COVENANT HOUSE NEW YORK
460 WEST 41ST STREET, NEW YORK, N.Y. 10036 • (212) 613-0300

TESTIMONY TO
THE NEW YORK CITY COUNCIL
GENERAL WELFARE COMMITTEE
Examining DHS Strategies and Progress toward
Meeting the Goal of Reducing Homelessness by 2/3 by 2009

September 23, 2008

I would like to thank the General Welfare Committee for providing this opportunity to testify here today. My name is Nancy Downing. I am the Senior Staff Attorney for Covenant House New York.

For nearly 35 years, Covenant House New York has been serving homeless, runaway and at-risk youth. We are the nation's largest, privately funded, non-profit adolescent care agency serving this population.

Since January 2008, over 200 young mothers (including pregnant women), and their more than 110 children have been referred to Covenant House by PATH. All of these mothers were under the age of 21. Many of these young mothers were told that they did not qualify for Department of Homeless Services because of their age. Some were told that the only place available for them was Covenant House. Their applications were neither accepted nor denied. They were given no other options, and because their application for housing had not been formally denied they had no right to a fair hearing to appeal the decision of DHS. In effect it was as if they never went to PATH and spent those 4 or 5 hours completing an application and waiting to have it reviewed.

They don't count. This is both the reality and the message our young mothers hear. They are not counted in the DHS' numbers of the homeless in our city. They do not matter and

they do not count enough to provide them with the shelter and other services that they so badly need. While I do [redacted] believe that Commissioner Hess and the staff of DHS share our concerns about the wellbeing of all homeless families in our city, it is simply not the message that is being transmitted by their actions.

Covenant House New York, currently has 28 Crisis Center beds for mothers and 28 Crisis Center beds for their children. Our Crisis Center is a 30 day shelter for runaway and homeless youth. Covenant House New York currently has 20 transitional living beds in its Rights of Passage Program for young mothers. Our Rights of Passage Program is a 12-18 month program. There are some other transitional living programs to which we can refer young mothers with children, but the number of spaces available are very limited. There are many more transitional living programs or other longer term housing options that are only available if the family is referred by DHS.

What happens to those young mothers with children when after 30 days at Covenant House when we can not get them into a transitional living program or other housing option? They sometimes go back to PATH and some get sent back to Covenant House for another 30 day stay; some after a second or third try are found eligible and provided with housing; some couch surf, or worse, floor surf; and a few actually do find someone with whom they can live, either a friend or family member.

I have spoken with PATH supervisors, PATH's Director of the Diversion Unit, and just last week had the opportunity to address the issue to DHS Commissioner Hess at the DYCD meeting of Runaway and Homeless Youth programs at which Commissioner Hess was the guest speaker. All of them expressed awareness that the age of these young mothers and pregnant women did not make them ineligible for DHS shelter or services. Yet, the reasons I have been

given for why this continues to happen suggest an unwillingness to take the necessary action to remedy the problem. One supervisor denied that it was happening until I told him that the caseworker who just handed him the phone had just told me that a young mother in her office was ineligible because she was under 21 years old. He then indicated that the caseworker was a new employee. The Director of the Diversion Unit indicated that they refer the under 21 mothers to Covenant House because they will likely be found ineligible because they can return to their parent's home (most often we have not found this to be the case). Commissioner Hess seemed to suggest that bad information, just like rumors, sometimes travels like wildfire through an office.

Commissioner Hess did, however, suggest that we contact his office on a case-by-case basis. He also expressed an interest in forming a working group to discuss issues directly impacting the under 21 population. We are grateful for his suggestions and look forward to working with the Department of Homeless Services to more specifically address the housing issues and needs, which are many, of the hundreds of homeless youth that we serve each year. But its seems a simple solution for the problem of inappropriately advising young mothers and pregnant women that they are ineligible because they are under 21 years old, would be to properly train staff as to the factually correct eligibility requirements, and then, on the hopefully rare occasion when a mistake is made, to provide a reminder to all staff as to what the law does and does not require for eligibility. That way the working group can work on the more complex issues of finding longer terms housing and supportive services solutions for the under 21 homeless population in our city.

Thank you for providing me with the opportunity to testify today. I'd be happy to answer any questions.

TESTIMONY
OF

SUSAN WIELER
SENIOR POLICY ASSOCIATE FOR ASSET BUILDING AND
COMMUNITY DEVELOPMENT
FOR
CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.

BEFORE THE
NEW YORK CITY COMMITTEE ON GENERAL WELFARE

REGARDING

DHS STRATEGIES AND PROGRESS TOWARD REDUCING HOMELESSNESS

September 23, 2008

Citizens' Committee for Children of New York, Inc. 105 East 22nd Street New York, NY 10010
Phone: 212.673.1800 Fax: 212.979.5063 Web: www.cccnewyork.org

Good afternoon. My name is Susan Wieler and I am the Senior Policy Associate for Asset Building and Community Development at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 65-year-old independent multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe. I would like to thank Chair de Blasio and all the members of the New York City Council Committee on General Welfare for this opportunity to testify on the city's progress toward its goal of reducing family homelessness.

CCC applauds the City and the Legal Aid Society for the historic settlement of the McCain, Lamboy, Slade and Cosentino lawsuits. This agreement would not have been possible without the improvements the Department of Homeless Services (DHS) has made in the eligibility determination process and its innovations in the areas of homelessness prevention and the transition to permanent housing for shelter families. We are hopeful that the end of litigation will free the Department of Homeless Services to make further progress. It is also critical, especially in these difficult economic times, that DHS have the staff and resources it needs to do this difficult job well.

CCC would like to address two issues: the shelter eligibility determination process and permanent affordable housing options for those at risk of homelessness and homeless families. Both issues must be viewed in the context of the local housing market.

The new DHS shelter eligibility determination procedure for families with children released last week includes many important components of an effective intake process:

- The City must conduct an adequate investigation to determine if a family has other viable housing options.
- Families will not be found ineligible based solely on their inability to produce requested documentation, which is often beyond their control.
- The City must determine whether a family's current housing situation has become unsafe or overcrowded and therefore no longer available to the family.

We are hopeful that the new administrative procedure will reduce errors and increase efficiency. The fact that many families are found eligible for shelter after previously having been found ineligible has been much discussed in previous hearings. But this fact by itself does not tell us anything about the accuracy of the eligibility procedure at PATH.

In order to hold the system accountable for the maintenance of an accurate and timely determination process and to improve practice on the ground, we need to understand why so many families are found ineligible initially, only to be found eligible on their second or third or even fourth application. A reversal may be due either to a change in the family's circumstances or to an error in the initial determination. We hope that the elimination of litigation will enable DHS to make public the data needed to understand why families are found eligible or ineligible each time they apply. These data are necessary not only to hold the system accountable but also to ensure that course corrections and practice improvements can be made if and when necessary.

As mentioned above, CCC believes family homelessness must be viewed in the context of the New York City housing market. On the front end, the overcrowding and "doubling up" are the direct consequence of the lack of affordable housing options. On the back end, reducing the total number of families in shelter at any point in time is extremely difficult in a housing market

where the wages of low-income families are not sufficient to pay market rents. While we applaud DHS's efforts both to divert families from the shelter system and to help shelter families find permanent housing, we must also acknowledge that the woefully inadequate supply of affordable housing in New York City make family homelessness a problem that DHS cannot solve alone.

On the front end, the DHS HomeBase diversion program has successfully linked hundreds of families to a Section 8 vouchers, putting these fortunate households on a path to long term housing stability. On the back end, many formerly homeless families will receive two years of near 100% rent subsidy in the new DHS Work Advantage program. However, because a family with one wage earner making $8 or $9 an hour simply cannot afford an unsubsidized apartment in the City of New York, we fear that many families participating in Work Advantage will not have earnings sufficient to pay their rent when the subsidy expires. CCC believes the city must look at extending subsidies under the Work Advantage program. Further, the city, state and federal governments must work together to develop a more widely available rent subsidy for working poor families.

Thank you for this opportunity to testify.

FOR THE RECORD

Community Board No. 8
Testimony before General Welfare Committee
Regarding DHS' Strategies and Progress toward
Meeting the Goal of Reducing Homelessness

Good morning Chairperson Bill de Blasio, other City Council members, and guests. My name is Shalawn Langhorne, and I am the Third Vice Chairperson of Brooklyn Community Board No. 8.

On behalf of members and residents of Community Board 8, I am here to express our concerns regarding the Dept. of Homeless Services' plan to relocate the men's intake shelter from 400 E. 30th Street in Manhattan to the Bedford Avenue Armory. As I speak before you today, I would like you to be reminded that I, along with the residents of Community District 8, am aware that homelessness is an issue that must be addressed and overcome. Also be reminded that we have not adopted the "not in my backyard" stance on social service facilities as we have no qualms with supporting programs that will benefit the community rather than fostering problems and exacerbating issues.

Unfortunately, there is a glaring discrepancy in the number of social service beds and facilities within the boundaries of District 8 compared to other districts in Brooklyn. This discrepancy, coupled with the continued placement of facilities within our boundaries, has even led us to vote on the enactment of a moratorium on social service facilities in our community until parity is reached with other neighborhoods. Regrettably, yet another move has been made by the city of New York and our elected governance to force another unwanted and detrimental facility on us, this time in the form of the relocation of the Men's shelter intake center from Manhattan to the Bedford Avenue Armory, which already houses the Atlantic Avenue Men's Assessment Shelter.

The Atlantic Avenue Men's Assessment shelter, located at 1322 Bedford Avenue, has been problematic for residents of Pacific, Dean and Bergen Streets by Bedford Avenue for many years. The men that comprise the shelter's 350 men census do not take advantage of optional programs offered by the Dept. of Homeless Services and subsequently roam the streets around the shelter, harassing residents. Our residents should not be forced to contend not only with the assessment portion of the shelter that obviously is not being operated properly, but also the added intake title, which could and would conceivably bring new problems into the community. Mandatory support services in the armory or other productive activities to occupy them during the day are lacking, and consequently, a large percentage of these men aimlessly roam the streets of the District, causing our residents to feel threatened and afraid for their safety or that of their children. The addition of the Manhattan central intake center to this site will only exacerbate these problems.

Our anger and displeasure over this move is well-founded and not without cause. North Crown Heights is home to an inordinate number of homeless facilities as well, with the Atlantic Avenue Men's Assessment Shelter (350 beds), the St. John's Family Residence (335 beds), the Pacific/Dean Residence (93 units), St. Marks Residence (120 beds), Peter Young Residence (150 beds), among many others—all of which are transitional homeless facilities. To add the intake shelter, despite the proposed plan to reduce the total number of beds at the Bedford Armory and close the Peter Young Residence, will only hamper the community's ability to improve social conditions in the area and will also add insult to injury, considering the 30th Street shelter is closing so that the area can undergo economic revitalization. The question is, "Is it fair to target one already over-saturated community for the sake of sparing another?" Should we, the residents of Crown Heights not want to know the answer to this question? We need permanent housing, not transitional, not an intake shelter to increase the turnover rate of men walking our streets.

A residential community on the rise, North Crown Heights can ill afford the turnover rate from having the intake component at the Bedford Avenue Armory. The shelter is situated in a predominantly residential

community and is not near major public transportation as initially reported by DHS officials when the plans were released. The men would be in constant contact with our residents. Ask yourself, would you want to own a home in the direct path of different men from different backgrounds, many of whom have drug histories, criminal backgrounds, etc.? Would you want your children growing up in that environment? If the answer to that question for you is no, then why force us to accept it? Enough is enough already!

Parts of North Crown Heights and Prospect Heights are in the process of becoming a landmark district; we have the Atlantic Yards Development Project; luxury condominiums and co-ops as an integral part of our housing corps. We do not need further harassment by DHS and other city agencies that want to force the city's unwanted on our community because more affluent communities have said, "not in our backyard". We want—no, we demand—the same respect and consideration that these other communities have received. We urge you to reconsider the proposal to relocate the intake center to the Bedford Avenue Armory.

Respectfully Submitted,

Shalawn Langhorne,
3rd Vice Chair
Brooklyn Community Board 8

Madison Avenue Presbyterian Church
921 Madison Avenue, New York, NY 10021 ▪ (P) 212-288-8920 ▪ (F) 212-249-1466 ▪ www.mapc.com

To the General Welfare Committee of The New York City Council

Testimony of Douglas G. Grace, *M.Div.*

Director of Outreach Ministry
Madison Avenue Presbyterian Church

&

Steering Committee Member
East Side Congregations for Housing Justice

September 23, 2008

My name is Douglas Grace, and I am the director of outreach ministry at Madison Avenue Presbyterian Church. In this capacity, I coordinate three shelter ministries at the church which includes a five-night shelter for twelve men and a feeding program for 150 guests each week; all operated, staffed and maintained by over 120 committed members of Madison Avenue Presbyterian Church and neighboring St. James' Episcopal Church.

On behalf of the Session of Madison Avenue Presbyterian Church and the churches and synagogues who partner together through East Side Congregations for Housing Justice, I wish to express my appreciation and gratitude to Upper East Side Council Members, Jessica Lappin and Daniel Garodnick for their consistent support and advocacy for homeless services on the East Side, and to Chairman de Blasio and the General Welfare Committee for inviting us to give testimony at this hearing concerning the Department of Homeless Services progress in meeting the Mayor's pledge to reduce homelessness by two-thirds by the end of his administration. Many of us from the religious community have long histories of tradition in giving testimony. It

Dr. Andrew E. Henderson, *Director of Music/Organist*
Mary W. Huff, *Associate Director of Music*
J. Richard Frey, *Business Manager*
Arabel E. Bello, *Office Manager*

The Rev. Dr. Fred R. Anderson, *Pastor*
The Rev. J. C. Austin, *Associate Pastor*
The Rev. Beverly A. Bartlett, *Associate Pastor*
The Rev. Anne L. Conroy, *Parish Associate*

Millie Shin, *Interim Director of Christian Education*
Douglas G. Grace, *Interim Director of Outreach*
Patricia S. Pell, *Day School Director*
Servando J. Mendez, *Facilities Manager*

is from this foundation of truth that I testify to my faith and experience, and raise my voice on behalf of those we all serve.

Many of New York's faithful have been watching with trepidation as the current leadership of the Department of Homeless Services (DHS) has been quietly and secretly dismantling a twenty-five year history of partnership and collaboration between New York City and religious congregations throughout all five boroughs. Seismic policy shifts are occurring at DHS that we believe will not only be detrimental to the homeless persons we serve, but to the entire city. These outrageous policy shifts have been occurring under the radar of the media and behind closed doors. So I thank you for shining the light of truth on DHS' shenanigans.

Deputy Mayor Linda Gibbs was recently quoted in The New York Times as saying that the administration wants the homeless system "to be fundamentally different." We agree with her. Warehousing homeless people in dangerous city shelters is not only bad public policy, but immoral. But we also believe in sound experience in helping New York's homeless transform their situation.

New York's faith community has the firsthand and historic experience in aiding vulnerable persons who have become homeless or are in transition back to permanent housing. Our goal is to prevent them from falling into chronic street homelessness. So we continue to ask ourselves, why does DHS continue to ignore our voice of wisdom and experience?

Since the 1980s when Mayor Koch first asked the faith community to assist the city's effort to end homelessness, our congregations have been on the front lines. Vulnerable homeless persons come to our doors every day seeking help. They sleep in our shelters; eat at our feeding programs; and receive other life-saving services and counseling. The number of homeless

people walking the Upper East Side streets and coming to our churches each day has dramatically increased this summer.

We believe the reason for this increase is the fact that DHS closed our Neighbor Center for Homeless People (NCHP) on East 77th Street in June. This was done without any consultation from the coalition of congregations who originally opened and funded the center. The city cut our Neighborhood Center's $1.2 million operational funding just after one of their partner congregations, Madison Avenue Presbyterian Church, invested a commitment to its partnership responsibility to the city and NCHP of over $1.5 million in capital improvements to its shelter space. Is this the public-private partnership Mayor Bloomberg wishes?

In addition, the very week the Neighborhood Center for Homeless People was forced to close, feeding programs in our neighborhood, along with other drop-in service ministries, jumped in attendance by over fifty percent. Yet, DHS continues to tell us that homeless numbers have declined in the Upper East Side and that all former clients of the neighborhood center were placed in other programs. However, we know that at least thirty percent of our former guests remain on our streets. Combining that figure with persons who are newly homeless, our neighborhood is without an adequate and needed government response. While this evidence is anecdotal at this point, we are currently engaged in our own professional statistical analysis of the reality we are experiencing, rather than relying on the political agenda of the current DHS administration.

Neighborhood-based centers are the critical link in providing the needed case management to restore homeless people back to wholeness. Congregations cooperate with the neighborhood centers by providing overnight shelter for their clients. Other than the limited

support from DHS for food and needed bed linens, congregations fund and manage all shelter operations. This expense and countless volunteer service hours is continually overlooked and not accounted for by DHS's directors and administrators and other bureaucratic support teams.

Most recently, DHS announced its discard of faith-based shelters and beds who operate less than five nights a week; claiming that there is no need for the beds. Why then are we seeing an increase in homeless people on our streets and at our dinners, and hearing from them that they would rather sleep in Central Park than go to a city shelter or a safe haven. Plus, the 1,300 city-wide congregational beds that cooperate in The Partnership for the Homeless are routinely not counted in DHS homeless numbers.

We fear that the decision to close our neighborhood center and dismantle our neighborhood network will only be further exported to other vital centers across the city. These are not the policy changes that experienced homeless experts had hoped from Mayor Bloomberg.

DHS Commissioner Robert Hess continues to promote so called "safe havens" that focus services for chronic homeless person. What he is not adequately communicating to New Yorkers is the fact that a homeless person must be tagged by a city outreach team member and documented to have been sleeping on the streets for at least nine months before being eligible to go to a safe haven. If the city continues to reallocate funds toward safe havens only, vulnerable homeless persons who stay in congregational shelters and are transitioning back to permanent housing will be forced into chronic street homelessness before they are eligible to receive adequate and safe assistance.

From our experience, DHS outreach teams are also not equipped to handle all of the various homeless populations that we encounter. Plus, now that our neighborhood-based center

was forced to close, the nearest center for us to refer a homeless person is fifty blocks away. Often, these people carry numerous bags or push a shopping cart and are not able to travel on public transportation, nor willing, or fearful, to wait for one of the limited number of outreach teams to arrive. If congregations remain first points of contact for homeless engagement, and I expect that we will, then we need neighborhood-based centers for reference to adequately assist New York's effort to end homelessness.

While the city's effort to focus resources towards chronic street homelessness may seem admirable and even good public policy, safe havens are not permanent housing. They are merely another form of shelter and only serve a fraction of the city's homeless population. I would encourage the General Welfare Committee to hear from congregational experts from Philadelphia where the safe haven model was previously implemented. For example, Broad Street Ministry in Philadelphia reports that their community is in crisis as safe havens do not address the totality of the homeless population in their city. Ironically, just as DHS cut the funding for the Upper East Side's Neighborhood Center, while increasing the line item for safe havens in the DHS budget, Project Home of Philadelphia came to tour and interview our Neighborhood Center staff on how to open and operate a neighborhood-based drop-in center since Philadelphia's safe havens were not adequately addressing the totality of their homeless crisis.

From our experience, DHS must implement a multilayered approach to solving homelessness which incorporates neighborhood-based service hubs and the expertise of the congregational shelter network. Prioritizing services for one segment of the homeless population over another is also immoral and against our religious principle to minister to all in need. Plus, it

is good public policy to prevent vulnerable homeless persons from becoming chronic street homeless in the first place.

Religious leaders recently met with Commissioner Hess and Deputy Commissioner George Nashak to express our concerns. Many of us left these meetings feeling that our programs were neither validated nor appreciated. Most importantly, many of us felt that our front line experience and counsel was ignored because it challenged and questioned the current DHS political agenda.

DHS is long overdue in releasing a concept paper that was supposed to further detail their plans for 2009 and beyond. Much like an election cycle where truthful slogans vary, New Yorkers deserve the right to review and comment upon the DHS platform. We feel that we must ask our city council if you will allow DHS to strong-arm historic and faithful congregational partners while DHS dismantles the critical services homeless persons need. Will we truly create a system of "street to home," or watch DHS create a system of "street to flop-house?"

Our sacred texts call us to serve "the least of these" in need. That includes all persons who are homeless, whether chronic or the more vulnerable who may have hit hard times in a tough economic climate. In addition, congregations, particular those that operate day schools and multiple day-long programs, are not appropriate spaces to become 24-hour safe havens that serve chronic street homeless persons who may have serious mental illness or chemical addictions. Just as our neighbors in Brooklyn recently expressed to Deputy Commissioner Nashak, the city should not dump on churches and synagogues the public responsibility of DHS.

If New York wants a change in homelessness that we can all believe in, then we must all listen for the wisdom of truth and experience.

Thank you ladies and gentlemen.

Collected Written and Statistical Testimony

Crown Heights North community in opposition to placing and intake center at the Bedford-Atlantic Armory in Crown Heights North, Brooklyn

Submitted by: Sandra Taggart
Founding Member
CHRM (Crown Heights Revitalization Movement)
(718) 771 0787

September 19, 2008

To: Bill de Blasio
Committee Chairperson

Committee on General Welfare
Government Affairs New York City Council
250 Broadway 14th Floor
New York, NY 10007

September 23, 2008

Testimony: In Opposition to the Placement of an Intake Center at the Bedford-Atlantic Armory Assessment-Center Shelter in Crown Heights North

Presented: by Sandra Taggart, co-founder CHRM (Crown Heights Revitalization Movement)

Testimony

Thank you for this opportunity to address the impact an Intake Center would have on Crown Heights North.

Under no circumstances can or will Crown Heights North accept an intake center

Thousands of people in ours and neighboring communities are unconditionally opposed to an intake center. The Coalition for the Homeless, many community groups and elected officials in both Brooklyn and Manhattan are also opposed

<<Section 203 of the 1989 City Charter required the City Planning Commission to adopt criteria to further the fair distribution of the burdens and benefits associated with city facilities. "The Charter mandate was prompted by the widespread perception -- and some time reality -- that some communities were becoming dumping grounds for unwanted city facilities.">> [1]

Crown Heights North is one of those communities -- where dumping and saturation are realities.

In the publication *Criteria For The Location Of City Facilities*, the definition of a new facility includes: the substantial change in use of an existing facility.

Adding an intake center to the assessment center in Crown Heights North fits this definition.

Also stated in that publication:

- The sponsoring agency and the City Planning Commission will take into account the number and proximity of all other facilities...
- The purpose of these criteria is to foster neighborhood stability and revitalization by furthering the fair distribution among communities of city facilities.
- Site facilities equitably by balancing needs, efficiency, etc. and the social, economic and environmental impacts of city facilities' upon surrounding areas.
- Lessen disparities among communities in the level of responsibility each bears for facilities.
- Preserve the social fabric of the city's diverse neighborhoods by avoiding undue concentrations of institutional uses in residential areas
- And Promote government accountability.

I ask that the City publications whose titles I have submitted be included in the careful consideration of DHS plan to place an intake center in Crown Heights North

chrm

Crown Heights Revitalization Movement
(718)771-0787
www.revitalizecrownheights.org

Our community district, CD 8, is oversaturated with social services to the breaking point:

It has 6.3 x the median of social service beds for Brooklyn. According to the 2008 data, Community District 8 has 1,321 beds. Bensonhurst, CD11, has only 79.
This is a great disparity.

Crown Heights North is also home to

- Numerous ¾ houses and half-way houses
- And, 1,250 people in methadone day treatment

Ours is a community of caring, charitable people who have worked hard and made great progress in improving safety and quality of life, but is still struggling with serious criminal activity:

- Drug traffic is evident on many streets
- Year to date over last year: Murder has increased by twice the city average and rape by three times the city average.
- And, I have been told by people who live near the shelter of men taking drugs on private property, of a young girl who was accosted and then protected by her neighbors and of lewd behavior on the street.

Because we have a disproportionately high number of social services these problems already exist in our community

Under the proposed plan, there will be a daily flow of "unscreened" and unknown – men into the community.

An unscreened population will inevitably include some men with behavior that will negatively impact the community by:

- Undermining the safety, health and culture of our community
- Impeding the economic development we need to provide jobs and services for the people who live in the community now
- And, increasing the already large number of men loitering, panhandling, and selling and using drugs on our streets.

Crown Heights North and neighboring, Bedford Stuyvesant, are already struggling with problems that precipitously affect quality of life – adding an Intake center would increase these problems beyond the ability of these communities to cope with them.

There are thousands of bright, beautiful, energetic children living in our community that are subjected, daily, to desperate and sometimes dysfunctional adults. These are not realities we want our innocent children to confront at an early age

The city should return to and improve on Mayor Bloomberg's 2004 plan by creating multiple local intake sites in each borough.

And, place them such that they do not negatively impact residential neighborhoods.

DHS should provide immediate and effective services that will help people entering the shelter system move on to independent productive lives as quickly as possible.

DHS should execute its plan to reduce the beds at the Armory Shelter and to close the Peter Young shelter immediately. These improvements should ***not*** be contingent on the acceptance of an intake center

Place a moratorium on locating social services in Crown Heights North. And, put in place a plan to reduce all social service beds to 210 to bring us to the median in Brooklyn.

If city agencies continue in non-compliance, corrective measures should be enacted.

Crown Heights North and its neighboring communities are diverse, old-fashioned, friendly neighborhoods of churches, community organizations, and beautifully-tended gardens where, under the watchful care of neighboring adults, it's still possible for children to play outside. The City's plan would overwhelm these neighborhoods and all this would be lost

Our communities deserve respect!

They are among the few remaining culturally rich neighborhoods that were once ubiquitous to New York. Now so unique, they should be preserved - not destroyed.

[1] Fair Share: An Assessment of New York City's Facility Siting Process, (1995).

CD	Acres	Beds	Beds per 100 Acres	Times Above or Below Average	Neighborhood Names		pop. Year 2000	pop. density	pop. density rank
308	1,049	1,321	**126**	**4.2**	**Crown Heights North / Prospect Heights / Weeksville**	Over Saturated	**96,076**	**91.6**	**2**
316	1,231	1,466	119	4.0	Brownsville / Ocean Hill		85,343	69.3	8
309	1,003	1,063	106	3.5	Crown Heights South / Wingate / Prospect Lefferts Gardens		**104,014**	**103.7**	**1**
302	1,910	1,411	74	2.5	Downtown Brooklyn / Brooklyn Heights / Boerum Hill / Fort Greene / Fulton Ferry	Above the Average	98,620	51.6	10
303	1,894	1,324	70	2.3	Bedford Stuyvesant / Bedford Stuyvesant Heights / Stuyvesant Heights		143,867	76.0	7
304	1,311	697	53	1.8	Bushwick		104,358	79.6	5
305	3,612	1,382	38	1.3	Highland Park / East New York / New Lots / Spring Creek / Starrett City	Below the Average	173,198	48.0	14
301	3,168	1,094	35	1.2	Greenpoint / Williamsburg		160,338	50.6	12
306	2,226	474	21	0.7	Park Slope / Gowanus / Red Hook		104,054	46.7	16
314	1,880	350	19	0.6	Flatbush / Midwood		**168,806**	**89.8**	**3**
312	2,304	408	18	0.6	Borough Park / Ocean Parkway	Under Utilized	185,046	80.3	4
317	2,158	355	16	0.5	Flatbush / Northeast Flatbush / Rugby / Farragut		165,753	76.8	6
313	2,198	295	13	0.4	Coney Island / Seagate / Gravesend / Homecrest / West Brighton / Brighton Beach		106,120	48.3	13
318	6,101	554	9	0.3	Canarsie / Marine Park / Flatlands / Bergen Beach / Mill Island / Brooklyn Marine Park		194,653	31.9	18
315	3,167	286	9	0.3	Sheepshead Bay / Gravesend / Manhattan Beach		160,319	50.6	11
307	2,709	205	8	0.3	Windsor Terrace / Bush Terminal / Sunset Park / Greenwood Cemetery		120,063	44.3	17
310	2,610	148	6	0.2	Bay Ridge / Dyker Heights / Fort Hamilton / Dyer Beach Park		122,542	47.0	15
311	2,517	79	3	0.1	Bensonhurst / Bath Beach / Mapleton / Gravesend		172,129	68.4	9

Total Acres	Total Beds	Average Beds Per 100 Acres
43,048	12,912	30.0

Agencies covered: DHS, OASAS, OMH, ORMDD

Data sources from DCP (2008) provide the number of acres and number of Social Services residential beds for each Brooklyn Community District (CD). Correlation and calculations above show density of beds (per 100 acres), the average number of beds (30) and the factor by which each CD is at, above or below the average.

Data from Sub-Groups 51, 61, 71 and 101 (facility types 4301 & 3502 excluded)

COMPTROLLER OF THE CITY OF NEW YORK
1 CENTRE STREET
NEW YORK, NY 10007-2341
(212) 669-3500

WILLIAM C. THOMPSON, JR.
COMPTROLLER

June 25, 2008

The Honorable Michael R. Bloomberg
Mayor
City Hall
New York, New York 10007

Dear Mayor Bloomberg:

I write to express my strong opposition to your administration's planned relocation of the City's intake center for homeless men from the Bellevue Shelter at 30th Street in Manhattan to the Bedford-Atlantic Armory in Brooklyn.

I join the many Manhattan and Brooklyn communities that have questioned the wisdom of abandoning this local drop-in center and the impact it would have on the quality of services available to our City's homeless population. I also note that the failure to use an open and transparent process has alienated both the affected communities and advocates for the homeless.

The Department of Homeless Services (DHS) has advanced a number of reasons to justify this proposed relocation, one being that the Bellevue facility has become too expensive to operate and that the move will result in long-term cost savings to the City. I note, however, that DHS has failed to disclose its analysis or cost estimates of the planned transition to justify even this pronouncement.

As my office has recently documented, DHS operations--most recently its vendor payment and contracting efforts--remain opaque and plagued by accounting irregularities. Indeed, while DHS promised my office that it would correct its ongoing vendor payment weaknesses and its failure to clearly account for planned expenditures, such corrections have failed to materialize. This does not instill a high degree of confidence with respect to DHS's current representations and its alleged analysis regarding DHS's plans for the Bellevue Shelter and the Bedford-Atlantic Armory.

Once again, I urge that your administration re-consider this ill-advised decision, and that in the future, DHS commits to a more inclusive and collaborative decision-making process.

I look forward to your response.

Very truly yours,

William C. Thompson, Jr.

c: Linda Gibbs, Deputy Mayor
Robert Hess, Commissioner

OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-2908
(718) 250-2000

CHARLES J. HYNES
District Attorney

August 13, 2008

Honorable George Nashak
Deputy Commissioner Adult Services
New York City Department of Homeless Services
33 Beaver Street
New York, New York 10004

Dear Commissioner Nashak:

I write to voice my opposition to the City's plan to relocate the intake center from Manhattan to the Bedford Avenue Armory. While I appreciate the difficulty your Agency has locating vital services such as intake within communities around the City, I believe that this plan will bring great pain to the people of Crown Heights and has the potential to have an extremely negative impact on the quality of life for the fine citizens of that vibrant community. But, quite aside from these concerns, I am currently conducting an investigation into allegations of the sale of illegal drugs inside the Bedford Avenue Amory.

I am told that during the first four months of 2008, 11,000 homeless men from the five boroughs of New York City were seen by the intake center. Citizens anticipate that moving the intake center will mean that many thousands of homeless men, unfamiliar with Brooklyn will be directed to or bussed in to the Bedford Armory. Providing thousands of potential new customers to drug sellers may well disrupt your process and cause you to rethink your decision.

Crown Heights has undergone great positive change over the past years. The streets are substantially safer, real estate values have increased and community residents are actively involved in continuing these trends. Relocating the intake center to the Bedford Avenue Armory has the potential to undermine many of the gains that we have seen and possibly reverse the outlook for the community.

On behalf of the people of Brooklyn and specifically those in Crown Heights, I ask that you reverse your decision to move the intake center to Brooklyn.

If you have any questions about my interest in this request, please contact my Chief Assistant, Amy P. Feinstein at (718)250-2217.

Very truly yours,

Charles J. Hynes

BCC: Ms. Sandra Taggart

(718) 467-5620

FAX # (718) 778-2979

Community Board No. 8

1291 ST. MARKS AVENUE, BROOKLYN, NEW YORK 11213

ROBERT MATTHEWS
Chairman

MARTY MARKOWITZ
Borough President

DORIS A. ALEXANDER
District Manager

May 27, 2008

Mr. Robert V. Hess, Commissioner
NYC Dept. of Homeless Services
33 Beaver Street
New York, NY 10004

Dear Commissioner Hess,

On behalf of Brooklyn Community Board No. 8's residents, I am writing to strongly express my opposition of your plan to relocate the men from the central shelter at 400 East 30th Street in Manhattan to the Bedford Armory. The Bedford Armory, operating under the name Atlantic Avenue Men's Assessment Shelter, currently has a census of 350 men. With no support services in the armory or other productive activities to occupy them during the day, a large percentage of these men aimlessly roam the streets of the District, and subsequently, our residents feel threatened. The addition of the Manhattan central intake center to this site will only exacerbate these problems.

You stated in a recent letter to Councilwoman Letitia James of the 35th Council District, that the Bedford site was selected because of its accessibility to public transportation, its large and flexible space configuration, and the fact that it presently operates as an assessment shelter. What you fail to realize, however, is that the site is awkwardly positioned to be accessible via public transportation, with the nearest train station a number of blocks away. Furthermore, any men traveling to the site would have to bypass numerous residential blocks, thus further threatening our residents. In addition, there is a large percentage of children and young women in our District, and you also seem not to be aware that a good portion of men in the shelter system are from prisons, and many have been incarcerated for sexual offenses. This further poses problems for our residents, many of whom already live in fear of men at the shelter and who have been harassed by their antics in the past.

Moreover, it has been brought to our attention that the majority of the City's homeless population comes from the borough of Manhattan. It is appalling that you would consider further burdening a community already at its maximum threshold for social service facilities with the homeless population from another borough. Just as the area around the East 30th Street site is undergoing redevelopment and revitalization, so is

our community, and your efforts to relocate the intake center here will undermine our efforts. Therefore, I strongly urge and suggest that you reconsider relocating the intake center here. As it has to be relocated from Manhattan, perhaps there is another site in Manhattan that can accommodate that men that is just as accessible to transportation and contains the other amenities you found desirable at the Bedford site.

Sincerely,

Robert Matthews
Chairperson

cc: Borough President Marty Markowitz
Councilwoman Letitia James

(718) 467-5620

FAX # (718) 778-2979

Community Board No. 8

1291 ST. MARKS AVENUE, BROOKLYN, NEW YORK 11213
WWW.BROOKLYNCB8.ORG
INFO@BROOKLYNCB8.ORG

November 14, 2007

ROBERT MATTHEWS
Chairman

DORIS A. ALEXANDER
District Manager

MARTY MARKOWITZ
Borough President

Honorable Michael Bloomberg
Mayor, New York City
City Hall
New York, NY 10007

Dear Mayor Bloomberg,

In response to a number of initiatives to place social service facilities within the boundaries of District 8, members and residents participated in a study to determine the validity of complaints that the District was over-saturated with such facilities. The results of the study illustrated that our complaints of over-saturation are indeed grounded in reality, as they show that North Crown Heights, which is the area covered by Community Board No. 8, has the highest density of residential service beds in Brooklyn. In fact, North Crown Heights, as supported by data from the NYC Dept. of City Planning, has more than five times the number of social beds than the average community in Brooklyn.

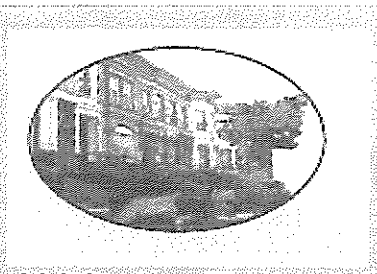
As a result of the study's findings, members voted at the November 8, 2007 Community Board general meeting, to support enacting a moratorium on social service supportive housing in the district. The resolution: **To better serve our own residents, we are calling on all City and State agencies to impose a moratorium on all new residential social service facilities in Community District 8 until parity with other Brooklyn Community Districts has been achieved**, passed with a final tally of twenty-seven members in favor, six opposed, with two abstentions.

For your review, a copy of the study's findings is enclosed. Your assistance in this matter would be greatly appreciated.

Sincerely,

Robert Matthews
Chairperson

cc: Borough President Marty Markowitz
Councilwoman Letitia James
Councilwoman Darlene Mealy
Councilman Albert Vann



Crown Heights North Association, Inc.

Dedicated to Preserving the Architectural Jewels of Crown Heights North

986 Sterling Place
Brooklyn, NY 11213
718 • 774 • 3834

Executive Board

Deborah Young, LMSW
Chair & President

Ethel E. Tyus, Esq.
General Counsel

Valorie Bowers
Treasurer

Annette Kavanagh
Corresponding Secretary

Board

Hal Drellich

Gail Muhammad

Suzanne Spellen

Greg Todd

Consuela Lawless

CHNA is a
501(c)(3) organization

www.CrownHeightsNorth.org

September 17, 2008

Councilman William Diblasio
Committee on General Welfare
Government Affairs
New York City Council
250 Broadway 14th Floor
New York, NY 10007

Re: DHS Proposal for Atlantic Bedford Shelter

Dear Councilman Diblasio:

I am writing on behalf of the Crown Heights North Association to express our opposition to the Department of Homeless Services proposal for the shelter in the Bedford Atlantic Shelter. As you know, DHS hopes to turn this much beleagured facility into an intake center for homeless men in the entire city, closing a larger facility near Bellevue Hospital in Manhattan, in order to build a luxury hotel. While this move may make short-term fiscal sense for the City, it means the perpetuation of a disaster for the Crown Heights Community.

The Bedford Atlantic Shelter, once home to a thousand beds for homeless men, has been a drain on this already saturated community for decades. As the Crown Heights Revitalization Movement has so accurately noted, the area of Community Board 8, bounded by Atlantic Avenue, Eastern Parkway, Flatbush Avenue and Ralph Avenue, currently has more social service beds per acre than any community board in Brooklyn. While the DHS promises to reduce the size of the DHS presence in the community by reducing the number of permanent beds at Bedford Atlantic, the continuing presence of this hulking facility, as a site for a daily influx of homeless men, is both an undue burden on the community, and an insult to the men themselves.

Why should a community without a single hospital or a site without convenient access to public transit, be the site of the only intake center for homeless men in the entire city of New York? This is not fair to either the community, or to the homeless men DHS is supposed to be serving.

- Cont. -

Crown Heights North is a hardworking, middle class community with large and affordably priced homes and apartments on beautiful streets. Only last year the area immediately east of and adjacent to the Bedford Atlantic Shelter received landmark status and have been experiencing a positive growth and revival throughout the entire area. The Crown Heights North Association, (CHNA) iss a leader in the battle to achieve our deserved recognition, and the results are being seen in new homeowners, renters, businesses and services. The placement of the Homeless Intake facility is a slap in the face to this renaissance and to the entire community. We were not consulted, and we are vehementy opposed.

Every form of social service facility is already overly represented in Crown Heights. We have more than our fair share of homes and outreach centers, city, state and privately run centers for ex-offenders, recovering drug addicts, troubled youth, unwed mothers, battered women, truant students, homeless families, homeless men, and the mentally disabled. This community can not serve the population of unfortunates that it already has, let alone support even more. Crowding afflicted individuals into a small area prevents the community from functioning properly. It keeps its community institutions, such as schools, parks, recreation facilities, businesses, as well as police, fire and social service agencies under a constant stress and strain far greater than other communities.

We do not shirk our civic duty in helping those less fortunate, but we are shouldering the load of two or three communities already. Enough is enough. DHS must be convinced that the proper place for the main intake center for homeless men is in Manhattan, where the majority of homeless men are. We ask that you help us in this matter. It is important not only for us as a community, but for all of Brooklyn, and for the homeless men who will be wandering the streets of Manhattan this winter.

Sincerely,

Gregory D Todd

Gregory Todd
Board Member
Crown Heights North Association, Inc.
501c3 non-profit agency

Crow Hill Community Association, Inc.

Leading the way

Testimony Regarding DHS Proposal for Bedford Atlantic Shelter

The Crow Hill Community Association has been representing the residents and merchants on Franklin & Bedford, between Atlantic & Eastern Parkway for over 20 years. The Bedford Atlantic Armory sits on the north east edge of our district and is therefore of great concern to us.

We have been working extremely hard to revitalize our section of Crown Heights, especially the Franklin Avenue corridor. Through the hard work of our residents, the support of our merchants and elected officials, we have planted trees, installed tree guards, repaired sidewalks, replaced street lamps, removed litter & graffiti, rehabilitated storefronts, and made our community safer and stronger.

We have also always tried to have a voice in the sort of social service projects that come to Crow Hill, but still, we have become oversaturated with institutions housing the homeless, ex-offenders, and other people of need. We are happy to shoulder our share of the responsibility of caring for those who require assistance but no community can thrive when there is an imbalance in the population to the degree that we are now poised to experience. Communities whose voice is diminished by the presence of a disproportionate number of non-community residents, get side stepped and dumped on and that appears to be EXACTLY what is happening to us.

Crow Hill is still a fragile environment with respect to crime, safety and basic quality of life issues. We have a high incidence of gun violence in the 77th precinct, experience blatant street level drug activity along Franklin Avenue and our side streets and have a pervasive issue with unemployment among our young men. These are all concerns that we are trying to address and we see a continual influx of homeless men as a real threat to our efforts.

This is a misguided plan, for both the homeless and Crown Heights. We fail to see what the scores of homeless men who will enter our community on a daily basis will do when their visit to the armory is over. WHERE will they go and HOW will they get there? With all due respect, the Bedford Atlantic shelter has been a huge problem in the past because it is so poorly managed. For instance, in answer to complaints about the threatening situation caused by the armory's residents hanging outside of the building during the day, DHS officers have been stationed there. Yes this has cleared the front of the Armory but it has pushed the men, who have no place to go during the day, further into our community. If this is characteristic of the type of solutions that we are going to see in the future; we don't want them!

We see this plan as showing no respect for either the people who it is designed to serve or for the people it will directly effect and we are writing to voice our extreme disapproval for making the Bedford Atlantic Armory an intake center for homeless men.

Sincerely,

Evangeline Porter

Evangeline Porter
President

September 10, 2008

c/o F.B. Enterprise • 714 Washington Ave. Ste#89 • Brooklyn, NY 11238 • 718-493-7219
http://www.crowhillcommunity.org • chca@crowhillcommunity.org

September 15, 2008

Mr. Keith L.T. Wright
Member of Assembly
Chair, Committee on Social Services

Dear Mr. Wright:

Residents of the Dean Street Block Association strongly oppose moving the intake center for New York's homeless men to the Bedford-Atlantic armory.

Our block runs parallel to Pacific Street where the Bedford-Atlantic armory resides, and we are very familiar with the problems of the shelter currently housed there, as well as the negative impact of unloading an unsupported homeless population onto a residential neighborhood. We oppose this proposal for the following reasons:

1. **DHS has failed thousands of men who have come through Bedford-Atlantic for nearly 30 years, as well as the community that surrounds it.**

   Bedford-Atlantic is renowned as one of the most dangerous and worst-run shelters in the city. We should know. Our neighborhood has sustained the men who have been sent there—and who have been failed by the DHS system—for decades.

   These men are fathers, sons, and brothers who deserve a real chance at integrating back into society. We have advocated repeatedly over the years for comprehensive services to be provided to the men sent at the Bedford-Atlantic armory. Yet this shelter remains a den of violence and drug use, with no adequate services to speak of.

   We see the ambulances taking men out of the shelter week after week. We watch men stumble onto our block and collapse from stab wounds. We observe them loitering around the armory, or walking our streets, with no prospects, no support, and no likelihood of gaining employment and housing, because DHS has simply dumped them here, with no regard for them or for our community.

   Perhaps worst of all, given the dehumanizing treatment these men receive in the Bedford-Atlantic shelter, instead of integrating into our community during the time they are at the shelter, they have too often been our adversaries, and over the years have broken into our cars, assaulted and mugged us, and strewn drug paraphernalia throughout the neighborhood.

DHS has done absolutely nothing over the past several decades to suggest that it could now suddenly clean up its act and be able to support intake for homeless men at Bedford-Atlantic.

2. DHS has a history of utter disregard for our neighborhood.

In the early eighties, when the Bedford-Atlantic armory was first transformed into a shelter, it was done with no advance warning to our community, and no plan for integration or public safety, *just as now*. The shelter simply appeared one day, along with hundreds of homeless men who didn't know us and whom we didn't know and weren't prepared to support.

Overnight, this neighborhood became a place where children were kept inside out of fear for their safety. Visitors to the block were discouraged. Drug use was rampant. It was, in the words of one long-time resident, "utter mayhem."

DHS's transformation of the Bedford-Atlantic armory into a 1,000 bed shelter destroyed our community.

In the face of this destruction—as well as DHS's clear failure of the homeless men at the Bedford-Atlantic shelter, *DHS did nothing*. Only a lawsuit in the early nineties brought by the Legal Action Center for the Homeless succeeded in lowering the number of beds from 1,000 to 200. Since then, that number has been increased to 350.

DHS has proven again and again that it does not respect this community—even though it counts on us to somehow sustain the men it (unofficially) discharges from the armory and onto our streets each morning.

Now DHS proposes bringing a steady stream of homeless men into our neighborhood each month—men who have come straight from the street, from jail, and from other circumstance, who have not yet been screened for mental issues or violent histories, and who would have no ties to our community.

We not only believe that this intake center should not be placed in *our* residential neighborhood, we believe it is unwise to place it in *any* residential neighborhood.

3. DHS's track record doesn't suggest the potential for future success.

Bedford-Atlantic is currently an assessment center in which men are supposed to move through the system within a month. Yet, we personally know men who have lived at Bedford-Atlantic for months and even years.

DHS's claims that it can add an intake center to this mix and reduce intake time to 10 days while processing an unknown volume of men seamlessly through its system on an ongoing basis is disingenuous at best.

In other words, if past performance is any indication, moving the homeless intake function to Bedford-Atlantic is a recipe for disaster. The immediate overcrowding that is certain to occur would force many men right back onto our streets.

Mr. Wright, since the lawsuit in the early nineties, we have rebuilt our neighborhood, established a community garden to provide refuge for our seniors and recreation for our children, and brought this block back to life. We are a thriving community of loving and supportive neighbors—a model community where working class and white collar professionals—African-American, West Indian, and white—live and work together.

We will not accept an intake center for homeless men in our neighborhood. We do not want to see this community—which we have so painstakingly rebuilt—destroyed again.

Sincerely,

Rodney Duncan
President

1152 PACIFIC STREET HDFC
Brooklyn New York
11216
Michael Bloomberg
Mayor of New York

Dear Sir,
I am writing this letter on behalf all the tenants and shareholders of the 1152 Pacific Street HDFC. We are an 18 unit Low Income Co-op, located obliquely opposite the armory on Pacific Street. Our building which was purchased from the city in 1984 is the home of a number of families ranging from eighty-eight years old to two years. Bringing an intake centre into a neighborhood that is already saturated with homeless men is going to be devastating to our shareholders. In the past we have dealt with breaking inns', the sound of Fire trucks and ambulances all hours of the day and night, and homeless people both male and female congregating in the front of our building. In addition to this the parking space for shareholders and our neighbors is non-existent due to the employees who work in the armory. The streets itself has began to smell continuously of urine, because of the amount of men who congregate on the corners of Bedford Avenue. Most of us have been living on this block for over twenty years. We were hoping that somehow we would have an end to this situation, because of the changes in our neighborhood and the amount of young people moving in. The quality of life in our neighborhood is changing for the better. To have this intake centre in addition to what we have now is more than we can bear. We are begging you to re-consider your decision and come up with a better solution to these unbearable conditions.

Respectfully,

.....
Margaret McFarlane
Secretary

On Fri, Sep 12, 2008

September 17, 2008

In June, Mayor Bloomberg was sent a package containing 100 letters from the Crown Heights community protesting the proposal to move New York City's only single homeless men's intake center to the Bedford-Atlantic Armory.

In July an additional 350 letters were sent.

Copies of these letters were sent to the following:

Deputy Mayor Linda Gibbs
Hon. David Paterson, Governor
Marty Markowitz, Borough President
Commissioner Robert V. Hess, DHS
Seth Pinsky, NYEDC

Notice that the letters were sent went to:

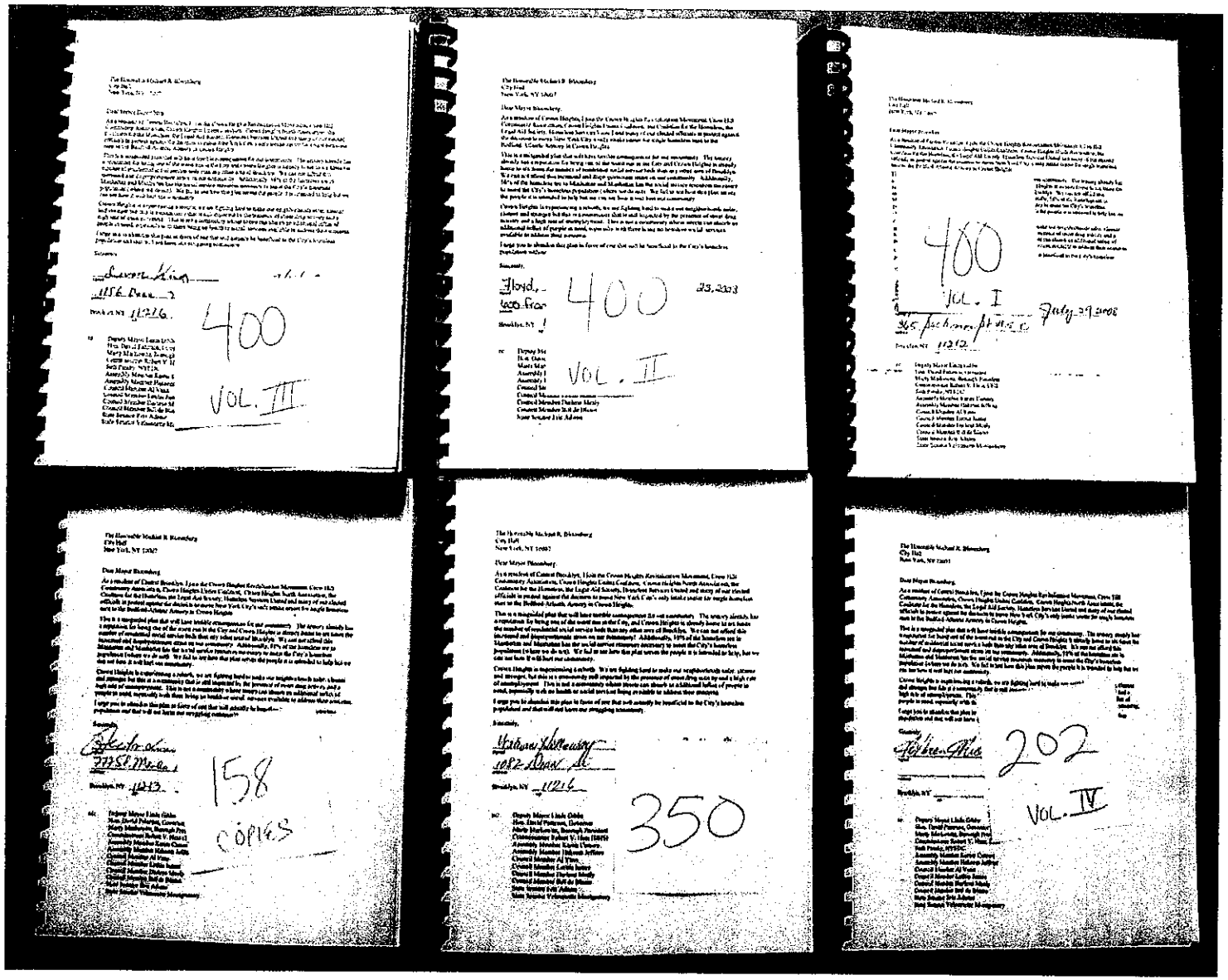
Assembly Member Karim Camara
Assembly Member Hakeem Jeffries
Council Member Al Vann
Council Member Letitia James
Council Member Darlene Mealy
Council Member Bill de Blasio
State Senator Eric Adams
State Senator Velmanette Montgomery

Over the course of the summer we have collected an additional 1937 signed letters of protest, bringing the total to date to 2387. We have bound these letters and will present them to the Mayor. To share with you the impact of these letters, we are enclosing a photograph of them. If you require a copy of the full set, we will be happy to make it.

chrm

Crown Heights Revitalization Movement
347-365-1763
crownheightsrm@gmail.com
www.revitalizecrownheights.org

1910 letters from the community in opposition to moving the single men's homeless intake center to the Bedford Atlantic Armory in Crown Heights



chrm

Crown Heights Revitalization Movement - 347-365-1763
crownheightsrm@gmail.com - www.revitalizecrownheights.org

September 17, 2008

The Honorable Michael R. Bloomberg
City Hall
New York, NY 10007

Dear Mayor Bloomberg,

In June you received a package containing 100 letters from the Crown Heights community protesting the proposal to move New York City's only single homeless men's intake center to the Bedford-Atlantic Armory. In July we followed up with another 350 letters. Each of these packages was accompanied by cover letters questioning the feasibility and appropriateness of this plan with respect to the men it is intended to serve as well as how we felt the plan would impact our community.

After a summer of talking extensively with the people whose lives will be most affected by this proposal, we are sending you an additional 1937 signed letters of protest (bringing the total to 2387) and we wish to express to you some of the concerns our neighbors voiced to us.

Crown Heights North absorbs a far greater burden of providing residential social service beds to our less fortunate citizens than any other community in Brooklyn. It is our belief that providing shelter for those in need is a responsibility that must be shared by every neighborhood in every borough instead of warehousing these institutions in communities that are the least equipped to deal with them. It stands to reason that just as Manhattan is "home" to over 60% of the homeless, Manhattan must take responsibility for greater than 60% of the solution.

We, as a neighborhood are also concerned about the effect of bringing this unscreened population into our community on a daily basis. Among the homeless will be the recently incarcerated, the mentally unbalanced, sex offenders, etc. How well do you know the neighborhoods of Central Brooklyn? While we are part of NYC, in many ways each of our neighborhoods is more like a small town, with a consistent population, a specific set of problems and very limited resources to handle change. This is not 30th Street and First Avenue; an area that hosts, on a daily basis, every sector of the vast NYC population. An area with a police precinct trained to handle the City's most needy citizens, an area that has Bellevue and many other facilities close by for those who require services that go beyond the limited capabilities of an intake center.

We on the other hand, are a community with an overworked, understaffed police precinct. The two commercial strips bordering the Armory (Franklin and Nostrand Avenues) were part of this year's Impact Zone, a clear indication of the level of crime we already experience. We are a community with a very visible population of unemployed young men and the associated problems that persist alongside that situation. We are a community with rampant street drug activity and its accompanying gun violence. Is this really a community where you want to bring a 24 hour stream of men who have basically no resources and only a one ride metro pass to get them to wherever they are supposed to be going when they leave?

Many of the people who require the services of DHS are in this situation because of obstacles that prevent them from negotiating the ups and downs of daily life within the rules of society. Once you bring these people, 45 minutes to an hour away from anything that most of them are familiar with, how exactly do you propose to treat them, give them access to the counseling and medical services they might require, offer them employment opportunities and then get them where they need to go?

What happens to the person who needs immediate medical attention, do they go to one of our hospitals that have recently been shut down?
Where does the person go who needs psychiatric attention?

chrm

Crown Heights Revitalization Movement
347-365-1763
crownheightsrm@gmail.com
www.revitalizecrownheights.org

What does the drug addict do when confronted with everything and anything for sale both a few blocks from the Armory and inside the Armory itself?
And how do you think they will get the money to cop?
Many homeless survive on the streets by panhandling, something possible in Manhattan where people with money are in abundance. Here, panhandling, though it does occur is a limited prospect, so what happens to these men who are used to getting from day to day on "spare change", what are THEY going to do instead once stranded in Crown Heights?

For us, who are trying to revitalize the community and for us who are struggling to make our lives work despite quality of life and crime issues that currently are not adequately addressed, these are very real questions and very real fears and so far we have not heard very real answers or very real solutions.

The Bedford-Atlantic Armory shelter needs help. It is unsafe, rife with drugs and often functions less as an assessment center and more as a semi-permanent housing solution. And Crown Heights needs help, help in continuing our growth to emerge as the beautiful and vibrant community it once was. What we don't need is increased adversity to fight against, what we don't need is to be a dumping ground for Manhattan. We have worked too hard and come too far for that.

We are asking that you listen to our voices and the voices of all our elected officials, we are asking that you locate the intake shelter else where, where it can better serve the homeless and where it won't destroy us.

Sincerely,

Sandy Taggart
Co-founder CHRM

cc: Deputy Mayor Linda Gibbs
Hon. David Paterson, Governor
Marty Markowitz, Borough President
Commissioner Robert V. Hess, DHS
Seth Pinsky, NYEDC
Assembly Member Karim Camara
Assembly Member Hakeem Jeffries
Council Member Al Vann
Council Member Letitia James
Council Member Darlene Mealy
Council Member Bill de Blasio
State Senator Eric Adams
State Senator Velmanette Montgomery

chrm

Crown Heights Revitalization Movement
347-365-1763
crownheightsrm@gmail.com
www.revitalizecrownheights.org

Sample Letter

The Honorable Michael R. Bloomberg
City Hall
New York, NY 10007

Dear Mayor Bloomberg:

As a resident of Central Brooklyn, I join the Crown Heights Revitalization Movement, Crow Hill Community Association, Crown Heights Unites Coalition, Crown Heights North Association, the Coalition for the Homeless, the Legal Aid Society, Homeless Services United and many of our elected officials in protest against the decision to move New York City's only intake center for single homeless men to the Bedford-Atlantic Armory in Crown Heights.

This is a misguided plan that will have terrible consequences for our community. The armory already has a reputation for being one of the worst run in the City and Crown Heights is already home to six times the number of residential social service beds than any other area of Brooklyn. We can not afford this increased and disproportionate strain on our community. Additionally, 58% of the homeless are in Manhattan and Manhattan has the social service resources necessary to assist the City's homeless population (where we do not). We fail to see how this plan serves the people it is intended to help but we can see how it will hurt our community.

Crown Heights is experiencing a rebirth; we are fighting hard to make our neighborhoods safer, cleaner and stronger but this is a community that is still impacted by the presence of street drug activity and a high rate of unemployment. This is not a community whose streets can absorb an additional influx of people in need, especially with there being no health or social services available to address their concerns.

I urge you to abandon this plan in favor of one that will actually be beneficial to the City's homeless population and that will not harm our struggling community.

Sincerely,

_____ _____
signed *date*

_____
address

Brooklyn, NY _____
zip

cc: Deputy Mayor Linda Gibbs
Hon. David Paterson, Governor
Marty Markowitz, Borough President
Commissioner Robert V. Hess, DHS
Seth Pinsky, NYEDC
Assembly Member Karim Camara
Assembly Member Hakeem Jeffries
Council Member Al Vann
Council Member Letitia James
Council Member Darlene Mealy
Council Member Bill de Blasio
State Senator Eric Adams
State Senator Velmanette Montgomery

Documents to guide the placement of City Facilities

These documents are available from the New York City Bookstore at 22 Reade Street in Manhattan or can be ordered on-line at http://www.nyc.gov/html/dcp/html/pub/publist.shtml

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"Criteria for the Location of City Facilities"	$3.00
"The Fair Share Criteria: A Guide for City Agencies"	$5.00
"Fair Share: An Assessment of New York City's Facility Siting Process"	$4.00

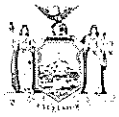
JOSÉ M. SERRANO
SENATOR, 28TH DISTRICT

DISTRICT OFFICE
157 EAST 104TH STREET
NEW YORK, NEW YORK 10029
212-828-5829
FAX 212-828-2420

ALBANY OFFICE
706 LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
518-455-2795
FAX 518-426-6886

E-MAIL
SERRANO@SENATE.STATE.NY.US
WWW.NYSSENATE28.COM

NEW YORK
STATE
SENATE
ALBANY, NEW YORK 12247



RANKING MINORITY MEMBER
TOURISM, RECREATION & SPORTS DEVELOPMENT

COMMITTEES
AGING
EDUCATION
ENVIRONMENTAL CONSERVATION
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Senator Serrano Testimony Before the City Council General Welfare Committee
September 23, 2008

Thank you for affording me the opportunity to speak today. As you know, the Department of Homeless Services (DHS) has been criticized for the proposed relocation of the homeless men's intake center from Manhattan to Crown Heights, Brooklyn.

I come before you today to discuss a similar crisis … but this time in the Bronx. The city plans to construct a seven-story Emergency Assistance Unit (EAU) at 151st Street and Walton Avenue. It will be the only intake center for homeless families in the entire city.

Homeless families from as far as Staten Island and Bensonhurst will be forced to travel all the way to the South Bronx for intake. Then, presumably, they will be thrown back to the far reaches of the city for temporary placement.

In his testimony last week before an Assembly committee, DHS Commissioner Robert Hess said that he would review the idea of keeping some male intake services open in Manhattan.

But I would ask: Why not expand intake for homeless families as well? Why are there no family intake centers in Manhattan or other boroughs? After all, families by their very nature lack mobility. It is a dangerous proposition to transport children halfway across the city, especially when those children are young and in strollers.

Moreover, children will almost certainly be prevented from attending their schools of origin – in violation of the federal McKinney-Vento Act.

I urge the city to establish a homeless intake system that is truly decentralized, with well-administered and appropriately-sized facilities in each borough – especially Manhattan. In other words, I do not dispute the need for an Emergency Assistance Unit for homeless families in the Bronx. We need one. Many families are getting priced out of the Bronx, and into homelessness.

But one EAU is too few, and seven stories are too many. I remain unconvinced the city can provide safe conditions in what is essentially a massive holding pen. We need to reform the system in a way that ensures a less monolithic bureaucracy, one that is sympathetic to the needs of homeless families, and treats them like human beings.

The EAU formerly housed on 151st Street and Walton Avenue was notorious for its treatment of homeless families. The building was infested by rats and roaches. Food was unsanitary. Metal benches served as beds. People afflicted by chicken pox, measles, and influenza were all thrown into the same quarantine room.

Victims of domestic violence were too easily stalked. It was difficult to receive passes to attend substance abuse treatment. And perhaps the biggest indictment of all: eligibility for qualified families was consistently denied.

Let us learn from past mistakes, and learn from the advocates and grassroots leaders on the ground. We desperately need borough-based intake and overnight placement in order to best provide for homeless families. The alternative will simply plant new seeds of mismanagement.

Senator José M. Serrano represents the 28th Senate District, which is comprised of parts of the South Bronx, Highbridge, University Heights, East Harlem, Yorkville, Randall's Island and Roosevelt Island.

HOMELESS SERVICES UNITED
Solutions for Today and Tomorrow

270 EAST SECOND ST
NEW YORK, NY, 10009
T 646-827-2272
F 646-827-2271
www.hsunited.org

New York City Council Hearings, General Welfare Committee:

Oversight - Examining DHS' Strategies and Progress toward Meeting the Goal of Reducing Homelessness by 2/3 by 2009

September 23, 2008

Testimony respectfully submitted by

Christy Parque,
Executive Director,
Homeless Services United
646-827-2270
cparque@hsunited.org
www.hsunited.org

Good morning. I would like to thank Chairman DeBlasio and the City Council members present here today for this opportunity to testify on this important issue.

My name is Christy Parque and I am the Executive Director of Homeless Services United. HSU is a coalition of 60 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers.

Homeless Service United's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, Home Base and outreach services. Each day HSU member programs work with thousands of homeless families and individuals preventing shelter entry whenever possible through counseling, legal services and public benefits assistance among many other supports. Our member agencies provide high quality and compassionate emergency shelter to over 16,000 homeless New Yorkers nightly. Homeless service providers toil at the cross section of many society's problems. Our clients confront high housing costs, difficulty finding work, mental and physical illness, substance abuse, and domestic violence, and are particularly vulnerable during financially hard times such as these.

On behalf of my members I would like to thank the Bloomberg administration and the City Council for the much deserved and appreciated 3% COLA for Human Services workers. The key to success of any program designed to prevent homelessness or move clients from homelessness to housing is a stable, compassionate, professional, well trained and well compensated workforce. Staff working on the front lines of the battle to overcome homelessness appreciates the COLA as a vote of confidence and recognition from the City for their hard work and commitment.

I will focus HSU's testimony in four broad categories:

1. Measuring Progress Towards Homelessness Reduction
2. Access for the homeless or those at-risk for homelessness
3. Diverse exit strategies from homelessness
4. Reinvesting for the Future

1. MEASURING PROGRESS TOWARDS THE END OF HOMELESSNESS

I commend the Bloomberg Administration for its bold commitment to ending homelessness as outlined in the 2004 Action Plan for New York City ("the Action Plan") and the reforms that followed its introduction. While much of the Action Plan's promise has yet to be realized, the Action Plan was a catalyst for significant progress in reducing the numbers of homeless people on the streets

and the numbers of single adults in shelters. The New York – New York III agreement committing to the creation 9,000 units of supportive housing, the creation of borough-wide outreach collaborations, and the creation of new Safe Havens for chronic street homeless are major accomplishments.

HSU congratulates the City on the settlement of the McCain litigation. This landmark achievement preserves the foundation of New York's commitment to homeless families by preserving the right to shelter for this population while paving the way for positive changes to come. The positive changes at PATH from the previous system at the EAU are remarkable and HSU offers its support and expertise in shaping new PATH and shelter policies that may result as part of this settlement and to address the increase in family census.

It s now apparent that the Administration is likely to fall well short of its target: an overall 2/3 reduction by the end of 2009. But it would be naïve to lay responsibility for the shortfall solely at the feet of the Department of Homeless Services or the Bloomberg Administration. Achievement of these targets can only be attained with major affordable housing commitments requiring State and Federal investments that the City does not control. We are concerned that the City has alone taken on most of the burden and the resulting pressure of showing homeless reductions, and in turn has imposed this pressure on providers of homeless services, who are responsible for implementing the programs and policies by DHS.

Increasingly HSU member's City contracts do not sufficiently cover the basic operating expenses of an effective program. Private dollars which historically have been used to enhance core services for clients and to develop new and innovative service models are now being used to support the base cost of operating programs and shelters. We support measuring outcomes and demonstrating the effectiveness of programs we run. We ask that these metrics be broad, reflective of the diverse programs and clients we serve and moreover that they be fair and realistic. To meet the long term goal of ending homelessness, we must focus on providing solutions that are as diverse as the many needs of our clients.

Further progress in solving New York City's homeless problem will require resources that are adequate to this monumental job.

2. ACCESS FOR THE HOMELESS OR THOSE AT-RISK FOR HOMELESSNESS

We support the creation of accessible, safe and easily navigable entry points to the shelter system. The sooner a homeless individual or family enters the system and the immediate crisis can be addressed, the sooner services and support can be provided to help assist them onto the road to returning to the community and stably housed.

For single adults, a multi-service approach which includes multiple shelter intake points complemented by Safe Havens, Drop-In Centers, transitional and permanent housing, outreach and prevention services is needed to ensure continued success in meeting the needs of this population.

We urge prudence and data-driven planning when implementing broad policy changes. The recent DHS decision to close two drop-in centers, in Manhattan and Brooklyn and the re-location of Men's Intake to Brooklyn could yield a reversal in these decreases. The evaluation of more detailed data could shed light on the combined effect of shelter intake, outreach efforts, drop-in centers and Safe Havens on the decrease in adult homelessness.

We appreciate that many chronic street homeless individuals are reluctant to enter shelter and that safe haven and housing first options are needed. However, there is no one-size-fits-all solution, and there is evidence that a Manhattan intake site providing same-day access to a shelter bed has played an important role in preventing and minimizing the duration of street homelessness. The 2008 Hope Street Count indicated that of the unsheltered individuals who slept on the surface as opposed to the subways, 58% were in Manhattan and 16% in Brooklyn.[i] The Action Plan indicates that in Calendar Year 2003, 28.3% of single adults entering shelter identified the "Street or Park" as their "Last Place of Stay".[ii] With more than 10,000 single men entering shelter for the first time every year,[iii] the limited numbers of safe havens and housing-first apartments are a complement to, but not a substitute for, shelter intake.

We therefore were pleased to learn of DHS's August 14th announcement that there will be an additional Manhattan intake center opened "in tandem" with the proposed Brooklyn site and we welcome this as a positive step in realizing the potential set forth in the Action Plan.iv Yet we are concerned that if the Bellevue shelter is closed before an alternate Manhattan site is identified, ground will be lost in the reduction of adult homelessness.

3. DIVERSE EXIT STRATEGIES FROM HOMELESSNESS

The ultimate goal of homeless providers is to assist consumers to return to the community in a stably housed safe living situation. Without the option of long term rental subsidies like Section 8, homeless services consumers face the risk of returning to shelter after a short term subsidy terminates. The new Advantage programs were a welcome change from the previous HSP program. However, the two-year time limit for Work Advantage recipients, many who are low or minimum wage workers, may force recipients back into shelter into substandard or unsafe housing situations as their benefits expire. We ask that further consideration be given to augmenting this program to extend eligibility beyond

two years and further expand eligibility for single adults. Additionally we ask that Section 8 vouchers become immediately available as a re-housing resource to shelter residents so that they make exit directly from shelter into a long-term housing situation.

With respects to the Advantage program HSU would like to commend DHS in their efforts to coordinate with other agencies impacting the ability of shelter residents to be move back into the community. Numerous cases of residents with "sanctioned" public assistance cases due to administrative error have been resolved due to advocacy efforts by DHS to HRA. Additionally the provision that Advantage apartments be held to the same habitable standards of Section 8 apartments is a fine example of strategic policy development and serves consumers by removing barriers when a consumer transitions from an Advantage apartment to a Section 8 apartment should a voucher be made available to them.

The single, disabled and mentally ill are particularly vulnerable to an emerging questionable rental situation, departing the streets or shelter for "¾ houses" or unregulated boarding houses, which are often times over crowded and provide no services. This becomes the only shelter exit option available to many homeless services clients because of limited income, lack of resources and increasingly unattainable rents. HSU urges State and City agencies to continue to investigate complaints about these homes and to close down those that are unsafe. Additionally HSU urges the development of clear guidelines regarding the operation of those that remain.

4. REINVESTING FOR THE FUTURE

In his 2006 keynote address at the National Alliance to End Homelessness, Mayor Bloomberg promised that "as the number of people in shelter continues to decline, we'll reinvest more of the resulting savings in prevention, supportive housing, rental assistance, street outreach, and retooled shelters." We couldn't agree more, but without a public accounting, it is hard to know how much has actually been saved and reinvested.

Progress towards keeping this promise should be measured by a transparent and regular accounting of savings attributed to downsizing of programs due to decreases in shelter and street homelessness and the solutions into which theses savings have been reinvested.

CONCLUSION

We recognize that New York is confronting tough economic times. It is precisely in times like these that we must carry on New York City's legacy of setting the standard for smart, effective and compassionate homeless policy that cares for all its citizens.

Thank you for your time and commitment to addressing the needs and concerns of homeless and at-risk New Yorkers and those who serve them. Homeless Services United looks forward to working with you to realize solutions that will allow our members' vital programs to continue to provide our neediest New Yorkers with services that support and motivate them to thrive in the future.

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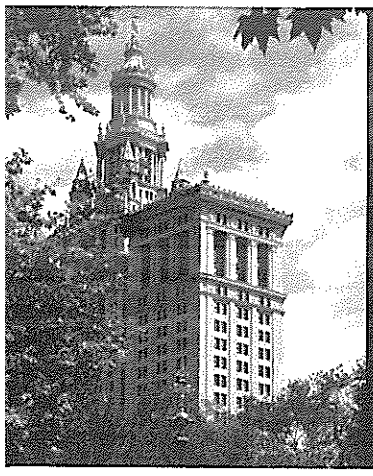
[i] HOPE 2008-The NYC Street Survey, www.nyc.gov/html/dhs/downloads/pdf/hope08_results.pdf
[ii] Uniting For Solutions Beyond Shelter: The Action Plan For New York City, page12
[iii] DHS Critical Activities Report FY 2008
[iv] August 15, 2008, New York Times, Concessions Made in Plan for Homeless in Brooklyn, K. Fahim

New York City Public Advocate
Betsy Gotbaum

TURNED AWAY:

The Impact of the Late-Arrival Placement Policy on Families with Children

AUGUST 2008



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Office of the New York City Public Advocate

Betsy Gotbaum
Public Advocate for the City of New York

PREPARED BY:

Daniel Browne
Director of Policy and Research

Mark Woltman
Deputy Director of Policy and Research

Daliz Pérez-Cabezas
Senior Policy Analyst

EXECUTIVE SUMMARY

In September 2004, Mayor Bloomberg announced *Uniting for Solutions Beyond Shelter*, a five-year plan to reduce homelessness in New York City by two-thirds. The plan included a goal of reducing the number of families with children in the shelter system to fewer than 3,000 by 2009.[1] However, city policies that no longer give homeless families priority status for federal Section 8 vouchers and public housing, in combination with an economic slowdown in 2007, impaired New York City's ability to reduce the number of families in shelter.[2] On average there were 9,297 families living in shelters each night in 2007, the worst since the Great Depression.[3]

Despite this rise in the number of families seeking shelter, on October 12, 2007, the New York City Department of Homeless Services (DHS) instituted a policy of denying late-arrival shelter placements to families with children that were previously found ineligible and arrived after 5 pm at the Prevention Assistance and Temporary Housing intake center seeking overnight shelter.

Advocates report that DHS makes frequent errors in determining shelter eligibility and that, as a result of this late-arrival placement policy, families that should have been found eligible have been wrongly denied overnight shelter. In the experience of advocates and Public Advocate staff, these families are often forced to return to unsafe or unhealthy living situations.

Recent DHS statistics suggest that there are serious problems with shelter eligibility determinations. DHS has turned away 278 families since implementing the late-arrival policy. Sixty-one percent of these families were later found eligible or granted an overnight placement after presenting what DHS considered new information.[4] One hundred and seven families did not return to the intake center to re-apply for shelter. There is no data indicating whether these families secured safe housing or were forced to turn to unsafe housing or the street.

This report highlights the impact of DHS' late-arrival policy on families with children seeking shelter. It is based on a review of literature and government documents, as well as interviews with families who applied for and were denied shelter by DHS. It includes the following recommendations:

- End the policy of denying late-arrival shelter placements to families that re-apply after 5 pm.
- Evaluate and revise the application process to improve eligibility determinations.
- Revise shelter application and re-application procedures so school-aged homeless children do not have to miss school.
- Change shelter eligibility criteria so that housing with occupancy restrictions, such as Section 8 and public housing, is never considered a viable option for a shelter applicant who is not on the lease.

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[1] City of New York, "United for Solutions Beyond Shelter," See: http://www.nyc.gov/html/endinghomelessness/html/home/home.shtml.
[2] Coalition for the Homeless, "State of the Homeless Report Finds that More New Yorkers Experienced Homelessness in 2007," March 27, 2007 (press release).
[3] Coalition for the Homeless, "State of the Homeless 2008," See: http://www.coalitionforthehomeless.org/advocacy/StateoftheHomeless2008.html.
[4] Testimony by Robert V. Hess, Commissioner of the New York City Department of Homeless Services, New York City Council General Welfare Committee, New York, NY, March 10, 2008.

INTRODUCTION

In September 2004, Mayor Bloomberg announced *Uniting for Solutions Beyond Shelter*, a five-year plan to reduce homelessness in New York City by two-thirds. The plan included a goal of reducing the number of families with children in the shelter system to fewer than 3,000 by 2009.[5]

However, an economic slowdown, rising unemployment, increases in food and fuel prices, a spike in home foreclosures, and the lack of affordable housing have all prevented the city from making progress toward the Mayor's goal.[6] City policies that no longer give homeless families priority status for federal Section 8 vouchers and public housing also impaired New York City's ability to reduce the number of families in shelter.[7] As a result, the Coalition for the Homeless called 2007 "the worst year for New York City family homelessness since the Great Depression." On average there were 9,297 families living in shelters each night in 2007, more than 11 percent in 2006 (see Table 1). Furthermore, nearly 7 percent fewer families moved into permanent housing (see Table 1).[8]

Despite this rise in family homelessness, on October 12, 2007, DHS instituted a policy of denying late-arrival shelter placements to families with children that were previously found ineligible and arrived after 5 pm to the Prevention Assistance and Temporary Housing (PATH) intake center seeking overnight shelter.[9] DHS described this policy as an effort to close a "loophole" allowing ineligible families to obtain overnight shelter and to prevent such families from jeopardizing the effectiveness of the PATH intake process.[10]

Advocates report that DHS makes frequent errors in determining shelter eligibility and that, as a result of the late-arrival policy, eligible families have been wrongly denied shelter. In the experience of advocates and Public Advocate staff, these families are often forced to return to unsafe or unhealthy living situations.

Recent DHS statistics suggest that there are serious problems with shelter eligibility determinations. DHS has turned away 278 families since implementing the late-arrival placement policy. Sixty-one percent of these families were later found eligible or granted an overnight placement after presenting what DHS considered new information.[11] One hundred and seven families did not return to the intake center to reapply for shelter. There is no data indicating

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[5] City of New York, "United for Solutions Beyond Shelter," See: http://www.nyc.gov/html/endinghomelessness/html/home/home.shtml.

[6] Citywide budget cuts are likely to present an additional obstacle in the coming fiscal year. DHS' 2009 executive budget is $54 million less than the agency's actual spending in 2008, according to DHS Commissioner Robert Hess' testimony before the New York City Council General Welfare Committee on May 13, 2008. The budget for family shelter operations is $82 million less than the 2008 budget and, according to the New York City Council, is likely to be insufficient to meet demand.

[7] Coalition for the Homeless, "State of the Homeless Report Finds that More New Yorkers Experienced Homelessness in 2007," March 27, 2007 (press release).

[8] Coalition for the Homeless, "State of the Homeless 2008," See: http://www.coalitionforthehomeless.org/advocacy/StateoftheHomeless2008.html.

[9] Testimony by Robert V. Hess, Commissioner of the New York City Department of Homeless Services, New York City Council General Welfare Committee, New York, NY, October 24, 2007.

[10] *Ibid.*

[11] Testimony by Robert V. Hess, Commissioner of the New York City Department of Homeless Services, New York City Council General Welfare Committee, New York, NY, March 10, 2008.

whether these families secured safe housing, were forced to live in unsafe or unhealthy housing, or turned to the street.

Concerned about DHS' plan to implement the late-arrival placement policy, constituents and advocates contacted the Office of the Public Advocate in October 2007. When the policy was implemented in October 2007, representatives from the Office of the Public Advocate, along with advocates, waited outside PATH to assist families that were denied shelter. After witnessing first-hand the impact of the policy on families with children, the Office of the Public Advocate decided to undertake this report.

The purpose of this report is to determine how DHS' late-arrival policy affects families with children seeking shelter. It is comprised of an explanation of the DHS application process, a review of available literature on the impact of homelessness on children, profiles of five families that applied for and were denied shelter by DHS,[12] and recommendations for improving the application process for homeless families with children in New York City.

Table 1. Homelessness in New York, 2006-2007

Homeless Population	2006	2007	Percent Change
Total Number of Homeless People living in Shelters in New York City	96,612	102,187	5.8
Average Number of Homeless Families Living in Shelters Each Night	8,339	9,297	11.5
The Number of Homeless Families Moved to Permanent Housing Each Year	6,642	6,181	-6.9

Source: Coalition for the Homeless, *State of the Homeless 2008.*

BACKGROUND

New York City is the only large city in the United States that guarantees homeless individuals emergency shelter. DHS, the city agency responsible for providing services to homeless New Yorkers, states on its website that "[t]he mission of the Department of Homeless Services is to overcome homelessness in New York City. DHS prevents homelessness wherever possible and provides short-term emergency shelter and re-housing support whenever needed. These goals are best achieved through partnerships with those we serve, public agencies, and the business and non-profit communities."[13]

Shelter Application Process

Families with children must apply for shelter at the PATH office in the Bronx. To be found eligible, families must demonstrate to DHS that they are in "immediate need of temporary emergency shelter."[14] According to DHS, families that apply for shelter during normal business

[12] The families profiled in this report either contacted the Office of the Pubic Advocate or were referred to the Office of the Public Advocate by nonprofit advocates.

[N]New York City Department of Homeless Services (DHS), "Agency Introduction," See: http://www.nyc.gov/html/dhs/html/about/agencyintro.shtml.

[14] DHS, "Family Services," See: http://www.nyc.gov/html/dhs/html/homeless/famserv.shtml.

hours spend between six and eight hours at PATH completing the application process.[15] Families are also screened for health issues and domestic violence.[16] Families then meet with a homeless diversion worker, to determine their housing options, and a family worker, who obtains a family history.[17] After completing the application process, families are given a ten-day conditional shelter placement while DHS' field investigators conduct a further investigation to determine whether they have an alternate housing option, even if it is a temporary one.[18] Families that are found eligible are given temporary housing assistance; those found ineligible are denied shelter. A family that is found ineligible can request a legal conference with a DHS attorney and then a fair hearing in state court[19] to challenge the agency's final determination and may obtain a reversal.

Re-Applicant Procedure

Families that are found ineligible can immediately re-apply for emergency shelter.[20] If, however, a family has been found ineligible because it has an alternate housing option and that family chooses to re-apply for shelter within 90 days, DHS is not required to provide conditional, or emergency, shelter during its investigation.[21] If DHS finds no immediate need for emergency shelter, such as child abuse, domestic violence, or eviction, it will not grant a family that re-applies a ten-day conditional placement while it conducts a new eligibility investigation. Families that are denied emergency shelter are sent to the Resource Room, where they receive assistance returning to their current housing situation. The Re-Applicant Procedure was approved by the New York State Supreme Court in April 2005.[22] This 2005 court ruling requires DHS to verify that an alternate housing option is actually available before it can deny a family shelter.[23] Advocates report that DHS first implemented this policy in February 2006 but only applied it selectively.[24]

Late-Arrival Placement Policy

Prior to October 12, 2007, families that were found ineligible for shelter by DHS could re-apply after 5 pm and secure an overnight placement. According to DHS, such late-arrival placements increased by 102 percent from August 2006 to August 2007.[25] Some families would return every night at 5pm in order to get shelter for the night and were placed in different shelters each night. Concerned that these families jeopardized its intake process, on October 12, 2007, DHS implemented a policy of denying shelter to families with children "returning to PATH after 5:00 PM who previously received 10 days of conditional shelter, who have an open reapplication, and who have not shown an immediate need for shelter pending consideration of the reapplication."[26] DHS refers to this late-arrival placement policy as new, but it seems to be an extension of the Re-Applicant Procedure described with new language specifically pertaining to late-arrival

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[15] *Supra* note 9.
[16] *Ibid.*
[17] *Ibid.*
[18] *Ibid.*
[19] Cases are heard by an Administrative Law Judge from the New York State Office of Temporary and Disability Assistance
[20] *Supra* note 9.
[21] *Ibid.*
[22] *Ibid.*
[23] Testimony by Steve Banks, The Legal Aid Society, New York City Council General Welfare Committee, New York, NY, October 24, 2007.
[24] Conversation with Lindsey Davis, Coalition for the Homeless, May 2008.
[25] *Supra* note 9.
[26] *Ibid.*

placements. Instead of receiving overnight placements, these families are now sent to the Resource Room for assistance returning to their current housing situation.

DHS Commissioner Robert Hess told the *New York Times*, "We cannot allow this subculture of ineligible families to cast a shadow on the entire process."[27] Although Commissioner Hess' choice of words suggests that families reapplying for shelter after 5 pm were taking unfair advantage of the application process, testimony before the New York State Supreme Court[28] and interviews conducted by the Office of the Public Advocate confirm that prior to implementing the late-arrival placement policy DHS employees often encouraged families to return after 5 pm for overnight placements.[29]

Advocates also note that DHS commits many errors in its eligibility review process. In the experience of Reverend Martha Overall of St. Ann's Episcopal Church "some examples of what DHS considers having another place to go are a place where the mother has been subjected to domestic violence, a place that ACS has found unacceptable to the children, a place without a certificate of occupancy, where there were exposed wires and leaking sewage."[30] Steven Banks, attorney-in-chief of the Legal Aid Society, told the *New York Times*, "[i]t is a system that is rife with errors, and children and their families will certainly be harmed."[31] In January 2007, the Legal Aid Society sued the city, challenging the accuracy of DHS' eligibility process because in 2006 "51.8 percent of all families who were originally found ineligible, because they purportedly had alternative housing available and reapplied, were subsequently found eligible by the Department of Homeless Services."[32] In addition, the Legal Aid Society's case includes several families who were forced to sleep in public spaces, such as public hallways, while reapplying for shelter.[33] This case is pending before the New York State Supreme Court.

DHS has stated in published reports that its error rate is less than 10 percent.[34] However, the agency's own statistics indicate that, of the 11,792 families found eligible for shelter in 2007, 33 percent had to file two or more applications before they were found eligible; 12 percent had to file three or more times.[35] According to DHS, some families are found eligible after multiple shelter applications because they present new information pertaining to their eligibility. Advocates argue, however, that eligibility determinations are often arbitrary and that, in some cases, the difference between obtaining shelter and being denied is legal representation or advocacy from a nonprofit organization or a political office.[36]

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[27] Kaufman, L., "Homeless Families in New York Lose a Loophole," *The New York Times*, October 11, 2007.
[28] Affidavit of Maribel Rodriquez, McCain v. Bloomberg, Supreme Court of the State of New York, June 20, 2007.
[29] DHS, "New Family Intake Center Policy Results in 46% Decline in Families Seeking Late-Night Shelter Placements or 100 fewer Children Each Night Awaiting Late Night Buses," See: http://www.nyc.gov/html/dhs/html/press/pr102307.shtml.
[30] Testimony by Reverend Martha Overall, St. Ann's Episcopal Church, New York City Council General Welfare Committee, New York, NY, October 24, 2007.
[31] *Supra* note 27.
[32] *Supra* note 23.
[33] *Ibid.*
[34] *Supra* note 27.
[35] DHS, "Critical Activities Report Family Services – Fiscal Year 2007," See: http://www.nyc.gov/html/dhs/html/about/car.shtml.
[36] Testimony by The Legal Aid Society, St. Ann's Episcopal Church, Office of Senator Ruben Diaz, Sr., and Picture the Homeless, New York City Council General Welfare Committee, New York, NY, October 24, 2007.

Recent DHS statistics on its late-arrival policy seem to confirm that there are serious problems with shelter eligibility determinations. DHS has turned away 278 families since implementing the late-arrival policy. Sixty-one percent of these families were later found eligible or granted an overnight placement after presenting what DHS considered new information (see Table 2).[37] One hundred and seven families did not return to the intake center to reapply for shelter.[38] There is no data indicating whether these families secured safe housing, were forced to live in unsafe or unhealthy housing, or turned to the street.

Table 2. Families Denied Shelter, October 2007-Feburary 2008

Re-application Status	Number of Families	Percent
Total Families Denied	278	100%
Overnight Placement Granted after Presenting New Information	12	4%
Found Eligible after Presenting New Information	159	57%
Did Not Re-apply	107	38%

Source: Testimony by DHS Commissioner Robert V. Hess at the City Council General Welfare Committee, March 10, 2008.

Children and the Application Process

Children must be present with their parents every time a family applies or re-applies for shelter. PATH is open 9 am to 5 pm, seven days a week. Because the application process can last all day, children often have to miss school. Follow-up appointments during the investigation period also often require children to miss school. If families are late for a scheduled follow-up appointment, their case will be closed and they will be forced to reapply. In the experience of the Coalition for the Homeless, which serves more than 3,500 New Yorkers each day, parents whose children attend school in another borough often do not have time to drop off their children prior to a morning appointment at PATH in the Bronx.[39] Conversely, parents with afternoon appointments cannot be certain that they will able to pick up their children from school because DHS officials are often hours late for scheduled appointments.[40] As a result, children often spend the day at PATH.

IMPACT OF HOMELESSNESS ON CHILDREN

Evidence suggests that homeless children are vulnerable to negative health and education outcomes.[41] One study found that 26 percent of all homeless children in the United States and 33 percent of homeless children under the age of five become ill while homeless.[42] Homeless children have higher rates of asthma, ear infections, and stomach problems than children with

[37] *Supra* note 11.
[38] *Ibid.*
[39] *Supra* note 24.
[40] *Ibid.*
[41] U.S. Department of Health and Human Service, Office of Assistant Secretary for planning and Evaluation, Office of Human Services Policy, "Characteristics and Dynamics of Homeless Families with Children," Fall 2007, pp. A-1-A-36. See: http://aspe.hhs.gov/hsp/homelessness/improving-data08/.
[42] Nuñez, R. "Homeless in America: a children's story," *Journal of Children and Poverty*, vol. 6 no. 1, 2000, pp. 51-72.

homes.[43] They also experience a higher rate of mental health problems, including anxiety, depression, and withdrawal.[44]

Homeless children are four times more likely to experience delayed development.[45] Dr. Ralph Nuñez, President and CEO of Homes for the Homeless and the Institute for Children and Poverty, argues that "because the instability in their lives can affect the development of their cognitive and social skills, [homeless children] have perhaps the greatest need for early childhood education."[46] According to the US Department of Education, less than 16 percent of eligible homeless children were enrolled in preschool in 2000.[47]

Homelessness can negatively affect a child's academic achievement. A 2004 study that compared formerly homeless children to low-income children with homes found that homelessness had a detrimental impact on academic achievement among children in New York City.[48] The average percentage of homeless children that performed at or above grade level was only 20 percent for reading and 28 percent for mathematics compared to 31 percent and 44 percent respectively for low-income children with homes. The study also found that in New York City, approximately 50 percent of formerly homeless children repeated at least one grade, and 22 percent repeated two or more grades.[49] Homeless children are two times more likely to repeat a grade in school,[50] making them more likely to "develop a negative self-image, drop out of school, and get into trouble with the law."[51]

Homeless children change schools more frequently than children with homes. According to the Institute for Children and Poverty, 57 percent of homeless children changed schools in New York City between 2000 and 2001.[52] Research shows that changing schools frequently is a barrier to academic achievement and that it takes four to six months for children to catch up with their school work after transferring schools.[53]

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[43] National Child Traumatic Stress Network (NCTSN), "Facts on Trauma and Homeless Children," 2005. See: www.NCTSNET.org.
[44] *Ibid.*
[45] National Coalition for the Homeless, "Homeless Families with Children," *Fact Sheet* #12 (Washington DC, August 2007).
[46] Nuñez, R. "Family Homelessness in New York City: A Case Study." *Political Science Quarterly*, vol. 116 no. 3, 2001, pp. 367-379.
[47] U.S. Department of Education (DOE), "Education for Homeless Children and Youth Program" July 2004. See: See: http://www.ed.gov/programs/homeless/resources.html.
[48] Rafferty, Y., et al. "Academic Achievement Among Formerly Homeless Adolescents And Their Continuously House Peers" *Journal of School Psychology*, vol. 42, 2004, pp. 179-199.
[49] *Ibid.*
[50] *Supra* note 43.
[51] *Supra* note 46, Footnote 8.
[52] Institute for Children and Poverty/Homes for the Homeless, Dejà Vu: Family Homelessness in New York City." See: http://www.icpny.org/index.asp?CID=4&PID=83.
[53] U.S. DOE, "Report to the President and Congress on the Implementation of the Education for Homeless Children and Youth Program Under the McKinney-Vento Homeless Act," 2006. See: http://www.ed.gov/programs/homeless/resources.html.

PROFILES

Don Allen,[54] and his sons, Don, Jr., 11 years old, and Don K. H., 20 years old[55]
After suffering disabling injuries in a car accident, Don Allen was forced to leave his mother's home with his two sons. His mother suffers from several medical conditions, including cancer, Parkinson's disease, and diabetes, and her doctor told her that caring for Mr. Allen and his children was detrimental to her health.

DHS denied Mr. Allen shelter on multiple occasions because he was unable to specify *how* living with his mother was detrimental to her health and because his mother's desire that he not reside with her was not enough to support his claim that he needed immediate shelter. DHS' legal department wrote the following:

> "In support of their claim, the applicants provided a hand written letter from the PT's [primary tenant's] doctor, [name removed for privacy], MD, dated 9/25/07 stating, among others [sic], 'that the PT should not be asked to care for her relatives, including her son and grandchildren'. The letter further stated that asking the PT to care for her relatives will "only unduly burden her." However, the doctor's letter does not indicate that there is a nexus between the applicants' residency at the location and the PT's health. The letter also failed to indicate how the applicants stay at the location poses an immediate and substantial risk to the PT's health or that of the applicants."[56]

Mr. Allen and his family relied on overnight shelter placements for two weeks while he reapplied for shelter, often waiting until 12:30 am to be placed only to have to leave the shelter by 6 am. Don, Jr., a 5th grade student, frequently missed school. "Every day I re-applied [for shelter at PATH] my son missed school," said Mr. Allen. "I brought my son in because [DHS] said without him I can't do anything."[57] After DHS implemented its late-arrival policy on October 12, 2007, Mr. Allen and his two children were no longer able to obtain an overnight placement. They slept on mats on the basement floor of St. Ann's Episcopal Church. "My youngest son is 11. He has had a very, very, very bad year," said Mr. Allen.[58] "It's been a little traumatic for him."

"Every day I re-applied [for shelter at PATH] my son missed school. I brought my son in because [DHS] said without him I can't do anything."

With help from the Legal Aid Society and after testifying at a hearing on DHS' late-arrival placement policy held by the General Welfare Committee of the City Council, Mr. Allen was finally offered an apartment. In February, DHS found him and his sons permanent housing.

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[54] Because he provided public testimony at the New York City Council General Welfare Committee Hearing on October 24, 2007, it was not necessary to protect Mr. Allen's identity.
[55] Family was referred to the Office of the Public Advocate by St. Ann's Episcopal Church.
[56] DHS, Prevention Assistance and Temporary Housing, Quality Assurance Unit. "Legal Review." September 27, 2007.
[57] Interview by Daliz Pérez-Cabezas with Don Allen, Bronx, NY, December 10, 2007.
[58] Testimony by Don Allen, New York City Council General Welfare Committee, New York, NY, October 24, 2007.

"They don't help you at first," he said of his experience with DHS.[59] "They try to poke at anything you say."

Alison G., and her son, Anthony C., 5 years old[60]
In June 2007, Alison G. and her son were evicted from her apartment because public assistance mistakenly closed her case and, without it, she was unable to pay her rent. For three months, Ms. G. and her son stayed with her friend, Jeanne S.,[61] and her three children in a three-bedroom apartment. However, Ms. S. asked Ms. G. to leave because she lived in a co-op apartment that did not allow her to have long-term guests and she had six family members coming to visit.[62] DHS denied Ms. G. shelter on multiple occasions because her friend did not provide documentation proving that she was in jeopardy of being evicted if Ms. G. continued to live with her.

"I had a place to go temporarily and I was punished. If you have a place to go for a little while then DHS won't help you."

Ms. G. reapplied for shelter. "I had to re-apply or they wouldn't give me a placement or overnight," said Ms. G. "I waited for the weekend [to reapply] so my son wouldn't miss school."[63] Ms. G. and her son had to rely on overnight placements. "On overnight placement there was no carfare to take my son to school, no metrocard, or public assistance," she said.[64]

After DHS implemented its late-arrival policy on October 12, 2007, Ms. G. was told by DHS staff that she would no longer be given overnight placements. Ms. G. and her son slept on a mat at St. Ann's Episcopal Church for a week. Her Legal Aid attorney advised her to reapply for shelter. DHS gave her overnight placements for three days because Ms. G. presented what DHS considered new information, including a notarized letter from Jeanne S. stating that she and her son were not allowed to stay with her any longer and a note from her son's doctor stating that he had developmental disabilities and required a stable living situation. Yet she was once again denied permanent shelter. Ignoring the letter from Jeanne S., DHS suggested, "[t]he applicant and her child can share the king sized bed with the PT [primary tenant] or the existing twin beds could be replaced with bunk beds."[65] Ms. G. and her son returned to St. Ann's.

Ms. G. was found eligible for shelter in November 2007 after her Legal Aid attorney discovered that Jeanne S.'s 21-year-old son was schizophrenic. Ms. G.'s situation had not changed, and without the involvement of the Legal Aid Society, it would not have occurred to her to seek out information on the mental health status of the family she was staying with. It was due to this legal representation that DHS reversed its decision.

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[59] *Supra* note 57.
[60] Family was referred to the Office of the Public Advocate by St. Ann's Episcopal Church.
[61] Her name has been changed for privacy reasons by the Office of the Public Advocate.
[62] Federal subsidized housing, such as Section 8 or public housing, has occupancy requirements. Residents must seek approval if there is a change in their family composition. If they receive approval, their rent may increase. If residents allow someone to stay with them who then becomes a long-term guest and do not report this change in family composition, they can be evicted. Co-ops and Mitchell-Lama apartments also have occupancy restrictions that if violated can lead to eviction.
[63] Interview by Daliz Pérez-Cabezas with Alison G., Bronx, NY, December 10, 2007.
[64] *Ibid.*
[65] DHS, Prevention Assistance and Temporary Housing, Quality Assurance Unit. "Legal Conference." October 18, 2007.

Ms. G. and her son currently live in a shelter in the Bronx. Ms. G is cleaning parks for the Parks Department through the Work Experience Program, a position that, after six months, may lead to full-time employment. "I hope to find a job that will pay me enough to find housing for me and my son," said Ms. G.[66] She recently submitted her application for public housing and is considering participating in DHS' rental assistance program for homeless families, Work Advantage. "I had a place to go temporarily and I was punished," said Ms. G of the shelter application process. "If you have a place to go for a little while then DHS won't help you."

Ingrid C., and her daughter, Precise L., 15 years old, and her granddaughter, Nyanna L., 3 months old [67]

Ingrid C. worked for the United States Postal Service in Brooklyn for 15 years but stopped working when she was injured on the job. She lost her home to foreclosure and moved to South Carolina with her youngest daughter Precise, then 14 years old, because she had an older daughter in the military there. In 2006, Ms. C. returned to New York City to help her other adult daughter whose mental health issues led the city's Administration for Children Services (ACS) to place her children in foster care. Ms. C. applied for shelter at PATH with Precise and her two grandsons. She received a 20-day placement in the shelter system, but was denied permanent shelter because DHS believed she had a viable housing option with her daughter in South Carolina, even though the daughter explained to DHS that she could not have Ms. C. in her home because it was a violation of her Section 8 occupancy requirements.[68]

Ms. C. returned to South Carolina with Precise. She rented an apartment and was able to live on her workers' compensation benefit and food stamps. In June 2007, when Ms. C.'s workers' compensation benefit was terminated, she returned to New York City and applied for shelter at PATH with her now-pregnant 15-year-old daughter, Precise. Ms. C. was given a ten–day placement at a shelter in Queens but denied permanent shelter. DHS determined that Ms. C. did not have a viable housing option in New York City but rejected her application nonetheless because field investigators could not get in touch with her daughter in South Carolina to confirm that Ms. C. had lived with her for a few months in 2006 and that living with her was no longer a viable option. DHS requires a complete, accurate, and verifiable two year housing history as part of their investigation, so they can determine if a family is eligible for shelter.

"DHS should never deny anyone that comes in with a child. Those seeking shelter cannot always stay with their families, and families do not always get along."

"DHS should never deny anyone that comes in with a child," said Ms C.[69] "Those seeking shelter cannot always stay with their families, and families do not always get along." Ms. C. requested a fair hearing to dispute DHS's determination. She explained to the judge that, because DHS had contacted her daughter in South Carolina in 2006 when she first applied for and was denied shelter, the agency already had the information it needed. The judge adjourned the case so DHS could review Ms. C.'s 2006 shelter application and contact her daughter in South Carolina.[70]

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[66] *Supra* note 63.
[67] Family contacted the Office of the Public Advocate's Ombudsman Unit.
[68] *Supra* note 62.
[69] Interview by Daliz Pérez-Cabezas with Ingrid C., New York, NY, January 15, 2008.
[70] Email from DHS Personnel, "Final Fair Hearing Adjournment; C., Ingrid" to DHS Personnel. August 21, 2007.

DHS had not obtained from Ms. C's daughter the information necessary for its required two-year housing history. In essence, DHS had denied Ms. C. shelter because its own paperwork was incomplete. Ms. C. never heard from her DHS caseworker again, so she continued to stay in the Queens shelter with Precise, and her now 3-month-old granddaughter, Nyanna. "She is depressed," said Ms. C. of her 15 year-old-daughter.[71] "My daughter is going through postpartum depression and is having difficulty adjusting to living in shelter." The New York City Department of Education sent a teacher to the shelter so Precise could be home schooled.

Ms. C. recently moved into Section 8 housing with Precise and Nyanna and is living on Medicaid and Social Security Disability. She is waiting to receive cash assistance and food stamps. She is actively trying to get custody of her grandsons who remain in foster care.

Crystal V., and her sons, Gabriel V., 2 ½ years old, and Richard A., 1 ½ years old[72]
When Ms. Crystal V.'s partner, the father of her son Richard A., passed away, she had no choice but to stay at her parents' home, despite the fact that her father had committed an act of domestic violence against her five years earlier. Ms. V.'s father became increasingly verbally abusive and, after eight months, he asked her to leave. Ms. V. lived in her car for a week, leaving her children with her parents. Her parents then asked her to take her children with her, too. Ms. V. used her tax refund to stay in a hotel with her family for three days and then stayed with friends.

"I had an asthma attack because I did not have a place to stay. I said then I will stay in my car and they [DHS] said ACS is going to take your kids away, I got upset."

She applied for shelter in January 2008. Her father told DHS his daughter could not return to his home and ACS officials wrote a letter requesting that Ms. V. receive shelter because her parents would not allow her to return. Yet DHS denied her application, determining that she was able to return to her parents' home. DHS officials said "...the applicant can modify her behavior and any discord between her and her parent can be resolved through negotiations and compromise, and not through claims of homelessness."[73]

She stayed in a hotel for several days and returned to PATH the following weekend to reapply because she believed her job as an accounts manager for a small company in Brooklyn would not permit her to take time off. She told DHS officials she could not return to her father's home because of past domestic violence. DHS again told her there was nothing it could do for her and that she would have to return in the morning. Ms. V. waited to speak with a supervisor, who again asked if she had someplace to stay. "I had an asthma attack because I did not have a place to stay," said Ms. V. after her meeting with the supervisor.[74] "I said then I will stay in my car,

[71] *Supra* note 69.
[72] Family contacted the Office of the Public Advocate's Ombudsman Unit.
[73] DHS, Prevention Assistance and Temporary Housing, Quality Assurance Unit. "Final Quality Assurance Review." February 5, 2007.
[74] Interview by Daliz Pérez-Cabezas with Crystal V., Brooklyn, NY, March 11, 2008.

and they [DHS] said ACS is going to take your kids away, I got upset."[75] After her asthma attack, the DHS supervisor provided Ms. V. with a temporary shelter placement.

Two weeks later, however, she was again found ineligible because she could not take time off work in order to attend her appointment with the No Violence Again (NOVA) domestic violence unit operated by the city's Human Resources Administration at PATH. It was pay day and, as the accounts manager, she had to cut and hand out the checks. According to Ms. V., DHS told her that if she could not attend the appointment specified in her first appointment letter, she would receive a second letter with another date. The second appointment letter never arrived; Ms. V. received only a letter informing her she had been found ineligible for shelter.

Ms. V. did not have a place to sleep. She sent her children to their respective grandparents and stayed out all night. The next day, she and her two children went to stay with her cousin in a one-bedroom apartment with three other tenants. The conditions were overcrowded. "My kids cannot sleep until midnight because everyone is up," said Ms. V.[76] "I can't say anything because I'm not contributing [to the rent]."

Ms. V. was so discouraged, she stopped applying for shelter. Although her employer was willing to accommodate her, she did not want to risk losing her job by repeatedly missing work. In addition, having to bring her children to PATH each time she applied for shelter was a major challenge. "Bringing your kids [to PATH] is difficult, especially when they're sick," said Crystal V.[77] Because of the crowded conditions at her cousin's apartment, Ms. V. sent her oldest son to stay with his aunt. Ms. V.'s application for subsidized housing was recently approved, but she cannot move into the apartment until she can pay the first month's rent and security deposit. "They [DHS] tell you to go to a conference [at PATH]. This time they gave one day notice, so you go and wait all day, even though they say it's for 9 am," said Ms. V. of the shelter application process.[78]

Diane W. and her daughter, Jasmine R., 8 years old [79]
Diane W. applied for shelter with her daughter in 2006 because she was trying to escape the father of her child who was stalking her. DHS provided her with an Amtrak ticket to Los Angeles where she stayed in a domestic violence shelter, but when her abuser tracked her down, she moved to Miami. A friend of Ms. W. offered her a place to stay but then reneged once Ms. W. was in Miami, so she moved into a shelter. Then a friend she worked with at a bakery offered her a place to stay. Ms. W. and her 8-year-old daughter Jasmine were sleeping on the sofa of her co-worker's home. In September 2007, they had to leave because Jasmine was sexually molested by her co-worker's husband.

"What do you need, a lie detector test? They [DHS] are denying people that are needy and deserving of this opportunity."

[75] Although there are specific protections for homeless families (see New York Social Service Law Section 131 (3) and Cosentino v. Perales and Cosentino v. Dowling), advocates confirm parents face threats that their children will be taken away by ACS if they are found sleeping in public places.
[76] *Supra* note 74.
[77] *Ibid.*
[78] *Ibid.*
[79] Family was referred to the Office of the Public Advocate by the Coalition for the Homeless.

Ms. W. returned to New York. She applied for shelter and was given a ten-day conditional placement in Staten Island. Ms. W. told DHS that her daughter had been sexually molested by her co-worker's husband, but DHS nonetheless found her ineligible for permanent shelter because she failed to demonstrate that she could not return to her co-worker's home. According to Ms. W., DHS workers said, "Where's your proof? Do you have a police report?" DHS then requested she get in touch with her co-worker to prove that she resided there. Although this was extremely disturbing to Ms. W., she tried to call her co-worker who refused to speak to her on the phone. She gave DHS her income tax returns, mail, and her identification card as proof she was living with her co-worker for five months, but according to Ms. W., DHS did not accept these documents.

Ms. W. reapplied for shelter two additional times and was given ten-day conditional placements in Queens and Brooklyn. Each time DHS moved Ms. W. and her daughter, Jasmine had to change schools. "I couldn't keep her in the same school," said Ms. W.[80] "We were in a different borough so I had to change everything." DHS continued to find her ineligible each time she applied. DHS never referred her to the NOVA domestic violence unit.

After DHS implemented its late-arrival policy on October 12, 2007, Ms. W. was asked to leave the Brooklyn shelter. She and her daughter slept in hospital waiting rooms, in subway cars, and on park benches for three days. Ms. W. did not sleep for 72 hours because she wanted to make sure no harm came to her daughter. Jasmine had to miss school while they were homeless. Jasmine's school was sympathetic to the family's situation. "Her school in Brooklyn wanted to fight with me," said Ms. W.

With the help from the school, Ms. W. sought assistance from State Senator John L. Samson's office and a homeless advocacy organization that helped her obtain legal representation. "On October 29th I was found eligible. I think it was due to the pressure," said. Ms. W. "They [DHS] were not going to make me eligible." Although Ms. W.'s situation had not changed, due to the intervention of advocates, DHS reversed its decision

Ms. W. and her daughter are living at a shelter in Manhattan. Jasmine is attending a new school in Manhattan near the shelter. "She is not doing good in school," said Ms. W.[81] "She is very traumatized and is academically at a kindergarten level." Jasmine will have to repeat the second grade. She is receiving therapy and additional academic supports at her school. Ms. W., who has a serious heart condition, cannot work and will start receiving Social Security Disability in July. She is trying to obtain an order of protection from her stalker, who thus far has not found her. "What do you need a lie detector test?" said Ms. W. of her experience with DHS. "They [DHS] are denying people that are needy and deserving of this opportunity."

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[80] Interview by Daliz Pérez-Cabezas with Diane W., New York, NY, May 16, 2008.
[81] *Ibid.*

CONCLUSION

The five families profiled by the Office of the Public Advocate in this report all appear to have had a legitimate need for shelter. In the four cases in which DHS later found families eligible or found them permanent housing, the circumstances that warranted the initial application remained unchanged. It appears that DHS' initial decisions to deny these families shelter were faulty. In one case, DHS was unable or unwilling to obtain information pertaining to a family's housing history and based its decision on incomplete information. In two others, families asserted that DHS ignored domestic violence and sexual abuse incidents that limited the family's housing options. In three cases, DHS' reversal was due, at least in part, to the intervention of advocates or legal representatives. Unfortunately, each family was exposed to traumatic and potentially dangerous situations in the time between DHS' initial decision and its eventual reversal.

While reducing homelessness is a worthy goal, the city's policies for achieving this goal must not put the health and well-being of families at risk. DHS' late-arrival placement does exactly that.

RECOMMENDATIONS

The New York City Department of Homeless Services should:

End the policy to deny late-arrival shelter placements to families who re-apply after 5 pm.
DHS has not demonstrated that the majority of families requesting late-arrival placements have another available housing option. Nor has it substantiated its claim that these families jeopardize its ability to manage the PATH intake process in an orderly fashion. It is both inefficient and inhumane to deny shelter to families with children who will later be found eligible. DHS should not continue a policy that has been shown to put parents and children in harm's way.

Evaluate and revise the application process to improve eligibility determinations.
DHS should review its own eligibility process to determine why DHS officials regularly make faulty determinations that prevent families from obtaining shelter. DHS could start by updating its 45-page eligibility guidelines, which have not been substantially revised since their creation in 1999, and reviewing the 14-page eligibility determination questionnaire. In addition, the agency should assess whether employees are correctly using the guidelines to make eligibility determinations and if they might benefit from additional training.

Revise shelter application and reapplication procedures so school-aged homeless children do not have to miss school.
The current reapplication process requires all family members be present, and, as result, homeless school-aged children frequently miss school. DHS should review and revise its application process to minimize disruptions for school-aged homeless children. First, DHS should no longer require children to be present when families reapply for shelter within 90 days of their first application. Second, the agency should expand its hours of operation so that families with school-aged children are able to schedule follow-up appointments that allow them to drop off their children between 8:30 and 9:00 am and then pick them up when school ends. Third, DHS should give parents the flexibility to leave PATH to pick up their children without closing

their case if they are not in the waiting room when their name is called. DHS should consider providing parents with transportation so parents do not have to miss appointments and children do not have to miss school.

Change shelter eligibility criteria so that housing with occupancy restrictions, such as Section 8 and public housing, is never considered a viable housing option for a shelter applicant who is not on the lease.

DHS should never recommend that a family return to housing if that family's presence puts the tenant in violation of his or her lease. DHS officials told two families interviewed by the Office of the Public Advocate that they could return to a friend or relative's Section 8 and co-op apartment, even though their presence would put their friends or relatives in violation of their lease. Currently, unless the leaseholder has already received an eviction notice, DHS considers such housing a viable option, essentially encouraging overcrowded conditions and placing leaseholders in situations that actually put them at risk of homelessness themselves. For example, Alison G. was denied shelter by DHS although Ms. G's friend told DHS that her co-op board did not allow her to have long-term guests. Without documentation proving that Ms. G.'s friend was in jeopardy of being evicted, DHS considered the friend's apartment a viable housing option. As a result, Ms. G. and her five-year-old son were forced to sleep on a mat in St. Ann's Episcopal Church (see p. 11). DHS should change eligibility criteria to recognize that public housing, Mitchell-Lama, Section 8, and co-op apartments are not valid housing options for families seeking shelter who are not the leaseholders.

FOR THE RECORD

TESTIMONY OF ZOILO TORRES, DIRECTOR OF COMMUNITY RELATIONS, THE PARTNERSHIP FOR THE HOMELESS

RHETORIC vs. REALITY

Thank you Councilman de Blasio and members of the General Welfare Committee for inviting me here today to speak at this hearing concerning the Department of Homeless Services progress in meeting the Mayor's pledge to reduce homelessness by two-thirds by the end of his administration.

My name is Zoilo Torres, and I'm the Director of Community Relations at The Partnership for the Homeless.

As we all know, for over two decades, New York City has been driven by crisis management in dealing with homelessness.

According to an Independent Budget Office Report issued not too long ago, our city spends almost a billion dollars annually on emergency services to fuel a sprawling shelter system that consumes an ever-growing stream of homeless families and individuals.

Solving the problem with long-term solutions was virtually ignored.

That is, until Mayor Michael Bloomberg took office and seemed to understand that it's more compassionate and certainly fiscally prudent to shift the city's focus to a proactive agenda on prevention. No one could quarrel that it's more judicious to allocate dollars to help stabilize a family already in housing, than to spend $3,000 a month to warehouse an evicted family in a city shelter.

That's why The Partnership for the Homeless gave the proverbial thumbs-up to the Mayor for announcing, at the start of his administration, what we all believed was a thoughtful and far-reaching plan to reform the city's shelter system and focus on homeless prevention. At the time, it certainly signaled a welcome sea change in policy - a paradigm shift that was in synch with current national thinking and trends.

Proven prevention strategies - especially expansion of community-based services that focus on such things as education and job training, and access to quality health care - are critical to keeping people in their homes. And for every family that isn't uprooted, every child who remains in his own school, every senior citizen who keeps her home of 40 years, that's an enormous victory.

But the immense promise threatens to fall short. In fact, there's a wide gap between the Mayor's rhetoric and reality.

The reality is that family homelessness has increased by 17 percent over the last two years. Low-income families and their children now comprise over 72% of our city's shelter population. There are nearly 14,000 children and over 8,500 families calling a city shelter home. And these figures, obviously, do not include the countless thousands sleeping on the living room couch in an overcrowded apartment of a family member or friend, or those who are about to fall over the precipice paying more than 50% of their income toward rent.

And for single adults, based on the Department of Homeless Services own statistics, there are almost 7,000 homeless individuals on our streets, in shelters and drop-in centers.

The big question is why?

As a start, we're simply not addressing our city's dire affordable-housing shortage. Without low-income, affordable housing as the base to begin addressing the other underlying root causes, the Mayor's plan to reduce homelessness will be simply illusory.

The Mayor's "New Marketplace" housing initiative, recently reviewed favorably by the IBO for its production and preservation of low-income housing, targets only a small share of the units for the households who are either homeless or most at risk. In fact, the IBO's report made it clear that the Mayor's low-income housing efforts - now complete - were largely fueled by the preservation of thousands of Mitchell-Lama housing. While, certainly an important city-wide effort, it does nothing to stem the tide of poor families desperately in need of low-income housing.

Without enough affordable housing, and without the resources or commitment to provide ongoing support once an individual or family does find housing, we're genuinely concerned that the Mayor's charge to reduce homelessness by two-thirds is pressuring the Department of

Homeless Services to take measures that are not solving the problem but are rather short-term efforts that may artificially shrink the shelter population so that they can declare some sort of victory.

First as to families, while the city has invested in Home-Base programs, we agree with the concerns raised by the IBO that there is little or no data evaluating the effectiveness of these programs. This is especially important in light of the continuing crisis of family homelessness.

And, what we've seen over time with HomeBase is that the Department of Homeless Services is more focused, again because of the mayor's pledge, on diversion from shelter, rather than focusing on the longer-term problems facing poor families. We're quickly becoming a city where hundreds of thousands of New Yorkers are living doubled-up, in overcrowded apartments and paying more than 50% of their income toward rent.

Essentially, what we've done is simply substituted a living room couch in an overcrowded apartment for a shelter bed.

It is clear to us at the Partnership that family homelessness is a function of entrenched poverty and the Department of Homeless Services, created to manage the problem, can not alone solve it.

And with no real concerted effort to focus on low income housing or the root issues, and with an end of court oversight under McCain v. Koch, we believe there is a real risk that the Department of Homeless Services will be forced, again by necessity, to rely on measures that will narrow the opening of its shelter doors to those in need in order to reduce the shelter population.

As to single adults, we're similarly concerned.

Again, we believe that the Mayor's pledge at the start of his administration is singularly driving the efforts of the Department of Homeless Services, rather than what should be a multi-layered approach that understands the complexity of the problem.

Of course, the dearth of affordable housing again looms large. We've seen over and over again from the research and the literature in the field that a *Housing First* program works best for those adults living on our city's

streets. And it works even for those who have been labeled chronically homeless.

So again, in the absence of housing, the Department of Homeless Services, in an effort to make good on the Mayor's promise, is now creating small, safe haven shelters to simply reduce the street population. And while these smaller, so-called friendlier shelters may indeed be better than the larger shelters, without housing, they offer no long term solution. Yes, the Mayor may declare a reduction of street homelessness, but to what end.

And these safe haven shelters costs us on average between $2,250 and $2.850 per person per month. (Or between $27,000 to $34,200 per person per year.)

And these safe haven shelters are limited to those who the city has labeled chronically homeless - those men and women living on the street from 9 months to one-year or more.

But what about those men and women who have just fallen into homelessness – the seniors in their 60s, 70s, and 80s, who we're seeing more and more fall prey to homelessness and who just will not go to a

large city shelter. Or the men and women working at low-wage jobs who simply can not afford housing. Or the veteran, who doesn't fit the city's definition of chronically homeless, but has no place to go.

At least 1000 of these men and women appear at the city's drop in centers daily.

These men and women – and other vulnerable New Yorkers in need – rely on the city's drop-in centers for a meal, medical care and counseling, temporary shelter, and the kind of case management assistance that help these men and women put their lives back together again.

And we're concerned now that the Department of Homeless Services is focusing singularly on safe havens at the expense of the safe haven of drop-in centers. In fact, we've already seen the Department of Homeless Services close two drop-in centers – and we're unsure of what they're planning with the rest.

And we're also concerned about the Partnership's network of faith-based shelters we created, along with Ed Koch, more than 25 years ago.

In the absence of housing, these small overnight shelters in churches, synagogues, and other faith-based houses of worship provide a vital life-line for those men and women who frequent our city's drop-in centers. In fact, this network has proven so important, that a number of years ago the Department of Homeless conducted a survey of those individuals in the drop-ins, and 85% reported that they would not have come off the street to a drop-in but for the availability of a church/synagogue bed.

These faith shelter beds fill a real need. On any given day during peak season (that is during the winter when faith beds are most in demand) the Partnership provides week day average of 550 beds.

While we at The Partnership have talked about expanding the network in light of the need and in the absence of affordable housing, the Department of Homeless Services wants to dramatically shrink the Emergency Shelter Network, again focusing on safe haven shelters and the effort to make good on the Mayor's pledge.

The Department of Homeless Services has demanded that we cut the faith-beds by a week day average of 150 while men and women continue to sleep in chairs at drop-in centers. In fact, while we're near capacity in the church/synagogue network, anywhere from 80 to 360

homeless men and women sleep on chairs in the city's drop-in centers on any summer week day.

And because we won't be complicit in this effort, the Department of Homeless Services is now planning on issuing an RFP to put out for bid the Emergency Shelter Network.

Please know that the Partnership has more than a contractual relationship with the faith community that can be easily transferred to another agency. The network is a relationship born over a quarter of century ago by Mayor Ed Koch and the Partnership's founder, Peter Smith, to provide homeless adults with safe, overnight lodging, wholesome meals, and fellowship.

The Partnership, thus, was not the answer to an RFP, but emerged organically from the faith community, and became the unifying force of this faith-movement. Clergy and volunteers continue to play a major role in the direction of the Network and the Partnership. Indeed, they are members of the Partnership, have sat on our Board, and have important governance roles.

And we are proud that the Network is one of the most successful public-private partnerships in the country, providing shelter and community to hundreds of homeless adults each night in our great city.

And we as a city should not want to lose the depth of this relationship nurtured over all these years. The churches and synagogues who are members of the Emergency Shelter Network are not just turning over space; they are motivated by their spiritual beliefs to serve single homeless men and women.

Further, this faith-based shelter system is unique in that it is entirely volunteer-run; the rewards of bringing aid and comfort to a fellow human being are the most important incentives for continuing to participate.

As one Brooklyn volunteer noted, "the blessings that emanate from this program go way beyond it—to the volunteers who have the opportunity to serve and to the community as a whole. The Partnership's faith-based shelters change attitudes of people throughout the community about homelessness."

And as I noted, The Partnership plays a pivotal role in making the Emergency Shelter Network run smoothly, applying lessons learned over

many years to recruit and train volunteers, set up new shelters, coordinate activities between congregations, and monitor overall effectiveness.

The Emergency Shelter Network is now much greater than the sum of its parts; over the years, it has become a model of ecumenical unification and cooperation that plays a vital and irreplaceable role in helping the city meet its obligation to protect and house its most vulnerable residents.

Sure we acknowledge that there are ways to improve efficiencies in the system as we work simultaneously to finding permanent solutions to homelessness. Areas for improvement include Drop-in Center operations, guest transport to faith-based shelters, and greater standardization of shelter supplies and equipment.

And we're prepared to collaborate with the Department of Homeless Services on these issues. We may not have a two-thirds decrease in the number of homeless people on our streets but, in the absence of housing, what we can ensure is that they are off our streets and sleeping on a bed in of one of the Partnership's network of churches or synagogues.

But we're not sure what the Department of Homeless Services is planning – other than to try to meet the Mayor's pledge.

For homeless men and women who rely on our faith-bed network these shelters are often their first giant step in leaving the street. Reduce these beds and where will they go? Most likely the streets. That certainly would be a huge step backward for the Mayor, who says that he wants to take a giant leap forward in trying to address a crisis that first surfaced more than 25 years ago when an army of homeless men and women first appeared on our doorsteps.

And frankly, we'd like to put ourselves out of business. But if the Mayor is serious about achieving his goals, his rhetoric needs to be followed by a similarly ambitious plan that addresses the most fundamental cause of our skyrocketing homelessness – enough housing for all.

Thank you Ladies and Gentlemen.

IBO News Fax

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Inside the Budget

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Has the Rise in Homelessness Prevention Spending Decreased the Shelter Population?

Also available...

Homelessness Prevention Spending by Agency And Program

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LAST JUNE MARKED THE FOURTH YEAR since Mayor Michael Bloomberg announced his five-year plan to reduce homelessness in the city by two-thirds by 2009. A major component of the plan, *Uniting for Solutions Beyond Shelter*, includes an increased emphasis on reducing the need for individuals and families to enter the shelter system. As fewer people are in the city's homeless shelters, the Mayor expected the savings on shelter costs would be used to further fund homelessness prevention and related efforts.

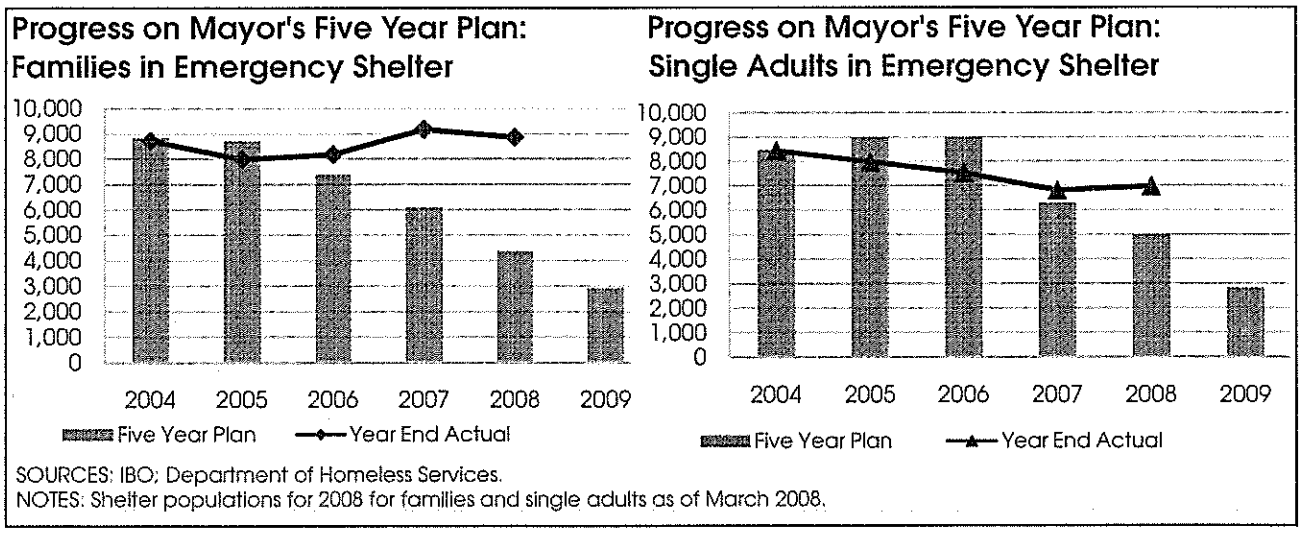
So far it has not worked as planned. While prevention efforts have expanded, the goals for reducing the number of families and single adults in emergency shelter have not been met. Moreover, while the number of homeless single adults has fallen somewhat, the number of homeless families has actually risen. As a result spending on both prevention and shelter has grown. City spending on homelessness prevention has risen from $160.6 million in 2004 to $191.2 million in 2007 and spending on homeless shelters has grown from $563.4 million in 2004 to $603.5 million over the same period. IBO prepared this review of homelessness prevention programs and spending at the request of Council Member Bill de Blasio.

Homelessness prevention is a broad term and can include intervention at various phases. Legal assistance and certain cash assistance programs aim to help households early in times of crisis by preventing evictions. When intervention happens early, it generally costs less per household but services are provided to some households that would not have entered the shelter system even if they had not received preventive services. There is also rental assistance and other services available later in the process, for example after a family has applied for but not yet entered a shelter. Intervention at this point focuses resources on those who, unaided, are most likely to wind up in a shelter. But assistance at a late stage generally costs more for each household assisted, as clients require more services and might have already been evicted and are living doubled up with another household.

The Mayor's five-year plan to reduce homelessness includes efforts besides those designed to prevent shelter stays, such as minimizing the duration of shelter stays, better coordinating services and benefits, and measuring progress. The plan was developed in consultation with public, private, and nonprofit leaders, and coordinates efforts by the Human Resources Administration (HRA), Department of Homeless Services (DHS), Administration for Children's Services (ACS), and Department of Housing Preservation and Development (HPD).

The Department of Homeless Services publishes statistics on their homeless services but has not produced an annual progress report on the various components of the Mayor's homelessness reduction plan since July of 2005. The 2005 progress report listed the implementation status of the plan's strategies—ranging from preventing homelessness to minimizing the length of stay in shelter—and included challenges as well as accomplishments. Without regular information, it is

New York City Independent Budget Office
Ronnie Lowenstein, Director
George Sweeting, Deputy Director
110 William St., 14th Floor
New York, NY 10038
Tel. (212) 442-0632
Fax (212) 442-0350
iboenews@ibo.nyc.ny.us
http://www.ibo.nyc.ny.us



SOURCES: IBO; Department of Homeless Services.
NOTES: Shelter populations for 2008 for families and single adults as of March 2008.

unclear which programs the Bloomberg Administration believes have been successful, what have been the major challenges, and whether current efforts and funding are adequate in order to make progress towards their goals.

Shelter Ins and Outs. There are two distinct populations of homeless—families and single adults—and shelter trends since the increase in homelessness prevention and other efforts related to the Mayor's plan have differed between the two populations. After an initial drop, the number of families in homeless shelters began to grow in early 2006, rising by 15 percent over the last two years, and is a bit higher now than in 2004 before the plan began. Unlike the family shelter population, the number of single adults in shelters declined for three years—down 17 percent since its peak—and has now leveled off.

The number of homeless in shelters at any one time is a function of both the number of people entering shelters and the ability to move those in shelters to more permanent housing. The Mayor's five-year plan proposed prevention efforts to keep families and single adults from having to enter shelter, as well as placement options to move more families and single adults out of shelters and into permanent housing more quickly.

During the first three-and-a-half years the plan was in effect, the number of families found eligible for shelter increased while the number being moved out of shelter and into permanent housing decreased. The city saw increases in the number of families found eligible for shelter (a measure for entrants), from a monthly average of 771 in 2004 to 983 in 2007 while the other driver of shelter population, permanent placements, decreased from a total of 7,090 in 2004 to 6,181 in 2007.

There has been some progress on both homeless prevention and permanent placements during the current year. Through March of fiscal year 2008 on average 884 families have been found eligible for shelter each month, less than last year but still higher than 2004. There has been a monthly average of 575 placements through March 2008, putting DHS on pace for 6,900 placements for the year.

Shelter Census and Spending. Total spending on the shelter system in 2007 was $603.5 million and was budgeted at $651.3 million in 2008. The increase is attributable to a rise in the family shelter population early in this fiscal year, although the number of families has declined over the past few months. In fiscal year 2007

Shelter Population and Spending, 2004-2008

Dollars in millions

	2004	2005	2006	2007	2008
Spending:					
Family Shelter	$362.9	$376.4	$360.0	$376.6	$433.0
Adult Shelter	200.5	223.1	227.4	226.9	218.3
Shelter Total	**$563.4**	**$599.5**	**$587.4**	**$603.5**	**$651.3**
Prevention Spending	**$160.6**	**$171.6**	**$186.5**	**$191.2**	**n/a**
Shelter Population: *(End of Fiscal Year)*					
Families in Shelter	8,712	7,975	8,165	9,162	8,848
Individuals in Family Shelter	27,967	24,859	24,022	27,653	27,491
Single Adults in Shelter	8,432	7,976	7,520	6,813	6,976

SOURCES: IBO; Mayor's Office of Management and Budget; Department of Homeless Services.
NOTES: Fiscal year 2008 spending figures are budgeted; Shelter populations as of June for fiscal years 2004-2007 and as of March for fiscal year 2008.

Spending on Homelessness Prevention *Dollars in millions*					
	2004	2005	2006	2007	2008
Human Resources Administration	$145.2	$150.1	$160.4	$160.2	n/a
Department of Homeless Services	10.0	12.1	14.9	18.5	19.2
Administration for Children's Services	5.0	3.9	4.7	5.5	5.0
Housing Preservation and Development	0.4	2.5	2.5	2.5	3.0
Legal Assistance Contracts	-	3.1	4.0	4.5	5.5
TOTAL	**$160.6**	**$171.6**	**$186.5**	**$191.2**	**n/c**

SOURCES: IBO; Human Resources Administration; Administration for Children's Services.
NOTES: Fiscal year 2008 figures are budgeted; n/a - not available, n/c - not comparable. Numbers may not add due to rounding.

the monthly average of families in the shelter system was 9,043; through March of fiscal year 2008, the average is 9,181.

The family shelter population has seen significant increases since the middle of 2006. In December 2005 there were 7,707 families in shelter, but by March 2008 this had risen to 8,848, a 14.8 percent increase. Family shelter spending, including both DHS-run and privately run shelters, which had declined to $360.0 million in fiscal year 2006, is now budgeted at $433.0 million for 2008, an increase of 20.3 percent since 2006. According to the *Mayor's Management Report*, the average cost per day for a family in shelter was $94.97 per family in 2007. Through 2007, the average length of stay in shelter has been roughly 325 days, for an average cost of approximately $31,000 per family in shelter over the course of their stay.

In contrast, the single adult shelter population has decreased from 8,432 at the end of 2004 to 6,976 in March 2008. Adult shelter spending has remained relatively constant over that time and it is projected to increase slightly by $3.0 million in 2009 to $221.3 million if the shelter population remains at its current level. The cost per day for adult shelter was $63.75 per person in 2007.

Prevention Spending. Total city spending on homelessness prevention increased to $191.2 million in 2007, a 2.5 percent rise from 2006, and a 19.1 percent increase since 2004, the baseline year for the five-year plan. Prevention spending by the Human Resources Administration was flat in 2007 and constituted nearly 84 percent of total prevention spending, down from about 90 percent in 2004. HRA's homelessness prevention programs are included in the broader cash assistance budget, predominantly consisting of funds for welfare. The Mayor's Office of Management and Budget produces a budget estimate for total cash assistance but does not budget by specific types of assistance. Accordingly, HRA and the Mayor's budget office are not able to provide budget information for homelessness prevention for 2008.

The Department of Homeless Services spent $18.5 million on prevention in 2007, up 24.1 percent from 2006, and had a budget of $19.2 million for 2008. The Administration for Children's Services increased its homelessness prevention spending by $800,000 (17.0 percent) in 2007; ACS prevention spending for 2008 was budgeted to decline roughly 8 percent. The Department of Housing Preservation and Development spent $2.5 million each year from 2005 through 2007 for anti-eviction legal services contracts funded by the City Council and had a budget of $3.0 million in 2008. Legal assistance contracts increased more than 10 percent to $4.5 million in 2007, and were expected to rise 22 percent in 2008. (For more detailed information on spending by each of these agencies and their specific programs, click here.)

New and Growing Homelessness Prevention Efforts. Two of the key homelessness prevention efforts since the Mayor introduced his five-year plan have been the introduction of the HomeBase program and the expansion of one-time cash grants. HomeBase began as a pilot program in six community districts in September 2004 and expanded citywide in 2008. The program, run by the Department of Homeless Services, funds community-based organizations that help families at risk of homelessness secure services and one-time cash assistance. Spending on HomeBase has more than doubled from $5.2 million in 2005, its first full year of operation, to $12.4 million budgeted for 2008 with seven nonprofit groups responsible for 12 catchment areas that cover the entire city.

Initially, HomeBase focused on families and single adults deemed most at risk of needing to enter the shelter system. With its citywide expansion, HomeBase providers now also work with certain families who have recently left the shelter system in an effort to prevent the need for reentry and with families that have applied for shelter to prevent them from having to enter.

There is some evidence that HomeBase has been effective in preventing participants from entering the shelter system. Although there has been a citywide rise in family shelter entrants, the increase was lower in the six HomeBase communities. Family shelter entrants from the original six community districts with HomeBase rose 6.3 percent between 2004 and 2007

compared with increases of 13.7 percent in demographically similar districts without HomeBase and 17.5 percent in all other districts, according to information proved by DHS.

Additional evidence on the efficacy of the HomeBase program is included in the *Mayor's Management Report.* As of 2007, 91.7 percent of families who received HomeBase prevention services did not enter the shelter system within 18 months of enrollment. Similarly, 96.4 percent of single adults who received prevention services from HomeBase did not reside in shelter for more than 20 days within 18 months after enrollment as compared with the average length of shelter stay for single adults of 92 days during fiscal year 2007. However, it is not possible to determine how many of those enrolled would have entered shelter without the assistance.

While total homelessness prevention spending by the Human Resources Administration leveled off in 2007, spending on one-time cash assistance has continued to grow, rising from $76.6 million in 2004 to $110.5 million and $114.3 million, respectively, in 2006 and 2007. One-time cash assistance is provided to single adults and families facing eviction or other crises that could lead to a shelter stay and can be used to cover back rent, brokers fees, security deposits, or related needs. These cash grants primarily go to households that are not receiving public assistance. But part of the funding for the one-time assistance comes from federal Temporary Assistance to Needy Families dollars.

There were nearly 87,000 one-time cash assistance cases in 2007, an increase of 2.3 percent from 2006. The average cost for each case in 2007 was $1,315.

Cost Effective? While the city is undertaking many strategies to prevent homelessness, including the HomeBase program, one-time and on-going rental assistance, and multiple anti-eviction legal assistance programs, little is known about their overall effectiveness. The city has not released an annual progress report on the five-year plan since July of 2005.

The fact that spending is increasing as shelter populations are increasing shows that we need a deeper understanding of the causes of the increase in the shelter population as well as the effectiveness of prevention programs. There is no consensus on when the most cost-effective time is to intervene. Also, there is no data on what the most effective services are among the various options such as cash assistance, mediation of disputes between landlords and tenants, job placement to help households afford to hold on to their apartments, legal assistance, and others. More information is needed to determine if additional funding is necessary or if prevention programs can better target their funding to the most appropriate means of assistance. A better understanding would help the city target its resources to prevent homelessness and shelter stays that are costly in both fiscal and human terms.

This report prepared by Brendan Cheney

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Homelessness Prevention Spending by Agency and Program

Human Resources Administration (HRA). Homelessness prevention spending by HRA was essentially flat in 2007 at $160.2 million. Although overall there was little change in HRA prevention spending, there were changes among programs.

Spending on Family Eviction Prevention Services (FEPS) has increased as so-called Jiggetts payments have declined as the program phases out.[1] The FEPS program is similar to Jiggetts assistance; it is a rent supplement for families on cash assistance that are facing eviction for nonpayment of rent due to rental costs higher than the shelter allowance associated with public assistance. Spending on Jiggetts and FEPS combined in 2007 was $39.0 million, roughly the same as spending on the two programs in 2006, but less than spending on Jiggetts in fiscal years 2003 through 2005. (A previous report on homelessness prevention spending by IBO did not include spending on FEPS. This report includes spending back to 2005 when the supplement began and updates all total spending numbers to include FEPS.)

Although the programs are similar, there are a few differences between FEPS and its predecessor, Jiggetts. Monthly supplements are higher under FEPS—$900 with a cash assistance case size of four—than they were under Jiggetts. Conversely, assistance under FEPS is limited to five years. Finally, if the household is receiving a reduced grant due to being sanctioned for not meeting a public assistance rule, FEPS will not cover the back rent owed during the sanction period once the family's sanction is lifted.

The number of Jiggetts cases has been decreasing each year since 1999, before Jiggetts began to phase out in 2003. In 1999, there was an average of 24,858 cases and in 2003 there was an average of 14,199 cases. The decrease continued as the program was phased out. As of April of 2008, there were only 2,189 Jiggetts cases. The FEPS initiative began in 2005, but the state Office of Temporary and Disability Assisstance only began collecting data on active cases in fiscal year 2007. At the end of fiscal year 2008, there were 6,606 active FEPS cases. This is comparable to Jiggetts usage in 2006, but is far from the number of Jiggetts cases in previous years.

Growth in HRA One-Time Assistance. HRA provides one-time cash assistance to families and single adults facing eviction or other crises to cover back rent or security deposits and broker fees. One-time assistance grants target households not receiving on-going cash assistance and are partially funded through federal Temporary Assistance to Needy Families (TANF) funds. Spending on one-time assistance was $114.3 million in fiscal year 2007, an increase of $3.8 million, or 3.4 percent.

Payments for broker fees, security deposits, and rent in advance decreased by $3.8 million, or 6.0 percent, to $59.1 million. This is the most common type of assistance, with 56,231 cases in 2006, and 56,291 cases in 2007. The average payment decreased by 6.1 percent to $1,050 in 2007. A percentage of this spending, however, goes to households who are leaving shelter to help them secure more permanent housing and therefore should not be considered homelessness prevention. HRA is unable to determine how much of the funding helps families avoid entering shelter (prevention) and how much supports families leaving shelter.

HRA Spending on Homelessness Prevention

Dollars in millions

	2004	2005	2006	2007
Jiggetts Payments*	$55.0	$46.4	$30.0	$15.7
Family Eviction Prevention Supplement (FEPS)	-	-	9.2	23.3
One Time Grants	76.6	90.1	110.5	114.3
Diversion Teams & Other HRA Staff	12.5	13.4	10.7	7.0
Anti-Eviction Legal Services**	1.0	-	-	-
TOTAL	**$145.2**	**$150.1**	**$160.4**	**$160.2**

SOURCES: IBO; Human Resources Administration.
NOTES: Fiscal year 2008 budget information is not available for HRA homeless prevention programs. Jiggetts and FEPS cases for 2008 represent data through April 2008. *The Jiggetts total includes Temporary Supplemental Shelter (TSS) assistance, which is the comparable subsidy for families that have timed out of Family Assistance and are receiving Safety Net Assistance instead. **Anti-eviction legal services contracts transferred to Department of Homeless Services as of September 20, 2004. Numbers may not add due to rounding.

HRA also provides cash assistance for back rent and eviction avoidance for households that are not in the FEPS program. Generally the agency requests a client contribution and requires a demonstrated ability to pay future rent. HRA also follows state limits of six months of

total arrears over a five-year period. The agency has the flexibility to grant rent arrears of more than six months total, for example if there is a child under 6 months old in the household, if someone in the household has AIDS, is terminally ill, or is mentally or physically disabled, or if there are other exigent circumstances. Depending on the situation and public assistance eligibility status, grants may be recouped from subsequent cash assistance benefits or the applicant may be required to sign a repayment agreement.

HRA One-Time Assistance

	2004	2005	2006	2007	Pc Change 2006 200
Spending *dollars in millions*					
Broker Fees/Security Deposit/Rent in Advance*	$38.3	$49.8	$62.9	$59.1	-6.0
"Excess Rent"	33.0	35.9	41.7	49.1	17.8
Back Rent/Eviction Avoidance	5.3	4.4	5.9	6.1	2.8
TOTAL	**$76.6**	**$90.1**	**$110.5**	**$114.3**	**3.4**
Cases					
Broker Fees/Security Deposit/Rent in Advance	n.a.	n.a.	56,231	56,291	0.1
"Excess Rent"	n.a.	n.a.	23,885	25,790	8.0
Back Rent/Eviction Avoidance	n.a.	n.a.	4,760	4,788	0.6
TOTAL			**84,876**	**86,869**	**2.3**
Average Cost per Case					
Broker Fees/Security Deposit/Rent in Advance			$1,118	$1,050	-6.1
"Excess Rent"			$1,746	$1,905	9.1
Back Rent/Eviction Avoidance			$1,241	$1,268	2.1
TOTAL			**$1,302**	**$1,315**	**1.1**

SOURCES: IBO; Human Resources Administration.

*Not all of this is Prevention. Cash assistance for families leaving shelter included here.

HRA back rent and eviction avoidance covers two different programs. "Excess rent" covers rental arrears for clients in the approval process for FEPS. In 2007, spending on excess rent increased $7.4 million (nearly 18 percent) to $49.1 million. The caseload also grew in 2007, rising 8.0 percent to 25,790 cases. The average amount of excess rent assistance rose 9.1 percent, to $1,905 dollars per case in 2007. Among clients not in the FEPS program, payments in 2007 for back rent and eviction avoidance increased $163,000, to $6.1 million, a 2.8 percent increase. The slower growth was a combination of a very modest increase in cases, from 4,760 cases in 2006 to 4,788 in 2007, and a 2.1 percent increase in the average amount, to $1,268.

Department of Homeless Services (DHS). In 2007, spending on homelessness prevention at the Department of Homeless Services increased by $3.6 million to $18.5 million. Since the Mayor announced the five-year plan, spending has increased by 85 percent through 2007 due to the introduction of the HomeBase program. The budget for homelessness prevention for 2008 is $19.2 million, which also includes spending on some other initiatives to prevent homelessness.

In 2005 through 2008, the city provided $300,000 under the Innovative Projects program to different providers for various prevention services including intensive case management to families at high risk of homelessness, informational assistance at housing court, and financial assistance, relocation services, and workforce development. In 2007 and 2008, the City Council provided $500,000 for the Homeless Prevention Fund, which allows three providers to give cash assistance to 500 households at risk of eviction and becoming homeless. The state-funded Homeless Intervention Program provides grants throughout the state to provide support services for those at risk of homelessness. State funding for the program was roughly $650,000 annually from 2004 through 2007 and a total of 421 households in the city received support to avoid homelessness. Funding for this program was eliminated in fiscal year 2008.

In fiscal year 2005, the Department of Homeless Services began HomeBase, a pilot program to fund community-based organizations that help families at risk of homelessness access services and one-time cash assistance. The program served six high-risk neighborhoods through 2007 and expanded citywide in fiscal year 2008 and now has seven providers operating in 12 catchment areas that cover the entire city.

Through November 2007, HomeBase had enrolled 8,294 families and single adults, an average of roughly 215 per month. The core services offered through HomeBase are help with finding and renting an apartment, job training and search, legal and benefits assistance, mediation of problems with landlords or within families, and accessing health care and child care. Many clients received more than one type of service.

DHS Spending on Prevention Programs

Dollars in millions

	2004	2005	2006	2007	2008
HomeBase Contracts	-	$5.2	$8.3	$10.8	$12.4
Anti-Eviction Legal Services	9.4	5.9	5.7	6.2	6.0
Homeless Intervention Program	0.6	0.6	0.6	0.6	-
Innovative Projects	-	0.3	0.3	0.3	0.3
Homeless Prevention Fund	-	-	-	0.5	0.5
TOTAL	**$10.0**	**$12.1**	**$14.9**	**$18.5**	**$19.2**

SOURCES: IBO; Department of Homeless Services.

NOTE: 2008 figures are budgeted. Numbers may not add due to rounding.

HomeBase providers also have approximately 20 percent of their budget available for direct cash assistance to clients. Since the program began, 2,148 clients received an average of $1,150 in cash assistance through HomeBase. Providers have flexibility in using cash assistance through HomeBase and have generally used it alone or with HRA cash assistance and client contributions to house clients, pay for job training, or buy furniture and work clothes. Many clients received more than one type of service.

HomeBase contract budgets, starting in fiscal year 2008, are now structured with performance standards. Roughly half of the total award is now performance-based. Under these terms, providers are paid only for successful diversions from shelters. Providers receive $1,000 for each month that a diversion client does not enter shelter, up to a maximum of $12,000.

In fiscal years 2005 through 2007, DHS spent a total of $24.3 million on HomeBase. Contract budgets for HomeBase total a maximum of $17.5 million in 2008, $21.0 million in 2009, and $23.0 million in 2010. The budget for HomeBase was set at $12.4 million for 2008 and $14.2 million for 2009. Additional funding is added to the budget for HomeBase contracts if providers meet their diversion targets.

Through a program separate from HomeBase the Department of Homeless Services also provides free legal services assistance to households that are TANF-eligible as part of their homelessness prevention services. DHS spending on anti-eviction legal services in 2007 was $6.2 million and was budgeted at $6.0 million in 2008. According to the Commissioner's testimony at the Executive Budget hearings in May, DHS plans to shift $1.5 million of anti-eviction legal services funding in 2009 to aftercare services in response to a state funding cut.

A large majority of the legal services provided, 4,472 cases in 2007, are considered full legal representation by DHS. Full legal representation includes appearances at judicial and administrative hearings as required to settle or try eviction cases, factual investigations, cash benefits advocacy, legal research and preparation of court papers, and ongoing client contact/follow-up interviews. Since not all clients require full legal representation, the Mayor's five-year plan proposed providing brief legal services as well. Brief legal services includes helping clients who are serving as their own legal representatives with documents, drafting of letters, negotiating with landlords and/or other advocacy assistance, assisting with repair issues, cash benefits advocacy, and referrals to social service agencies. The department provided brief legal services for 717 cases in 2007.

HomeBase Services

Number of Referrals by Type; November 2004 through November 2007

Type of Referral	Number
Total Clients Served	**8,294**
Housing Location & Supplies, Rent Assistance	4,248
Job Search, Training and Education	3,586
Legal Action & Entitlements Advocacy	2,832
Mediation & Independent Living	1,632
Family Health & Child Care	941

SOURCES: IBO; Department of Homeless Services.

NOTE: *Total number of clients served does not equal sum of individual referral types because many clients received referrals for more than one service.

Department of Housing Preservation and Development (HPD). The Department of Housing Preservation and Development also supports legal

services through a City Council-funded initiative. The funding goes to contracts with service providers. Spending each year on this initiative has been $2.5 million since 2005, and increased to $3.0 million in 2008. According to HPD, the providers plan to serve roughly 50,000 people per year. It is not possible, however, to calculate the unit cost per legal service because the providers offer different services and do not have the same method for calculating the number of people they serve. The Citywide Task Force on Housing Court, for example, serves a little more than 40,000 people per year through the grant. Their services encompass anti-eviction information and referrals for legal services via their hotline or their information tables located at each borough housing court. Some other contractors provide legal representation but serve fewer people.

ACS Homeless Prevention Services

Dollars in thousands

	2005	2006	2007	2008
Recurring Payments	$1,940	$2,015	$2,330	$1,412
Broker's Fee, Security Deposit, etc.	911	1,081	1,264	807
Furniture	384	941	1,084	727
Arrears	508	585	751	548
Other	160	53	13	5
TOTAL	**$3,903**	**$4,673**	**$5,442**	**$3,497**
Average Monthly Cases	601	659	726	756
Annual Cost Per Case	$6,490	$7,094	$7,494	n/a

SOURCES: IBO; Administration for Children's Services.
Note: n/a - not available; 2008 Cases are for January, 2008; Annual cost per case in dollars.

Administration for Children's Services (ACS). The Administration for Children's Services provides rental assistance to prevent foster care placements that occur due to inadequate housing or homelessness. ACS spent $4.7 million in 2006 and $5.4 million in 2007. Clients receive a maximum of $10,800 over a maximum of three years based on state regulations. The rental assistance includes cash for rent arrears, broker fees, security deposit, first month rent, ongoing monthly rental support, furniture, and other costs, including moving and storage.

Average annual cash assistance per case has increased from $6,490 in 2005 to $7,494 in 2007. Using these averages, clients would be able to receive assistance for approximately one and a half years before reaching their maximum. The average monthly amount of ongoing rental support, in addition to assistance for broker's fees or furniture, was roughly $260 between 2005 and 2008.

The largest share of the funding, more than 43 percent, was recurring payments to rental support. Another 23 percent was for payments to secure a new apartment, including security deposits, down payment, broker's fees and first month's rent; 20 percent for furniture; and 14 percent covered rent arrears. The average number of cases has been increasing over the last three years from 601 cases in 2005 to more than 750 cases in 2008.

Legal Assistance Contracts. The city also provides legal assistance contracts for working poor, senior citizens, individuals with AIDS, individuals with disabilities, and battered women through the Mayor's Office of the Criminal Justice Coordinator. The contracts provide legal assistance for issues relating to immigration, consumer rights, and eviction prevention. Since only the anti-eviction legal assistance would count as a form of homelessness prevention spending, only a portion of these grants should be included. The Independent Budget Office could not identify exactly what share of the contracts were for anti-eviction assistance, but some providers we spoke with suggested it was close to 40 percent. The budget figures in this category have been reestimated since an earlier version of this report to include only those contracts that include some anti-eviction legal assistance.

ENDNOTE

[1]In November 2003 the state revised the schedule for the shelter allowance portion of the cash assistance grant, and began the phase out of Jiggetts assistance, which was created in 1987 following a court determination that the shelter allowance was inadequate. The program phased-out in November 2005, after which there were no new enrollments. Clients from before the phase out will continue to receive Jiggetts payments for two years, after which they will be reevaluated for eligibility for FEPS. Litigation, since concluded, delayed the phase out which is now continuing.

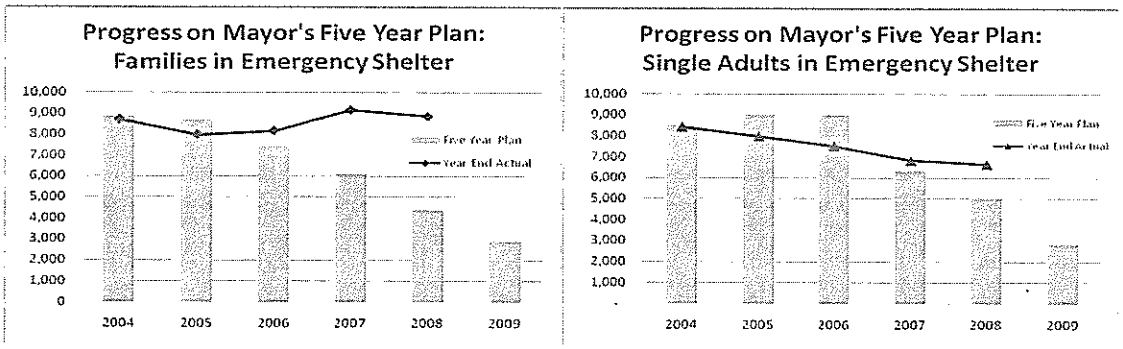
THE CITY OF NEW YORK
INDEPENDENT BUDGET OFFICE
110 WILLIAM STREET, 14TH FLOOR
NEW YORK, NEW YORK 10038
(212) 442-0632 • FAX (212) 442-0350 •EMAIL: ibo@ibo.nyc.ny.us
http://www.ibo.nyc.ny.us

Testimony of Brendan Cheney, Budget and Policy Analyst Before the City Council Committee on General Welfare on the Uniting for Solutions Beyond Shelter: The Mayor's Five Year Plan to Reduce Homelessness by Two-Thirds

September 23, 2008

Good morning Chairman de Blasio and members of the General Welfare Committee. I am Brendan Cheney, budget and policy analyst for the New York City Independent Budget Office. Seated with me is Kerry Spitzer, also a budget and policy analyst with IBO. Thank you for the opportunity to testify at today's hearing.

In 2004 the Mayor announced Uniting for Solutions Beyond Shelter, a five-year plan with the ambitious goal of decreasing homeless shelter populations and the street homeless population by two-thirds by 2009. In July of 2008, we produced a report at the request of Councilmember de Blasio focusing on the Mayor's homelessness prevention efforts (the report is attached to this testimony), an important part of the Mayor's five-year plan. Our report found that while prevention spending has been increasing, shelter populations were not declining as the plan anticipated. In fact, the family shelter population increased from 2005 through 2007 before declining in fiscal year 2008. The single adult shelter population declined from 2004 through 2008 but is not currently on target to reach the goals of the plan.



The Mayor's plan envisioned using savings from a decline in the shelter population to fund other efforts to alleviate homelessness. But rather than savings, spending has increased; family shelter costs have increased 13 percent, or $47.9 million, and single adult shelter costs have increased 11 percent, or $22.5 million, since 2004. Savings could materialize if single adult shelter rates continue to decline and family shelter rates also decline as they have been recently. The question will then be whether budget conditions allow them to reinvest or whether they will use the savings as a budget reduction.

City expenditures on homelessness prevention grew from $160.6 million in 2004 to $191.2 million, an increase of roughly $30 million, or 19 percent. Part of the increase in prevention spending comes from the

implementation of HomeBase as a pilot program in six community districts in September 2004. The program funds community-based organizations that help families at risk of homelessness secure services and one-time cash assistance. The department states that the program has been successful and points to statistics showing the increase in shelter entrants was less in the six community districts than in comparable community districts. In fiscal year 2008 the city expanded the program citywide with seven nonprofit groups responsible for 12 catchment areas. As the program has expanded citywide, it has also expanded its mission to include aftercare and diversion services.

Regardless of how many fewer people are in the city's shelters, and whether or not the decline has met targets, it is essential that we better understand the factors that affect changes in the shelter population. Policymakers need to evaluate on a regular basis which of the homelessness prevention programs are most effective as well as the effectiveness of rental assistance programs in moving people quickly from shelter into permanent housing. They must also look at other matters that influence trends in the shelter population such as overall economic conditions and housing prices. It is only through comprehensive looks at the interplay of all of these factors that we can ensure that we are investing in the programs that can best reduce shelter stays that are costly in both fiscal and human terms.

Thank you again for the opportunity to testify and I would be happy to answer any questions that you have.

199 WATER STREET NEW YORK, N.Y. 10038 TEL: 212-577-3300 FAX: 212-809-1574 www.legal-aid.org

Theodore Levine
President

Steven Banks
Attorney-in-Chief

TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE COMMITTEE ON GENERAL WELFARE OF THE NEW YORK CITY COUNCIL – September 23, 2008

We welcome this opportunity to testify before the Council concerning the status of various City efforts to alleviate homelessness in New York City.

As you know, The Legal Aid Society provides legal assistance to homeless New Yorkers as well as homelessness prevention civil legal services with support from the Council. The Society is counsel to the Coalition for the Homeless in the Callahan and Eldredge litigation in which court orders require the provision of shelter to homeless men and homeless women. Since the early 1980s, the Society has also been counsel in McCain litigation and related cases on behalf of homeless children and their families.

As has been widely reported in the media last week, on behalf of the homeless families with children we represent, we have entered into a settlement with the City and State in the McCain litigation which consists of these key components:

*a final judgment in which the City has agreed to a permanent injunction requiring the provision of shelter to families with children who lack alternative housing that is enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment in which the City has agreed to a permanent injunction requiring the provision of shelter to families with children that is safe, sanitary, and decent in accordance with State and local law, and requiring the City to provide shelter to families with children in a timely and appropriate manner in accordance with applicable law – and this permanent injunction is also enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment with an enforceable procedure specifying the process for the City to determine shelter eligibility for families with children, requiring the provision of written notice of eligibility or ineligibility, requiring compliance with legal requirements applicable to shelter terminations and shelter re-applications, making it clear that a permanent address is not required for receipt of public benefits, setting forth the process of shelter and intake center access for legal representatives, and providing for the publication of Department of Homeless Services shelter eligibility data – and this City procedure will remain in place until December 31, 2010 but can be extended further by any Justice of the Supreme Court on a showing of systemic non-compliance by the City and the procedure is also enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment to protect families with pregnant women or children under six months of age from unlawful shelter placements that is also enforceable in the event of noncompliance like any final judgment; and

*a final judgment in which the State Office of Temporary and Disability Assistance has agreed to provide priority administrative hearings for families with children to challenge City shelter ineligibility determinations and to apply the requirements of the new City eligibility procedure in those hearings.

The settlement is subject to Court approval and a Court hearing that will be scheduled shortly. We are hopeful that this new enforceable legal framework will alleviate the problems in the family shelter system that children and families have experienced. While we hope that we will not be required to do so, we will be prepared to enforce the final judgment if such problems continue or recur.

For the Committee's consideration at this oversight hearing, we also urge the Committee to continue to monitor and address the following issues relating to homelessness:

*the increasing numbers of families seeking shelter each month highlight the need to enhance homelessness prevention efforts but the adopted FY09 City budget contains reductions in City-funded anti-eviction resources;

*although the length of stay in the family shelter system has been decreasing, the numbers of families with children who are relocated to permanent housing have decreased since the 2004 City decision to withhold New York City Housing Authority and Section 8 priority from homeless families with children, which, in turn, has impeded the City's ability to reach its commendable goal of reducing by two-thirds the number of homeless families in the shelter system;

*the decision to close Manhattan-based shelter intake for single adult men and transfer that intake function to Brooklyn will make it more difficult for homeless single men to seek shelter and is likely to lead to an increase in street homelessness in Manhattan, where there is already the greatest number of New Yorkers living on the streets; and

*the relocation of single adults from the shelter system to permanent housing and the reduction of the single adult shelter census are important goals but the lack of standards for the permanent housing to which many homeless adults have been relocated has resulted in shelter system returns when the housing turns out to be illegal or grossly substandard and unsafe.

Thank you again for this opportunity to testify and we welcome any questions that you may have.

Respectfully Submitted,

Steven Banks
Attorney-in-Chief
The Legal Aid Society
199 Water Street
New York, New York 10038
(212) 577-3277

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

---------- x

EBONY BOSTON, et al.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.

---------- x

FINAL JUDGMENT

Index No. 402295/08

IT IS HEREBY STIPULATED as follows:

1. This judgment brings to an end all aspects of the Boston litigation and there are no further claims or motions pending in the Boston litigation involving the City of New York, its agencies, officials and employees (the "City defendant"). No further motions or proceedings shall be brought in the Boston litigation as to the City defendant. The Hon. Jacqueline W. Silbermann retains no jurisdiction to enforce this judgment.

2. By stipulating to the entry of this judgment, the City defendant does not admit to wrongdoing or liability in the Boston litigation.

3. Eligible homeless families with children, defined as families with children who lack alternate housing, and families with children seeking shelter who,

pending the City's eligibility determination, qualify for shelter pursuant to applicable local and/or State law, codes, regulations, and agency guidances ("applicable law"), are entitled to emergency shelter and the City shall not deny shelter to such families.

4. The City shall provide shelter facilities for families with children that are safe, sanitary and decent as defined by applicable law. The City shall make shelter placements for families with children in a timely and appropriate manner as defined by applicable law.

5. The City shall have administrative procedures in place that provide as follows:

(a) The City shall conduct an adequate investigation to verify whether a family with children seeking shelter has other housing available to them. Such families have an obligation to cooperate in the investigation and provide evidence of homelessness by providing reasonably available information and documents regarding their need. The City shall assist such families in the investigation by providing information, guidance and support in understanding the process and by assisting them in securing necessary information and documents from government agencies and third parties to the extent reasonably available. Such families will not be found ineligible for shelter solely because of the non-cooperation of third parties or solely based on their inability to provide requested documentation where the family has otherwise cooperated with the investigation. Documents or other evidence submitted at any time during the eligibility process will be considered.

(b) The City shall consider all relevant facts throughout the eligibility process to determine whether a family with children seeking shelter is eligible to receive

shelter, including whether housing resources are unsafe or overcrowded and therefore not available to the family. The determination whether such a family is eligible to receive shelter shall be based on the totality of the circumstances, with an individual analysis of each such family's situation. In determining whether a family is eligible for shelter and in making appropriate shelter placements, and expedited placements where necessary, the City shall consider domestic violence, medical or child welfare issues in the household of the family seeking shelter. In determining whether a family is eligible for shelter, the City shall ask such family whether there are any domestic violence, medical or child welfare issues in the household of the primary tenant and shall consider such issues. The City shall promptly refer any member of a family seeking shelter who may be a domestic violence victim to a worker specifically trained to deal with these issues whose determination regarding domestic violence issues shall govern, and all shelter eligibility investigations, with the exception of the currently pending interview of such family member, shall cease pending the specially trained domestic violence worker's evaluation and determination.

(c) Families with children seeking shelter have a right to receive a written notice of eligibility or ineligibility pursuant to applicable law.

(d) Families with children found ineligible for shelter may reapply at any time and obtain shelter only in accordance with applicable law.

(e) The City shall terminate shelter for homeless families with children in accordance with applicable law.

(f) In accordance with applicable law, a permanent address is not required to establish or maintain eligibility for public benefits, including cash assistance, food stamp benefits, and medical assistance.

(g) Any legal representatives shall have access to family shelters and may visit families in their individual shelter units and have access to other areas of a facility in accordance with applicable law for the purpose of providing legal assistance to families who have retained them for legal assistance. If another family seeks out the representative for the purpose of obtaining legal assistance, the representative may speak with the family in the manner described above. Any legal representatives shall have access to PATH or other intake center for families solely for the purpose of providing legal assistance to families who have retained them to provide legal assistance. If another family at the intake center seeks out the legal representative for the purpose of obtaining legal assistance, the representative may provide legal assistance to that family in the same manner as described above.

(h) Application and eligibility data contained in the Critical Activities Report which is currently published on the New York City Department of Homeless Services' ("DHS") website shall be disaggregated for families with children and families without children. The City shall also publish on the DHS website, or disseminate through equally or more effective means, reports on a monthly basis that shall include the number of applicant families with children found ineligible for shelter who reapplied and were subsequently found eligible within 90 days and the mean number of applications filed by such families. The term "ineligible" as used in the preceding sentence will be defined in such monthly reports as having an available housing option. The City shall also publish

on the DHS website, or disseminate through equally or more effective means, a quarterly report that shall include the number of families with children who reapplied and did not receive immediate needs shelter and then were found eligible on that same application and the mean number of applications filed by such families. Publication of these data reports shall commence within 180 days of entry of judgment.

6. Any claim that the provisions contained in this judgment have been violated must be brought in a new action, where the provisions of this judgment may be enforced by any Justice of the Supreme Court who may exercise all of the authority that is conferred on the Supreme Court to enforce a judgment, including using any available remedies to achieve compliance with a judgment. In any such action, the City shall have all rights that any governmental entity may have under the New York Civil Practice Law and Rules (the "CPLR") including without limitation any applicable provisions of CPLR §5519 and §6313(a), and the parties shall have all rights to discovery that they may have under all applicable provisions of the CPLR. Before commencing any subsequent action alleging that the provisions of this judgment have been violated and before seeking temporary relief in any such subsequent action, the party seeking relief shall provide the City with prior notice if possible. In any subsequent action, the moving party will seek an enforcement order first before seeking other coercive remedies.

7. This judgment is subject to the approval of this Court pursuant to Rule 908 of the CPLR. Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed

class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member and similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 7, will not become effective until this judgment, and each of the judgments in McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, Slade v. Bloomberg, et al., Index No. 45177/86, and Cosentino v. Carrión, et al., Index. No. 43236/85 (collectively, the "other cases") have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

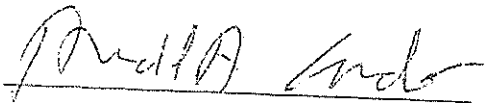
8. Paragraph 5 above shall remain in effect until December 31, 2010 and shall automatically expire at the end of said period, provided however that the sunset of any or all requirements of paragraph 5 may be extended only in a newly commenced action by an order of a Justice of the Supreme Court on a demonstration by the plaintiff or plaintiffs in that new action of systemic non-compliance that warrants continuation of any or all requirements of paragraph 5 for a specified time. In order to prove systemic non-compliance, the moving party shall bear the burden of proving that the alleged non-compliance is sufficiently significant and widespread or recurring as to be systemic. Minimal or isolated failures or omissions shall not constitute systemic non-compliance.

A proceeding seeking relief under this paragraph may not be commenced until the City has been given at least 30 days prior notice of intent to seek such relief.

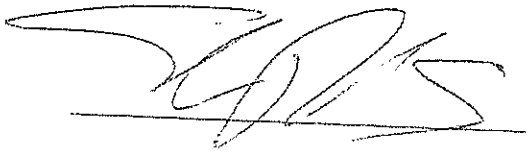
9. The parties hereto shall bear their own attorney's fees and costs in this action.

Dated: September 17, 2008
New York, New York

MICHAEL A. CARDOZO
Corporation Counsel of the City
of New York
Attorney for City Defendant



STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
Attorney for Plaintiffs



ENTER.

_____
Hon. Jacqueline W. Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

---------- x

YVONNE McCAIN, et al.,

Plaintiffs,

-against-

MICHAEL R. BLOOMBERG, et al.,

Defendants.

FINAL JUDGMENT

Index No. 41023/83

---------- x

In the Matter of the Application of MARIA LAMBOY and OSCAR SERRRANO, etc., et al.,

Petitioners.

For a Judgment Pursuant to Article 78 of the Civil Practice Law and Rules

-against-

ROBERT DOAR, etc., et al.,

Respondents.

Index No. 41108/85

---------- x

IT IS HEREBY STIPULATED as follows:

1. All pending motions and all claims for relief in the complaint and petition in the McCain and Lamboy litigations are hereby dismissed with prejudice.

2. All orders in the McCain and Lamboy litigations are hereby vacated.

3. By stipulating to the entry of this judgment, David A. Hansell, as Commissioner of the New York State Office of Temporary and Disability Assistance ("OTDA"), and the City of New York, its agencies, officials and employees (the "City defendants") do not admit to wrongdoing or liability in the McCain and Lamboy litigations.

4. This judgment is subject to the approval of this Court pursuant to Rule 908 of the New York Civil Practice Law and Rules. Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member and similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 4, will not become effective until this judgment, and each of the judgments in Boston v. City of New York, et al., Index No. 402295/08, Slade v. Bloomberg, et al., Index No. 45177/86, and Cosentino v. Carrión, et al., Index. No. 43236/85 (collectively, the "other cases") have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

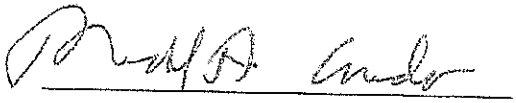
5. All aspects of the McCain and Lamboy litigations are hereby closed. This judgment brings to an end all aspects of the McCain and Lamboy litigations and there are no further claims or motions pending in said litigations involving OTDA and the City defendants. No further motions or proceedings will be brought in the McCain or Lamboy litigations and no further applications for relief may be made in this litigation under any circumstances.

6. The Hon. Jacqueline W. Silbermann retains no jurisdiction to enforce this judgment.

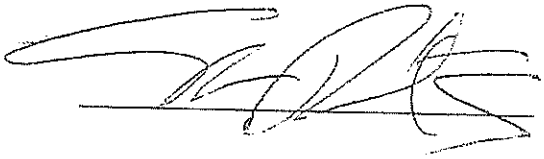
7. The parties hereto shall bear their own attorney's fees and costs in this action and in this proceeding.

Dated: September 17, 2008
New York, New York

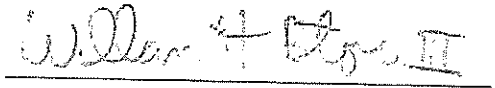
MICHAEL A. CARDOZO
Corporation Counsel of the City
of New York
Attorney for City Defendants
and Respondents



STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
Attorney for Plaintiffs and
Petitioners



ANDREW CUOMO
Attorney General of the State
of New York
Attorney for OTDA
By:



WILLIAM H. BRISTOW III
Assistant Attorney General

ENTER.

Hon. Jacqueline W. Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

---------- x

KATHERINE COSENTINO, et al.,

Plaintiffs,

-against-

GLADYS CARRIÓN, etc., et al.,

Defendants.

---------- x

FINAL JUDGMENT

Index No. 43236/85

IT IS HEREBY STIPULATED as follows:

1. Based on the holding in this litigation reported at Cosentino v. Perales, 153 A.D.2d 812 (1st Dep't 1989), this litigation is resolved.

2. All pending motions and all claims for relief in the complaint in the Cosentino litigation are hereby dismissed with prejudice, and all orders in the Cosentino litigation are hereby vacated.

3. By stipulating to the entry of this judgment, Gladys Carrión, as Commissioner of the New York State Office of Children and Family Services ("OCFS"), and the City of New York, its agencies, officials and employees (the "City defendants") do not admit to wrongdoing or liability in this litigation.

4. All aspects of the Cosentino litigation are hereby closed. This judgment brings to an end all aspects of the Cosentino litigation and there are no further claims or motions pending in this litigation involving OCFS and the City defendants. No further motions or proceedings will be brought in the Cosentino litigation and no further applications for relief may be made in this litigation under any circumstances.

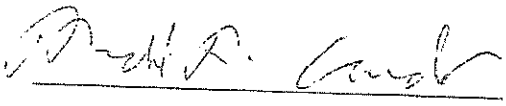
5. This judgment is subject to the approval of this Court pursuant to Rule 908 of the Civil Practice Law and Rules ("CPLR"). Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member and similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 5, will not become effective until this judgment, and each of the judgments in Boston v. City of New York, et al., Index No. 402295/08, McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, and Slade v. Bloomberg, et al., Index No. 45177/86 (collectively, the "other cases") have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

6. The Hon. Jacqueline W. Silbermann retains no jurisdiction to enforce this judgment.

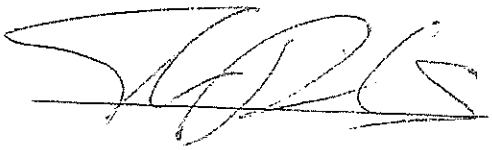
7. The parties hereto shall bear their own attorney's fees and costs in this action.

Dated: September 17, 2008
New York, New York

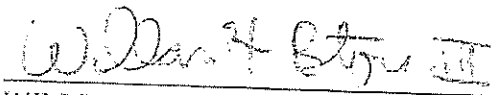
MICHAEL A. CARDOZO
Corporation Counsel of the City
of New York
Attorney for City Defendants



STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
Attorney for Plaintiffs



ANDREW CUOMO
Attorney General of the State
of New York
Attorney for OCFS
By:



WILLIAM H. BRISTOW III
Assistant Attorney General

ENTER.

Hon. Jacqueline W. Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

---------- x

KAREN SLADE, et al.,

Plaintiffs,

-against-

MICHAEL R. BLOOMBERG, etc., et al.,

Defendants.

---------- x

FINAL JUDGMENT

Index No. 45177/86

IT IS HEREBY STIPULATED as follows:

1. All orders entered previously in this litigation are hereby vacated except for the partial final judgment entered on June 17, 1987 which is now a final judgment. All pending motions are hereby withdrawn and all remaining claims for relief, other than those that have been resolved in that final judgment, are hereby dismissed with prejudice. This judgment brings to an end all remaining aspects of the Slade litigation and there are no further claims or motions pending in said litigation involving David A. Hansell, as Commissioner of the New York State Office of Temporary and Disability Assistance ("OTDA"), and the City of New York, its agencies, officials and employees (the "City defendants").

2. By stipulating to the entry of this judgment, OTDA and the City defendants do not admit to wrongdoing or liability in the Slade litigation.

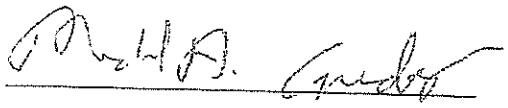
3. This judgment is subject to the approval of this Court pursuant to Rule 908 of the New York Civil Practice Law and Rules. Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member and similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 3, will not become effective until this judgment, and each of the judgments in Boston v. City of New York, et al., Index No. 402295/08, McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, and Cosentino v. Carrión, et al., Index. No. 43236/85 (collectively, the "other cases") have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

4. The Hon. Jacqueline W. Silbermann is entering this judgment in her capacity as the Administrative Judge and has not been assigned this case.

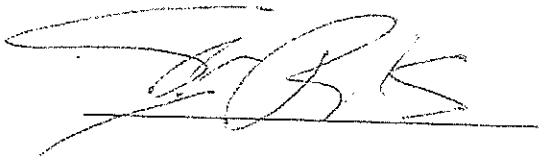
5. The parties hereto shall bear their own attorney's fees and costs in this action.

Dated: September 17, 2008
New York, New York

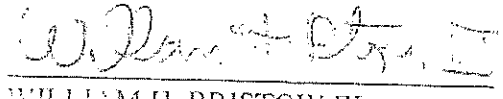
MICHAEL A. CARDOZO
Corporation Counsel of the City
of New York
Attorney for City Defendants



STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
Attorney for Plaintiffs



ANDREW CUOMO
Attorney General of the State
of New York
Attorney for OTDA
By:



WILLIAM H. BRISTOW III
Assistant Attorney General

ENTER.

Hon. Jacqueline W. Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

At an IAS Part ____ of the Supreme Court of the State of New York, held in and for the County of New York at the courthouse located at 60 Centre Street on the ____ day of _____, 2008.

PRESENT: HON. JACQUELINE W. SILBERMANN

---------- x

Index No. 402295/08

FINAL JUDGMENT WITH RESPECT TO THE STATE DEFENDANT

EBONY BOSTON, M.T. and PAMELA NELSON, on behalf of themselves and dependent minors in their care and all others similarly situated,

Plaintiffs

-against-

CITY OF NEW YORK, et al.,

Defendants.

---------- x

IT IS HEREBY STIPULATED as follows:

1. This judgment resolves all issues in this litigation involving David A. Hansell, as Commissioner of New York State Office of Temporary and Disability Assistance ("OTDA")[1], and there are no remaining claims or motions pending in this litigation involving OTDA. No further motions or proceedings shall be brought in this litigation as to OTDA. The Hon. Jacqueline W.

[1] When litigation was commenced in 1983, the New York State Department of Social Services (the "NYSDSS") was the State agency which supervised the local social services districts' administration of the public assistance programs. See Social Services Law §§ 2(1), 20, & 34. Effective April 1, 1997, the NYSDSS was reorganized as the New York State Department of Family Assistance, consisting of two independent offices -- OTDA and the Office of Children and Family Services. N.Y. Laws of 1997, Chapter 436, § 122(a).

Silbermann is entering this judgment in her capacity as the Administrative Judge and has not been assigned this case.

2. By stipulating to the entry of this judgment, OTDA does not admit to wrongdoing or liability in this litigation.

3. In accordance with applicable law, regulations, and directives, families with children seeking temporary housing assistance in New York City can contest determinations of ineligibility for temporary housing assistance at State administrative fair hearings, and OTDA shall schedule priority hearings requested by such families to contest such determinations.

4. The New York City Department of Homeless Services ("DHS"), pursuant to Social Services Law § 20(3)(a) and 18 N.Y.C.R.R. § 300.6, has submitted to OTDA for its review and approval, a proposed administrative procedure (the "Procedure") pursuant to which DHS shall determine whether a family with children seeking temporary housing assistance has other housing available to them.

5. OTDA will approve the Procedure.

6. For as long as the Procedure remains in effect in accordance with the Final Judgment against the defendant City of New York in this litigation or otherwise, OTDA shall transmit the Procedure to its hearing officers who preside at administrative fair hearings in New York City for eligibility of families with children for temporary housing assistance, and apply the Procedure in such administrative fair hearings but only in deciding whether a family with children has other housing available to them.

7. Any claim that the provisions contained in this judgment have been violated by OTDA must be brought in a new action, where the provisions of this judgment may be enforced by any Justice of the Supreme Court who may exercise all of the authority that is conferred on the

Supreme Court to enforce a judgment, including using any available remedies to achieve OTDA's compliance with a judgment. In order to obtain relief in such an enforcement effort, the moving party must demonstrate OTDA's systemic non-compliance and bears the burden of proving that the alleged non-compliance is sufficiently significant and widespread or recurring as to be systemic. Minimal or isolated failures or omissions by OTDA shall not constitute systemic non-compliance. In any such action, OTDA shall have all rights that any governmental entity may have under the New York Civil Practice Law and Rules (the "CPLR") including without limitation any applicable provisions of CPLR 5519 and 6313(a), and the parties shall have all rights to discovery that they may have under all applicable provisions of the CPLR. Before commencing any subsequent action alleging that the provisions of this judgment have been violated by OTDA and before seeking temporary relief in any such subsequent action, the party seeking relief shall provide OTDA with prior notice in accordance with applicable law. In any subsequent action, the moving party will seek an enforcement order first before seeking other coercive remedies. An individual family with children seeking temporary housing assistance in New York City who wants to bring a judicial proceeding to challenge the family's individual State administrative fair hearing shall proceed in an individual case.

8. This judgment is subject to the approval of this Court pursuant to Rule 908 of the CPLR. Before this Court can approve this judgment, it will direct that notice be provided, pursuant to Rule 908, to all class members and proposed class members and others similarly situated who would be bound by it. Before this judgment may be approved, there shall be notice of its terms to all class members and proposed class members and others similarly situated; a comment period during which any person who wishes to present comments or objections may do

so; and a hearing to consider its fairness and adequacy, at which any class member, proposed class member, or similarly situated person who wishes to make an oral statement regarding its fairness and adequacy may do so. The terms and manner of the notice, receipt of comments and objections, and the fairness hearing shall be set forth in a separate order by this Court. This judgment, and all of its provisions other than this paragraph 8, will not become effective until this judgment, and each of the judgments in Boston v. City of New York, et al., Index No. 402295/08, McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, Slade v. Bloomberg, et al., Index No. 45177/86, and Cosentino v. Carrión, et al., Index. No. 43236/85 (collectively, the "other cases") have been approved and entered by the Court. In the event this judgment, or any of the judgments in the other cases, is not approved by the Court, this judgment will be of no further force or effect.

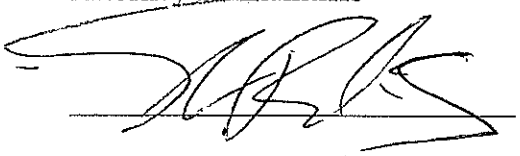
SR
WB

9. The parties hereto shall bear their own attorney's fees and costs in this action.

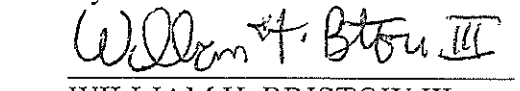
Dated: New York, New York
September 17, 2008

STEVEN BANKS
Attorney-in-Chief
The Legal Aid Society
199 Water Street
New York, New York 10038
(212) 577-3277

Attorney for Plaintiffs



ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for OTDA
By:



WILLIAM H. BRISTOW III
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-8648

ENTER.

_____
Hon. Jacqueline Silbermann, J.S.C.

Judgment entered this ____ day of _____, 2008

ADMINISTRATIVE PROCEDURE

The New York City Department of Homeless Services ("DHS" or the "City"), pursuant to Social Services Law §20(3)(a) and 18 N.Y.C.R.R. § 300.6, hereby submits to the New York State Office of Temporary and Disability Assistance ("OTDA") for its review and approval, the proposed administrative procedure (the "Procedure") pursuant to which DHS shall determine whether a family with children seeking shelter is eligible for temporary housing assistance.

Once approved by OTDA, this Procedure will not become effective until the judgments in Boston v. City of New York, et al., Index No. 402295/08, McCain v. Bloomberg, et al., Index No. 41023/83, Lamboy v. Doar, et al., Index No. 41108/85, Slade v. Bloomberg, et al., Index No. 45177/86, and Cosentino v. Carrión, et al., Index. No.43236/85, have been approved by the Hon. Jacqueline W. Silbermann and entered by the Court. In the event any of these judgments is not approved by the Court, this Procedure will be of no further force or effect.

1. The City shall conduct an adequate investigation to verify whether a family with children seeking shelter (hereinafter "family" or "families") has other housing available to them.

2. Families have an obligation to cooperate in the investigation and provide evidence of homelessness by providing reasonably available information and documents regarding their need.

3. The City shall assist families in the investigation by providing information, guidance and support in understanding the process and by assisting them in securing necessary information and documents from government agencies and third parties to the extent reasonably available.

4. Families will not be found ineligible for shelter solely because of the non-cooperation of third parties or solely based on their inability to provide requested documentation where the family has otherwise cooperated with the investigation. Documents or other evidence submitted at any time during the eligibility process will be considered.

5. The City shall consider all relevant facts throughout the eligibility process to determine whether a family seeking shelter is eligible to receive shelter, including whether housing resources are unsafe or overcrowded and therefore not available to the family.

6. The determination whether a family is eligible to receive shelter shall be based on the totality of the circumstances, with an individual analysis of each family's situation.

7. In determining whether a family is eligible for shelter and in making appropriate shelter placements, and expedited placements where necessary, the City shall consider domestic violence, medical or child welfare issues in the family's household.

8. In determining whether a family is eligible for shelter, the City shall ask the family whether there are any domestic violence, medical or child welfare issues in the household of the primary tenant and shall consider such issues.

9. The City shall promptly refer any member of a family who may be a domestic violence victim to a worker specifically trained to deal with these issues whose determination regarding domestic violence issues shall govern, and all shelter eligibility investigations, with the exception of the currently pending interview, shall cease pending the specially trained domestic violence worker's evaluation and determination.

coalition
for the
homeless

BRIEFING PAPER

No Advantage:
The Bloomberg Administration's Flawed Approach to Family Homelessness

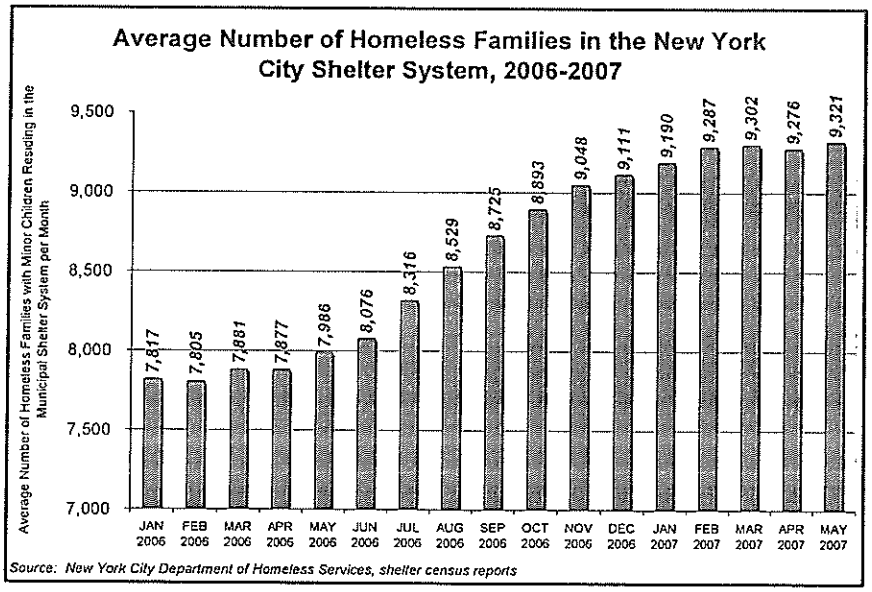
July 20, 2007

Family Homelessness: A Housing Affordability Problem, Not a Welfare Problem

Amidst record family homelessness and a worsening housing affordability crisis in New York City, Mayor Bloomberg has missed an historic opportunity to address the growing affordable housing needs of thousands of New York City's most vulnerable families. Instead, in the face of reports that the number of homeless families in New York City had reached all-time record levels this year, the Bloomberg administration dropped the ball in April by merely replacing one flawed rent subsidy program – the widely criticized "Housing Stability Plus" program, which had contributed to rising family homelessness – with another, equally flawed program – the new "Work Advantage" program. Both programs were developed behind closed doors, without the input of homeless families, advocates, academic researchers, or frontline service providers.

This latest misguided shift in policies is, unfortunately, further evidence that Mayor Bloomberg and his administration remain mired in the mistaken notion that family homelessness is a welfare and jobs problem, not what it primarily is, a housing affordability problem. Indeed, the deeply flawed "Work Advantage" program compounds some of the most glaring mistakes of the "Housing Stability Plus" program, most alarmingly the "one-size-fits-all" time limits and cut-off of vital housing assistance for poor children and families who have ongoing housing needs.

Ultimately, Mayor Bloomberg's new program fails to address the realities of family homelessness and the challenges that homeless and low-income families confront in a New York City housing market that has lost tens of thousands of affordable apartments in recent years, and where low-wage workers require long-term housing assistance in order to afford skyrocketing rents.



Mere months after the "Work Advantage" program was announced, homeless families, advocates, and service providers are already looking to change this flawed program, as they did immediately after the unveiling of the flawed "Housing Stability Plus"

129 Fulton Street New York NY 10038 www.coalitionforthehomeless.org 212.964.5900 fax 212.964.1303

program. And sadly, it is inevitable that if the "Work Advantage" program is implemented as it is currently conceived, many vulnerable families will experience hardships and recurring episode of homelessness in the same way that so many families have been harmed by the flaws of the "Housing Stability Plus" program.

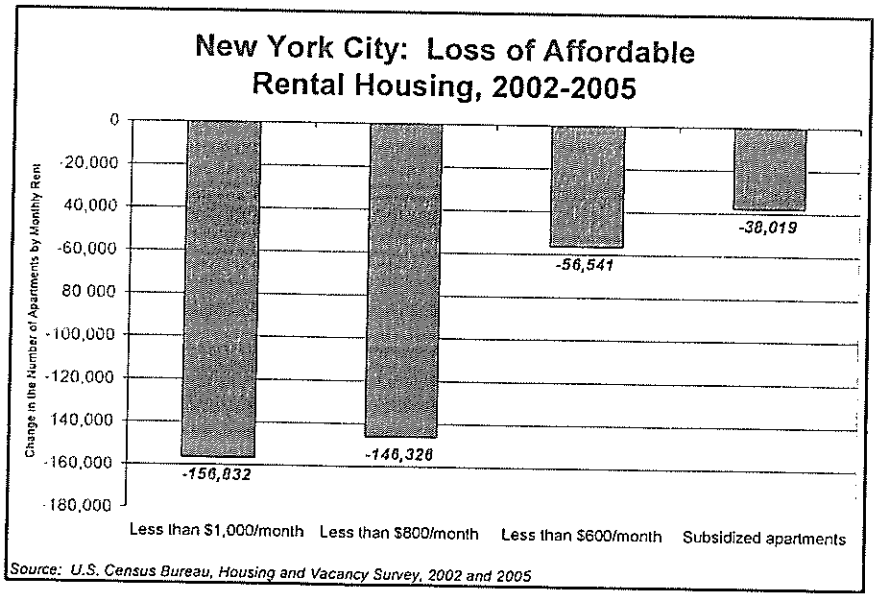
Mayor Bloomberg and his administration should go back to the drawing board and abandon their flawed approach to family homelessness. Coalition for the Homeless urges Mayor Bloomberg and City officials to work with homeless families, advocates, academic researchers, and service providers to craft policies that build on the wealth of research and experience showing that stable, long-term housing assistance similar to the Federal Section 8 voucher program successfully reduces family homelessness and ensures that formerly-homeless families don't return to shelter.

Record Family Homelessness and the Accelerating Loss of Affordable Housing in New York City

New York City is currently in the midst of an historic crisis of family homelessness. In February of this year, according to data from the New York City Department of Homeless Services, the average number of homeless families sleeping each night in the municipal shelter system reached nearly 9,300 families, an all-time record. And the record level of family homelessness in New York City has persisted throughout the course of this year. Each night of 2007, more than 9,000 New York City families with more than 14,000 children have bedded down in shelters or welfare hotels.

Equally alarming, family homelessness has been on the rise for a considerable period of time. As Coalition for the Homeless documented in its recent "State of the Homeless 2007" report, last year the number of homeless families sleeping in shelters each night rose by 17.6 percent, while the number of homeless children in shelters rose by 18.1 percent. One of the major causes of the rising population of homeless families is the dramatic increase in the number of new homeless families – according to City data, compared to the previous year, 2006 saw a 22.9 increase in the number of homeless families new to the shelter system, an increase in large part driven by the growing scarcity of rental housing affordable to low-income New Yorkers.

Indeed, according to the U.S. Census Bureau's Housing and Vacancy Survey, between 2002 and 2005 (the most recent data available) the number of New York City apartments available at monthly rents of less than $1,000 (in 2005 constant dollars) fell by nearly 157,000, while the number of apartments with monthly rents of less than $600 – that is, apartments that would be affordable to low-income families – fell by more than 56,000. Indeed, during the same period the number of subsidized housing units in New York City shrank by 11 percent.



At the same time, the number of apartment renting for $1,400/month or more grew by 63,000 – an increase of almost 25 percent. And during that same period median monthly

rents (adjusted for inflation) rose by 8 percent while median renter incomes (also adjusted for inflation) fell by 6 percent.

Thus, by every measure the housing affordability crisis in New York City has worsened in recent years, and the widening gap between soaring rents and falling renter incomes remains the driving force behind rising family homelessness.

However, another major cause of the growing homeless family shelter population was the Bloomberg administration's deeply flawed "Housing Stability Plus" (HSP) program. Launched in December 2004 to replace Federal Section 8 vouchers at a time of cutbacks by President Bush and the U.S. Congress, HSP provided declining, time-limited rent subsidies to families who were relocated from shelters to private-market housing. From the outset the program was deeply flawed both in its structure and its implementation. HSP rules mandated a 20 percent annual reduction in the rent supplement, regardless of the family's circumstances, and excluded the working poor and disabled people from the program. Indeed, under HSP rules families in the program were prohibited from leaving welfare for work, despite the fact that their rental assistance was reduced each year. In addition, due to weakened inspection standards, thousands of HSP families were placed into apartment buildings with numerous hazardous conditions, many of them owned by landlords known to the City for having long records of negligence.

At the same time that it rolled out the HSP program, the Bloomberg administration changed longstanding City policies that had successfully targeted scarce Federal housing assistance to homeless families. For the past two decades and through four mayoral administrations, the City's major tool for re-locating homeless families from shelters to permanent housing has been the Federal Section 8 Housing Voucher Program and public housing apartments. Since the 1980s tens of thousands of families have been successfully moved from shelters to private-market apartments through the use of such vouchers, and thousands more have been moved into public housing apartments. Indeed, as recently as 2003 and 2004 this approach resulted in significant reductions in the homeless family shelter population.

Moreover, according to an acclaimed 2005 research study by the Vera Institute for Justice (a report which was commissioned by the New York City Department of Homeless Services), formerly-homeless families with Federal housing vouchers and public housing apartments have had remarkably low rates of return to shelter. Nevertheless, in October 2004 and again in October 2006, the Bloomberg administration abandoned this longstanding and successful approach to family homelessness by sharply restricting homeless families' access to Federal housing programs. Thus, when Mayor Bloomberg announced, in February 2007, that the City would distribute 22,000 Section 8 vouchers to low-income families over the next two years, the Mayor's policies blocked homeless families from accessing any more than a handful of those vouchers.

Thus, as a result of the flaws in HSP and the Bloomberg administration's denial of Federal housing assistance to homeless families, between 2005 and 2006 the number of homeless families moved to permanent housing fell by 11 percent to 5,950 families, the lowest number in four years. HSP moved fewer families in its second year of operation than in its first – 4,524 families in 2005 compared to 4,033 families in 2006. In short, in the midst of a worsening housing affordability crisis in New York City, the Bloomberg administration 's flawed policies contributed significantly to rising family homelessness.

The Bloomberg Administration's Flawed Approach to Family Homelessness

It is now clear that dramatic changes are needed in how the City of New York addresses the problem of family homelessness, and how it helps homeless families move from shelter to permanent housing. To accomplish these changes, however, City officials need to dramatically re-think both the causes and solutions to the problem of family homelessness. And this requires them to acknowledge one central fact:

At its heart, family homelessness is primarily a housing affordability problem, not a welfare or employment problem. That is, homeless families, like many working-poor and low-income families, need long-term, flexible, adequate housing assistance in order to secure and maintain housing in New York City's tight, expensive housing market.

As noted above, there is overwhelming evidence of the accelerating loss of affordable rental housing in New York City in recent years. At the same time, there is a wealth of evidence and data that New York City's job market fails to create the kinds of jobs that will help homeless, formerly-homeless, and low-income families afford private-market housing without some form of housing assistance. Low-income adults leaving welfare for employment are likely to find jobs in the retail or services sectors paying at or just above the minimum wage – that is, $15-16,000 annually. In a housing market with asking rents on two-bedroom apartments exceeding $1,000/month (that is, $12,000 per year), even in the poorest neighborhoods, it is simply a mathematical impossibility that low-wage workers can obtain and keep housing without some form of long-term subsidy.

Faced with these challenges – a deepening housing affordability crisis, a labor market creating low-wage jobs, and rising family homelessness – it is therefore deeply troubling that, when it was crafting a replacement for the failed HSP program, the Bloomberg administration chose to ignore the research and experience unequivocally showing that homeless families need long-term, flexible housing assistance in order to leave shelters and stay out of shelters. Indeed, as noted above, the New York City Department of Homeless Services itself commissioned an acclaimed 2005 study by the Vera Institute for Justice, "Understanding Family Homelessness," that concluded:

> "Across all cohorts and follow-up periods, those families exiting to subsidized housing exhibited the lowest rates of reentry. Subsidized housing appears to be associated with better protection against shelter return than exiting to one's own housing, other destinations, or unknown arrangements.... NYCHA public housing placement seemed to offer the best protection against shelter reentry, at least in the short term. Not counting Mitchell-Lama placements, families placed with NYCHA public housing demonstrated the lowest two- and five-year return rates in this study. However, families placed in Section 8 Non-EARP housing in 1994 showed the lowest ten-year rate of reentry." (Emphasis added.)

The Bloomberg Administration's New "Work Advantage" Program: Replacing One Flawed Program with Another

On April 25, 2007, the New York City Department of Homeless Services announced the replacement of the HSP program with several new rent subsidy programs that are part of a package labeled "Advantage New York." The package includes two programs – "Children Advantage" and "Fixed-Income Advantage" – aimed at families with child welfare or disability issues which are supposed to transition those families to Section 8 vouchers within a year, a distinct improvement over the HSP program which did not assist families with non-welfare income.

However, according to the Bloomberg administration, the centerpiece of "Advantage New York" is the time-limited "Work Advantage" program. The new "Work Advantage" rent subsidy program not only ignores the lessons of the past and the findings of numerous research studies, but it essentially replaces one flawed rent subsidy program with another.

Following are the major flaws of the "Work Advantage" program:

- Unrealistic, "one-size-fits-all" time limits: The major flaw of the "Work Advantage" program is its "one-size-fits-all" time limit, which cuts off housing assistance after only one or two years, regardless

of a family's circumstances. The program's rules state that a family will receive one year of rental assistance with the second year conditioned on compliance with a host of savings and other requirements. Most alarmingly, unlike the "Children Advantage" and "Fixed-Income Advantage" programs, after the time limit the "Work Advantage" program does not provide any guarantee of a Section 8 voucher or any other ongoing housing assistance.

In essence, the new program requires that within one or two years, formerly-homeless families – the majority of whom will be placed in apartments with monthly rents around $1,070, or $12,840 per year – secure jobs with hourly wages of $15 or more.

The City has offered no assurance that families who reach the one- or two-year cut-off and are still in need will receive any ongoing housing assistance. Indeed, City officials have only said that time-limited families still in need can visit one of the Department of Homeless Services' Home Base offices – but have failed to specify in any way what assistance they will receive from these offices. Currently, Home Base offices offer no ongoing rental assistance with the exception of some 3,000 Section 8 vouchers annually, which are reportedly targeted to other households assisted by those offices.

Moreover, Department of Homeless Services documents describing the "Work Advantage" program suggest that many, perhaps most, families will receive only one year of the rent subsidy, not the second year. The program rules state that families who fail to comply with the savings and work requirements and the mandatory "rent contribution" (discussed below) will be denied the second year of the subsidy – and, as long experience with New York City's sanction-driven welfare system has shown, many families will undoubtedly and often unwittingly fall into this trap.

- Most homeless families will receive no housing assistance at all: The "Work Advantage" program deliberately excludes the majority of homeless families who are unemployed and who are receiving public assistance benefits. Homeless shelter providers report that more than 80 percent of homeless families are not employed, and that most are receiving welfare benefits. Moreover, many homeless families have significant barriers to employment, either due to domestic violence issues, lack of adequate education, or lack of access to child care and other work supports. Thus, it is clear that the "Work Advantage" program, as well as the other "Advantage New York" programs, will assist only a fraction of homeless families.

- Unrealistic program requirements: The "Work Advantage" program also has many other unrealistic requirements that are likely to create hardship for struggling families. For instance, under program rules a typical three-person family will be required to save at least $107/month (10 to 20 percent of the rent) and contribute $50/month towards their rent. However, at the same time, the families are required to have incomes of below twice the poverty level, and in practice many will have incomes far below that level. The savings and other requirements will leave poor families with little left over to pay for food, clothing, utilities, school supplies, etc.

  In contrast, the Section 8 voucher program requires a family to pay 30 percent of its income towards housing costs, a flexible and reasonable model that ensures that families have sufficient resources to meet other needs.

- Unanswered questions for "Housing Stability Plus" families: To date, the Department of Homeless Services has failed to specify what assistance, if any, will be offered to the approximately 10,000 formerly-homeless families moved from shelters since 2004 with the HSP program. Some HSP families have been offered the option of switching to the "Work Advantage" program, but the details of that transition are unclear. And it appears that even HSP families qualified for the "Children

Advantage" and "Fixed-Income Advantage" programs may not be offered the enhanced protections of those program.

Finally, thousands of HSP families remain in housing with serious health and safety hazards that have been documented by City inspectors, including lead paint and other immediately hazardous conditions. Despite repeated appeals by City Councilmembers and other elected officials, to date Bloomberg administration officials have refused to re-inspect HSP apartments or ensure that HSP families with hazardous housing conditions are relocated to safe, decent apartments.

Despite these glaring flaws, it is important to acknowledge some of the improvements included in the "Advantage New York" programs. These include:

- Most important, the commitment that, through the "Fixed-Income Advantage" and "Children Advantage" programs, families with disabilities or child welfare cases will transition to Section 8 vouchers (although many questions remain about how this transition will occur).

- De-coupling the "Work Advantage" rent subsidy from families' public assistance benefits – City officials have acknowledged that 65 percent of all HSP recipients experienced an interruption in their rent supplement due to a welfare sanction or case closing, and many landlords refused to participate in the program because of loss of rental revenue caused by this structural flaw in the HSP program.

- Higher rent levels, which more closely approach the Federal "Fair Market Rent" levels used in the Section 8 voucher program.

- Improved apartment inspection rules, which are similar to those used in the Section 8 voucher program – the Bloomberg administration actually announced these changes in March 2007 (before the "Advantage New York" package was unveiled) in response to news accounts of children and families harmed by lead poisoning and other hazardous housing conditions.

- Introducing occupancy standards which were missing from the HSP program and resulted in severe crowding in many HSP apartments.

Nevertheless, the several improvements listed here cannot possibly outweigh the fatal flaws of the "Work Advantage" program – that it fails to acknowledge and meet the long-term housing needs of homeless and formerly-homeless families; that it excludes the majority of homeless families from receiving any housing assistance; and that it continues to ignore the worsening housing affordability crisis in New York City.

Moving Forward:
How the City Can Successfully Provide Housing Assistance to Homeless Families

Mayor Bloomberg's flawed approach to family homelessness has had dire consequences for New York City and its most vulnerable families. It is therefore deeply troubling that the Mayor and City officials have compounded the mistakes of the flawed "Housing Stability Plus" program by replacing it with the equally flawed "Work Advantage" program. Ultimately, the Bloomberg administration remains mired in the mistaken notion that family homelessness is a welfare and jobs problem, instead of what is so clearly is, a housing affordability problem.

In contrast, research and experience have shown that there is a proven, effective approach to reducing family homelessness. Indeed, as numerous studies (including research commissioned by the City) have

shown, long-term housing assistance similar to the Federal Section 8 voucher program successfully reduces family homelessness and reduces the rate of return to shelter for formerly-homeless families.

Amidst the current record numbers of homeless families in New York City, Coalition for the Homeless urges Mayor Bloomberg and City officials to go back to the drawing board and to work with homeless families, advocates, academic researchers, and service providers to craft policies that include the following principles:

- Rental assistance for homeless families should be modeled on the successful Section 8 Housing Voucher Program.

- Rental assistance for homeless families must be stable and long-term – that it, it should not include arbitrary, one-size-fits-all time limits. The value of the subsidy must not arbitrarily decline, but, rather, should be adequate to bridge the gap between income and the real cost of rental housing.

- Rental assistance should be flexible and allow families to work and/or to transition from welfare to employment, but should assist those families who are unable to work or are currently unemployed.

- Participation in welfare should not be a requirement for rental assistance.

- Rental assistance should protect homeless children and families from hazardous housing conditions, in the same way that Federal housing programs protect families from unsafe housing.

- Finally, the City should target a significant portion of scarce Federal housing subsidies (including both Section 8 vouchers and public housing apartments) to those families most in need – homeless families residing in shelters.

Prepared July 20, 2007.
For more information, please visit our website or contact Patrick Markee, Senior Policy Analyst, Coalition for the Homeless, 212-776-2004.

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BRIEFING PAPER

Off Target:
A Progress Report on Mayor Bloomberg's Five-Year Homeless Plan

June 23, 2008

Four years ago, Mayor Bloomberg released "Uniting for Solutions Beyond Shelter," his plan to reduce New York City homelessness by two-thirds over five years. While the ambitious goals of the plan were praised by a wide array of advocates, service providers, and community groups, many were concerned that the Mayor and his administration did not commit sufficient housing resources and had failed to craft the right policies needed to achieve the goal.

In recent years, those fears were sadly realized as the Bloomberg administration stumbled through a series of flawed approaches to homelessness – from the administration's decision to cut off homeless New Yorkers from Federal housing assistance (beginning in the autumn of 2004), to the disastrous "Housing Stability Plus" program (which was finally abandoned by the City in early 2007), to the City's ongoing and accelerating use of illegal boarding houses to shelter homeless adults living with mental illness and other disabilities.

Most troubling, ***New York City's homeless population has continued to rise dramatically in recent years***, beginning with the record-breaking increases that occurred during Mayor Bloomberg's first term. In 2007, the number of homeless families in municipal shelters reached all-time record levels (more then 9,000 families in shelters each night) while the number of homeless children in shelters also rose (more than 14,000 children each night). ***All in all, the current decade has proven to be the worst for New York City homelessness since the Great Depression of the 1930s***.

Four years after Mayor Bloomberg announced his homeless plan, New York City's homeless population is dramatically larger than the targets in the plan, and more New Yorkers are homeless than when the Mayor took office.

The following charts illustrate the number of homeless people sleeping in New York City shelters when the Mayor took office and currently, and contrast that actual data with the plan's "Year 4" target. Finally, this brief assessment concludes by outlining some immediate steps that Mayor Bloomberg and his administration can take to reduce New York City's homeless population.

	Total Homeless Families	Homeless Families with Children	Homeless "Adult Families"	Homeless Single Adults
NYC Homeless Population When Mayor Bloomberg Took Office (Jan 2002)	6,876	6,210	666	7,867
Bloomberg Homeless Plan's "Year 4" Target (June 2008)	4,460	3,800	660	5,000
Current Homeless Population (May 2008)	**8,723**	**7,553**	**1,170**	**6,792**

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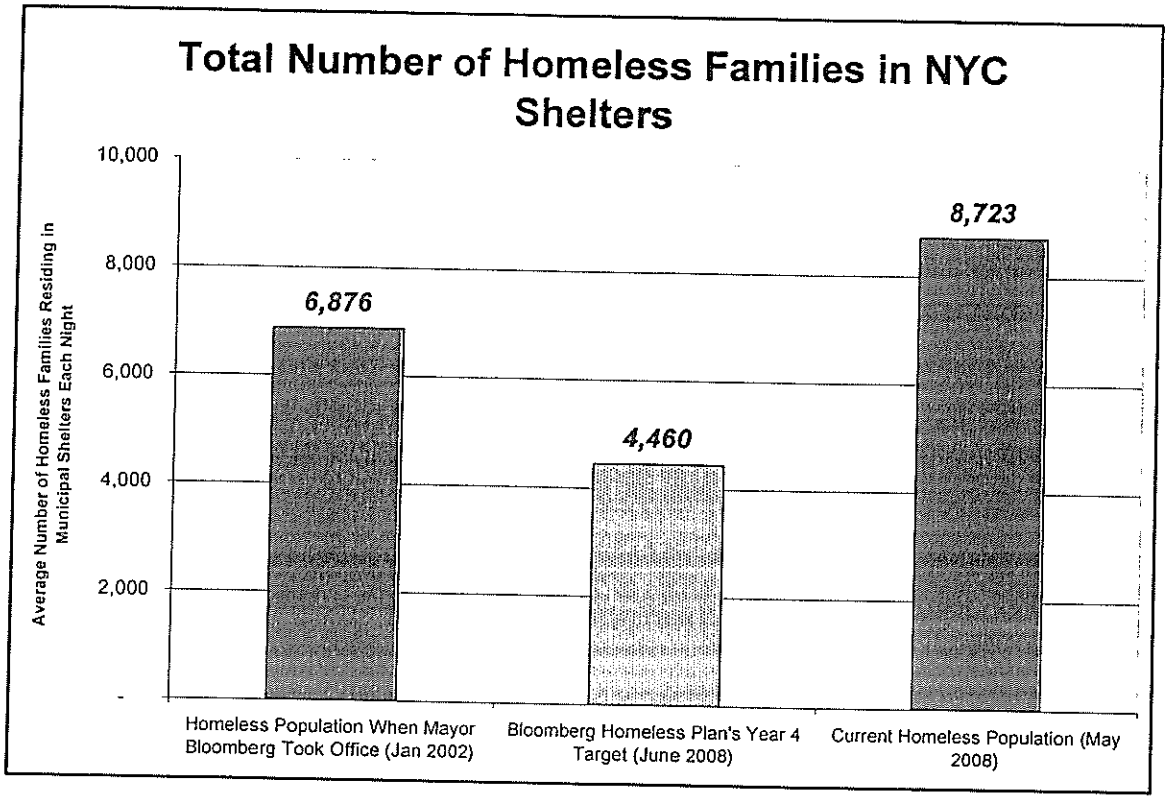
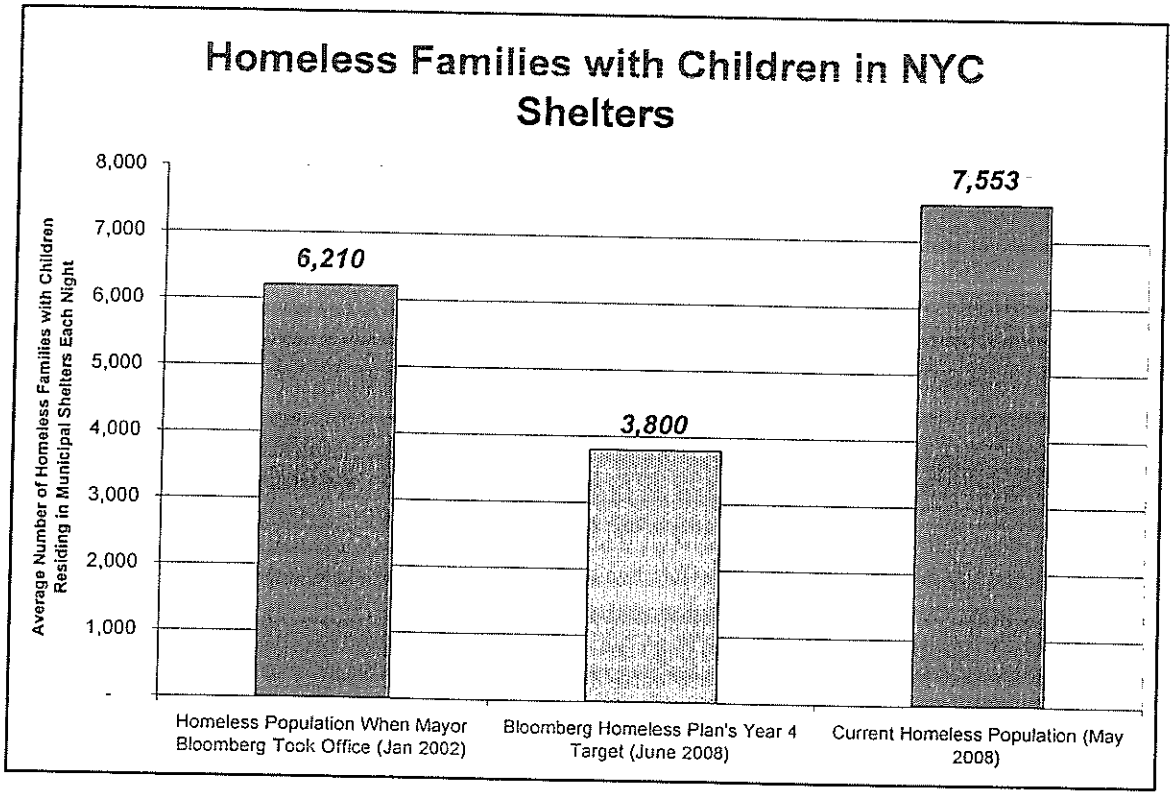
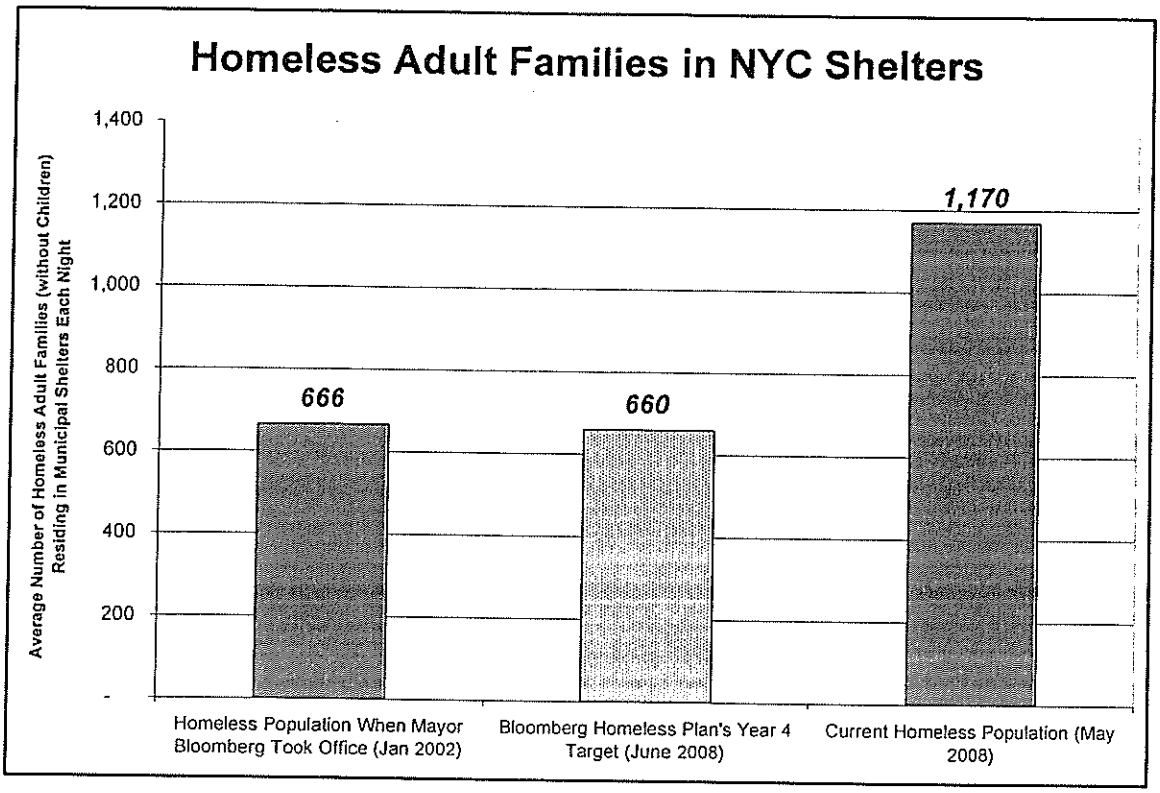


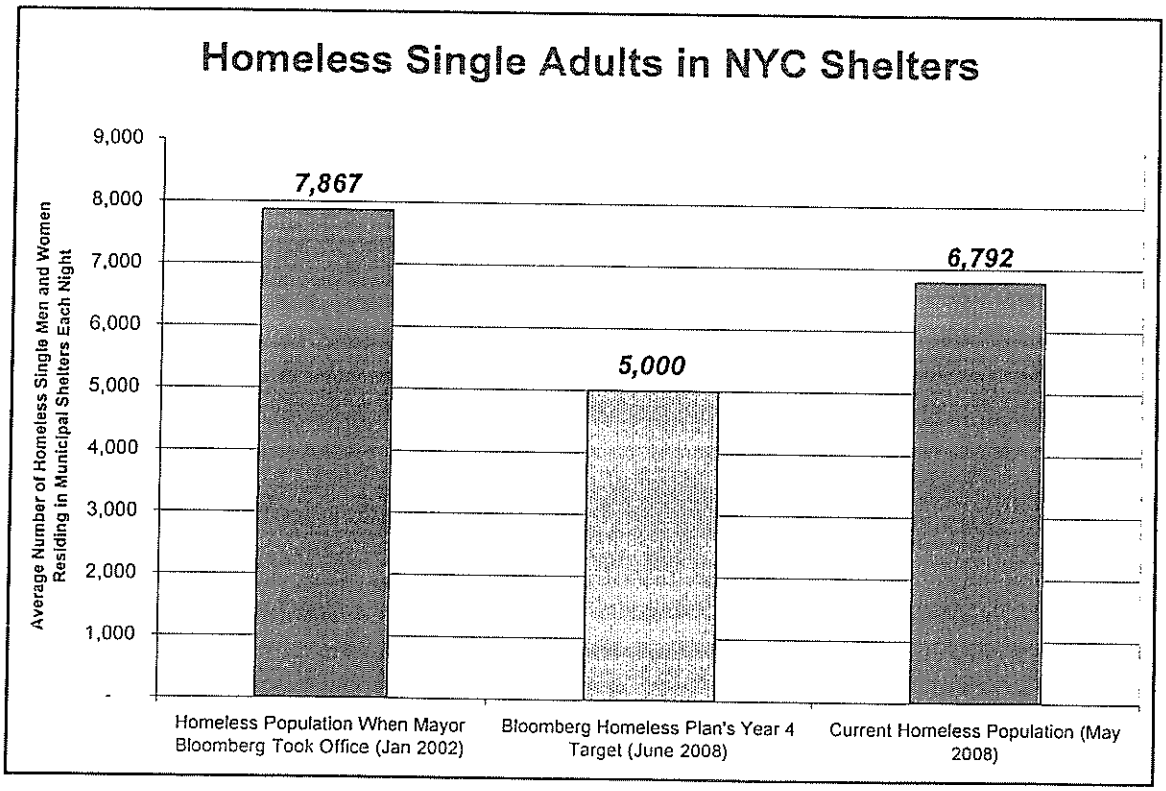
The current number of homeless families in New York City shelters is 27 percent higher than when Mayor Bloomberg took office, and is nearly double the "Year 4" target for the Mayor's homeless plan.



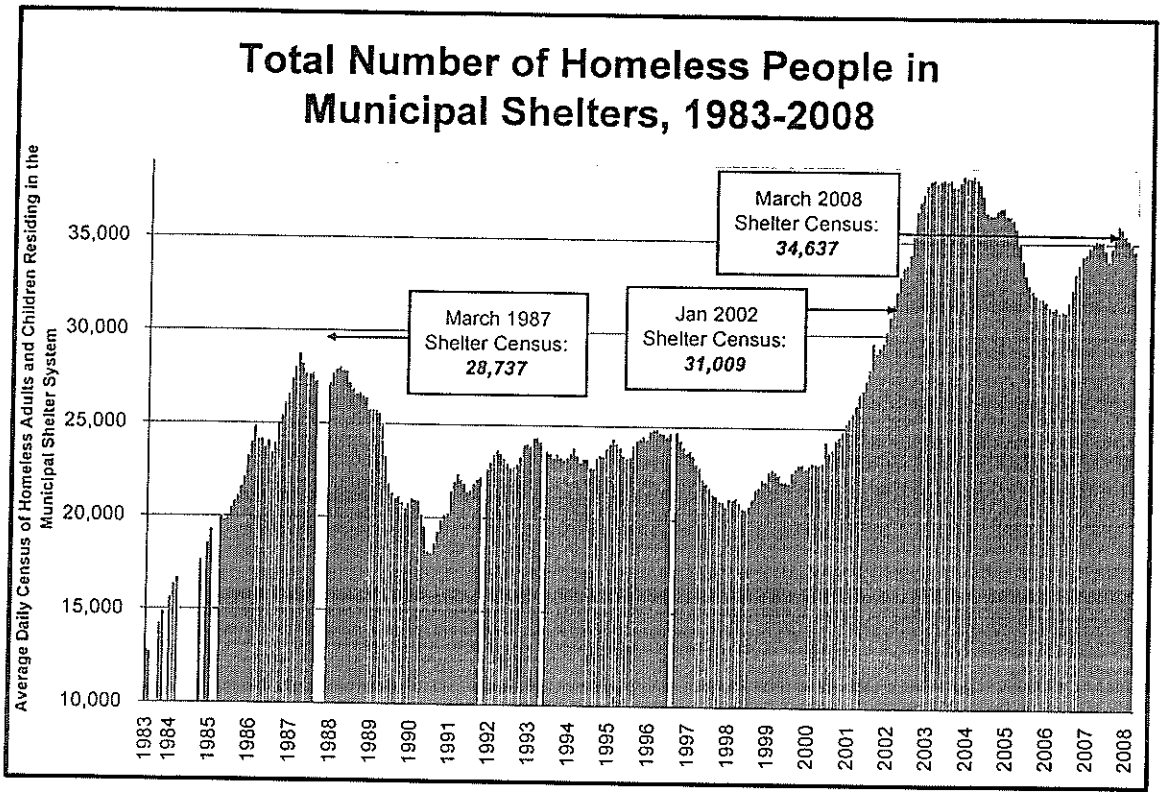
The number of homeless children in New York City shelters – currently more than 14,000 children each night – is 9 percent higher than the number of homeless children when Mayor Bloomberg took office.



The number of homeless "adult families" (i.e., families without minor children) has soared to record levels this decade, and is currently nearly double the number when the Mayor took office.



Homeless single adults represent the only segment of the New York City homeless shelter population that has declined in recent years, but advocates and service providers are concerned that much of this decline is due to the City moving homeless adults to unsafe, illegal boarding houses.



During the past decade, the number of homeless children and adults residing each night in New York City shelters has been the highest since modern homelessness began in the late 1970s. More New Yorkers have experienced homelessness during the current decade than since the Great Depression of the 1930s.

Immediate Steps the City Can Take to Reduce Homelessness

During the last two economic recessions (1990-91 and 2001-02), homelessness worsened dramatically as low-income New Yorkers struggled to keep their homes amid job losses. Facing another economic downturn, the City can take the following immediate steps to reduce homelessness.

1. Target Federal Housing Aid to the Homeless:

- In late 2004, the Bloomberg administration cut off homeless New Yorkers from longstanding priority for Federal housing programs, including Section 8 vouchers and public housing.
- In January 2007, Mayor Bloomberg announced that the City will give out 22,000 new Section 8 vouchers – none to the homeless.
- Reversing the City's misguided policy will move thousands of homeless families to permanent housing – and will save City taxpayer dollars spent on emergency shelter.

2. Accelerate Construction of Supportive Housing:

- In 2005, the City and State signed a ten-year agreement to provide supportive housing for homeless people living with mental illness and other special needs.
- However, more than half of the newly-constructed supportive housing – 3,276 units of the planned 6,250 new units – will not be built until at least 2011.
- City and State officials should accelerate the development of supportive housing for homeless people with special needs.

3. Halt Referrals of Homeless Adults to Illegal Dwellings:

- City has referred hundreds of homeless adults – including many living with mental illness – to more than 65 unsafe, illegal boarding houses.
- City inspectors have issued vacate orders to at least 11 illegal boarding houses due to health and fire safety risks – forcing the residents to return to shelters or the streets.
- City officials should halt referrals of homeless adults living with mental illness or other disabilities to illegal boarding houses.

Note: All homeless population data and information about the Mayor's homeless plan is from the New York City Department of Homeless Services.

Prepared by Patrick Markee, Senior Policy Analyst, Coalition for the Homeless.
For more information, please visit www.coalitionforthehomeless.org.

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BRIEFING PAPER

The Bloomberg Administration's Misguided Plan to Move the Homeless Men's Intake Center Out of Manhattan

Updated: June 24, 2008

Since modern homelessness began in the late 1970s, the City of New York has always maintained an intake center for homeless men in Manhattan. The reason for this is simple: Manhattan has the highest concentration of street homelessness of the five boroughs, particularly in the midtown business district. And the large majority of street homeless New Yorkers are single men.

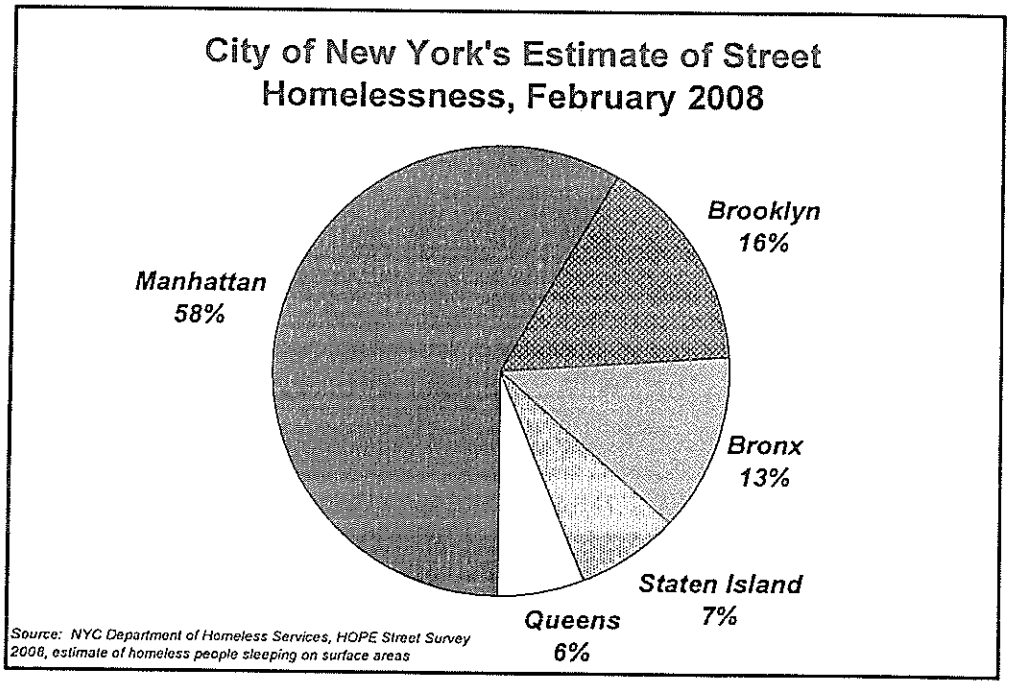
However, the Bloomberg administration has announced a misguided plan to move the homeless men's intake center outside of Manhattan to an armory located in the Crown Heights neighborhood of Brooklyn. This dangerous plan will inevitably lead to more street homelessness and may lead to more death and injury among street homeless New Yorkers.

Coalition for the Homeless urges Mayor Bloomberg and City officials to withdraw this misguided plan, and to commit to locating a homeless men's intake shelter in or near midtown Manhattan. We also urge the Mayor to revive his 2004 pledge – which he abandoned late last year – to enhance access to shelter by creating multiple intake sites for homeless men in Manhattan, Brooklyn, and the Bronx.

Historical Background: The Front Door of the Shelter System

Since modern homelessness began in the late 1970s, the City of New York has always maintained an intake center for homeless men in Manhattan – first on East 3rd Street and the Bowery, and since 1984 at the Bellevue men's shelter on East 30th Street and First Avenue.

For the past decade, the men's intake center at the Bellevue shelter has been the only intake point for the municipal shelter system – it is, literally, the "front door" to the shelter system for homeless single men seeking shelter.



In FY 2007, 18,737 different homeless single men sought shelter, including 7,164 homeless single men who were new to the shelter system. Currently nearly 7,000 homeless single adults sleep each night in the municipal shelter system,

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including more than 5,000 homeless single men. According to Mayor Bloomberg's 2004 homeless plan, around one of every three homeless single adults in municipal shelters was street homeless immediately before seeking shelter.

On March 31, 2008, the New York City Economic Development Corporation announced plans to convert the Bellevue men's shelter into a luxury hotel and conference center; the City is currently seeking bids from developers. On April 25th, the Bloomberg administration told news reporters and some Brooklyn elected officials that it plans to move the men's intake center to the Bedford-Atlantic armory, a 350-bed shelter located in the Crown Heights neighborhood of Brooklyn, as soon as September of this year.

City officials told news reporters that there was no longer a need for a Manhattan intake center, and that street homeless people in Manhattan would be assisted by outreach teams or could call 311, the City's general service line. City officials also claimed that the current residents of the Bellevue shelter – around 600 men per night in April – would be relocated to housing, but offered no details about this plan.

The City's Misguided Plan: Concerns and Questions

The Bloomberg administration's plan is misguided and dangerous for numerous reasons. Most alarming, it threatens to move the "front door" of the shelter system to a location far from where most street homeless people reside, effectively reducing access to emergency shelter for some of the most vulnerable New Yorkers.

Following are some of the major concerns and questions surrounding the City's plan:

- Each night thousands of New Yorkers sleep rough on our streets, in our subway system, and in other public spaces. Research shows that the large majority of street homeless New Yorkers are individuals living with mental illness or other severe health problems. Four out of five street homeless New Yorkers are men.

- Homeless service providers, researchers, outreach teams, and advocates have long known that, like in other American cities, street homelessness is concentrated in the central business district of New York City – that is, midtown Manhattan. Even the City's controversial annual survey of street homeless people confirms this:

    - The New York City Department of Homeless Services' 2008 HOPE survey of street homelessness estimated that 58 percent of homeless people found on the streets were located in Manhattan.

    - The 2008 HOPE survey also estimated that the number of homeless people sleeping on Manhattan streets increased by 21 percent from 2007.

    - In contrast, the 2008 HOPE survey estimated that the street homeless found in Brooklyn made up 16 percent of all street homeless people.

- The Bellevue shelter's homeless men's intake center currently serves an average of 93 homeless men who are seeking shelter each day. In the winter months, the intake center typically serves over 100 homeless men seeking shelter each day. On January 3, 2008, the coldest night of this calendar year, 241 homeless men sought shelter at the Bellevue intake center.

- The Bedford-Atlantic armory – which is located nearly nine miles from the current intake center – is a uniquely poor choice to become the new homeless men's intake center. The armory currently has a 350-bed men's shelter, directly operated by the Department of Homeless Services, which has perhaps the worst reputation of any men's shelter in the city. Many homeless men avoid the Bedford-Atlantic shelter because of its forbidding reputation and poor services.

- Mayor Bloomberg's 2004 homeless plan, "Uniting for Solutions Beyond Shelter," included a commitment to "decentralize men's intake" by creating "three smaller intake centers...throughout the city to ease entry into the shelter system for single adult men." The plan stated that one of the drawbacks of having only one intake

center located at the Bellevue shelter was that "its inaccessibility to men living on the streets in other boroughs discourages some homeless men from seeking shelter."

- However, in late 2007 the Bloomberg administration abandoned plans to decentralize homeless men's intake, and cancelled agreements with service providers to create intake sites in the Bronx, Brooklyn, and Manhattan.

- The City also currently operates 11 drop-in centers for street homeless people. These centers offer social services and limited access to overnight shelter in churches and synagogues.

- Nevertheless, Mayor Bloomberg's FY 2009 executive budget includes a cut of $16.9 million in funding for drop-in centers. The Department of Homeless Services has closed two of the 11 drop-in centers this year, one on the upper east side of Manhattan and one in downtown Brooklyn. And City officials have discussed plans eventually to close all of the drop-in centers.

- City officials have told service providers that "safe haven" shelters – which are low-demand shelters targeted to chronically street homeless adults living with mental illness – will take the place of drop-in centers. However, while drop-in centers and church and synagogues served an average of 1,316 people each night in FY 2007, the Department of Homeless Services plans to have only 500 "safe haven" beds by the end of this year, and not all street homeless people will be able to access those beds.

- All in all, the Bloomberg administration's current plans threaten to severely diminish access to emergency shelter for homeless New Yorkers. And the Mayor's FY 2009 budget does not include resources to significantly expand permanent supportive housing resources for street homeless adults (i.e., so-called "housing first" units) nor to expand outreach services.

- In addition, the City has not offered details about what will happen to the current residents of the Bellevue shelter. The shelter, which is the largest in Manhattan, has 850 beds with more than 130 beds designated for homeless men living with special needs (including mental illness or tuberculosis). Most of the residents are older men, and currently around 600 men reside in the shelter each night. The shelter system does not currently have excess capacity to serve these men.

- Finally, the Bellevue shelter is also the site of the Adult Family Intake Center, the sole intake facility for homeless couples and other homeless families without minor children. To date the City has offered no plans for re-locating this intake facility.

How Best to Serve Street Homeless New Yorkers

It is a fundamental principle of assisting street homeless people that shelter and services must be easily accessible and have few barriers to entry. Most important, on cold winter nights, when securing shelter is literally a matter of life and death, emergency shelter must be located near to street homeless people.

The Bloomberg administration's plan to move the "front door" of the men's shelter system far away from the area of the city with the highest concentration of street homelessness flies in the face of decades of experience and research about homelessness.

Coalition for the Homeless urges Mayor Bloomberg and City officials to withdraw this misguided plan, and to commit to locating the homeless men's intake center in or near midtown Manhattan. We urge the Mayor return to the commitment in his 2004 homeless plan to create multiple intake shelters for homeless men, including intake shelters in Manhattan, Brooklyn, and the Bronx. Finally, we urge the Mayor to dramatically expand investments in proven approaches to reducing street homelessness, including permanent supportive housing targeted to the street homeless population (i.e., "housing first" units).

Prepared by Patrick Markee, Senior Policy Analyst, Coalition for the Homeless.
For more information, please visit www.coalitionforthehomeless.org.

Update:
Fact-checking Bloomberg Administration Claims about its Misguided Homeless Intake Plan

Since the Bloomberg administration unveiled its misguided plan to move New York City's only intake center for homeless men out of midtown Manhattan (where most street homelessness is concentrated) to the Crown Heights neighborhood of Brooklyn, administration officials have made a series of inaccurate and misleading claims about the plan and about the City's approach to street homelessness.

This memo addresses the administration's inaccurate statements to the news media and to City and State officials, and cites City data and policies to contradict those claims.

1. Homeless intake centers are "outmoded" and unnecessary?

THE ADMINISTRATION'S CLAIMS: On May 8th, New York City Department of Homeless Services Commissioner Robert Hess told columnist Errol Louis of the *New York Daily News*, "We don't need the big, centralized intake centers of the past." City officials also told local elected officials that the intake center was "outmoded" and no longer necessary.

THE FACTS: City data absolutely contradicts these assertions.

As the attached spreadsheet shows, each night dozens of homeless men seek shelter at the current intake center, which is located at the Bellevue shelter in midtown Manhattan. Each month this year, there were more than 2,400 walk-ins by homeless men at the Bellevue intake center.

Here are some highlights from the City's homeless intake data for 2008:

- In the first four months of this year, there have been more than 11,000 walk-ins by homeless men at the Bellevue intake center, including nearly 3,000 homeless men who were new to the municipal shelter system.
- So far this year, an average of 93 homeless men sought shelter at the Bellevue intake center each night.
- In January, an average of 106 homeless men sought shelter each night at the Bellevue intake center, while there were a total of 2,873 walk-ins during the month.
- On the frigid night of January 3rd, 241 homeless men sought shelter at the Bellevue intake center, the highest number recorded this year. On that same night, according to the National Weather Service, the temperature in NYC dropped to 12 degrees Fahrenheit, the coldest night of this calendar year. Thus, on a night when temperatures were below freezing, the intake center was a vital lifeline to emergency shelter for more than 200 homeless men.

In addition, according to data included in Mayor Bloomberg's 2004 homeless plan, "Uniting for Solutions Beyond Shelter" (available on the Department of Homeless Services website), nearly one of every three homeless single adults in the municipal shelter system entered shelter directly from the streets – clearly contradicting Bloomberg administration officials' claims that street homeless people do not use the intake center.

The City's data clearly demonstrates that the intake center serves thousands of homeless men each year, and that many of them seek shelter directly from the streets. The intake center plays an especially vital role in the cold winter months by providing ready access to emergency shelter.

The City's data also proves what service providers and advocates have long known: A fundamental principle of assisting street homeless people is to make shelter accessible and readily available. The Bellevue intake center fulfills this purpose due to its central location in Manhattan where, City data show, 58 percent of street homeless people are located. The Bedford-Atlantic armory in Crown Heights, where the Bloomberg administration plans to move the intake center, is nearly nine miles away, is far less accessible, and has a well-deserved reputation for being unsafe and poorly managed.

2. "Safe havens" and outreach make homeless intake centers and drop-in centers obsolete?

THE ADMINISTRATION'S CLAIMS: On May 8th, Department of Homeless Services Commissioner Hess told NY1 news, "We've really transformed all of our outreach efforts. So that people living on the streets would not have to come into a central point, but would get access to housing directly from the street in safe havens and stabilization beds, without having to go through a lot of bureaucracy or having to go through a big central intake facility." On April 26th, the *New York Daily News* reported, "Homeless Commissioner Rob Hess said the Bellevue closing would be good news, made possible because outreach teams have moved 500 people off the streets since September..."

City officials also told elected officials and community groups that there was no need for an intake center in Manhattan because outreach teams and "safe havens" would address street homelessness in that borough. City officials also used that rationale to defend the planned closing this June of the Neighborhood Coalition for Shelter's acclaimed drop-in center on East 77th Street in Manhattan.

THE FACTS: The City's claims are entirely contradicted by the numbers and by its own policies.

With regards to "safe havens": "Safe havens" are shelter beds targeted to assist the hard-to-serve street homeless population. While they are certainly a positive addition to the City's homeless services system, they are in no way a substitute for intake centers and other accessible entry points to shelter – it is like saying a neighborhood health clinic is a substitute for a 24-hour hospital emergency room.

Currently there are approximately 200 "safe haven" shelter beds citywide, with an additional 300 more planned by the end of this calendar year. Given that "safe haven" beds have no limit on length of stay (meaning limited turnover), only a few hundred homeless adults (both men and women) will be served by "safe havens" each year. As noted above, the Bellevue intake center serves thousands of homeless men each year, with more than 11,000 walk-ins by homeless men in the first four months of this year alone.

Homeless people cannot walk in to "safe havens" to access shelter – they must be placed there by City-contracted outreach teams and must meet certain eligibility criteria. Therefore, "safe havens" serve a completely different function than intake centers, which are like emergency rooms open to all people in need.

In addition, "safe havens" are restricted by the Department of Homeless Services to serving only "chronically" homeless street adults – that is, adults who have spent more than a year sleeping on the streets. According to the Department of Homeless Services' request for proposals for "safe havens" (available on the City's website), fewer than 50 percent of all street homeless adults are "chronically" homeless, meaning that "safe havens" cannot assist more than half of the street homeless population. In contrast, intake centers are open to all homeless individuals.

With regards to drop-in centers: Drop-in centers are social-service centers assisting street homeless people. Drop-in centers work closely with local churches and synagogues to provide overnight shelter beds (sometimes called "stabilization beds") to street homeless adults. There are currently 11 drop-in centers citywide – seven in Manhattan, two in Brooklyn, one in Staten Island, and one in the Bronx.

Mayor Bloomberg's FY 2009 executive budget proposal includes a $16.9 million cut in funding for drop-in centers. And the City plans to close two of the 11 drop-in centers by June 30th: the Neighborhood Coalition for Shelter's drop-in center on East 77th Street in Manhattan, and the center in downtown Brooklyn. This will further diminish access to emergency shelter by reducing the number of entry points.

City officials have also informed service providers that they plan eventually to close all of the drop-in centers. However, once again, the numbers don't add up. According to the Department of Homeless Services' "Critical Activities Reports," in FY 2007 the average daily census of drop-in centers was 1,316 homeless adults. During that same period, there were an average of 648 homeless adults sleeping each night in drop-in centers and 292 adults sleeping each night in church and synagogue shelter beds. (Those numbers were higher in the winter months when there is more demand for emergency shelter. In February 2007 there were an average of 676 homeless adults sleeping each night in drop-in centers, and 367 adults sleeping each night in church and synagogue beds.)

Thus, to close all drop-in centers, the City would have to address the nightly shelter needs of well over 1,000 homeless adults each night, far more than the number of "safe haven" beds planned. Moreover, the turnover in the population served by drop-in centers is much higher than that served by "safe havens." For instance, in FY 2007 the Neighborhood Coalition for Shelter drop-in center served more than 800 different homeless people. In contrast, the Department of Homeless Services' request for proposals for "safe havens" states that it expects a turnover goal of 40 percent of capacity for "safe haven" shelter beds – meaning that the planned 500 "safe haven" beds might serve a total of no more than 700 different homeless faults each year.

Finally, as noted above, "safe havens" are restricted to serving only "chronically" street homeless adults – drop-in centers, like intake centers, serve all street homeless adults.

With regards to outreach: A fundamental principle of homeless outreach is that it is only effective if outreach teams can place their homeless clients in accessible, safe shelter or other appropriate settings. Furthermore, particularly on cold winter nights, outreach teams are only effective if they can use their limited resources to find as many street homeless people as possible, and not waste time and effort trying to locate available beds or on long transports to distant intake centers and shelters. On winter nights, especially when temperatures are below freezing, this can be a matter of life and death for vulnerable homeless people on the streets.

There is simply no way that the City's limited outreach resources can replace the need for a centrally located homeless men's intake center. If (as the April 26th *Daily News* account above reports) the City moved 500 homeless people off the streets from September through April, this number is dwarfed by the thousands of homeless men who sought shelter at the Bellevue intake center. As noted above, in the first four months of 2008 alone more there were more than 11,000 walk-ins by homeless men at the Bellevue intake center.

And despite the City's recent re-organization of homeless outreach, Mayor Bloomberg's FY 2009 executive budget proposal includes no new resources for the contracted outreach teams. Therefore, these contracted outreach service providers will have essentially the same resources they had in recent years.

In FY 2007, according to the Department of Homeless Services' "Critical Activities Reports," each month City-contracted outreach teams placed an average of 384 homeless adults in shelters, drop-in centers, or treatment programs. In contrast, as noted above, each month this year the Bellevue intake center has had more than 2,400 walk-ins by homeless men. It is therefore impossible to see how outreach teams, with limited resources, can serve as a substitute for a centrally-located, accessible intake center.

Moreover, if the Bloomberg administration is successful in moving the homeless men's intake center out of midtown Manhattan to the Bedford-Atlantic armory in Crown Heights, nearly nine miles away, outreach teams will be forced to waste extra time and effort transporting or assisting street homeless men from Manhattan or other boroughs. And many homeless men, particularly in Manhattan where street homelessness is concentrated, will refuse to be transported to Brooklyn and will remain on the streets.

Finally, like the "safe havens," the City-contracted outreach teams are restricted in which homeless people they can serve. Service providers report that Department of Homeless Services contracts with outreach service providers force them primarily serve the "chronically" street homeless population – and, as noted above, City data shows that the "chronically" homeless make up less than half of the street homeless population.

3. **Is the City of New York genuinely adopting the acclaimed "housing first" approach?**

THE ADMINISTRATION'S CLAIMS: On May 8th, WNYC radio reported, "The Department of Homeless Services says moving homeless men directly into apartments will cut out the need for intake." Bloomberg administration officials have told the news media and local elected officials that the City is adopting the acclaimed "housing first" approach to street homelessness.

THE FACTS: Once again, City data contradicts the claims of administration officials.

The acclaimed "housing first" approach to addressing street homelessness means moving street homeless individuals, primarily those living with mental illness and other health problems, into permanent supportive housing. The model, which was pioneered by local service providers, has a very high success rate and has been supported by homeless advocates nationwide.

However, while the City of New York has used the "housing first" approach in a limited way for many years, there is still no evidence that the City has significantly expanded permanent supportive housing resources beyond current commitments. Most of all, there is absolutely no evidence that there are sufficient "housing first" permanent supportive housing units to replace a centrally-located homeless intake center and/or drop-in centers.

The "New York/New York III Agreement," which the City and State entered into in 2005, commits to providing 9,000 supportive housing units over 10 years, or an average of 900 units each year. But many of those "New York/New York III" units are targeted for needy populations other than street homeless adults – for instance, homeless families and youth aging out of foster care. And nearly 2,000 of the 9,000 units are targeted to people who are not currently homeless – for instance, people exiting State psychiatric hospitals. Finally, fewer than half of all "New York/New York III" units are set aside for homeless individuals living with serious and persistent mental illness, which comprises the large majority of the street homeless population.

Furthermore, like the "safe havens" and outreach efforts, all "New York/New York" supportive housing units are now restricted to the "chronically" homeless – meaning, again, that more than half of the street homeless population is ineligible for this vital housing assistance.

Finally, the City's existing supply of permanent supportive housing is not allocated exclusively to street homeless people. Each year more than 20,000 different homeless single adults utilize the municipal shelter system, and many of them are in need of permanent supportive housing. Indeed, according to the Department of Homeless Services' "Critical Activities Reports," in FY 2007 the City placed 1,659 homeless single adults from the shelter system into permanent supportive housing.

To date City officials have failed to identify the number of "housing first" placements made in recent years or the number planned for the coming fiscal year. However, City officials have frequently confused the issue by referring to "safe haven" shelter beds as "housing first" placements. This is misleading, because the "housing first" approach specifically refers to permanent supportive housing, not to "safe haven" shelters which are temporary.

NYC Department of Homeless Services
Bellevue Homeless Men's Intake Center Activity, Jan-May 2008

(Source: NYC Department of Homeless Services, Intake and Vacancy Control Nightly Statistics)
Prepared by Patrick Markee, Coalition for the Homeless, Tel 212-776-2004

CALENDAR YEAR 2008

	Total number of men seeking shelter and services	Number of homeless men new to shelter system	Number of homeless men out of system one year or more	Number of homeless men out of system less than one year
TOTAL (YTD)	**11,575**	**2,909**	**2,634**	**6,032**
JAN (TOTAL)	2,873	644	592	1,637
FEB (TOTAL)	2,845	684	632	1,529
MAR (TOTAL)	2,842	707	630	1,505
APR (TOTAL)	2,427	739	610	1,078
NIGHTLY AVERAGE (YTD)	**93**	**23**	**21**	**49**
JAN (AVG)	106	24	22	61
FEB (AVG)	98	24	22	53
MAR (AVG)	92	23	20	49
APR (AVG)	81	25	20	36
1-Jan	81	20	22	39
2-Jan	118	42	18	58
3-Jan	241	32	28	181
4-Jan	146	22	32	92
5-Jan	68	16	11	41
6-Jan	79	18	13	48
7-Jan	119	34	25	60
8-Jan	104	27	28	49
9-Jan	113	33	27	53
10-Jan	101	26	29	46
11-Jan	97	24	20	53
12-Jan	69	19	20	30
13-Jan	68	12	17	39
14-Jan	104	40	27	37
15-Jan	126	26	21	79
16-Jan	131	27	24	80
17-Jan	94	25	28	41
18-Jan	115	22	25	68
19-Jan	73	16	15	42
20-Jan	119	11	8	100
21-Jan	106	22	21	63

	Total number of men seeking shelter and services	Number of homeless men new to shelter system	Number of homeless men out of system one year or more	Number of homeless men out of system less than one year
22-Jan	130	30	32	68
23-Jan	116	32	20	64
24-Jan	93	24	29	40
25-Jan	119	24	23	72
26-Jan	81	13	17	51
27-Jan	62	7	12	43
28-Jan	n/a	n/a	n/a	n/a
29-Jan	n/a	n/a	n/a	n/a
30-Jan	n/a	n/a	n/a	n/a
31-Jan	n/a	n/a	n/a	n/a
1-Feb	92	24	22	46
2-Feb	93	20	16	57
3-Feb	61	13	13	35
4-Feb	124	34	27	63
5-Feb	105	29	16	60
6-Feb	101	23	28	50
7-Feb	100	31	25	44
8-Feb	109	34	20	55
9-Feb	61	15	22	24
10-Feb	71	15	11	45
11-Feb	107	29	22	56
12-Feb	106	29	33	44
13-Feb	107	20	25	62
14-Feb	70	20	21	29
15-Feb	117	17	27	73
16-Feb	61	23	19	19
17-Feb	60	15	8	37
18-Feb	73	19	14	40
19-Feb	118	29	25	64
20-Feb	90	29	32	29
21-Feb	144	26	33	85
22-Feb	124	25	18	81
23-Feb	65	12	12	41
24-Feb	86	13	10	63
25-Feb	102	29	24	49
26-Feb	123	34	30	59
27-Feb	122	28	23	71
28-Feb	138	13	33	92
29-Feb	115	36	23	56
1-Mar	56	10	18	28
2-Mar	76	15	9	52
3-Mar	93	25	30	38
4-Mar	121	27	26	68
5-Mar	112	26	31	55
6-Mar	176	23	25	128
7-Mar	103	17	30	56
8-Mar	68	23	12	33

	Total number of men seeking shelter and services	Number of homeless men new to shelter system	Number of homeless men out of system one year or more	Number of homeless men out of system less than one year
9-Mar	57	11	19	27
10-Mar	129	40	26	63
11-Mar	136	30	33	73
12-Mar	105	31	25	49
13-Mar	113	30	21	62
14-Mar	74	20	23	31
15-Mar	55	15	13	27
16-Mar	70	20	17	33
17-Mar	100	32	19	49
18-Mar	95	25	21	49
19-Mar	95	26	18	51
20-Mar	90	24	18	48
21-Mar	102	29	19	54
22-Mar	66	10	14	42
23-Mar	68	12	12	44
24-Mar	88	26	19	43
25-Mar	94	26	26	42
26-Mar	85	19	22	44
27-Mar	125	36	21	68
28-Mar	102	26	17	59
29-Mar	44	10	18	16
30-Mar	62	18	9	35
31-Mar	82	25	19	38
1-Apr	104	28	34	42
2-Apr	112	38	25	49
3-Apr	64	19	20	25
4-Apr	91	30	18	43
5-Apr	69	22	17	30
6-Apr	71	18	19	34
7-Apr	99	31	23	45
8-Apr	86	24	20	42
9-Apr	74	26	17	31
10-Apr	72	24	19	29
11-Apr	84	33	25	26
12-Apr	50	16	16	18
13-Apr	36	10	6	20
14-Apr	118	40	31	47
15-Apr	86	26	29	31
16-Apr	84	34	14	36
17-Apr	93	24	19	50
18-Apr	76	20	22	34
19-Apr	64	30	10	24
20-Apr	65	25	9	31
21-Apr	88	26	18	44
22-Apr	96	24	23	49
23-Apr	63	18	20	25
24-Apr	75	16	23	36

	Total number of men seeking shelter and services	Number of homeless men new to shelter system	Number of homeless men out of system one year or more	Number of homeless men out of system less than one year
25-Apr	93	36	24	33
26-Apr	45	17	16	12
27-Apr	55	13	16	26
28-Apr	118	29	25	64
29-Apr	112	23	32	57
30-Apr	84	19	20	45
1-May	84	22	28	34
2-May	89	17	22	50
3-May	74	13	22	39
4-May	59	12	21	26
5-May	89	21	26	42
6-May	91	22	27	42
7-May	102	28	24	50

Warehousing the Homeless

The Rising Use of Illegal Boarding Houses to Shelter Homeless New Yorkers

January 2008

www.coalitionforthehomeless.org

Warehousing the Homeless

The Rising Use of Illegal Boarding Houses to Shelter Homeless New Yorkers

Written by
Lindsey Davis

Edited by
Patrick Markee
Mary Brosnahan

Special thanks to
Diana Olaizola
Brian Morse

January 2008

Coalition for the Homeless
129 Fulton Street
New York, NY 10038

www.coalitionforthehomeless.org

Note: Cover photo of 1107 Putnam Avenue, Brooklyn, an illegal boarding house used by the City to shelter homeless adults, and ordered vacated in September 2007.

EXECUTIVE SUMMARY

Key Findings

Over the past two years the Bloomberg administration has placed hundreds of homeless individuals – many of them living with mental illness and other disabilities – into dozens of illegal boarding houses with hazardous conditions already documented by City inspectors. As of January 2008, at least 10 of the illegal boarding houses used by the City to shelter homeless New Yorkers have been condemned or ordered vacated. Top Bloomberg administration officials were alerted of the dangerous and illegal conditions in these buildings – documented by City inspectors, advocates and the residents themselves – and yet still approved their use by the Department of Homeless Services.

This report documents a new cottage industry in New York City: Illegal boarding homes used by the City to shelter homeless adults. As this report shows, Bloomberg administration policies are fueling an expanding market for these illegal, dangerous dwellings, most of which are located in low-income, African-American and Latino neighborhoods.

The report also details the hazardous conditions in these illegal boarding houses, and describes the harmful impact on some of the most vulnerable individuals in New York City. Coalition for the Homeless, with the help of numerous homeless and formerly-homeless individuals, has learned of 62 illegal boarding houses to which the City has referred and effectively mandated homeless adults over the past two years.

Following are the key findings of the report:

In the past year and a half alone, 10 illegal boarding houses used by the City to shelter homeless adults have been ordered vacated by City agencies due to hazardous conditions. These dangers include fire safety hazards, collapsing walls, holes in floors and ceilings, severe overcrowding, and illegal conversion of one- and two-family homes.

Top Bloomberg administration officials ignored warnings about documented, hazardous conditions in illegal boarding houses. Top City officials, including Deputy Mayor Linda Gibbs, signed off on the use of many illegal boarding houses which were later ordered vacated, including 299 Sumpter Street, 592 Marcy Avenue, and 199 Halsey Street in Brooklyn and 806 East169th Street in the Bronx. Gibbs and other top Bloomberg administration officials refused to block referrals to these and other dangerous buildings despite knowledge of hazardous conditions documented by City inspectors and despite warnings from advocates. These and other buildings were later ordered vacated by the Fire Department, the Department of Buildings, or the Department of Housing Preservation and Development.

City housing inspectors issued 654 "hazardous" code violations against the 62 illegal boarding houses included in this report, and the Department of Buildings issued 226 violations against 47 of these houses. Housing code violations include collapsing floors and ceilings, illegal conversion, fire safety hazards, leaks, holes in walls, broken windows, infestations of vermin, and lack of heat. Building code violations include illegal use as a "homeless shelter," "single room occupancy," or "rooming house," and citations for serious maintenance-related deficiencies including collapsed or sagging walls, cracked and bulging ceilings, and serious fire safety hazards.

Bloomberg administration policies have resulted in rising numbers of illegal boarding houses, the vast majority located in low-income, African-American and Latino neighborhoods. When Coalition for the Homeless approached City officials a year ago about the problem of illegal boarding houses, we were aware of fewer than a dozen such buildings used by the City. The Coalition has now documented 62 illegal boarding houses used by the City to shelter homeless adults, and most have opened in the past year in response to the rising number of City referrals of homeless adults. The vast majority of illegal boarding houses used by the City are located in low-income, African-American and Latino neighborhoods, primarily in Brooklyn.

The City has negligently placed many homeless adults living with disabilities in illegal boarding houses, including individuals diagnosed with multiple sclerosis, schizophrenia, bi-polar disorder, and severe depression. The Illegal boarding houses used by the City do not offer any therapeutic or supportive services for people living with mental illness or other disabilities. In many cases, the homeless adults sent by the City to illegal boarding houses had been approved for "New York/New York" or other supportive housing, but the City failed to refer them to such appropriate housing.

The City currently has no policy to ensure that homeless adults living with mental illness or other disabilities are sent to safe, appropriate housing. Top Bloomberg officials, including Deputy Mayor Linda Gibbs and Department of Homeless Services Commissioner Robert Hess, have refused to enact a policy requiring the City and contracted shelter providers to assess proposed housing placements to ensure that they are safe, legal, and appropriate to the needs of the individual.

City employees and shelter staff routinely threaten homeless individuals with ejection to the streets if they do not accept referrals to illegal boarding houses, in many cases even when the homeless individual has never seen the building. In many instances homeless adults have been taken in vans to illegal boarding houses and left there, despite fears about safety and the condition of the buildings.

City and State taxpayer dollars subsidize these dangerous boarding houses, despite illegal and hazardous conditions documented by inspectors. Welfare housing allowances and disability benefits are paid by the City and State to the operators of illegal boarding houses, many of whom have converted their buildings in violation of building and housing codes. These payments of taxpayer funds can amount to more than $100,000 per year per house.

Summary Recommendations

Mayor Bloomberg and City officials should immediately reform their policies for the referral and placement of homeless New Yorkers into housing. The Mayor and his administration must ensure that homeless New Yorkers are referred to housing that is (1) safe and legal, and (2) appropriate to the needs of the individual. Coalition for the Homeless calls on the Mayor and City officials to take the following steps to prevent further harm to homeless individuals:

Ensure homeless New Yorkers are referred to safe, legal, and appropriate housing. The Bloomberg administration should immediately implement a policy ensuring that homeless New Yorkers are referred to housing that is (1) safe and legal, and (2) appropriate to the needs of the individual. The City and contracted service providers should assess proposed housing placements to ensure that they meet those standards. The City and service providers must also evaluate homeless adults to assess their needs for mental health, medical, or other support services.

Enforce housing and buildings code requirements and relocate individuals already living in hazardous homes to safe, appropriate housing. For illegal boarding houses that are already in existence, the City and State should enforce the housing maintenance code, building code, and other legal requirements. All formerly homeless individuals currently living in illegal boarding houses with dangerous conditions should be immediately relocated to safe, appropriate permanent housing.

Expand investments in supportive housing and affordable housing. In order to achieve a genuine and lasting reduction of the numbers of homeless New Yorkers, as well as protect homeless individuals living with mental illness and other special needs, the City and State should expand investments in supportive housing and other low-income housing.

Investigate the illegal and fraudulent use of residents' benefits by illegal boarding house operators. The City and State should aggressively investigate the illegal and fraudulent use of Food Stamps, public assistance, Social Security disability benefits, and other benefits by the operators of illegal boarding houses.

While the number of homeless families in New York City reached all-time record levels in 2007, Bloomberg administration officials have repeatedly touted recent reductions in the number of homeless single adults in municipal shelters. However, these reductions result in large part from the growing use of illegal boarding houses to shelter homeless adults. And they've been achieved only because City officials have refused to protect hundreds of homeless individuals from harmful, dangerous conditions. Mayor Bloomberg and City officials must act immediately to curb the proliferation of illegal boarding houses and to ensure the safety of homeless New Yorkers.

1. THE RISING USE OF ILLEGAL BOARDING HOUSES IN NEW YORK CITY

This report documents the increasing use by the City of New York of illegal boarding houses to shelter homeless adults, many of them living with mental illness and other disabilities. The information detailed herein is derived from numerous sources, including Department of Homeless Services data; first-hand observations by Coalition for the Homeless during visits to municipal shelters; the Coalition's field investigations of several illegal boarding houses; case records for homeless adults referred to illegal boarding houses; and interviews with dozens of homeless and formerly-homeless individuals. In addition, the Coalition analyzed violations recorded on databases maintained by the New York City Department of Buildings and the Department of Housing Preservation and Development.

Coalition for the Homeless has compiled a list of 62 illegal boarding houses used by the City to shelter homeless New Yorkers. (Please see the appendix for the list.) But this is by no means a complete catalogue of all illegal boarding houses used by the City. To date, Department of Homeless Services officials have refused to make public a complete list of boarding houses to which the City refers homeless New Yorkers, so it is likely that the City shelters homeless adults in many additional illegal dwellings which are not included in this report.

What Are "Three Quarter Houses"?

In New York City a growing number of small residential buildings – primarily one- and two-family homes – are being operated as illegal boarding houses for homeless and low-income adults. Commonly called "three quarter houses" (a name borrowed from the old term "halfway house"), these residences are overwhelmingly concentrated in low-income, African-American and Latino neighborhoods of central Brooklyn, in particular East New York, Bedford Stuyvesant, Bushwick, and Crown Heights. Some illegal boarding houses are also scattered in low-income areas of the Bronx, Staten Island, and Queens. (Please see the maps included in the appendix to this report.)

Illegal boarding houses are, by and large, operated in small buildings designated in their certificates of occupancy as one- or two-family homes. However, their operators illegally subdivide rooms and crowd as many as 30 or 40 adults, mostly men, into one house, often packing four to 12 men in bunk beds in sleeping rooms. Illegal boarding houses operate in violation of City building codes and housing maintenance codes, which prohibit illegal conversions.

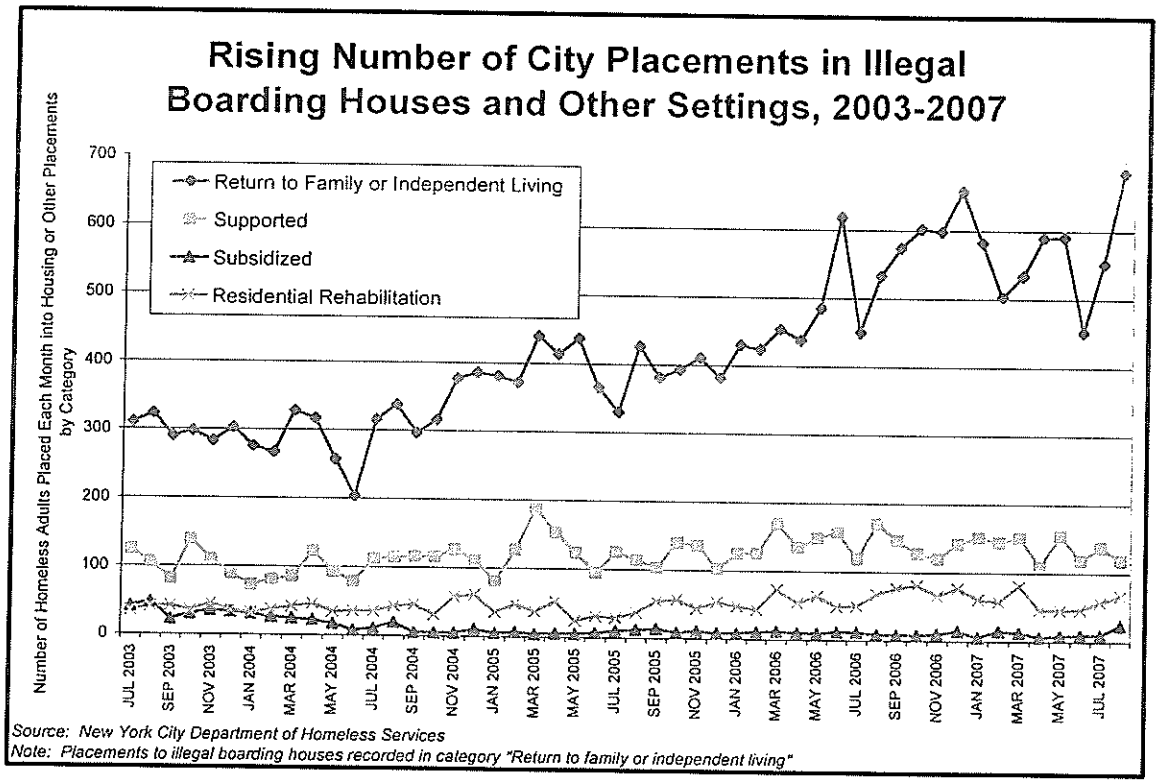
The operators typically charge residents $250 per month in rent, the majority of which is directly paid to the operators by the City's welfare agency as part of resident's monthly housing allowance. Residents with Social Security or other disability benefits are frequently charged higher monthly rents. Operators routinely refuse to provide leases and instead offer informal "resident agreements" outlining house rules, many of which violate basic tenancy rights established under New York State law. Although the operators of illegal boarding houses often describe their buildings as "recovery

residences," they offer no support services or treatment programs, despite the fact that many residents are living with mental illness or other disabilities.

Dramatic Increase in the City's Use of Illegal Boarding Houses to Shelter Homeless Adults

In the wake of Mayor Bloomberg's June 2004 pledge to reduce New York City's homeless population by two-thirds by 2009, City officials are under enormous pressure to reduce the numbers of homeless people in municipal shelters. While the number of homeless families in New York City has actually soared to all-time record levels in 2007, Bloomberg administration officials have repeatedly touted recent reductions in the number of homeless single adults in shelters.

However, these reductions result in large part from the growing use of illegal boarding houses to shelter homeless adults. In effect, Bloomberg administration officials have forced larger and larger numbers of homeless adults – including those living with mental illness and other disabilities – from the municipal shelter system into illegal dwellings. And the reductions have been achieved only because City officials have refused to enact policies to protect hundreds of homeless individuals from harmful, dangerous conditions in the illegal boarding houses.



According to Department of Homeless Services data, the number of homeless individuals referred to so-called "independent living" – a catch-all category which is dominated by placements to illegal boarding houses – increased 29 percent between FY 2006 and FY 2007. In FY 2007, 72 percent of all placements of homeless adults

were made to illegal boarding houses and other so-called "independent living" arrangements.

TOTAL PLACEMENTS OF HOMELESS ADULTS FROM CITY SHELTERS TO HOUSING AND OTHER SETTINGS, FY 2004-FY 2007

	Supportive Housing	Subsidized Housing	Residential Rehabilitation	Return to Family or "Independent Living"	Total Placements of Homeless Adults
FY 2004	1,184	343	463	3,457	5,447
FY 2005	1,467	90	503	4,440	6,500
FY 2006	1,587	129	606	5,172	7,494
FY 2007	1,659	124	756	6,666	9,205

Source: New York City Department of Homeless Services

Even more troubling, while City referrals to illegal boarding houses have soared in recent years, the number of placements to subsidized and supportive housing has stagnated. Between FY 2004 and FY 2007, the number of homeless adults placed in supportive housing annually increased by only 475 people, while over the same period the number of homeless adults placed annually in subsidized housing actually decreased by 219 people. However, over that same period the number of homeless adults placed each year in illegal boarding houses and other so-called "independent living" rose by 3,209 people, or a dramatic 93 percent.

Bloomberg Administration Policies Expand the Number of Illegal Boarding Houses Citywide

Because the Bloomberg administration has so dramatically increased the number of homeless adults moved from shelters to illegal boarding houses, the supply of such illegal dwellings has expanded citywide. In a very real sense, the actions of City officials and the policies of the Department of Homeless Services are fueling an ever growing market for illegal boarding houses by creating more and more "business" for the operators of these illegal dwellings – that, is, by forcing more and more homeless adults into the boarding houses.

In the autumn of 2006, when Coalition for the Homeless first began tracking this phenomenon in a systematic way, we learned of only 12 illegal boarding houses actively used by the Department of Homeless Services. By April 2007 the Coalition had developed a list of 19 illegal boarding houses used by the City to shelter homeless adults. (Please see the maps of illegal boarding houses included in the appendix to this report.)

But by mid-January 2008, when this report was completed, the Coalition had compiled a list of 62 illegal boarding houses used by the Department of Homeless Services,

including 10 houses that had been ordered vacated by other City agencies due to health and safety hazards. Most of the new boarding houses had opened during the past year, in response to the growing number of homeless adults referred by the Department of Homeless Services and by City-contracted shelter providers. And many of the new illegal boarding houses were opened by existing operators with a long record of violations and illegal conversions in their other boarding houses.

Overcrowding, Illegal Conversions, and Hazardous Conditions

The illegal boarding houses used by the City to shelter homeless adults are characterized by severe overcrowding, illegal conversions, and other hazardous conditions. Coalition for the Homeless analyzed City data on housing and building code violations for 62 illegal boarding houses by the City used to shelter homeless adults. (Note that City data was not available for all 62 illegal boarding houses included in this report.)

The Department of Buildings cited 47 of the boarding houses with 226 violations, primarily for illegal conversion and dangerous conditions. Building code violations include illegal use as a "homeless shelter," "single room occupancy," or "rooming house," or citations for serious maintenance-related deficiencies including collapsed or sagging walls, cracked and bulging ceilings, and serious fire safety hazards.

The Department of Housing Preservation and Development has issued 654 "immediately hazardous" or "hazardous" ("C" and "B" class) violations against the 62 illegal boarding houses, an average of 14 hazardous violations per house. These violations include collapsing floors and ceilings, illegal conversion, fire safety hazards, leaks, holes in the walls, broken windows, infestations of roaches, mice and bedbugs, as well as a lack of heat and essential services. (Copies of several inspection reports are included in the appendix to this report.)

The illegal boarding houses typically crowd four and even as many as 12 individuals into each sleeping room, usually with several bunk beds. Sleeping areas are often illegally subdivided by landlords to maximize the number of beds per house, and kitchens, attics, garages, and cellars are often illegally converted to sleeping areas. Residents typically sleep in bunk beds or, in some cases, on mattresses on the floor, and often have no place to store their belongings. Residents are forced to share bathrooms and group kitchens with dozens of other people. Some illegal boarding houses have more than 40 residents crowded into homes designed for one or two families. .

City Agencies Ordered Some Illegal Boarding Houses Vacated Due to Illegal Conversions and Other Hazards

As of January 2008, at least 10 illegal boarding houses used by the City to shelter homeless adults had been ordered vacated by the Department of Buildings, the Department of Housing Preservation and Development, and/or the Fire Department. Conditions in these homes were described in some cases as "imminently hazardous to

life, safety, and property" and included the partial collapse of walls, fire safety hazards, and illegal occupancy.

There are detailed descriptions of several of these vacated houses in the third section of this report. In every instance, however, Department of Homeless Services officials had prior warning of hazardous and illegal conditions in these dwellings – including numerous code violations documented by City inspectors – and refused to halt referrals to the buildings. Many of the homeless individuals residing in these illegal boarding houses were forced to return to the municipal shelter system, although the whereabouts of others are unknown and they may now be sleeping on the streets.

Illegal Boarding Houses Used by the City to Shelter Homeless Adults and Ordered Vacated by City Agencies, 2006-Present

Address	Borough	Zip
1107 Putnam Avenue	Brooklyn	11221
156 Bement Avenue	Staten Island	10310
199 Halsey Street	Brooklyn	11216
299 Sumpter Street	Brooklyn	11233
592 Marcy Place	Brooklyn	11206
630 Faile Street	Bronx	10474
806 East 169th Street	Bronx	10459
361 Vernon Avenue	Brooklyn	11206
357 Monroe Street	Brooklyn	11221
3323 Seymour Avenue	Bronx	10469

Top City Officials Ignored Numerous Warnings about Hazardous Conditions in Illegal Boarding Houses

For at least the past year and a half, top Bloomberg administration officials were warned repeatedly about the dangers in illegal boarding houses, but have refused to change City policies or to halt referrals of homeless adults to these illegal dwellings.

Coalition for the Homeless met on numerous occasions with Department of Homeless Services officials from the summer of 2006 and throughout 2007 in an attempt to urge City officials to prohibit the referrals of homeless adults to unsafe, inappropriate boarding houses. Department of Homeless Services Commissioner Robert Hess and other officials refused to halt such referrals or even to develop a housing referral policy that would require that proposed housing placements be assessed for safety and suitability. But, in a very limited step, in November 2006 the agency did agree to stop referrals to nine buildings identified by the New York State Department of Health and to an additional 15 illegal boarding houses.

Coalition for the Homeless noted that this extremely limited measure failed to safeguard against referrals to other illegal, unsafe dwellings, and that it still failed to ensure that homeless adults living with mental illness or other disabilities would not be sent to inappropriate placements. However, Commissioner Hess and other Department of Homeless Services officials refused to halt referrals to additional illegal boarding

houses, even when the City had documentation from City inspectors and other sources of hazardous conditions and illegal conversions in those dwellings. In addition, New York State Department of Health officials informed the Coalition that their agency would not act to expand its "no-refer" list of nine buildings, making that list even more limited as a safeguard. And, in the months after November 2006, the Coalition documented ongoing referrals even to the illegal boarding houses that the City had promised to stop using.

In a May 2007 letter to the Coalition, Deputy Mayor Linda Gibbs outlined a new, even more limited City policy on referrals of homeless adults. Gibbs' new directive eliminated the Department of Homeless Services' own "no-refer" list of 15 illegal boarding houses, effectively permitting the use of those illegal dwellings going forward. In fact, Gibbs' policy identified only two types of illegal boarding houses whose use the City would prohibit: (1) those on the New York State Department of Health "no-refer" list (a total of nine buildings), and (2) any building with a current vacate order. (Gibbs' policy directive was issued as a Department of Homeless Services memorandum entitled "Housing Placement Guidance" on December 18, 2007. Please see copies in this report's appendix of Gibbs' May 2007 letter and of some Coalition for the Homeless correspondence with City officials.)

In effect, Gibbs and the Bloomberg administration approved the use of almost any illegal boarding house – whether or not City inspectors had cited the building with serious health and safety violations, whether or not it had been illegally converted, and whether or not the dwelling was appropriate to the needs of the homeless individual.

Furthermore, in her May 2007 letter to Coalition for the Homeless, Deputy Mayor Gibbs specifically refused to halt referrals to several illegal boarding houses identified by the Coalition, houses which were later ordered vacated by City agencies due to health and safety hazards. These dangerous dwellings include 199 Halsey Street, 299 Sumpter Street, and 592 Marcy Avenue, located in Brooklyn, and 806 East 169th Street in the Bronx. (Gibbs admitted in her May 2007 letter that City inspectors had in fact issued a vacate order against an additional boarding house used by the City to shelter homeless adults, a building located at 630 Faile Street in the Bronx.)

In subsequent correspondence and meetings, Coalition for the Homeless had also warned City officials about four additional illegal boarding houses which were later ordered vacated by City agencies: 1107 Putnam Avenue, 361 Vernon Avenue, and 357 Monroe Street in Brooklyn, and 3323 Seymour Avenue in the Bronx. However, neither Gibbs, Department of Homeless Services Commissioner Hess, nor any other City officials stopped referrals of homeless adults to these buildings before the vacate orders were issued.

City Threats of Ejection from Shelter

The most important tool the City has used in its efforts to move homeless adults from municipal shelters to illegal boarding houses is the threat of ejection from shelter to the streets. Department of Homeless Services employees and shelter staff routinely

threaten to issue a "sanction" for ejection to the streets for 30 days or more if a homeless individual does not accept referral to an illegal boarding house, even if the house is unsafe or inappropriate to the person's service needs.

In 2003 the Bloomberg administration issued so-called "Client Responsibility" rules outlining consequences for homeless adults for alleged "non-compliance" with social service plans and other requirements. The Department of Homeless Services rules state, "A client may not reasonably refuse any housing that is suitable...as long as the housing is suitable to the client's recognized needs consistent with any domestic violence status as defined by local law, and [is] compliant with applicable local codes and regulation." The rules also require City-contracted shelter providers to "[secure] a medical or psychiatric evaluation for the client, when appropriate, to determine whether there is a physical or mental condition that may affect the suitability of particular housing." Pursuant to State regulations, one punishment for "non-compliance" with the 2003 rules is that the City may ejected a homeless adult from the municipal shelter system to the streets for a minimum of 30 days.

The illegal boarding houses used by the City clearly fail to meet the standard outlined in the Department of Homeless Services rules and in State regulations. Furthermore, the City and City-contracted shelter providers routinely fail to secure psychiatric and medical evaluations to determine if placements are appropriate to the needs of the homeless individual. However, City employees and shelter staff routinely threaten homeless adults with ejection from shelter if they refuse to accept referrals to illegal boarding houses. Indeed, Department of Homeless Services employees and shelter staff have even made such threats in the presence of Coalition for the Homeless staff.

Not only are shelter residents routinely threatened with "sanction" and loss of shelter, but many homeless adults have also been illegally "transferred" or otherwise forced into illegal boarding houses. Many homeless individuals report being mandated by shelter staff to pack their belongings and board a van, in which they were driven to a "three quarter house" against their will and left there after being warned against any attempts to return to the shelter system. Indeed, In October 2007 Coalition staff witnessed a van from the Wards Island shelter depositing several homeless men in front of an illegal boarding house located at 23 Pine Street in Staten Island. When the van driver noticed the Coalition staff member, he ordered the six homeless men back inside the van and drove away.

Lack of Appropriate Services and Fraudulent Use of Benefits

Although some illegal boarding houses describe themselves as "recovery residences" or "programs," none of the houses used by the City to shelter homeless adults offers any support services. Moreover, none of the illegal boarding houses offers services to assist homeless individuals in securing permanent housing; supportive housing; mental health treatment for individuals living with psychiatric disabilities; addiction treatment services; or employment services. Nevertheless, the City has referred many homeless adults living with mental illness or other special needs to illegal boarding houses,

including individuals who had been approved for "New York/New York" supportive housing.

For example, nine residents Fort Washington shelter, which is designated for individuals diagnosed with mental illness, were sent to an illegal boarding house located at 299 Sumpter Street in Brooklyn. The home provided no mental health services or support services of any kind. As noted elsewhere in this report, this building was ordered vacated in July 2007 following the partial collapse of an exterior wall, forcing the nine men from the Fort Washington shelter back into homelessness. (The second section of this report details the stories of several other homeless individuals living with mental illness or serious medical problems who were forced by the City into illegal boarding houses.)

In addition, some illegal boarding house operators fraudulently use residents' public benefits to cover operating costs. Residents of illegal boarding houses report many fraudulent activities including: depositing residents' Social Security disability checks into the operators' own accounts; forcing residents to pool Food Stamps to create communal meals; seeking furniture allowances and other cash benefits from the City's welfare agency on behalf of residents; as well as providing false documentation to secure brokers fees from the welfare agency.

Daryl Evans, the proprietor of the notorious "Alberta's House" as well as "Phil's Recovery Residence" (both described elsewhere in this report), was arrested in June 2007 and charged with stealing nearly $1,000 from a dependent resident by using his ATM card and PIN information after being entrusted with his personal effects. The New York State Attorney General is prosecuting his case and both buildings have been placed on the State's short "no-refer" list.

Denial of Basic Tenancy Rights

The operators of illegal boarding houses routinely engage in illegal lockouts and summary evictions of their residents, and otherwise deny them basic tenancy rights which are established in New York State law. Indeed, the operators of nearly every illegal boarding house included in this report claim that they can evict residents at will, and routinely give residents written documents claiming that they can be "kicked out" at the operators' discretion.

For example, in December 2007 the operator of the illegal boarding house located at 637 Decatur Street in Brooklyn informed the residents – 10 women who formerly resided in homeless shelters and addiction treatment programs, and who had each paid rent and resided in the house for more than a month – that they would be forced to leave the building by the end of that month. The operator did not seek a formal eviction in court or under New York State law, but merely issued written notices telling the women to be out of the building by the end of the month. Coalition for the Homeless helped arrange for legal assistance for the residents to prevent the illegal lockout. Nevertheless, in January 2008 the operator issued another threatening notice stating

that the women needed to leave the building by January 21st and that "[f]ailure to do so will result in consequences beyond management control."

The operator of the illegal boarding house located at 827 Gates Avenue in Brooklyn – a group calling itself "Miracle House," which also operates at least three other boarding houses – claims that residents may be evicted at any time. It forces residents to sign an agreement stating that "violation of ...rules and regulations are ground [sic] for immediate termination from Miracle House."

Many illegal boarding houses restrict their residents' access to the buildings or impose conditions for staying in the houses, even though the residents are rent-paying tenants. For example, the operator of the illegal boarding house located at 434 Montauk Avenue in Brooklyn locks residents out of the building between 9:00 am and 4:00 pm each weekday, assigns residents chores, and does not allow visitors. The operator of the illegal boarding house located at 109 Sheffield Avenue in Brooklyn requires residents to turn over their Food Stamps benefits to the house and perform "odd jobs." The operator of the illegal boarding house located at 1263 Herkimer Street in Brooklyn further asks individuals to sign a form titled "Waiver of Tenancy Rights" which instructs police that the tenant has knowingly signed away any right they may have to enter the home.

Unfortunately, many homeless individuals referred by the City to illegal boarding houses have been homeless for significant periods of time and are not be aware of their rights as tenants, or cannot obtain legal assistance to challenge the illegal actions of the buildings' operators.

Illegal Boarding Houses and Taxpayer Dollars

The illegal boarding houses used by the City typically charge residents who receive welfare benefits $250 per month in rent. The majority of this amount paid directly to the operators by the Human Resources Administration, the City's welfare agency, from the individuals' welfare housing allowances (currently $215 per month for an individual). Residents with Social Security or other disability benefits are frequently charged higher monthly rents.

Given that many illegal boarding houses have more than 40 residents, payments of taxpayer funds can amount to more than $8,500 per month, or more than $100,000 per year per house. And many operators of illegal boarding houses lease their buildings for as little as $2,000 per month.

Thus, the business of operating illegal boarding houses is not only very profitable, it relies almost entirely on taxpayer dollars. And the City and State continue to subsidize these dwellings while effectively turning a blind eye to their numerous illegal, hazardous conditions. Although City inspectors have cited the illegal boarding houses included in this report with 654 hazardous violations of the housing maintenance code and 226 violations of the building code, the large majority of them remain in operation and continue to be subsidized by City and State taxpayer dollars.

2. HOMELESS NEW YORKERS AT RISK

Ultimately the stories of homeless New Yorkers who have been placed by the City in illegal boarding houses are far more compelling than violations data or the minutiae of policy. These individuals, many living with mental and physical illnesses, have needlessly suffered due to the refusal of City officials to halt referrals to dangerous dwellings and instead to enact safeguards.

Pascual V.
Pascual was placed at "Phil's Recovery Residence," an illegal boarding house located at 69 Kingston Avenue in Brooklyn. Pascual, who had become homeless after his serious health problems caused him to lose his job, was referred to this illegal dwelling in 2005 by the Camp LaGuardia shelter and Praxis Housing, a subcontractor of Volunteers of America, the City-contracted operator of the shelter.

Pascual suffers from multiple sclerosis and is in need of regular injections of medication. Nevertheless, the owner of 69 Kingston Avenue refused to allow a visiting nurse, who administered Mr. V's injections, to see him at the house. In addition, Pascual suffered serious bed bug bites over much of his body while residing at the residence.

The illegal boarding house at 69 Kingston Avenue is operated by Daryl Evans, the operator of the notorious "Alberta's House," who (as noted elsewhere in this report) is currently being prosecuted by the New York State Attorney General for stealing from residents. The building at 69 Kingston Avenue has also been investigated by the New York State Department of Health and is now on its short "no-refer" list.

Mohammed K.
In early February 2007, Mohammed was referred by the Fort Washington shelter – a facility designated for homeless men living with mental illness – to an illegal boarding house located at 299 Sumpter Street in Brooklyn. Mohammed, who had been diagnosed with mental illness, had been approved for "New York/New York" supportive housing prior to being sent to the illegal boarding house. His supportive housing approval documents recommended that he be placed in a "Supported Single Room Occupancy Residence" or "Community Care Residence," and that he receive "ongoing psychiatric treatment" and other support services. Nevertheless, Mohammed reports that shelter staffer told him that, because Mayor Bloomberg had a plan to reduce the homeless population, the shelter "could not wait" for him to obtain supportive housing and he would have to go to the illegal dwelling at 299 Sumpter Street.

Department of Homeless Services officials confirmed that Mohammed was one of at least nine homeless men living with mental illness who were referred to this illegal boarding house from the Fort Washington shelter. These referrals occurred despite the fact that the illegal boarding house was extremely overcrowded, had no services for individuals living with mental illness, and had been cited by City inspectors with numerous violations of health and safety codes. Coalition for the Homeless had also

alerted Department of Homeless Services officials to the dangers in this illegal dwelling before the City referred Mohammed and other homeless men there.

On July 29, 2007, an exterior wall at 299 Sumpter Street partially collapsed and the Department of Buildings ordered the building vacated, leaving Mohammed and the nearly 40 other residents of the house homeless once again. Mohammed attempted to return to the Fort Washington shelter but was initially turned away by shelter staff. Only after intervention by the Coalition for the Homeless did he obtain a shelter bed, and he still resides in the shelter system awaiting appropriate permanent housing.

Elliot T.

Elliot, a homeless man living with mental illness and a former resident of the Camp LaGuardia shelter, reports that he was told by shelter staff that there was no other housing available to anyone at the shelter except "three quarter houses." As a result, in September of 2005 he and 12 other homeless men were told that they would be placed at 309 Arlington Avenue in Brooklyn after having only been allowed to see pictures of the front of the building. While being driven to the home, the housing specialist for the Camp LaGuardia shelter informed the men that they would not be going to 309 Arlington but instead to another illegal boarding house located at 790 Quincy Street in Brooklyn.

Elliot reports that the building has a leaking roof, holes in the ceiling, broken kitchen windows, and the stove has caught fire multiple times. He slept in the basement with four other men. In addition, the operator of the house, Guy Bailey has repeatedly threatened residents that he knows the "attorney general, police, Councilmembers, and members of the 'Bloods' gang," and has ordered them not to let anyone inside the house.

As a result of the strain of living in such conditions, as well as physical health problems, Elliot attempted suicide twice during the past year. In late 2007, Elliot finally left the illegal boarding house and returned to the homeless shelter system where he currently resides. Elliot has been approved for "New York/New York" supportive housing and is working with Coalition for the Homeless to secure permanent housing.

Raymond and Louis B.

On August 8, 2006, Coalition for the Homeless staff witnessed staff at the Camp LaGuardia shelter threaten to eject Raymond and Louis, who are brothers, to the street for a period of 30 days if they did not agree to placement in an illegal boarding house, located at 806 East 169th Street in the Bronx, despite numerous health and safety hazards in the building. Shelter staff made these threats after City inspectors, as well as Coalition staff, had documented hazardous conditions in the illegal dwelling.

In August 2006 and over the following months, the Coalition provided information about hazards at the building to Department of Homeless Services officials, and an Assistant Commissioner told Coalition staff that the agency would cease referrals to the building. Nevertheless, the City continued to refer homeless adults to this illegal boarding house

despite the Coalition's repeated warnings about dangerous conditions there. In July 2007 the City finally ordered the building at 806 East 169th Street vacated.

Phillip B.

Phillip, a 61 year-old homeless man diagnosed with schizophrenia, psychosis, and depression, twice sought treatment in State psychiatric hospitals over the course of four years. He entered the shelter system in 2005 and was referred to the Camp LaGuardia shelter. Caseworkers and staff there noted his diagnoses and documented in his case file that Phillip was "in need of supportive housing to become an independent citizen." However, shelter staff apparently never completed a supportive housing application for Phillip. Subsequent notes in his file state that he was being referred to "transitional housing," and in January 2007 Phillip was sent to the illegal boarding house located at 806 East 169th Street in the Bronx. Phillip was referred there despite the fact that, months earlier (as noted elsewhere in this report), Department of Homeless Services officials had agreed to suspend referrals to this home.

The building at 806 East 169th Street was cited by City inspectors with 126 "hazardous" housing code violations, according to records maintained by the Department of Housing Preservation and Development, and 10 building code violations, according to the Department of Buildings, including violations for illegal conversion. In July 2007 the City finally ordered the building at 806 East 169th Street vacated. Phillip's whereabouts are currently unknown.

3. A CLOSER LOOK AT ILLEGAL BOARDING HOUSES

Although data on code violations provides a global picture of the hazardous, illegal conditions in boarding houses used by the City to shelter homeless adults, it is necessary to examine more closely individual houses in order to get a better picture of the abysmal conditions in many so-called "three quarter houses." Following are descriptions of several illegal boarding houses where the City placed homeless New Yorkers at risk, including buildings that were later ordered vacated by City agencies.

1067 Lafayette Street, Brooklyn
"Alberta's House"
As reported by the *New York Times* in September 2006, New York State Department of Health officials inspected the residence known as "Alberta's House" and reported finding 67 men in bedrooms that were "very overcrowded, dirty and having foul odor, sleeping on mattresses infested with bedbugs the size of roaches, and using bathrooms that were filthy without toilet paper, no soap, no towels and no washcloths." The Department of Health report further indicated that food and medical care were inadequate. The residents of "Alberta's House" – the majority of whom suffer from serious and persistent mental illness and other disabilities – had been sent there by City shelters, as well as hospitals and other institutions.

"Alberta's House," located at 1067 Lafayette in Brooklyn, advertises itself as "the best possible care and services for hard to place clients" and its materials state that only the most disabled individuals will be accepted. Two homeless men, one of which exhibited symptoms of a psychiatric disorder, were referred by City shelters to "Alberta's House" despite numerous violations recorded by City housing and building inspectors.

Coalition for the Homeless visited the residence in June 2007, nearly one year after the New York State Department of Health's investigation. Coalition staff found filthy rooms in which two or more men with serious medical and psychiatric disorders were crowded. Two older men slept on urine-soaked mattresses on the floor of one sleeping room.

Daryl Evans, the proprietor of "Alberta's House" (as well as "Phil's Recovery Residence," located at 69 Kingston Avenue in Brooklyn, and described elsewhere in this report), was arrested in June 2007 and charged with stealing nearly $1,000 from a dependent resident by using his ATM card and PIN information after being entrusted with his personal effects. The New York State Attorney General is prosecuting his case and both buildings have been placed on the State's "no-refer" list.

299 Sumpter Street, Brooklyn
Prior to its closing in June 2007, the Camp LaGuardia shelter referred several homeless men to the illegal boarding house located at 299 Sumpter Street in Brooklyn, despite a long list of violations recorded by City inspectors. In addition, the Fort Washington shelter referred at least nine homeless men living with mental illness to 299 Sumpter Street, despite the fact that the house offered no support services or mental health services.

On July 29, 2007, the building was ordered vacated by the Department of Buildings after the partial collapse of an exterior wall which had been cited by City inspectors on numerous occasions before the vacate order.

City inspectors had cited the building at 299 Sumpter Street with 83 violations of the housing maintenance code, including 62 "hazardous" violations including exposed electrical wiring, broken floor boards, holes in the walls, mice, and lack of heat. The Department of Buildings had cited violations for use contrary to the certificate of occupancy, and noted the creation of at least 12 illegal single room occupancy units in a building approved for only two families. In addition there were three building code violations for failure to maintain a building, including a 20-inch crack and bulging in the east wall (cited in April 2007) and ultimately, in late July 2007, documentation of that same walls' collapse. The building's owner, Shaun MacDonald, was reportedly assessed $43,000 in fines.

806 East 169th Street, Bronx
"Keave's Residence"

Numerous residents from the Camp LaGuardia shelter were referred to the illegal boarding house located at 806 East 169th Street in the Bronx beginning as early as the spring of 2006. Residents state that at least eight men were forced to share a single room along with a one bathroom and kitchen, and were charged $215 per month. No serves of any kind were provided and residents are not given any space in which to store their belongings.

Coalition for the Homeless visited the home and found no locks on the doors to the building or rooms, dirty hallways filled with garbage, no mailboxes for residents, and walls mottled with holes. Keave Davis, the owner, told Coalition staff that he had an arrangement with the Camp LaGuardia shelter for the referral of shelter residents to his home. Paperwork provided to residents by the shelter further states that Davis not only secured welfare housing allowances from the City for the building's residents, but also "furniture allowance" funds, although he never provided furniture to the residents themselves.

City inspectors cited the building at 806 E. 169th Street with 174 housing code violations, 126 of which are considered hazardous, as well as six vacate orders for the three-unit building. There were also 10 violations issued by the Department of Buildings, including violations for illegal occupancy as an "SRO" and "homeless shelter," work without a permit to install sheetrock divisions between rooms, and failure to provide adequate means of egress resulting from the illegal subdivision of rooms. Furthermore, the building has been included in the City's new "Alternative Enforcement Program," administered by the Department of Housing Preservation and Development. This indicates that it is one of some 200 residential buildings in New York City with a combination of the most serious maintenance-related deficiencies and emergency repairs completed by the City.

Although the illegal boarding house at 806 East 169th Street was brought to the attention of Department of Homeless Services officials on several occasions for more than a year, referrals of homeless New Yorkers to the building did not end. Indeed, in a letter dated May 21, 2007, Deputy Mayor Linda Gibbs refused to prohibit referrals of homeless adults to the illegal boarding house at 806 East 169th Street and effectively approved its ongoing use by the City to shelter homeless adults. The building was finally ordered vacated on July 12, 2007, due to fire safety hazards and illegal conversion.

592 Marcy Avenue, Brooklyn

As reported in an April 2007 *New York Daily News* article, the illegal boarding house located at 592 Marcy Avenue in the Bedford Stuyvesant neighborhood in Brooklyn, was ordered vacated by the Department of Buildings on March 7, 2007, due to "imminent danger to the life and safety of the occupants." The boarding house, which was an illegally converted single family house, had been crowded with at least 26 formerly-homeless men referred there by City shelters.

The vacate order noted, "The entire building, from basement to attic, is illegally converted into [single-room occupancy apartments] with a large number of bunk beds, without secondary means of egress." According to the *Daily News*, the building had been cited by City inspectors with more than 20 housing code violations, most of them characterized as "hazardous." Department of Buildings records state that the building was approved to operate as a church or synagogue, not a residence. City building inspectors also cited a lack of heating as well as fire safety hazards. At least half of the formerly homeless men vacated from the building returned to the municipal shelters system, while the whereabouts of the others are unknown.

1107 Putnam Avenue, Brooklyn

The Camp LaGuardia shelter referred a 65 year-old man who suffers from bi-polar disorder to this illegal boarding house located in the Bushwick neighborhood of Brooklyn. He detailed numerous unsafe conditions including sleeping rooms with as many as eight men, holes in the walls, and no fire escape. The Department of Buildings cited the building with eight violations, including exits blocked with mattresses, shopping carts, bicycles and other objects, as well as failure to maintain the building. The boarding house at 1107 Putnam Avenue was reportedly ordered vacated by the City in September 2007.

630 Faile Street, Bronx
"Carl's Place"

This house, located in the Hunts Point section of the South Bronx, is designated for occupancy by no more than three families. Nevertheless, the operator of the illegal boarding house at 630 Faile Street crowded as many as six homeless men (most from the Camp LaGuardia shelter) each into sleeping rooms lined with bunk beds. City inspectors later found that the home was crowded and a fire risk, and violation records indicate that the first floor apartment had been converted to a "homeless shelter" with three illegal SRO units and a bathroom constructed in the basement.

In April 2007 the Fire Department ordered portions of the home vacated because of a lack of exits, and the residents found themselves homeless once again.

790 Quincy Street, Brooklyn
"ESIP Residences"
At least 15 residents of the Camp LaGuardia shelter were referred to this house, located in the Bushwick section of Brooklyn, in 2005 and 2006. They were told by shelter staff that illegal boarding houses were the "only housing available" to homeless individuals. Many homeless men were denied a chance to see the building and were only allowed to see photos of the outside of the home prior to moving in. Others report that the paperwork they received was for another illegal boarding house, but they were taken to 790 Quincy Street instead.

Residents report that there are approximately 25 men living in the home with two to four men per sleeping room, and that they are given plastic tubs in which to store their belongings. They further describe the building as looking "abandoned" as a result of hazardous conditions, including a leaking roof, holes in ceilings throughout, broken kitchen windows, and a stove that has caught on fire repeatedly.

The home has been cited by City inspectors with 21 violations of the housing maintenance code and five Department of Buildings violations for failure to maintain the exterior building wall, broken ceilings, and problems with the boiler. Despite these documented conditions, the home remains open and the operator, Guy Bailey, continues to receive thousands of taxpayer dollars from the City and State each month.

4. RECOMMENDATIONS

Mayor Bloomberg and City officials should immediately reform their policies for the referral and placement of homeless New Yorkers into housing. The Mayor and his administration must ensure that homeless New Yorkers are referred to housing that is (1) safe and legal, and (2) appropriate to the needs of the individual.

Coalition for the Homeless calls on the Mayor and City officials to take the following steps to prevent further harm to homeless individuals:

Ensure homeless New Yorkers are referred to safe, legal, and appropriate housing. The Bloomberg administration should immediately implement a policy ensuring that homeless New Yorkers are referred to housing that is (1) safe and legal, and (2) appropriate to the needs of the individual. The City and contracted service providers should assess proposed housing placements to ensure that they meet those standards. The City and service providers must also evaluate homeless adults to assess their needs for mental health, medical, or other support services.

Enforce housing and buildings code requirements and relocate individuals already living in hazardous homes to safe, appropriate housing. For illegal boarding houses that are already in existence, the City and State should enforce the housing maintenance code, building code, and other legal requirements. All formerly homeless individuals currently living in illegal boarding houses with dangerous conditions should be immediately relocated to safe, appropriate permanent housing.

Expand investments in supportive housing and affordable housing. In order to achieve a genuine and lasting reduction of the numbers of homeless New Yorkers, as well as protect homeless individuals living with mental illness and other special needs, the City and State should expand investments in supportive housing and other low-income housing.

Investigate the illegal and fraudulent use of residents' benefits by illegal boarding house operators. The City and State should aggressively investigate the illegal and fraudulent use of Food Stamps, public assistance, Social Security disability benefits, and other benefits by the operators of illegal boarding houses.