



Testimony of

**The Legal Aid Society**

**and**

**Coalition for the Homeless**

on

**Oversight: Impact of the Expiration of the Eviction Moratoriums**

submitted to

The New York City Council Committee on General Welfare

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Thank you, Chair Ayala and members of the New York City General Welfare Committee, for holding this very important hearing

### **Introduction: Dual Health and Economic Crises in New York**

As you know, New York City was the epicenter of the country's COVID-19 pandemic. As of February 21, 2022, there have been at least 2,272,601 cases in New York City since the beginning of the pandemic.<sup>1</sup> Brooklyn, Queens, and the Bronx are the fourth, fifth, and eighth counties with the highest death rate in the United States.<sup>2</sup> New York City lost 39,517 people to COVID-19, as of February 21, 2022, with many more deaths likely uncounted.<sup>3</sup>

The disproportionate impact of COVID-19 on our client communities is well-documented. The pandemic 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.<sup>4</sup> The Centers for Disease Control and Prevention and others have partly attributed those rates to lack of access to health care and exposure to the virus related to occupation, including frontline, essential, and critical infrastructure workers. “[A]s more data becomes available, one thing is clear: COVID-19 has only magnified the systemic inequalities that persist in the United States. And nonwhite Americans, especially African Americans, have been hit hard on nearly every front.”<sup>5</sup> Low-income workers have also faced higher job losses during the

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<sup>1</sup> <https://www.nytimes.com/interactive/2021/us/covid-cases-deaths-tracker.html>

<sup>2</sup> See [Johns Hopkins University, Coronavirus Resource Center](#) (last updated January 3, 2022). This website notes that New York City's data does not include probable COVID-19 deaths, as this data is not reported.

<sup>3</sup> <https://www.nytimes.com/interactive/2021/us/covid-cases-deaths-tracker.html>

<sup>4</sup> Centers for Disease Control and Prevention, COVID-19 Hospitalization and Death by Race/Ethnicity, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html> (Updated September 9, 2021).

<sup>5</sup> Harmeet Kaur, *The coronavirus pandemic is hitting black and brown Americans especially hard on all fronts*, CNN (May 8, 2020), <https://www.cnn.com/2020/05/08/us/coronavirus-pandemic-race-impact-trnd/index.html>.

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.<sup>6</sup>

Although the economy is starting to rebound, the pandemic has had a devastating financial impact on millions of New Yorkers, due to death, disability, loss of work, and a range of increased expenses. Many New Yorkers struggled to pay their rent prior to the pandemic, and the pandemic-caused financial crisis exacerbated the instability. Prior to the pandemic, New York City's unemployment rate was 3.8 percent; after the onset of COVID, it shot up to 20 percent and has slowly decreased, but as of December 2021, it was still an alarming 7.9 percent. To put this in perspective, the New York State Department of Labor has a monthly record of the unemployment rate starting January 1, 1976. For decades, the highest unemployment rate recorded in New York City was 11.5 percent, which was the rate from August through November 1992. However, since March 2020, New York City has seen 11 months with rates higher than the highest rate previously recorded.<sup>7</sup>

Moreover, these percentages actually undercount unemployment since in part they rely on unemployment insurance claim numbers, which do not capture the full extent of the financial hardship caused by the pandemic because they exclude workers who have lost work but do not qualify for unemployment (including people without sufficient prior earnings or work history, undocumented immigrants, and those whose hours have been cut but who still work part-time).

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<sup>6</sup> Tamaz Cajner, *et al.*, *The U.S. Labor Market During the Beginning of the Pandemic Recession*, Nat'l Bureau of Econ. Research, <https://www.nber.org/papers/w27159.pdf>.

<sup>7</sup> <https://statistics.labor.ny.gov/lslaus.shtm>.

In short, New York City is in the midst of a financial crisis that was caused by the health crisis. The only way to combat these dual crises is to keep people in their homes where they can avoid COVID-19, remain employed or be better able to seek employment opportunities.

### **I. New York City's Affordability Crisis, COVID Response, and Long-Term Solutions**

New York City has an enduring affordability crisis. Over 50 percent of New York City low-income renters are **rent burdened**, paying more than 30 percent of their income toward their rent, and 30 percent are **severely rent burdened**, paying more than 50 percent of their income toward their rent. A 2018 report found that communities where people spend more than 32 percent of their income on rent can expect a more rapid increase in homelessness.<sup>8</sup> The pandemic has exacerbated this crisis. As COVID struck in March and April 2020, hundreds of thousands of families across New York City lost their main source of income. Across the city, one in four renters have missed at least one rent payment since March 2020, according to new data from Robin Hood and Columbia University.<sup>9</sup> Among New Yorkers who lost work or income during the pandemic, more than 40 percent have fallen behind on rent.<sup>10</sup> Given the scale of the affordability crisis, there is an urgent need for rental assistance to help keep people in their homes.

#### **The State Emergency Rental Assistance Program (ERAP)**

New York State received \$2.6 billion in Emergency Rental Assistance (ERA) funding from the United States Treasury. Of that, \$2.4 billion went into the Emergency Rental Assistance Program

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<sup>8</sup> <https://www.zillow.com/research/homelessness-rent-affordability-22247/>.

<sup>9</sup> Sophie Collyera et al., *The looming eviction crisis is likely to exacerbate racial and economic inequity in New York City and requires bold policy action*, Policy Spotlight on Housing, (Jan. 23, 2022), available at [https://static1.squarespace.com/static/610831a16c95260dbd68934a/t/61eae13b04fade3f63c01648/1642783035902/POVERTY\\_TRACKER\\_REPORT30.pdf](https://static1.squarespace.com/static/610831a16c95260dbd68934a/t/61eae13b04fade3f63c01648/1642783035902/POVERTY_TRACKER_REPORT30.pdf).

<sup>10</sup> *Id.*

(ERAP).<sup>11</sup> As of February 8, 2022, \$1.5 billion has been disbursed to landlords.<sup>12</sup> Another \$531 million is in a separate bank account being held for landlords who have thus far failed to cooperate with the ERAP application process despite their tenants having been provisionally approved for assistance. Due to high demand, ERAP has run out of money, and no application submitted after September 21, 2021, can be paid out. However, tenants can still apply for ERAP and receive temporary eviction protections while their applications are pending. The State closed the application in November but later reopened the portal after a court order in litigation brought by The Legal Aid Society.<sup>13</sup>

New York State has applied for an additional \$1.6 billion from the United States Treasury Department, which has the authority to reallocate money from jurisdictions that have not spent their allocations to jurisdictions that have run out of money. As of December 31, 2021, there is more than \$25 billion in unspent ERA funds that could potentially be reallocated. Additionally, Governor Hochul is considering using other Federal COVID relief funds to replenish ERAP.

To be eligible for ERAP, tenants must be under 80 percent of Area Median Income (AMI), have a rental obligation in their current apartment, and have either lost income during the pandemic or have significant increased costs. Tenants can apply for up to 12 months of back rent, three months of prospective rent, and utility arrears.<sup>14</sup> Additionally, in September, the State provided \$125 million for households with incomes between 80 percent of AMI and 120 percent of AMI, and \$125 million for landlords whose tenants moved out or did not apply for ERAP.

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<sup>11</sup> The remaining money was kept by localities who decided not to opt into the State program. New York City did opt in and provided its direct allocation to the State. New York City's direct allocation was about \$645 million.

<sup>12</sup> Data from ERAP is published on the Office of Temporary and Disability Assistance website and can be found here: <https://otda.ny.gov/programs/emergency-rental-assistance/program-reports.asp>

<sup>13</sup> *Hidalgo v. New York State Office of Temporary and Disability Assistance*, 453931, Sup. Ct, NY County, Jan. 6, 2022, available at [https://assets.law360news.com/1453000/1453202/453931\\_2021\\_maria\\_hidalgo\\_et\\_al\\_v\\_maria\\_hidalgo\\_et\\_al\\_order\\_interim\\_mo\\_33.pdf](https://assets.law360news.com/1453000/1453202/453931_2021_maria_hidalgo_et_al_v_maria_hidalgo_et_al_order_interim_mo_33.pdf).

<sup>14</sup> Tenants are eligible for prospective rent if they are rent burdened. Additionally, tenants must have rent arrears to be eligible for prospective rent or utility arrears.

### **ERAP in New York City**

To date, ERAP has disbursed \$1.2 billion for New York City residents. The State does not provide data about tenants with provisionally approved applications, but they do provide data about tenants whose landlords have received payments. We do not have data on the State program for tenants over 80 percent of AMI, though we know that the State could not spend the full \$125 million allocated for that population. The money left over was added to the fund for landlords. In New York City, 71 percent of applicants were extremely low income, and another 19 percent were very low income. Of the ERAP funds disbursed to New York City:

- The Bronx received \$347,979,038.76 on behalf of 30,356 tenants;
- Brooklyn received \$374,328,715.57 on behalf of 26,875 tenants;
- Manhattan received \$197,632,196.36 on behalf of 13,923 tenants;
- Queen received \$273,372,761.16 on behalf of 17,761 tenants; and
- Staten Island received \$28,032,133.78 on behalf of 1,942 tenants.

### **The Housing Affordability Crisis Remains Unaddressed: CityFHEPS Should Be Expanded**

ERAP payments have assisted thousands of New York City tenants to pay arrears during the current crisis. However, ERAP is a crisis program: It does not provide long-term rental assistance, which is the key to solving our housing affordability crisis. The country's largest mechanism for providing long-term rental assistance, Section 8 Housing Choice Vouchers, has proven this – reducing the poverty rate for those housed through the program by 43 percent<sup>15</sup> and providing long-term

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<sup>15</sup> Sophie Collyera, Christopher Wimera et al., *Housing Vouchers and Tax Credits: Pairing the Proposal to Transform Section 8 with Expansions to the EITC and the Child Tax Credit Could Cut the National Poverty Rate by Half*, 4 Poverty & Social Policy Brief, (Oct. 7, 2020), available at <https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/5f7dd00e12dfe51e169a7e83/1602080783936/Housing-Vouchers-Proposal-Poverty-Impacts-CPSP-2020.pdf>.

benefits<sup>16</sup> to households that were previously homeless. Unfortunately, these vouchers are not available to all those who need them – the Federal government has failed to respond to the massive affordability crisis. We cannot wait for the Federal government to fulfill its promise to provide vouchers to all who need them.

New York City must expand CityFHEPS to address both needs related to pandemic arrears and longer-term issues of housing affordability. The Council should act to increase the number of CityFHEPS vouchers to forestall evictions and expand eligibility for CityFHEPS to all rent-burdened New Yorkers with incomes below 200 percent of the federal poverty line. Under current rules, CityFHEPS is mainly designed to move people out of homelessness, but it should be expanded to keep more people housed, especially seniors and people with disabilities. The Council should reform CityFHEPS to:

- Eliminate the requirement that individuals and families must have lived in the shelter system for at least three months or have received an eviction notice and previously been living in a shelter in order to qualify for a CityFHEPS voucher;
- Enable all rent-burdened New Yorkers with incomes below 200 percent of the poverty line to be eligible for CityFHEPS; and
- Eliminate unnecessary documentation requirements and streamline program administration so that payment can be issued within four weeks. Current delays cause landlords to give up, and affordable apartments are lost.

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<sup>16</sup> [https://www.huduser.gov/portal/family\\_options\\_study.html](https://www.huduser.gov/portal/family_options_study.html).

### **Make Administrative Fixes to CityFHEPS and State FHEPS**

We are greatly appreciative to the Council and the State Legislature for lifting the payment standards of both the CityFHEPS voucher and the State FHEPS subsidy to the HUD Fair Market Rents. However, tenants and homeless individuals and families are struggling to use the voucher and the subsidy because of two policies that the Human Resources Administration (HRA) has put into place: rent reasonableness and the utility allowance. The new rent reasonableness policy is causing some housing packets to get rejected, including those with signed leases. This is a waste of time for all parties involved to go through the tedious process of gathering the requirements for and completing the packets, and getting all the way to lease-signing, only to be told the rent is deemed too high based on a rent reasonableness assessment. We urge HRA to eliminate the rent reasonableness policy, which harms voucher holders by causing them to lose apartments and damages relationships with landlords who work with CityFHEPS recipients. Even if relatively few apartments are rejected, the reasonableness standard creates uncertainty over what HRA will pay, making it difficult to settle eviction cases and placing tenants at risk of homelessness.

The City adopted its utility allowance from the Federal Section 8 program. The Section 8 program recognizes that utility payments are tied to a tenant's ability to pay rent. Section 8 uses utility allowances to ensure that where a tenant pays for utilities, their rent is set so that utilities plus the tenant share of the rent equals 30 percent of the tenant's income. This effectively means that the tenant pays less than 30 percent of their income for rent alone, and the agency makes up the difference. However, the City uses the utility allowance to lower the value of CityFHEPS vouchers and State FHEPS subsidies, causing applicants to just narrowly miss opportunities to secure apartments. Many voucher holders have secured apartments at the CityFHEPS rent levels only to



find out that the rent is \$30 or \$50 too high after the utility allowance is deducted. This deduction, which makes a significant difference in the apartment search process, keeps voucher holders in shelters, or causes recipients to be unable to use the subsidy in their current apartments.

The City should subsidize rents up to the full Section 8 payment standard authorized by law, rather than reducing the subsidy by the amount of a “utility allowance” that does not benefit the tenant. Funding the whole value will maximize the number of rental units accessible to voucher holders and subsidy recipients and eliminate the current confusion.

### **Suspend Repayment Requirement for One Shot Deals**

Even if the Federal government delivers an infusion of additional Emergency Rental Assistance funds for New York, ERAP may not be able to cover all households in need. In the meantime, eligible households should be able to obtain rent arrears grants from their local departments of social services. But unlike ERAP, rental arrears payments (known as “One Shot Deals”) and utility arrears payments are subject to certain repayment obligations (See NY Soc. Serv. L. § 131-w and § 131-s). This repayment requirement makes no sense during the pendency of the public health and economic crises, as families struggle to put food on the table and are not assured stable employment even when the crises end. The Council should urge the State Legislature to pass legislation to place such households on the same stable financial footing as ERAP grantees by requiring OTDA to direct local districts to issue rent arrears grants and utility arrears grants without requiring repayment during the public health emergency. If the State Legislature fails to act, the City should on its own issue rent arrears and utility grants that do not require repayment during the public health emergency.

## **II. Address Barriers at HRA That Prevent Many New Yorkers from Accessing Rental Arrears Assistance**

HRA is the City agency tasked with administering the various programs that pay rental arrears for those at risk of eviction – including One Shot Deals. Unfortunately, applying for rental arrears assistance at HRA is a complicated process that is not accessible to many New Yorkers because, among other things, HRA is failing to provide full service to clients who apply in person, does not provide accessible alternatives to its online system to apply for benefits, and lacks a functional telephone system to serve its constituents. We urge the Council to exercise its oversight authority to ensure that HRA takes the steps needed to address these barriers to ensure that all eligible New Yorkers can access these vital benefits.

In 2020 when COVID-19 struck the city, HRA acted to help stop the spread of the virus and closed most of its SNAP and Job Centers – leaving only seven Job Centers open in the city. The agency then shifted to a model in which staffers worked from home and advised clients to use the agency's computerized system known as ACCESS HRA to apply for benefits and to report changes in their circumstances. In order to use ACCESS HRA, clients must have a computer or smartphone with available data, as well as the ability to navigate this online system. Although there are certainly many clients who are able to use ACCESS HRA to apply online, there are also literally thousands of clients who cannot use ACCESS HRA or the mobile phone applications needed to upload documents. For these New Yorkers, there is no reliable alternative method to get help and successfully apply for ongoing benefits or a One Shot Deal. Even clients who attempt to apply in person are often unable to get help to successfully apply.

### **HRA Job Centers Have Become Understaffed Self-Service Sites, Leaving Many Clients Without Help**

Although HRA has now reopened nearly all of its Job Centers, the agency has not returned to providing full in-person service. HRA Job Centers are understaffed, in some cases because some staffers have required Reasonable Accommodations due to COVID-19 and are continuing to work from home, and in other cases because the agency is actually down in staff numbers. Although we understand that HRA needs to implement protocols in their physical workspaces to respond to the pandemic and ensure the safety of HRA staff and clients, the reality is that under the current operational model, clients who need in-person help to apply for benefits are largely unable to get it at Job Centers. HRA Job Centers now operate almost entirely on a self-service model.

The clients who go in person to HRA Job Centers are generally those who are unable to successfully apply any other way. Often these clients are elderly or have disabilities. They cannot apply online, have been unable to apply by phone or mail, and have no friend or family member who can assist them. Therefore, they travel in person to a Job Center assuming that they will get the help they need. Unfortunately, that is often not the case. Instead of getting help applying, these clients are sent to “PC Banks” and told to sit down at agency computers to apply on their own with little assistance. Clients are not assigned to any particular worker or staff member who knows anything about their case. After they complete the computer application at a Job Center, they are told to go home to wait for a phone call from HRA to undergo a mandatory telephone eligibility interview – which, for reasons described below, they may never successfully receive. Moreover, because clients are not assigned to a worker with a particular telephone number they can call back, applicants have no reliable way of following up with HRA to make sure their applications are complete. Instead, every single time they have a question about their application, these clients are forced to call the

agency's antiquated phone line known as Infoline, which is incredibly difficult to reach and complex to navigate. When a client does manage to get through on Infoline, the system does not provide specific information about cases and instead promises the client they will receive a call back. As a result of these difficulties at HRA Job Centers, it often takes multiple attempts for a client to successfully complete an application and get a case opened or a One Shot Deal approved.

**HRA's Online Application System "ACCESS HRA" is Not Accessible to Thousands of New Yorkers: HRA Should Be Required to Provide Real-time Support by Phone, Text, and Online to Assist Clients**

The reality is that many New Yorkers cannot access online services because they lack internet access or digital skills, or they encounter other barriers related to disabilities or language access. HRA has and will continue to miss thousands of eligible individuals if they make access to benefits reliant on access to online platforms. As of March 2020, about 30 percent of New York City residents, or 2.2 million individuals, lacked broadband internet access, including 350,000 who only access internet through cell phones or tablets.<sup>17</sup> Seniors are much more likely to be without a broadband internet connection compared to the general population: 42 percent of New Yorkers ages 65 and above lacked 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.<sup>18</sup>

Getting connected to ACCESS HRA is only part of the barrier. Once connected to ACCESS HRA, many applicants lack the technical skills to complete an online application on their own. Ultimately, barriers that they may face elsewhere, such as those related to language accessibility and

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<sup>17</sup> 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 New York City Digital Divide Census.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Census%20and%20The%20City%20Overcoming%20New%20York%20City%20Digital%20Divide%20Census.pdf).

<sup>18</sup> Id.

disabilities, are compounded, and they cannot turn to anyone for real-time help. HRA does not provide any real-time support for ACCESS HRA – by phone, text, or online chat. Instead, clients who are having problems with the online system need to be tech-savvy enough to be able to locate help *online*. There is no phone number given to call for help with the online ACCESS HRA application, only a greyed-out footer at the bottom of the screen that reads “Contact Us.” If a client locates this button, they still do not receive real-time help. At best, they will receive an email from HRA 24 hours later, which is not soon enough for clients who have urgent needs. Some clients try to contact HRA for technical help by posting questions or complaints via the Apple App Store. Those clients who try this method appear to receive automated responses to “please email us at [accesshrasuppapp@hra.nyc.gov](mailto:accesshrasuppapp@hra.nyc.gov) for assistance.” For example, one ACCESS HRA user wrote on September 1, 2021:

“It’s very confusing especially if you don’t know where to go.”<sup>19</sup>

Thirteen days later, the HRA response on the Apple App Store reads:

“Thank you for your review! Please email us at [accesshrasuppapp@hra.nyc.gov](mailto:accesshrasuppapp@hra.nyc.gov).”<sup>20</sup>

The Council should act to require HRA to provide “live” help available by online chat, texting, and telephone. Many more individuals could successfully navigate through the ACCESS HRA system if they could get help. This is no small matter during the pandemic, since the alternative of applying in person at a Job Center can present a significant health risk.

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<sup>19</sup> Apple App Store review dated Sept. 1, 2021, entitled “Confusing.”

<sup>20</sup> Id.

**Infoline is Inadequate, With Long Hold Times and Inadequate Help Even When a Call is Connected**

HRA has not provided adequate alternatives to ACCESS HRA. For clients who need to avoid the risk of visiting a crowded Job Center during the pandemic, the only way to get help from HRA is by calling HRA's central phone line known as Infoline (718-557-1399), which is often busy and disconnects callers because of system overload. Clients have difficulty connecting to the line, face extremely long wait times once connected, and then must listen to a complex menu to figure out how to get help. Infoline also automatically hangs up on clients when wait times become greater than the phone system's capacity. Unlike other customer support lines, there is no feature by which a client who is on hold for a long time can request a callback. It is not easy to reach an agent, and it is difficult to get services in languages other than English. Moreover, when a caller does manage to get through, the agent is not an HRA worker who can fix the client's individual case. At best, the phone agent gives limited information and takes a message, providing the caller with a confirmation number and promising that an HRA staffer will call back or attend to the client's problem. However, in reality, many callers do not receive confirmation numbers, and those who do often do not hear back from HRA – or do not hear back in a timely way.

**Phone Applications Are Difficult to Secure**

HRA has received a waiver from New York State OTDA to enable the agency to take applications over the phone to serve clients who are unable to apply online. But many Infoline agents do not accurately advise clients of this option. In some cases, clients are told they can be mailed a paper application and complete it on their own without help, or they are told to come in person to a Job Center. In other cases, clients who are not given the phone application option are instead mailed a

lengthy and complex paper application – without instructions on how to complete it, how to submit supporting documents, or where to mail it back.<sup>21</sup>

### **Telephone Interviews Are Designed to Fail: Clients Who Miss a Call Cannot Call Back, Resulting in Cases Rejected and Denied**

Another significant barrier faced by HRA clients during the pandemic is that many have their applications denied because they cannot connect with HRA by telephone to have a mandatory eligibility interview. One of the main reasons these telephone eligibility interviews fail to happen is simple: HRA has set up a system by which workers call clients from telephone numbers that cannot be called back. When an HRA client misses a call from an HRA staffer, they cannot simply pick up the phone and immediately dial the HRA staffer back to have their mandatory interview because there is no phone number to dial back. Instead, they must call Infoline or another centralized number given by HRA and leave a message with a telephone agent, which will be relayed to the staffer and then after a delay, hope that they will be get another call back. After two attempts to reach a client by telephone, HRA denies the application.

These missed calls have devastating consequences, and the problem is widespread. HRA data reveal that a dramatic number of applicants fail to connect to HRA for their phone interview and thus do not manage to get benefits. During the most recent period reported by HRA, July through September 2021, a total of 9,125 Cash Assistance applications were rejected for “Failure to Keep/Complete Interview.”<sup>22</sup> This number is enormous – especially since there were only 1,397 such rejections during the quarter from January to March 2020.

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<sup>21</sup> For a more detailed description of these problems with Infoline, see Kiana Davis and Sameer Jain, *Failing Phones: City Infoline Leaves New Yorkers in Need Without Help*, Urban Justice Center Safety Net Project, Aug. 2020, <https://snp.urbanjustice.org/wp-content/uploads/sites/12/2020/08/HRA-Infoline-Report.pdf>.

<sup>22</sup> See <https://www1.nyc.gov/assets/hra/downloads/pdf/news/11168-170/fy22q1/2021-Jul-Sep-CA-4-Case-Rejections-by-Age.pdf>

We respectfully submit the following recommendations that would help the City address the needs of New Yorkers:

- **Require HRA to Adequately Staff Job Centers to Serve HRA Clients and Reform the Self-Service Model**

HRA should be required to report on the number of staff needed at each Job Center to provide in-person assistance to HRA clients, and HRA should be required to reform its current self-service model so that clients who appear in person are able to receive help from the agency during their visit.

- **Replace Infoline Without Delay and Staff it Adequately**

HRA's central phone line system is unwieldy and lacks adequate capacity to meet client needs. Although HRA has announced that it is replacing the Infoline system, it has not yet done so. New Yorkers must be able to contact HRA by phone now – to access benefits, avoid in-person visits to crowded HRA centers, and reduce the spread of the virus.

- **Require HRA Phones to Accept Incoming Calls so Interviews Can Be Successfully Completed, and Do Not Permit HRA to Reject Applications or Close Cases for Failing to Recertify Until This Option is in Place**

HRA must give clients a fair chance to get applications approved and to recertify in order to keep their benefits by enabling them to call back HRA staffers directly.

- **Provide Real-Time Technical Help to Users of ACCESS HRA**

HRA should provide “live” help by online chat, text, and telephone.

- **Provide Realistic Alternatives to Applying Online**

HRA should be required to: a) provide widespread information about the availability of phone applications; b) train HRA staff on this option and ensure adequate staffing to take phone applications; c) create community partnerships with nonprofit organizations to help New Yorkers



apply for Cash Assistance benefits in addition to SNAP; and d) improve procedures related to paper applications, such as by providing clear, accurate information on the complexity of these forms and how to complete and return them, as well as return postage and drop boxes to submit them.

- **Require HRA to Provide Complete Data**

HRA has posted data to its website to comply with Local Laws 168 and 170 of 2019 passed by the Council, including data on application outcomes and recertification denials.<sup>23</sup> HRA should also be required to provide a denominator for the data so the Council can determine the percentage of applications rejected and percentage of cases subject to recertification that were closed during each period. In addition, HRA should also provide data on the method of application submission, disaggregated by online, in person at Job Centers, on paper, and by telephone.

### **III. Make Needed Reforms Related to Shelters: Support Families Impacted by the Expiration of the Eviction Moratorium Who Seek Shelter Placements**

Of the various policy and programmatic changes the Department of Homeless Services (DHS) made during the pandemic, some of the most impactful were improvements in the shelter application process for families. However, further reforms are needed to reduce the churn and trauma associated with the shelter eligibility process for families. Legal Aid and the Coalition for the Homeless have joined other advocates to call for the Adams administration to make these reforms permanent and enact other common-sense reforms. We believe the City Council can also ensure that all New Yorkers applying for family shelters are better supported, by advocating for and legislating

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<sup>23</sup> See “Reports” available at <https://www1.nyc.gov/site/hra/news/legal-notices-rules.page>.

reforms. These reforms are especially important as DHS prepares to support New Yorkers impacted by the expiration of the eviction moratorium who may need to seek shelter. Our recommendations are as follows:

- **Allow Families to Remain in Conditional Placements Pending a Reapplication For Shelter**

DHS maintains a burdensome application process for families who seek shelter at its Prevention Assistance and Temporary Housing (PATH) office for families with children and/or a pregnant person and the Adult Family Intake Center (AFIC) office for families with no minor children or pregnant person. After spending many hours going through intake, DHS will conditionally place a family for at least 10 days pending the agency's review of their housing history and full application. Prior to the pandemic, if DHS found a family ineligible, they would have to leave their conditional placement and go back to the intake office to reapply and start the process over again. DHS could find a family ineligible for missing paperwork or if agency staff were unable to reach a contact to verify their housing history. These missing pieces could require a family to pack up their belongings and relocate multiple times, including potentially spending time unhoused on the street or in the subway, until DHS found them eligible for shelter.

During the pandemic, DHS has permitted families found ineligible for shelter to reapply via telephone from their placement, without returning to the intake office. This has ensured that families can remain sheltered while they gather whatever additional information DHS seeks to establish their eligibility. This improvement to the application process promotes stability and humanely supports these vulnerable New Yorkers.

- **Reduce the Required Period of Time to Document Housing History to Six Months**

Although clients and the City would be better served if DHS eliminated the need for applicants to provide any housing history as a condition of applying for shelter, the agency could improve the family shelter application process by reducing the period of time for which families must provide documentation of their housing history prior to seeking shelter. DHS requires applicants at PATH to provide a two-year housing history and applicants at AFIC to provide a one-year housing history, which can be challenging for applicants who did not have a formal lease prior to entering shelter.

DHS investigates an applicant's housing history because it is agency policy to attempt to identify any existing potential housing options available to the family other than shelters. However, many applicants were previously living in precarious circumstances, making it difficult to provide the extensive evidence DHS requires of where they were sleeping, such as corroboration of information they have already provided about a period years earlier from a second individual outside of the applicant family. Moreover, it is unlikely that housing options that may have existed as much as two years earlier would still continue to be available. If the agency continues to insist on using City resources to carry out these redundant investigations of information the family has already provided, it should limit the period in question to no more than the most recent six months. By reducing the required housing history to six months, the agency can ensure that they are fulfilling their obligations efficiently while also addressing an unnecessary, and resource-intensive, barrier of entry for families.

- **Allow for Greater Flexibility from Families to Document Their Housing History, Including Self-Attestations from Applicants**

Many homeless New Yorkers come to DHS without being able to provide extensive written evidence of their housing history through documents such as formal leases, rent receipts, mail, or other traditional means to prove where they have lived. It is especially difficult for shelter applicants to provide proof from the beginning and end of their stays, as required by DHS. Accepting a client's self-attestation to supplement other forms of proof during this process, particularly when the client reports a difficult or dangerous relationship dynamic, would meet the State's requirement that an applicant show a "reasonable justification" for their inability to return to a prior address, as defined in 16-ADM-11. While DHS currently accepts self-attestations from others, such as family and community members, some clients may not have access to another individual who can provide proof of their housing history or eliminate housing options that are not safe or actually available to the applicants. As such, the agency should accept an applicant's self-attestation as a means to provide proof when other forms of documentation are not available.

- **Require DHS to Review All Documents Prior to Issuing an Eligibility Determination**

Currently, when an applicant rebuts the reason DHS has provided as to why they are ineligible for shelter, DHS will often issue a subsequent notice that provides a new reason why the family is deemed ineligible based on other information that had previously been submitted but not reviewed by DHS. This traps the family in an extended limbo, in which they are not eligible but required to respond to a series of determinations regarding different issues. This process creates unnecessary churning and stress for applicants, undermining their desire for stability and access to necessary services, including housing vouchers. By not completing a complete review during the

initial eligibility investigation, the application process becomes unnecessarily lengthy, requiring additional agency resources that could be better utilized to support the families' transition into permanent housing. DHS should instead review all of the information the applicant submitted prior to making a determination. DHS should also not be able to amend the eligibility determinations with new reasons for a denial when the basis for that denial was information submitted in the original application.

- **Permanently Eliminate the Requirement That Minor Children Appear In-Person at PATH**

Applicants report that it can take up to 16 hours to apply for shelter at PATH. Prior to the pandemic, DHS required families to bring their children with them as they navigated this grueling process for the first time. During the pandemic, in an effort to reduce the number of people at PATH, DHS eliminated the requirement that minor children appear in person at PATH. Advocates have long called for this reform, since parents are best suited to decide the optimal place for children to be while they apply for shelter, whether that is school, childcare, or with family or other trusted people. The fact that DHS has been able to implement this reform during the pandemic shows that it is possible and beneficial. The Council should legislate this change to make it permanent, in order to support families and allow parents and guardians to decide the best places for their children to be as they apply for shelter.

- **Require All PATH and AFIC Staff to Be Regularly Trained in Trauma-Informed Care**

Families seeking shelter are in the midst of a deeply stressful time, and they often encounter unsupportive and hostile staff at PATH and AFIC. From the moment families arrive at a DHS intake office, they should be welcomed with empathy and kindness at each step of the process to ensure

that they feel comfortable sharing all of the necessary information to get them appropriately and safely sheltered. Moreover, families should be given a roadmap of the process, so they know their rights and what to expect at each step along the way. Staff at each intake center should be specifically trained in trauma-informed care to better support the clients in this process.

## **Conclusion**

Thank you for the opportunity to submit this testimony today and for your leadership in helping New Yorkers get through the current crisis. We look forward to working with the Council to help homeless and at-risk 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 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.

**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.