; and specify a role for social services districts in reaching those who are homeless or in receipt of public assistance or disability benefits.

Good Cause for Eviction

The Coalition for the Homeless and The Legal Aid Society believe that prohibiting evictions that are without cause is an essential tool to prevent displacement, which undermines individual and family stability. Accordingly, we urge passage of the Good Cause bill to support this effort.

The Good Cause bill would extend the right to a renewal lease and protections from unconscionable rent increases to all tenants across New York State, except those living in owner-occupied buildings with four or fewer units. This bill would protect 1.6 million tenants across New York State by requiring landlords to obtain a judicial order certifying that an eviction is for a good cause before a tenant can be removed. It further stipulates that the expiration of a lease is not a good cause. The bill also acknowledges that steep rent increases are often de facto evictions, and that rent increases of more than 1.5 times the annual percentage change in the consumer price index be presumed unreasonable, unless accompanied by special conditions. Rents have been rising rapidly in 2021, with a median increase of 16.4 percent nationwide since the start of the year.

When tenants lack the right to a renewal lease, it is in their interest to remain silent in the face of housing conditions that threaten their health and safety. If the government is serious in its desire to prioritize safe and healthy homes, it must partner with tenants who live in these homes and experience the urgent need for repairs. However, without a right to remain, it is impossible for tenants to assert their rights without risking eviction. For example, The Legal Aid Society represents a woman who lives in a two-unit building above a storefront in Jamaica, Queens. This tenant is disabled and has been in and out of the hospital during the two years that she has lived in this apartment. In February 2021, there was a fire in a neighboring store, which damaged the ceiling in her apartment. She lived with a damaged ceiling and other unsafe and unsanitary conditions for months but decided that she had tolerated enough when her landlord changed the locks to her apartment in May. She brought two cases against her landlord in Queens Housing Court in May and August 2021, first to obtain the keys to the new locks, then to address the conditions and harassment by her landlord. In the midst of these cases, she was served with eviction papers. She is currently protected by the New York State eviction moratorium, but once the moratorium expires in January, she will have few defenses in her eviction case. It will, unfortunately, only be a matter of time before she will be forced to vacate the apartment. Low-income tenants, particularly the elderly and disabled, should not have to weigh the risk of eviction against asserting their right to essential services.

The Good Cause bill would represent a huge step forward for tenants in all five boroughs. For The Legal Aid Society and other legal services lawyers on the front lines of the city's housing crisis, these protections will help even the playing field in court, reducing the number of eviction proceedings brought against low-income tenants, and empowering them with many of the legal defenses tenants in regulated apartments already enjoy.

Update Cash Grants Provided to Shelter Residents in Shelters Where Meals Are Provided

Finally, we urge the Legislature to adopt Chair Rosenthal's bill, which would raise the cash grant provided to households living in shelters that serve three meals a day. Households in shelters that serve meals receive one of two grants: a "personal needs" allowance for adult households and a "special needs" allowance for homeless families with children. The special needs allowance is \$45 a month for each individual in the household, and the personal needs allowance is \$63 per month for homeless family members. These amounts are inadequate, and have not been updated since 1997, almost 25 years ago. A mother and child receiving a special needs grant must survive on a cash grant of only \$126 per month. This is not adequate for meeting basic needs such as cash for extra food, menstrual products, underwear, diapers, and even laundry detergent. Chair Rosenthal's bill would provide for a long overdue increase in these two allowances.

Summary of Recommendations for New York State

Housing

- Implement an increase to Cash Assistance grants, including expanding the shelter allowance to cover market rents.
- Implement the Housing Access Voucher Program (HAVP) to create a State-funded, long-term rent subsidy for homeless and very low-income households.

- Short of a universal increase in Cash Assistance, implement the Home Stability Support (HSS) program to create a State-funded, long-term rent subsidy for households receiving public assistance who are homeless or at risk of losing their housing due to eviction, domestic violence, or hazardous housing conditions.
- Accelerate the pace of production of the 20,000 units of supportive housing pledged by former Governor Cuomo in 2016 by completing them by 2026 instead of 2031, fully fund the construction and operation of the remaining 14,000 units, and initiate a robust supportive housing preservation program to keep at least 6,000 units in service over the next 10 years.
- Fund the creation of supportive housing specifically for individuals reentering the community from State prisons.
- Ensure effective reentry planning for individuals being released from State prisons in order to identify viable housing options prior to each individual's scheduled release date.
- Reform punitive parole practices that allow parole officers to exercise wide discretion and deny placement at potentially viable addresses for individuals leaving State prisons.
- Call on the Federal government to fund Section 8 vouchers as an entitlement for all households who meet the eligibility standards.
- Fund the production of more housing for homeless single adults, separate and apart from existing supportive housing commitments.
- Expand access to supportive housing for adult families – a population with disproportionately high levels of disability and complex needs.
- Ensure that undocumented New Yorkers have equal access to affordable and supportive housing and eviction prevention assistance.
- Enact Good Cause eviction.
- Reopen the ERAP application portal with additional funding from New York State.

Services for Sheltered and Unsheltered New Yorkers

- Ensure that homeless individuals are not taken against their will to new crisis centers which must by law only serve voluntary patients.
- Halt the deployment of additional MTA police in response to homeless people located in transit facilities and trains.
- Reverse harmful cuts to New York City's emergency shelter system that have resulted in the State short-changing the City by hundreds of millions of dollars over the past decade, and share equally with the City in the non-Federal cost of sheltering homeless families and individuals.
- Replace the grossly inadequate \$45 per month personal needs allowance for those living in shelters with the standard basic needs allowance provided to public assistance recipients.
- Permanently eliminate the statewide requirement that shelter residents pay rent for shelter or enroll in a savings program as a condition of receiving shelter.
- Promptly implement regulations and funding for medical respite programs included in the State budget.
- Fully fund the provision of wireless internet access in all resident rooms and common areas in all facilities used to provide temporary housing in New York State.

- Implement reforms to reduce bureaucratic barriers to shelter entry for adult families and families with children to eliminate the need for them to reapply for shelter multiple times before ultimately being found eligible, and make permanent the pandemic-era changes allowing families to reapply from their shelter placements and not requiring minor children to be present at the PATH intake center.

Conclusion

Thank you for the opportunity to submit testimony. We look forward to working with the Legislature in the coming months as you work on the budget and legislative remedies to address homelessness.

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 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 fifth 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 single 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.