

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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June 10, 2010
Start: 10:11am
Recess: 1:22pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ANNABEL PALMA
Chairperson

COUNCIL MEMBERS:

- Council Member Maria del Carmen Arroyo
- Council Member Gale A. Brewer
- Council Member Helen D. Foster
- Council Member G. Oliver Koppell
- Council Member Brad S. Lander
- Council Member Stephen T. Levin
- Council Member Ydanis A. Rodriguez
- Council Member James Vacca
- Council Member James G. Van Bramer
- Council Member Albert Vann

A P P E A R A N C E S (CONTINUED)

Seth Diamond
Commissioner
Department of Homeless Services

Jose Rodriguez
District Manager
Bronx Community Board Four

Patrick Caruso
Representative
Bronx Community Board Ten

Jonathan Judge
Community Coordinator
Brooklyn Community Board 14

Diana Foster
Member
Community Board Eight, Neighborhood Advisory Board
Eight, Mothers Against Gangs, CHRM

Cheryl Johnson
President
Putnam Avenue Hygienic Block Association (Community
Board Number Three)

Henry L. Butler
Chairperson
Community Board Three, Brooklyn

Mark Winston Griffith
Board Member, Crown Heights Revitalization Movement
Founding Executive Director, The Brooklyn Movement
Center

Barbara Van Buren
Co-Chair, Health and Human Services Committee
Community Board Seven, Manhattan

Charlene Frasier
Citizen/Resident
New York City

A P P E A R A N C E S (CONTINUED)

Viola Green Walker
District Manager
Community Board 16, Brooklyn

Father Richard Gorman
Chairman
Community Board Twelve, The Bronx

Xavier Rodriguez
District Manager
Community Board Five, The Bronx

Richard Depolito
Citizen/Resident
New York City

Robert Brown
Citizen/Resident
New York City

Anderson Fils-Aime
Community Action Board Program Director
Neighbors Together

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CHAIRPERSON PALMA: Good morning.
I'm Annabel Palma, Chair of the General Welfare
Committee. I'd like to welcome Commissioner Seth
Diamond from the Department of Homeless Services,
and all the other interested parties who are here
today with us. I'd like to start by thanking the
staff who prepared for today's hearing, Migna
Taveris and Molly Murphy, staff from the General
Welfare Committee, and Crystal Kostin from the
Finance Division. We are here to address an issue
that affects communities around the City,
specifically we're examining DHS policy and
procedures for how, where and when the agency
decides to locate transitional housing for the
homeless. We appreciate that DHS has a legal
mandate to provide temporary shelter for the
homeless, and like DHS we want to make sure that
everyone in need of temporary housing obtains it.
There are several things about DHS' process of
locating temporary housing that require
clarification. For example, we'll be asking DHS
to explain how it chooses sites for the various
types of transitional housing that it operates,
whether the housing is a Tier 2 shelter, a hotel,

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2 a cluster site, or another type of facility. Why
3 is transitional housing more highly concentrated
4 in certain communities than in others. In
5 addition, does--in addition, DHS does not always
6 notify communities or council members before the
7 agency opens a transitional housing location,
8 which leaves many members of the public feeling
9 frustrated as they, they were not informed. Also,
10 DHS provides some of its transitional housing by
11 entering into formal contracts with nonprofit
12 providers, but in other cases the agency simply
13 pays a daily rate to a landlord and does not enter
14 into any type of written agreement. Without a
15 formal contract or written agreement, it is
16 unclear how DHS controls payments to providers.
17 And how DHS monitors whether homeless families and
18 individuals are truly receiving high quality of
19 services. In fact, in March of this year, the
20 City Comptroller released an audit which found
21 that DHS has made unjustified payments to one
22 provider of almost \$1 million, and that DHS has,
23 had failed to adequately monitor providers to
24 ensure that they provide a safe and sanitary
25 shelter to homeless families. The audit

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2 recommended that DHS should enter into contracts
3 with all shelter and social services providers.

4 In today's economic climate, it is more important
5 than ever to make sure that DHS practices are
6 fiscally sound and that homeless New Yorkers are
7 truly receiving high quality services to help them
8 become self sufficient. Today's hearing will also
9 address Intro Number 79, sponsored by Council
10 Member Oliver Koppell, which will require DHS to
11 notify affected communities before the agency
12 locates transitional housing for the homeless.

13 Without a consistent and formal notification
14 process, communities are unable to provide input
15 about how DHS housing may affect their communities
16 before DHS makes any final decision about where to
17 locate it. Therefore, the bill will require DHS
18 to notify community boards and Council Members,
19 and the Speaker of the City Council, before it
20 enters into a contract with a transitional housing
21 provider to create new housing or expand existing
22 housing. The notification will include details
23 such as the address of the proposed location, the
24 size, which organization will be providing
25 services at the location, the type of housing, and

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2 the types of services that it will be providing.
3 We look forward to today's hearing. We look
4 forward to hearing from DHS today, on their
5 thoughts on Intro 79, and to understanding the
6 agency's process for locating transitional
7 housing. Before I ask Commissioner Diamond for
8 his testimony, I want to recognize that we have
9 with us Council Member Van Bramer from Queens,
10 which is a Member of the Committee; and of course
11 the sponsor of Intro 79, Council Member Koppell,
12 which has a few statements he wants to share with
13 us.

14 COUNCIL MEMBER KOPPELL: Thank you
15 very much, Madam Chair. I don't want to take much
16 time, 'cause I'm looking forward to hearing from
17 the City. Let, let me make it entirely clear that
18 I am not opposed to locating transitional housing
19 for homeless families; quite the contrary. And
20 I'm also willing to stand up when NIMBY statements
21 seek to deny appropriate housing on, based on
22 fears that are either groundless or have limited
23 legitimacy. On the other hand, our constituents
24 and communities have a right to know what's
25 happening in their communities, when government is

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2 the sponsor. And we have to accept the fact that
3 in some, as government officials, we have to
4 accept the fact that in some instances, they may
5 oppose what we propose. And I've dealt with this
6 over 40 years in government. And I've stood up
7 against NIMBY demonstrations dozens of times. But
8 the climate today, as much as ever before, is that
9 people don't have confidence that government is
10 listening to them, or that they have a voice. And
11 all we're trying to do with this legislation is
12 assure that before government takes an action,
13 which a lot of people will be concerned about,
14 that they consult the community. A similar
15 example of this kind of approach is the so-called
16 Padavan law, where you have housing facilities for
17 the disabled, but you require there to be a
18 community hearing, not a veto, but a community
19 hearing an consideration of factors including
20 oversaturation. We want to have a similar process
21 here where we have a community hearing, consider
22 people's objections, and then government makes a
23 decision. And they may make a decision that the
24 community doesn't support. And I may take a
25 position that my constituents don't support. In

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2 fact, many people here don't know this, but in the
3 last few months I have encountered tremendous
4 negative feelings in a part of my district 'cause
5 I've supported a facility that would accept
6 homeless families and people who have mental
7 impairments. And I've done that despite the
8 opposition of most of the people who live in the
9 area where this proposed facility might be
10 located. So, I take no backseat to anyone in
11 terms of support for, for facilities like homeless
12 housing; but at the same time, I've always felt
13 that the public has a right to know what
14 government is doing, and that's the purpose of the
15 legislation. Thank you.

16 CHAIRPERSON PALMA: Thank you. I,
17 I want to also let the public know that you'll be
18 seeing Members coming in and out as we're dealing
19 with budget briefings and some of the Members are
20 downstairs attending those briefings.
21 Commissioner, you may start your testimony.

22 SETH DIAMOND: Thank you, and good
23 morning, Chair Palma, and Members of the General
24 Welfare Committee, and the other Council Members
25 who've joined us. I'm Seth Diamond, Commissioner

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2 of the Department of Homeless Services. Thank you
3 for the opportunity to testify about the
4 procedures that DHS follows as we locate
5 transitional housing for homeless New Yorkers. As
6 you will see, our process includes community
7 notification and other efforts to ensure that all
8 our shelters, and any sites we may open in the
9 future, act as responsible and respectful
10 neighbors in their particular communities. At the
11 outset, it is important to emphasize that the,
12 that in the City of New York, homeless individuals
13 and families who lack available housing have a
14 right to shelter. The City is mandated by law and
15 court order to provide short term, emergency
16 housing, to every homeless family or individual
17 who is eligible for our services. Finding shelter
18 for every man, woman and child who needs it
19 remains a policy priority for this administration.
20 And I am very proud of my agency's success in
21 meeting this legal and moral mandate. This past
22 Tuesday night, DHS housed 35,686 individuals,
23 including 14,622 children and 206 transitional, in
24 206 transitional housing sites across five
25 boroughs. On Tuesday alone, 182 families with

1 children and 75 single adults sought shelter
2 through the agency's intake centers. Although
3 this demand poses immense challenges, New York
4 City successfully shelters homeless families and
5 individuals seven days a week, 365 days a year.
6 Among the many challenges we face is ensuring that
7 we comply with a complex set of federal, state and
8 local laws and regulations. Under state and local
9 law, DHS must place families with children in
10 shelter pending investigation of applications for
11 temporary housing assistance. As a practical
12 matter, this means that the agency must shelter
13 families the very day that they apply. DHS faces
14 similar legal mandates with respect to homeless
15 individuals facing a housing crisis. At times, we
16 must meet these legal and moral challenges in the
17 face of community opposition sparked by
18 preconceived notions about homeless families and
19 individuals, that predate all of us here today.
20 Fortunately, however, in DHS's 17 year history,
21 such instances of "Not In My Backyard" have been
22 few, and we have opened hundreds of facilities
23 without significant challenge. This is a
24 testament to the procedure DHS employs in siting
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2 of temporary emergency housing, a process which
3 considers community concerns to the greatest
4 extent possible. Our success is also a testament
5 to the generosity and compassion of you and your
6 fellow New Yorkers. Another significant challenge
7 DHS faces is meeting fluctuations in shelter
8 demand caused by economic and other factors
9 outside the agency's control. While we engage in
10 capacity management planning on an ongoing basis,
11 projecting shelter demand is not an exact science.
12 I don't think any of us could have predicted the
13 severity of the economic recession that first
14 gripped the nation, including New York City in
15 fiscal year's 2009 and 2010. As a result, we
16 encountered a 17 percent increase in the number of
17 families with children entering shelter in 2010
18 to-date, as compared to the same period last year.
19 We also experienced a twelve percent increase in
20 our single adult shelter peak census in the winter
21 of 2010 as compared to the winter of 2009.
22 Nevertheless, because of the dedication and hard
23 work of DHS staff and our many shelter providers,
24 last month marked the seventh straight month of
25 decline in the family shelter census. It is

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2 precisely because of the inevitable fluctuations
3 in shelter demand that DHS must maintain its
4 ability to expand and contract shelter capacity as
5 needed. This practice is also essential in order
6 to balance shelter demand against our fiscal
7 responsibility to avoid undue cost to the City.

8 Although we have placed record numbers of homeless
9 families with children into permanent housing,
10 from January 2009 through March 2010, 10,725
11 families totaling approximately 32,175

12 individuals, we often must open new shelters as a
13 temporary refuge for New Yorkers who literally
14 have no other place to go. DHS accomplishes this
15 thorough, this through an open ended request for
16 proposals, or RFP process, through which

17 predominately nonprofit organizations offer their
18 services as long term shelter operators. As the
19 RFP is open-ended, DHS does not prescribe due
20 dates for submissions. This means that proposals
21 from prospective providers may be submitted at any
22 time, and we review all proposals as they are
23 received. Based on capacity needs and whether our
24 prop--whether or not the proposal meets the RFP
25 criteria, DHS may select or reject a particular

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2 proposal. Locating suitable shelters is also
3 driven in part by what proposals are submitted to
4 us, when they are submitted, and what the level of
5 shelter demand is at the time of the proposal's
6 submission. It is the rare instance that at any
7 given moment we are able to select and pursue one
8 of several proposals, all of which are suitable
9 for a given homeless population. Upon the
10 agency's selection of a provider, DHS commences
11 the contracting process, which ends with the New
12 York City Comptroller's registration of an
13 executed contract between DHS and the provider.
14 Under the RFP, the operator would provide a
15 significant level of services beyond simply
16 providing a private living space or unit. The
17 procurement process, which optimally takes seven
18 to nine months, assuming there are no delays
19 beyond DHS's control, entails a review by the City
20 or Mayoral agencies, including the Mayor's Office
21 of Contracts, the Office of Management and Budget,
22 the Department of Investigation and the Law
23 Department. The procurement process also includes
24 public review of the draft contract, including a
25 public hearing, as well as analysis under the Fair

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2 Share criteria promulgated pursuant to Section 203
3 of the City Charter. Given our legal obligation
4 to meet all eligible homeless families' immediate
5 needs for shelter, while pursuing contract
6 negotiations and procurement procedures with
7 proposed providers, DHS also seeks to bring on
8 additional capacity by reviewing offers of
9 buildings for their use as a temporary, as
10 temporary shelter. If DHS determines that a
11 building is suitable for use as shelter, and
12 enters into a per diem arrangement with the
13 building's operator, pursuant to which the
14 operator receives a fee for shelter only in the
15 form of a per diem rate per family. Operators of
16 sites in use as per diem shelters may make
17 arrangements with nonprofit entities to provide
18 incidental services to the homeless families
19 residing there. While per diem payment
20 arrangements are entirely legal, DHS believes that
21 as a matter of sound policy, the agency should
22 continue to move toward establishing contracts for
23 per diem facilities to the extent shelter demand,
24 existing capacity, provider willingness and fiscal
25 constraints allow. The agency has made

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2 significant progress toward this end. As of May
3 31, 2010, 1,659 families shelter, family shelter
4 per diem units targeted for conversion are now
5 subject to contracts, which are in various stages
6 of the procurement process. These units together
7 with the 6,258 units currently under contracts,
8 7,917 in total, constitute over two-thirds, or
9 73.29 percent, of all units within the shelter
10 system for families with children and adult
11 families. This percentage does not include our
12 single adult shelter system, all of which are
13 under contract. Pursuant to DHS's open-ended RFP
14 process, at the time a prospective provider
15 submits to DHS a proposal to operate a homeless
16 shelter site, the proposer must have submitted
17 prior written notification to the community board,
18 its chair and district manager, of intent to
19 submit a proposal to DHS. As explicitly stated in
20 the open-ended RFP, a signed copy of the letter on
21 official organization letterhead, and proof that
22 the letter was received by the community board,
23 must accompany the proposal submitted to DHS. In
24 its proposal, the prospective bidder, prospective
25 provider, must include an introductory paragraph

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2 stating that the proposer has submitted a proposal
3 under the open-ended RFP process for review, the
4 type of proposed site, Tier 2 family facility,
5 neighborhood base cluster, transitional residences
6 for families with children, state certified
7 facilities for homeless single adults, the
8 proposed capacity and the address. The
9 prospective provider must also include either a
10 request to meet with the community board to
11 discuss the proposed program or a summary of the
12 presentation meeting that took place with the
13 community board. We also require that the
14 proposer, to include background information about
15 its qualifications as a social services provider.
16 The open-end RFP also clearly states that the
17 community board notification is a minimum
18 requirement, and DHS will deem proposers that fail
19 to meet this requirement nonresponsive and
20 disqualify them. Once the proposer provides
21 complete, proposed provider completes the
22 notification process to the community board, each
23 individual board has discretion over how it
24 chooses to respond. Sometimes a community board
25 invites the provider to present its proposed

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2 program at a board meeting, and answer questions
3 from their members about the proposed site. Other
4 times, a board will find the content provided in
5 the notification sufficient and dispense with a
6 meeting. Upon submission of a proposal, and after
7 community notification has been made in accordance
8 with DHS's requirements in the open-ended RFP, the
9 agency's chief contracting unit, officers unit, or
10 ACCO, begins the quality assurance review process
11 to evaluate the proposal, and see if it meets the
12 requirements of the RFP. If all criteria are met,
13 the ACCO submits the proposal to a three member
14 evaluation committee, who reviews the proposal and
15 scores it based on the qualification requirements
16 of the RFP. If a proposer is given a passing
17 score, the ACCO advances the process with a notice
18 to proceed with a proposed provider. DHS and the
19 proposer then enter into contract negotiations and
20 if these negotiations prove successful, the
21 contract proceeds through the other steps of the
22 procurement process, ultimately leading to
23 registration of an executed contract. Upon
24 completion of, of the notice to proceed, DHS
25 distributes six notification letters of the

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2 proposal, one to each of the following officials:
3 the community board district manager, the borough
4 president, the appropriate members of the City
5 Council, State Senate and Assembly, and the U.S.
6 House of Representatives. In this notification,
7 DHS informs the official of the provider's
8 proposal, and also includes a copy of the letter
9 from the proposer describing it. Throughout the
10 procurement process, DHS is available to meet or
11 speak with members of the community board or
12 elected officials regarding proposed shelter sites
13 or questions on siting. There are two exceptions
14 to the notification process that I just described.
15 One concerns neighborhood based cluster sites and
16 the other concerns sites operated pursuant to a
17 per diem arrangement. A cluster site is comprised
18 of buildings in a geographic, in geographic
19 proximity to each other and under the operation of
20 a single social service provider. Depending on
21 the cluster, some of the units within a particular
22 building are used to shelter homeless families,
23 while units in another building are comprised of
24 shelter clients and rent paying tenants.
25 Traditionally, in order to protect the

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2 confidentiality and privacy of homeless families
3 residing in a mixed use building, DHS did not
4 provide community notification in the matter if
5 just described. As a result of community
6 discussion about how the cluster model looked and
7 functioned, and as we brought cluster sites under
8 contract, the agency decided to apply our
9 community notification process to mixed use
10 cluster buildings. In these type of buildings
11 where 50 percent or more of the units will shelter
12 homeless families as contemplated under an RFP
13 proposal, or after more than 50 percent of a
14 building's units are added pursuant to a
15 registered contract, regular community
16 notification takes place. This is a concrete
17 example of DHS considering input from the
18 community and adjusting its policies based on the
19 feedback it receives. In the cases, in the case
20 of shelters operated pursuant to per diem
21 arrangements to-date, DHS has not adopted a formal
22 notification process with respect to sites opened
23 in order to meet an emergency need. We recognize
24 concerns on both sides of this issue. DHS is
25 concerned about providing notification where, for

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2 a variety of reasons, a contract may never come to
3 fruition, as well as the community concerns to
4 know what is being contemplated and have their
5 voices heard. The procurement process
6 specifically provides for public review of the
7 proposed contract, including a public hearing. In
8 addition, the City charter requires DHS to submit
9 to the community board a fair share analysis in
10 which the agency evaluates the site in accordance
11 with fair share criteria specified in the rules of
12 the City of New York. Notwithstanding the absence
13 of any legal requirement to provide community
14 notification in the absence of a proposed written
15 contract, DHS will reconsider this issue. Earlier
16 I alluded to the fact that DHS welcomes and
17 encourages feedback on new shelter sites outside
18 of and as a compliment to our formal notification
19 process. To this end, all DHS's contracts within
20 its shelter provider, with its shelter providers,
21 require that the provider form a community
22 advisory board comprised of shelter staff,
23 residents and representatives from the community,
24 to meet on a regular basis, to meet to address
25 community issues arising from the facility's

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2 operation. Specifically, community advisory
3 boards assist in identifying and addressing
4 quality of life issues in the immediate area,
5 including how security, loitering and sanitation
6 would be handled. In our experience, engaging
7 interested members of the community and the
8 community advisory board, ensures input from the
9 neighborhood, and allows a form for a
10 constructive, two-way dialogue to address any
11 concerns that may arise. A good example of DHS's
12 commitment to community advisory boards is our
13 Fort Washington Shelter in Council Member
14 Rodriguez's district. The community advisory
15 board associated with Fort Washington is convened
16 by the shelter operator, Project Renewal, and
17 includes wide participation by residents of the
18 surrounding neighborhoods, the community board DHS
19 staff and leadership from the shelter. The
20 meetings consist of a dialogue among participants
21 about how the relationship between the shelter and
22 the community, and how Project Renewal and DHS can
23 minimize the shelter's impact on its neighbors.
24 From DHS's perspective, the community feedback and
25 active participation by interested neighbors have

1 significantly improved the operation of this
2 shelter. Recently, Council Members Palma and
3 Arroyo have been involved in the community
4 advisory board that the agency set up prior to
5 completion of construction of our new intake
6 center for families with children in The Bronx.
7 We started meeting with this group while the
8 facility was still in the development phase, and
9 have found the discussion to be beneficial to the
10 local businesses, elected officials, and other
11 community members in addressing some of their
12 early concerns during construction. Frequently we
13 are asked why shelters are located in particular
14 boroughs or neighborhoods. I already have
15 explained how various factors, including legal
16 mandates, emergency need to meet increased demand,
17 when and what kind of proposals are submitted to
18 us at any given point in time, and fair share
19 analysis affect where DHS locates shelter
20 facilities. Given the pressures we are under to
21 meet the emergency shelter needs of thousands of
22 homeless New Yorkers and the significant
23 challenges we face in meeting this urgent demand,
24 DHS does an extraordinary job in balancing
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2 competing concerns in locating suitable shelter
3 sites. To visually demonstrate our success in
4 keeping families with children who enter shelter
5 as close to their original neighborhood and
6 communities as possible, you will find maps at the
7 end of my written testimony that reflect how
8 family shelters are located proportionally in the
9 boroughs where families entering shelters
10 originate. As a matter of sound public policy and
11 good social work practice, we also strive to
12 minimize the traumatic disruption to homeless
13 families' lives by making every effort to place
14 them in their borough of origin, so that parents
15 and children are not uprooted from their schools,
16 community supports and daily routines. In April
17 2010, we had 7,897 school age children in shelter,
18 and we successfully placed 88 percent of families
19 in the same borough as the youngest child's
20 school. This means that many families with
21 children are placed in shelters near their own
22 communities. Moreover, according to the New York
23 City Department of Education, two-thirds of the
24 City's homeless children remain in their school of
25 origin. In the case of single adults, upon their

1 entry into the adult services system, we first
2 assess their needs to determine what type of
3 shelter offers programs that best meets the needs
4 of each client's individual needs, whether it be a
5 shelter for employed or employable individuals,
6 facilities for mentally ill men or women, or
7 transitional residences for persons with substance
8 abuse issues. Here again, we are not mandated to
9 provide such individualized shelter programs,
10 where we do it out, we do so out of our commitment
11 to doing what will best assist homeless New
12 Yorkers to move out of the shelters and into
13 permanent housing. Opening shelters is neither an
14 easy nor popular process, but the Department of
15 Homeless Services and its shelter providers strive
16 to be good neighbors. We're always available to
17 meet with community boards to discuss ways in
18 which our notification process can be improved,
19 and to address particular issues of concern. Just
20 this past March, Chair Palma participated in our
21 meeting with a Bronx leadership team and all
22 twelve community boards to address our efforts and
23 pool our resources to reach a consensus on
24 community expectations around locating shelter
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2 sites and community notification, while at the
3 same time meeting the needs of homeless families
4 and single adults. As an agency, we have thorough
5 notification procedures. I hope the Council and
6 DHS can continue to work together to educate our
7 communities about the issue of homelessness and
8 bridge the communities' concerns about shelters
9 located in their neighborhoods. And I'd be happy
10 to take any questions that you may have.

11 CHAIRPERSON PALMA: Thank you,
12 Commissioner, for your testimony. I want to
13 recognize that we've been joined by Council Member
14 Vacca, from The Bronx; Council Member Vann from
15 Brooklyn; Council Member Ydanis Rodriguez from
16 Manhattan. And before we start with our line of
17 questioning, I know that Council Member Vann
18 wanted to make an opening, you know, make a
19 statement, and so did Council Member Vacca. So,
20 Council Member Vann?

21 [pause]

22 COUNCIL MEMBER VANN: Yeah, thank
23 you, Madam Chair, good morning Commission-to-be.
24 Actually, I have some prepared remarks, but
25 essentially let me get to the core of the concerns

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2 that I know I expressed in, in my community, both
3 Community Board Eight and Community Board Three.
4 And they deal with issues that you've been
5 discussing in your testimony, some of which I
6 missed, which I apologize, being a little late.
7 And it deals with two things: notification, which
8 you've spoken about at length; and also fair
9 share. Like I'm aware in Community Board Eight,
10 for instance, they have indicated, I know they
11 passed the resolution I think a year ago, asking
12 for a moratorium in any siting of any additional
13 shelters in Community Board Eight because they,
14 they did have more than any other Community Board
15 within the City of New York. So, that leads me to
16 a couple of questions. Under the charter, City
17 facilities must undergo a fair share analysis
18 before they are sited. I guess that means the
19 City must examine how many social service, social
20 services exist in a given community, and how the
21 transitional housing will impact a community
22 before deciding whether to locate a new facility
23 there. You know, I, what is, how does, what's the
24 process with that analysis? 'Cause there's, there
25 seems to be, again, a lack, a concentration of

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2 social service programs in certain communities and
3 not in others. So I want to know how you arrive
4 at this fair share analysis.

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6 SETH DIAMOND: Are we doing
7 questions, I--I just wanted, are we, procedurally
8 are we doing questions now, I just, or are we--

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10 COUNCIL MEMBER VANN: I'm sorry,
11 you only want comments now?

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13 CHAIRPERSON PALMA: I, I thought
14 you had a comment before we started with the
15 questioning, I was just allowing you to make your-
16 -

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18 COUNCIL MEMBER VANN: Okay, all
19 right, I'll shift to brief comments.

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21 CHAIRPERSON PALMA: Okay, thank
22 you.

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24 COUNCIL MEMBER VANN: First of all,
25 let me thank both Chairperson, Councilwoman Palma
and of course Ollie Koppell, who's Response 79 I
join the sponsorship. And I'm pleased that the
Council has taken this initial step to address the
problem of the proliferation of transitional
housing siting that has heavily affected so many
communities in our City, including the district

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2 that I represent. I am aware that the bill does
3 codify DHS RFP, base notice, and puts into statute
4 therefore, in order to make notification to a
5 community of the permanent process, and I think
6 that's a very important step. But as you
7 indicated, this does not, seem, does not affect
8 those emergency housing arrangements that you
9 make, that are called "per diem." And so I guess
10 during the course of the hearing, you'll be able
11 to entertain questions to respond to that
12 particular concern. Community Board Eight, which
13 I represent, passed a resolution calling for a
14 moratorium on the placement of social services in
15 the district, as recently as January of this year.
16 I did call upon the Administration to set clear
17 rules regarding notification of social services
18 siting in any particular district in the City. I
19 also, there's a resolution calling for a rotation
20 in terms of placing, if one go in The Bronx today,
21 the next one should go in Manhattan, then the next
22 one should go in Queens, and so forth. That would
23 seem to begin a process that would seem to be
24 fair. And relieve some of the pressure from
25 communities that feel that they are overburdened,

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2 and indeed they are overburdened. So, I'll, I'll
3 cease with my comments here, and I'll await the
4 opportunity to ask the questions, Madam Chair.

5 COUNCIL MEMBER VACCA: Thank you,
6 Annabel Palma, for allowing me a chance to speak
7 on this issue. I'm not a member of this
8 Committee, but I'm a cosponsor of this
9 legislation. I welcome you, Commissioner, but I
10 have to tell you that I had significant
11 differences with your predecessor, Mr. Hess. Mr.
12 Hess was less than forthcoming with my community,
13 he declared an emergency, he opened up a shelter
14 overnight, and then this so-called emergency has
15 now resulted in a ten year--this so-called
16 emergency temporary contract has now resulted in a
17 ten year lease. Which means to me that the
18 emergency was not an emergency, and that the
19 temporary was not a temporary. I, I need your
20 agency, and I hope that under your leadership,
21 your agency will deal with communities in good
22 faith and, and in an upfront manner from the very
23 onset. The shelter that was opened in my district
24 on St. Peters Avenue never had a fair share
25 analysis. The emergency that was declared was in

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2 fact the subterfuge for an omission of any such
3 study, and when I found out, when I found out,
4 when I told the Commissioner that it was a block
5 away from a mental health center, and two blocks
6 away from an HPD development that is going to
7 provide additional housing for homeless, the
8 Commissioner said he did not know. Well, it's his
9 job to know, it was his job to know.

10 Notification, be it an emergency or not, is a
11 basic process issue. There can be no disagreement
12 that as part of a process, every City agency has
13 the obligation to be transparent. And I want it
14 to be known that I do not accept a declaration of
15 emergency as a way to get around process, which
16 involves the community board and the
17 councilperson. I know you've stated that you're
18 willing to consider notification, but I think that
19 we have to do more than consider. I'm sure under
20 your leadership there, there will be a different
21 day at DHS, but I have to say that we have to
22 codify something in legislation. And that's why
23 I'm on this bill. I don't want what's happened in
24 the past, to my community, or to other parts of my
25 borough, or other parts of the City, I don't want

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that to happen again. We as a community have to be prepared to answer questions when constituents call us, as to what's going on. I can end it by saying my comment, I found out about St. Peters Avenue when the applicant walked into my office without an appointment, and told me "We're going there." That's not going to happen again. And I need your agency to commit that that will not happen again. I was outraged, and so was my community. That's not notification. Thank you.

[applause]

CHAIRPERSON PALMA: Thank, thank you, Council Member. Commissioner, I want to start by asking, besides the transitional housing that you described in your testimony, the Tier Twos, the cluster sites, the hotels, what else does DHS consider to be transitional housing?

SETH DIAMOND: Well, the, the Tier Twos, the cluster sites and the hotels make up our, for, make up our portfolio, if that, if I'm understanding your question.

CHAIRPERSON PALMA: The, the Tier Twos?

SETH DIAMOND: The Tier Twos are

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2 one element. I mean, we, in sort of everyday
3 language, we would call it shelter, but the more
4 technical terms, it had several components. Tier
5 Twos is one component, hotels--

6 CHAIRPERSON PALMA: Right.

7 SETH DIAMOND: --cluster sites, are
8 all components of the ways we provide temporary
9 housing, which in sort of everyday language is
10 shelter.

11 CHAIRPERSON PALMA: So, the, the
12 per diem sites, are those considered transitional
13 housing?

14 SETH DIAMOND: We consider them
15 shelter. They're a place where people who need to
16 be housed would go, yes. I'm not sure if you're
17 talking under a specific--legally, or just in sort
18 of--

19 CHAIRPERSON PALMA: No, I--No, I
20 just--

21 SETH DIAMOND: --in sort of general
22 terms, yes.

23 CHAIRPERSON PALMA: I just wanted
24 to know if DHS considers--

25 SETH DIAMOND: Yes, yes,

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absolutely, they're part of our portfolio.

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CHAIRPERSON PALMA: --okay. Okay.

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And then in terms of, I know you went through the

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procedure and the notification process in your

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testimony, and we continue to hear from community

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boards, the lack of, of information that they

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received, and the involvement in, when DHS has to

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make a decision. And I understand, you know,

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there are emergency situations where we cannot

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weigh, 'cause an emergency can come at 3:00 or

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4:00 o'clock in the morning, and of course it's

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tough to, to get in touch with folks. I just, I

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guess I want to understand, in your testimony, DHS

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feels they're going through the process, they're

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notifying communities, but then we begin to, you

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know, we continue to hear from communities that

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they're not being notified, that they're not being

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engaged. And I, I just want to get your thoughts

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on that.

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SETH DIAMOND: Well, the, the

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process that we think is the best one, and the one

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that is outlined in our RFP process, does have

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substantial community notification built into it.

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Before a proposer can even submit a proposal to

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2 us, for siting a facility, they have to show that
3 they've notified the community board, and they
4 have to not only tell us that they've done it but
5 show us proof that they, of delivery, and what
6 they've sent to the community board. And then the
7 community board has the option of engaging in
8 whatever process through meetings or other kinds
9 of testimony or whatever they would like, to be
10 able to evaluate the proposal. After we've
11 decided that we want to proceed with a particular
12 proposal, there's an additional community
13 notification process to the elected officials and
14 also back to the community board. And then of
15 course, as a contract goes to registration,
16 there's a public hearing on, on the contract. So,
17 for the overwhelming number of sites, there is a
18 very, I think, transparent process that provides
19 multiple points of community input, and includes a
20 range of community officials from elected
21 officials to community board members, and allows
22 for civic and other neighborhood groups to
23 participate. The, there are some sites where we
24 do have emergency situations, those are the
25 minority of sites, and we hope that's only a

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2 temporary situation. But in the overwhelming
3 number, we think we have a very sound, transparent
4 and clear community process, and we think it's
5 worked well, and that we give notification to
6 communities, and that, and then the proof is after
7 we open the sites, we think overwhelmingly our
8 shelters are good neighbors, that they do not
9 disrupt community activities, that they function
10 as good and open parts of the community, that they
11 listen to community board concerns on a continuing
12 basis, as a, as part of a community advisory
13 process. And that, we welcome, we certainly want
14 to be in communities throughout the City. It's
15 better for families to be close to where they came
16 from, where their children went to school. And we
17 think that we're good neighbors once we get there.

18 CHAIRPERSON PALMA: I'm sorry, and
19 I'm--And I know those are your, the shelters that
20 DHS has contracts under. And per diems, do they
21 go under the, the same RFP process?

22 SETH DIAMOND: There are times
23 when, for largely emergency reasons, we do have to
24 open sites without going through the, initially,
25 through the formal RFP process. That might be

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2 the, their, the per diem sites, where we open a
3 site very quickly, because again of emergency
4 situation. Our goal is to quickly follow that up
5 with a formal submission through the RFP process,
6 where there is notification and all the steps that
7 I mentioned. We certainly do not want to use per
8 diem arrangements except as we have to, to meet
9 emergency demand. It is not the goal and the
10 history has shown that it is not most of the
11 cases. The overwhelming number of sites go
12 through a more formal RFP process.

13 CHAIRPERSON PALMA: And do, do the
14 per diem sites have to meet the same type of
15 notification requirements?

16 SETH DIAMOND: At this point, we
17 don't have a formal notification process for the
18 per diem sites, but again, we hope that the per
19 diem arrangement will be quickly followed up, and
20 in most cases, the overwhelming number of cases,
21 is quickly followed up by a submission under the
22 RFP process where we do go through a formal
23 community notification process. So the per diem
24 arrangement is emergency and as temporary as it
25 stands, and is quickly usually followed up by the

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more formal RFP process.

CHAIRPERSON PALMA: Do you know if any community board that has been notified has been satisfied with, with what was presented to them? Do you know--?

SETH DIAMOND: I think in the overwhelming number of cases, we are able to proceed. We take community concerns, sometimes that causes some modification in the, in the process, but most shelter siting issues proceed without incident. And that's great for us, certainly, and it, it helps us get into communities where we want to be, where there's available sites. And again, I think the, the better way to look at this is what happens after we enter and open a shelter, and in the overwhelming number of cases, shelters operate without incident in the communities where they're located. In fact, most New Yorkers are probably unaware that they have a shelter on a block or in their community. So, I think we've been good neighbors before, but more importantly, once we do open a site, I think we're good neighbors afterwards, and provide sometimes support for a

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2 building that was vacant or was otherwise a
3 community eyesore. We provide a more productive
4 use, we bring some economic activity into the
5 neighborhood, and we're good neighbors without
6 disrupting life for people who are living there.

7 CHAIRPERSON PALMA: How, how is
8 the--the communication, the notification process
9 done in terms of making sure that the community
10 board knows? Is it done, the community board, the
11 Council Member, the Speaker, is it done through
12 emails, phone calls--

13 SETH DIAMOND: Through, through
14 letters, generally, up front. Oh, certified mail,
15 so we specify it has to be certified mail, and
16 they, and as part of the RFP process, they have
17 to, the proposer has to include proof that it was
18 delivered, so that we're sure it was not just a
19 letter that was dropped off but never arrived.
20 And then when we send out the letters--do we also
21 certified mail?--and then when we send out the
22 letters to the elected officials that I mentioned,
23 the Council Members, the House of Representatives,
24 the State, the Assembly and the Senate, and the
25 Borough President, we do that by certified mail.

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2 CHAIRPERSON PALMA: In, in the case
3 of per diems, do you know how many per diem units
4 you have now that, that then quickly seek to work
5 with a, with a provider, a shelter provider, a
6 nonprofit provider?

7 SETH DIAMOND: Well, nearly three-
8 quarters of our, our units, our family units, are
9 within the formal process that I talked about.
10 And all of the single adult shelter units are
11 under contract. So the overwhelming number of
12 shelter units that the agency has, have come in
13 and are under the formal contracting process.
14 The, the other arrangements represent a minority
15 and we do seek to move those as quickly as
16 possible, to a more formal arrangement. It's, it's
17 better not only from a community notification
18 process, certainly, but we think the services are
19 enhanced when we can move to a more formal
20 process. It, it's better for families in shelter
21 to have the social services that are available
22 only really through the not-for-profit service.
23 So, it's in our interest as an agency, in
24 providing services and seeking to move people out
25 of shelter as quickly as possible, to be able to

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2 move them to a contracted arrangements because
3 it's only then that we can get the full range of
4 social services available.

5 CHAIRPERSON PALMA: Okay. You
6 mentioned the 1,659 units that are targeted for
7 conversion. Are those all, is that a whole number
8 of per diem units that you currently have? Or
9 they're units that are not captured in, in that
10 number?

11 SETH DIAMOND: Yeah, that, that
12 represents all of, all of them. And again, all of
13 the fam--the single shelter units are under
14 contract. These are all the family units. - -

15 CHAIRPERSON PALMA: And, can you
16 share with us, like, in what stage of the process
17 are, are those conversions in?

18 SETH DIAMOND: Well, they're all,
19 those are all per diem now.

20 CHAIRPERSON PALMA: But in terms of
21 the contract prices--

22 SETH DIAMOND: No, the various
23 stages. Yes, we can get back to you on that, yes.

24 CHAIRPERSON PALMA: Okay, I
25 appreciate that. And then my last question before

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2 I turn it over to Council Member Koppell, can you
3 describe a little bit more about the mixed use
4 buildings?

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SETH DIAMOND: The scatter site?

6 There, so there are some buildings where, the, we
7 have a few, and we may initially start or we may
8 always have only a few apartments that we're
9 accessing for shelter. It could be a, a building
10 that isn't almost otherwise entirely rental, or it
11 could have other uses. Because it's our, our
12 initial use may be very limited and small, we
13 don't go through a community notification that, at
14 that point, but when our use grows, when it grows
15 to the point where there's a more critical mass,
16 we've determined that when it's over 51 percent of
17 the capacity, then we do go through a community
18 notification process.

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CHAIRPERSON PALMA: And are these

20 landlords that volunteer X amount of units to be
21 able to house DHS residents?

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SETH DIAMOND: Yes, they could be

23 brought to us in a variety of ways, but they could
24 be a larger capacity that we only need to access a
25 smaller amount up front, and then over time as

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2 needs change, as demand grows, we may need to
3 access more units. Or initially, we may need a
4 larger number of units. So it gives us some
5 flexibility to be able to meet the emergency needs
6 and sort of the up and down patterns of people
7 entering shelter.

8 CHAIRPERSON PALMA: And are these
9 units under contract?

10 SETH DIAMOND: Yes, yes, they're
11 under contract, yes.

12 CHAIRPERSON PALMA: Okay. Council
13 Member Koppell--Oh, before, before you ask your
14 questions, let me just recognize Council Member
15 Brewer, Council Member Landers who have joined us.
16 Thank you.

17 COUNCIL MEMBER KOPPELL: Thank you,
18 Ms. Chair. First of all, the, the process you
19 describe in your statement, the open ended RFP
20 process, when was that adopted?

21 SETH DIAMOND: We think it's before
22 2002, but we'd have to get back to you on that.

23 COUNCIL MEMBER KOPPELL: Well, see
24 my feeling is that that process has not been
25 followed, but--and my colleagues, I think, reflect

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2 that. But you admit in your own statement, that
3 that process was not followed with respect to
4 these cluster sites. You admit, in your own
5 statement on page four, that with respect to the
6 cluster sites, you only are recently now providing
7 for notice, correct?

8 SETH DIAMOND: Well, there's no,
9 there isn't the same contractual obligation for
10 the cluster sites to provide the, the
11 notification. And again if we're, if we're only
12 talking about one or two apartments in a larger
13 building, I don't think that community
14 notification is necessary--

15 COUNCIL MEMBER KOPPELL: No, no,
16 no, no, no, hold on a moment. Please answer the
17 question. Until recently, you didn't provide for
18 any notification for the cluster sites, even if it
19 was 50 units. We're not talking about one or two
20 units.

21 SETH DIAMOND: I think that the
22 language was always in the RFP, it was clarified
23 to make, to use the 50 percent standard, and
24 that's the notification process that we are now
25 committed to using going forward.

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2 COUNCIL MEMBER KOPPELL: You say
3 here there are two exceptions to the notification
4 process. One concerns neighborhood based cluster
5 sites, and the other concerns sites operated per,
6 on per diem arrangement. And then you describe
7 cluster sites, and you say, in order to protect
8 the confidentiality and privacy of homeless
9 families, DHC did not provide community
10 notification in the manner I just described. And
11 then at the end you say now, you do do that, at
12 least where it's more than 50 percent. So you're
13 admitting in this paragraph that you did not
14 provide the notification. Isn't that true?

15 SETH DIAMOND: I think there's a, a
16 couple things going on. Number one, we don't, we
17 provide notification when we go over 50 percent of
18 the, of the building. And that's what was
19 clarified. When we move in, if it's a lower use,
20 a less than sort of a critical mass, then we, we
21 don't feel it's necessary or appropriate to
22 provide notification. The clarification was that
23 when we go over 50 percent, that's when we provide
24 the notification.

25 COUNCIL MEMBER KOPPELL: That's not

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2 what it says. What it says is you didn't provide
3 the notification, and now you will provide the
4 notification over 50 percent. That's what your
5 paragraphs says. That's what it says in English.
6 Now, if you're changing the testimony--

7 SETH DIAMOND: No, I'm not changing
8 the testimony.

9 COUNCIL MEMBER KOPPELL: Are you
10 saying you did provide notification when it was
11 more than 50 percent. Let's talk about eight
12 months ago, eight months ago did you provide
13 notification when a cluster site was going to
14 occupy more than 50 percent.

15 SETH DIAMOND: Okay. I mean, part
16 of it is that I--I'm not sure how useful the
17 history is. I was not here eight months ago, and
18 I don't know what the exact process was. I'm able
19 to speak to what we're, what I'm committing us to
20 do going forward. And we can try and review the
21 history, I'd have to call on others to be able to
22 do that intelligently because it, I cannot speak
23 to it from personal knowledge.

24 COUNCIL MEMBER KOPPELL:
25 Commissioner, I think you should be honest when

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2 you testify.

3 SETH DIAMOND: And I was--

4 COUNCIL MEMBER KOPPELL: Your
5 statement here says that you didn't provide
6 notification and now you do. Now, when you're,
7 when you described it a moment ago, before I
8 pointed this out to you, you're suggesting that
9 you provided notification, except there were only
10 one or two units. All I'm saying is that I have
11 experience with at least two cluster sites in
12 Community Board Seven in The Bronx, and there was
13 no notification provided. And that's why I put
14 this legislation in, by the way. So, I, what you
15 said in your statement is correct, what you said
16 in your written statement. But let me get to the
17 50 percent idea. Let's assume there's 100 unit
18 building, and you're now going to put 40 units for
19 homeless families. Why shouldn't you provide
20 notification there?

21 SETH DIAMOND: Well--

22 COUNCIL MEMBER KOPPELL: Even let's
23 say three units or four units? By the way, in
24 connection with facilities for, for the disabled,
25 for mentally disabled or physically disabled, even

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2 if they put a few apartments in a building, they
3 come to the local community board. So I don't see
4 any reason why there's an exception if it's less
5 than 50 percent. I don't understand the reason
6 for that.

7 SETH DIAMOND: Well, first let me
8 say I resent your statement earlier that I was
9 being less than honest in my testimony. But
10 going--

11 COUNCIL MEMBER KOPPELL: We can
12 review the record.

13 SETH DIAMOND: Okay. But going
14 forward, we are sticking to, to what I said, and
15 in terms of balancing the needs of the community
16 with trying to preserve the confidentiality of the
17 shelter families, we think that we have, we're
18 trying to balance. At what point does it become
19 such a critical mass that the, that we feel that
20 it would be appropriate to notify the community.
21 And we think 50 percent is the right line. Lower
22 than that, it may be a more incidental use, there
23 may be only a few families. To be telling a
24 community that there are a few homeless families
25 in a larger building, a larger mixed use building,

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2 could expose those families to some
3 stigmatization. We don't think that that's
4 appropriate. We don't want to do that. But we
5 think when it's over 50 percent, it's a critical
6 mass such that we should provide notification.

7 COUNCIL MEMBER KOPPELL: No one's
8 asking you, sir, with all due respect, to give the
9 names of the families, no one need to know which
10 families it is. Giving notification to the Board
11 that you're going to use apartments in a building
12 for homeless families doesn't mean that their
13 identities are going to be revealed. Let me just
14 ask you this, all that, all that the bill, going
15 to, to my proposed legislation, all it says is
16 that before you enter into a contract, which binds
17 the City with respect to a provider, that you
18 provide community notification. Now, if you read
19 your statement, while there are some exceptions
20 that you've just elucidated or stated, in general,
21 you're telling me you already do what the bill
22 requires. So, let's assume, I'm not saying that I
23 go along with this, but let's assume we put your
24 exceptions into the bill. I'm not saying I would
25 do it, but let's assume I would do it, would you

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2 then support the bill?

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SETH DIAMOND: No, we don't think legislation is needed. We think we have a good notification process that provides substantial community input, and we don't think that a legislation is necessary or desirable. This is a very fluid area, we have to be able to react quickly to emergency demand, and legislation could restrict our ability to do that and ultimately affect our ability to house homeless families and individuals, and we can't afford to do that.

COUNCIL MEMBER KOPPELL: But what you're saying is you'll provide notification but at some point you might decide not to. Right?

SETH DIAMOND: No, I think we have an RFP which binds us to providing notification, there's also a public hearing process that's part of the City Charter, I believe is when you enter into a City contract, so there's even notification requirements beyond what the RFP will require. And I think the record shows that we are good neighbors when we enter communities, that we do react to community concerns, and that we work well with the elected officials in the affected

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2 communities, and we don't think that legislation
3 is needed. And we think it might have unintended
4 impact. I understand that you're approaching this
5 for, and you've said in your opening remarks,
6 which I, I take you at your word that you were
7 supportive of our mission, but I think it could
8 have the unintended impact of restricting our
9 ability to site facilities and make it more
10 difficult for us to provide adequate housing for
11 homeless families and singles.

12 COUNCIL MEMBER KOPPELL: Do you
13 intend to be the commissioner of this department
14 for the next 20 years?

15 SETH DIAMOND: [laughs] I serve at
16 the pleasure of the Mayor, so--

17 COUNCIL MEMBER KOPPELL: So, so you
18 don't know that even though you may be committed
19 to this policy, that your successor would be
20 committed.

21 SETH DIAMOND: Well, again, I think
22 that any public agency, and I think this has been
23 true in the City overall, has a commitment to work
24 with elected officials, and any Mayor would want
25 to respond to community input and be responsive to

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2 community needs. So, I do think that even if I'm
3 not here, and I certainly will not be here
4 forever, that there will be a long term commitment
5 to be able to, to take community input. And
6 again, there's always ultimately a public hearing
7 as part of a charter, which is not even subject to
8 DHS's control, that would allow for further
9 community input. So I think there's many points
10 where the community could have input into the
11 process, and legislation is not needed.

12 COUNCIL MEMBER KOPPELL: But those
13 community hearings are not, those hearings under
14 the charter are not done in the community. But
15 let me just say, the fact of the matter is that
16 all we're requiring is notification. You say you
17 want to provide it, we want to guarantee it's
18 provided, it is simply not true. I'm not saying
19 we don't have dedicated public officials. And in
20 general speaking, I've been a supporter of the
21 Mayor, but until very recently, notification in
22 many instances was not provided. And all this
23 bill, it's a very simple bill, it says you have to
24 provide notification before you enter into the
25 contract. And, and with all due respect, sir, I

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2 do not understand your opposition. Because I've
3 even asked you if we put your exceptions into the
4 bill, would you accept it, and you said "No." So,
5 it just doesn't, doesn't computer to me. Thank
6 you. I'm going to have to, Madam Chair, I
7 apologize, but they're discussing the mental
8 health budget downstairs, as you know, I'm
9 Chairman of the Mental Health Committee.

10 CHAIRPERSON PALMA: Right.

11 COUNCIL MEMBER KOPPELL: So, I'm
12 going to have to go downstairs. I'll try and come
13 back, but thank you for hearing the bill and I
14 hope it moves forward.

15 CHAIRPERSON PALMA: Okay, and I
16 just want to state, you know, today's, today's
17 purpose is to get a, you know, thoughts on what
18 the, what the bill looks like, and what, you know,
19 what the, the procedures that's been going on, and
20 what we as a Council can do. So, and we're not
21 locking ourselves today into any commitments, but
22 just exploring and making sure that, that we can
23 get to a place where the community and everyone
24 across the board, including homeless families,
25 feel that, you know, we have the best interests

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2 at, at heart for them. Council Member Vacca, I
3 think, has a question.

4 COUNCIL MEMBER VACCA: Thank you.
5 Thank you, Annabel. I appreciate my colleague
6 Oliver Koppell's frustration, and I know that you
7 mentioned that even with exceptions the
8 Administration will not support this bill. But I
9 have to say that if, I'd like this bill to be
10 stronger, and if there are exceptions made, I'm
11 taking my name off the bill. I go the other
12 direction. I very much cannot understand the
13 reason for being against the legislation, because
14 the only thing that this legislation does is
15 impede the ability of DHS to set up shop in a
16 community overnight. That's all it does. It
17 requires a letter of notification and a process.
18 And for the City to say that we're even against
19 that, means that your agency wants to do what it
20 wants to do, when it wants to do it, and where it
21 wants to do it. That's not America. All right?
22 If there is this housing emergency, which
23 Commissioner Hess referred to many times, if that
24 emergency was allowed to exist, it was because DHS
25 did not see the train coming down the track. And

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2 therefore, neighborhoods overnight had people
3 moving in. I had people moving into my district,
4 moving into apartments with terraces, and the
5 families were moved in before the terraces were
6 closed off. I had to go to the Buildings
7 Department to get the terraces closed off. So, if
8 there is an emergency, I think it's, it's a
9 management situation, that creates the emergency.
10 Or lack of management. You do refer,
11 Commissioner, and I, again, I respect you, and I
12 know that this preceded you. You, you are here,
13 you're new, but you do refer to a process where
14 people have a right to go to public hearings. I
15 was talking to my colleague, Council Member Vann.
16 For you to say that even in an emergency when you
17 take over, then you will then go through a hearing
18 process, well we know that's a farce. Because
19 once you move in under the emergency, what do you
20 think, you're going to move out? No! We know
21 you're not moving out. When you say a public
22 hearing process, do you know where the public
23 hearing takes place? In front of the Mayor's
24 Office of Contracts, MOC. I want there. It's a
25 mockery! It's a farce. We know, we know that

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2 communities there are going to be heard for two-
3 and-a-half minutes, and be told thank you, and
4 then we do what we want. So, to think that we in
5 local neighborhoods have actual input, I would
6 think that notification means you tell the
7 community what you are proposing, and then review
8 with them the dimensions of it, and take
9 suggestions and there's a true give and take.
10 Obviously, DHS does not feel that way. Now, my
11 colleague, Council Member Koppell spoke of OMRDD,
12 and I wrote that down, OMRDD, Office of Mental
13 Retardation and Developmental Disabilities,
14 there's something called the Padavan Law, which
15 went into effect back in the early '70s. And the
16 Padavan Law when it deals with children and adults
17 with development disabilities, says that the
18 community boards must be notified and then the
19 community boards can recommend an alternate site,
20 or can oppose the site based on saturation. Now,
21 there's no such provision with DHS. I would think
22 that you would want to consider some type of
23 meaningful community involvement or community
24 consultation, which allows them to, god forbid,
25 dispute what you're saying. We want the

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2 opportunity to engage in a dialogue, and maybe we
3 do not--maybe we do agree with you, maybe we
4 disagree with you. But right now, it doesn't seem
5 that that's the case. So, I do throw that out for
6 your consideration. I do want to mention about
7 advisory boards. The residents in my district on
8 St. Peters Avenue, to my knowledge it's been
9 opened under an emergency; then DHS went to MOC
10 and they got a five year contract, and a five year
11 to renew. So if I'm wrong, let me know, this is
12 my understanding, so now there's no more
13 emergency, now it's permanent. But I do not know
14 of an advisory board that's been formed there and
15 it's been opened about, got to be open about nine
16 months now. So, I don't know, have you contacted
17 the community board to form an advisory board for
18 St. Peters? And am I correct that you're now
19 going to be on St. Peters Avenue for ten years?

20 SETH DIAMOND: Okay, you had a lot
21 of questions in there. [laughs]

22 COUNCIL MEMBER VACCA: I threw them
23 all in.

24 SETH DIAMOND: So, let me start, I
25 think, more towards the beginning, and then we can

1
2 get to what you ended with. But the--we need the
3 flexibility to move into, to sites, not because we
4 don't practice good management, or try and project
5 demand. I think we generally do an excellent job
6 of that, and that's why the emergencies are
7 relatively few. In the overwhelming number of
8 cases, we do have sufficient capacity within more
9 formal processes that I outlined to be able to
10 meet the demands. But this is a fluid system,
11 demand does rise and fall, sometimes suddenly,
12 sometimes particular sites might open or close, so
13 you might have the, you might think you have the
14 particular need met, but then a site that you're
15 using might have an emergency based on something
16 that happens at a, on a facility basis, and you
17 have to move families or, or singles quickly out
18 of that site and into another place. So we, we
19 need to have flexibility in order to meet the
20 needs. And I'm not familiar with the OMRDD
21 process, I will certainly look at that, but I
22 don't think they have, under the same, they work
23 under the same set of federal, state and local law
24 that we do, that requires us to so quickly meet
25 the needs and the continuing needs of sheltered

1 families. So, I think we operate under a
2 different structure and it may not be appropriate
3 to apply, to think that the rules that apply in
4 one situation could be adequate to fit into
5 another situation. We certainly do strive to be
6 good community neighbors, I will look at the St.
7 Peters situation, where I think we did meet all
8 the legal requirements, even if it wasn't the
9 process that was ideal or that we would like to
10 follow going forward. But we certainly do want to
11 be good community neighbors, and I think in the
12 overwhelming number of cases we do what you
13 suggest, we do take community input, we do listen,
14 we do attend many community board meetings, we met
15 with community boards and elected officials when
16 they express concerns. And again, the proof is
17 not really so much, it shouldn't be so much the
18 process before, although again I think we do have
19 to have a transparent process. But the real proof
20 of whether we're making good siting decisions
21 comes after, when we open the facilities. And in
22 the overwhelming number of cases, we are good
23 neighbors, we provide good facilities, and we want
24 to be in the communities where families who seek
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2 shelter can have access to their support network,
3 send their children to school, and be able to
4 function comfortably.

5 COUNCIL MEMBER VACCA: Now--in the
6 case of St. Peters, there was a lawsuit. And the
7 judge in the case, while allowing the shelter to
8 remain open, stated that the City was admittedly
9 tardy in informing the community board, but such
10 information was a courtesy and not a must, because
11 there was no lease. That says it all. You, we
12 don't want to be notified as a courtesy that you
13 could extend or not extend. We want to be
14 notified as a matter of law. And other City
15 agencies have consented to notification
16 legislation that this Council has passed. And I
17 would hope that your agency would come back to us
18 an reconsider your position, because the precedent
19 that that case established, and other cases have
20 established, were instances where DHS decided
21 arbitrarily whether or not to extend a courtesy.
22 While from a process perspective, that type of
23 arbitrary conduct is just not acceptable. Thank
24 you.

25

SETH DIAMOND: Well, I can tell you

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2 going forward, we're committed to an open
3 community notification process in every situation
4 we can possibly do it. And we will do it, we will
5 live up the terms of the RFP, where we provide
6 notification both before we receive a proposal and
7 after, and we want to work with you, we understand
8 that. Community notification, working with
9 communities, is an essential part of our success.

10 COUNCIL MEMBER VACCA: But
11 Commissioner, do you understand my point before
12 when I said, again I take it in my own district,
13 but there are other cases here in the City of New
14 York. You declared an emergency that ended up,
15 that ended up in a ten year lease. You did not
16 answer--I don't, I take by your not answering that
17 I was correct, so I didn't, I did not mean to
18 imply that you did not answer. I take it to mean
19 that I was correct. Meaning that in St. Peters
20 Avenue, there was a five and five year lease.
21 That was started through an emergency. So the
22 emergency is being used to avoid the notification,
23 which now itself is only a courtesy.

24 SETH DIAMOND: No, I--if we do the
25 notification, our goal is to shortly follow that

1
2 up with the more formal community--if we do the
3 emergency, I'm sorry, our goal is to shortly
4 follow that up with a more formal community
5 notification process. I can't speak to St.
6 Peters, I think there's still outstanding
7 litigation on that, and I--

8 COUNCIL MEMBER VACCA: I think it's
9 over, Commissioner.

10 SETH DIAMOND: I'm not as familiar
11 with that. But again, it, the emergency is an
12 emergency, it means we have to move in because we
13 have exigent circumstances and we have no choice.
14 Our goal after that is to follow it up with a more
15 formal community notification process, and it's,
16 it's not just from a community point of view that
17 we want to do that, although we certainly do, but
18 we want to be able to bring in the whole range of
19 services that better serve shelter families, and
20 we can only do that if we go through the more
21 formal process.

22 COUNCIL MEMBER VACCA:
23 Commissioner, what is this with the emergency?
24 Are we in an emergency right now? Did
25 Commissioner Hess declare an emergency a year ago?

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2 I looked through the City Record, I read the City
3 Record every day. I saw no declaration of an
4 emergency.

5 CHAIRPERSON PALMA: Congress
6 Member, I think, you know--

7 COUNCIL MEMBER VACCA: I'll stop
8 after this, Annabel.

9 CHAIRPERSON PALMA: No, I just--

10 COUNCIL MEMBER VACCA: I thank you
11 for your, your indulgence.

12 CHAIRPERSON PALMA: Yeah, I just
13 want to, I just want to state that homeless
14 families become homeless families overnight.
15 That, you know, being a person who had experienced
16 that, I went out of work one day, and
17 unfortunately found myself locked out. So, when
18 we talk about emergencies, we talk about that.
19 Not every case is an emergency, but the--you know,
20 homeless families do find themselves in a
21 situation at a certain time whether it's at 10:00
22 o'clock in the morning, or 5:00 o'clock in the
23 afternoon, that you know, it's unfortunate. So, I
24 think, you know, when we use the term "emergency"
25 in this discussion, is that, you know, some people

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2 don't have control over the circumstances that are
3 happening, happening to them, at that, at that
4 given time.

5 COUNCIL MEMBER VACCA: I, I agree,
6 and I did not imply, we will always have,
7 unfortunately, always families will have
8 emergencies. We're a city of eight million
9 people. And families will have emergencies, and
10 they should be addressed. Absolutely, the Chair
11 is correct. My only question to you is, from a
12 policy perspective, are we now in an emergency?
13 Have you declared an emergency? Or does
14 Commissioner Hess's declaration still, is it still
15 in place? Is there an emergency?

16 SETH DIAMOND: Well, an emergency,
17 as you were discussing, and as sort of clear,
18 given the nature of the term, can arise at any
19 particular time. We do have a high shelter
20 population. We, it has come down over the past
21 seven months, but because it is higher than it has
22 historically been, it does put pressure on our
23 capacity needs, so that we have, we don't have as
24 much room, should we have an unexpected demand,
25 should we have to hold off using a particular

1 facility related to some facility based reason.
2 So, an emergency could exist literally, or grow up
3 literally overnight. Right now we have sufficient
4 capacity to meet the need. Whether that will be
5 true two months or three months from now, I do not
6 know. We hope we are doing sufficient
7 projections, and we think that we have built in a
8 schedule that will allow us to meet the need on an
9 ongoing basis, but you can't always project that
10 on any particular night. And again, we have an
11 obligation to meet the, the needs of families who
12 come in that night. No one wants us to go back to
13 a situation where we don't have adequate beds and
14 adequate facilities for people seeking shelter.
15 That would return us to a time where families are
16 staying at the intake center, where they're not
17 being put in appropriate facilities. We need to
18 be able to react quickly, and we can only do that
19 if we have flexibility.
20

21 COUNCIL MEMBER VACCA: But you, you
22 can declare an emergency if you see families in
23 need that are not being serviced. You as
24 Commissioner can say, "I have an emergency at this
25 point." Is that how that declaration works? That

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definition?

SETH DIAMOND: We're committed to making sure that all homeless families and individuals have adequate places. If we don't, then we have an emergency situation, we have to be able to act quickly.

COUNCIL MEMBER VACCA: But there's not an emergency right now.

SETH DIAMOND: Today there is not. I can't--

COUNCIL MEMBER VACCA: Okay, there is not.

SETH DIAMOND: I can't predict the future.

COUNCIL MEMBER VACCA: Okay.

CHAIRPERSON PALMA: Thank you, Council Member. Council Member Vann, and then Council Member Lander.

COUNCIL MEMBER VANN: Yeah, thank you Madam Chair. Just on the last point that you attempted to clarify. When an emergency exists, when you have families that need housing and you don't have the capacity to provide it, is, is that--

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2 SETH DIAMOND: Yes, that's correct.

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4 COUNCIL MEMBER VANN: Now, would
5 that be, if you don't have one family that you can
6 place, or two families, or ten, is it a point when
7 it becomes an emergency, as opposed to one family
8 could, could--

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9 SETH DIAMOND: Families apply every
10 day. And we have some of the numbers in the
11 testimony. We need to be able to place all
12 eligible families on the day that they apply. The
13 alternative would be for what had happened in the
14 past in the City, which no one wants to go back
15 to, the families end up backed up at the intake
16 site, because there isn't adequate sites for them.
17 So we need to be able to have adequate capacity
18 for whatever families we serve. In general, in
19 the overwhelming number of cases, we have that.
20 We plan ahead, we have forecasts based on
21 historical trends, so we're able to project
22 demands. There are occasions where there's
23 unanticipated demand, or again, sometimes the
24 facility that we had been using, either a portion
25 of it, or a full facility for some other reason,
maybe temporary unavail--temporarily unavailable,

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2 and that creates a demand. So, we have to
3 somewhat nimble in being able to move when we have
4 unanticipated demands. But in the overwhelming
5 number of cases, we're able to meet the demands
6 without the declaration of any kind of emergency,
7 and we can go through the more formal RFP process,
8 which provides a substantial community
9 notification.

10 COUNCIL MEMBER VANN: I appreciate
11 all of that information. I didn't know I asked
12 for all of that, but thank you. But the point I
13 was trying to get at, when, when you find the need
14 to go to an emergency shelter, there's a per diem
15 basis, obviously, because--

16 SETH DIAMOND: Yes.

17 COUNCIL MEMBER VANN: --you know,
18 what facility qualifies for an emergency shelter,
19 at that time, or per diem? Any apartment? Is it,
20 does it meet any particular standards for a place
21 to become a per diem emergency shelter?

22 SETH DIAMOND: We, we inspect every
23 site before we would open it. We want it to meet
24 the requirements that we have for, for adequate
25 housing for families. And that, so there could be

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2 a wide variety of, of locations, but each one
3 meets some basic requirements that we have for
4 families that we can provide to you the specifics.
5 But we inspect each one before we would go in
6 there.

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COUNCIL MEMBER VANN: Okay, so a
8 per diem shelter could be an apartment, it could
9 be a house, it could be a multi, based on what
10 your needs are at that particular time? [pause]
11 I'm, I'm not asking trick questions, you know, I
12 just really want to know.

13

SETH DIAMOND: No, no, I apologize
14 for--

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COUNCIL MEMBER VANN: It's okay.

16

SETH DIAMOND: --for not having the
17 answers as--

18

COUNCIL MEMBER VANN: No.

19

SETH DIAMOND: --as readily as I
20 should. But it could be a variety, it could be
21 yes, a hotel, it could be something that will
22 ultimately become a more formal shelter, it could
23 be a wide variety of arrangements.

24

COUNCIL MEMBER VANN: Mhm. The
25 only point that I'm not clear on is at what point

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2 DHS would declare an emergency, and thereby not
3 contract, well contract with, but not a written
4 contract, with a community or a owner of a
5 property, for that to be an emergency shelter. Is
6 it when you have one family that you don't have
7 the capacity to place? Or two families? Or ten?
8 And are you saying it could be any, any of these,
9 it just depends on any given time?

10 SETH DIAMOND: If we don't have
11 capacity within our existing portfolio, we have to
12 be able to into, to some place to open--

13 COUNCIL MEMBER VANN: The
14 temporary--

15 SETH DIAMOND: --to be able to
16 create it.

17 COUNCIL MEMBER VANN: Right.

18 SETH DIAMOND: Obviously, our first
19 choice is to look everywhere within our existing
20 capacity.

21 COUNCIL MEMBER VANN: Okay, I see.

22 SETH DIAMOND: Sometimes that's not
23 possible, sometimes a family may not be able to be
24 in a particular place or even if there is an
25 existing unit, it may not be appropriate for

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whatever reason for a family.

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COUNCIL MEMBER VANN: Okay.

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SETH DIAMOND: So then we would have to move in on an emergency basis. Again, at the point where the emergency basis becomes a more permanent use, we would go through the formal notification process. If we see we're getting close to the point where we may need it even if we don't need it at that moment, but we know we will need it tomorrow or next week, then we may open it, seek to go on in an emergency basis also.

COUNCIL MEMBER VANN: Okay. Once you open a temporary facility do, do you ever not need it, and go, and--do all temporary facilities lead to permanent contracts or contracts for transitional housing?

SETH DIAMOND: I would have to check on that, but we certainly, the, the shelter census goes up and down. As we said, it's gone down every month for the past seven months, so this is a period where we, we have had some decline. It traditionally goes up over the summer, so there we would have some, some increase. At the point where an emergency

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2 facility is going to become a more permanent use,
3 and we are bringing in social service providers to
4 be able to provide the full range of services,
5 then we'll go through the community notification
6 process.

7 COUNCIL MEMBER VANN: Okay. One of
8 the community boards in my community have a
9 concern, and I guess they put it in a question.
10 Does, has DHS considered working with HPD in order
11 to convert current transitional sites, homeless
12 sites, into permanent housing? Presumably that
13 would provide for some kind of multiyear leases
14 and even perhaps subsidies. Is that something you
15 would consider and does that make sense to you?

16 SETH DIAMOND: Well, certainly,
17 whenever we use shelter capacity, we're conscious
18 that we may be, we're competing against possible
19 affordable housing uses, and so we, that's one of
20 the reasons why we want to limit wherever possible
21 shelters so that we can keep sites available for
22 affordable housing if--I'm not, if that's exactly,
23 I'm not sure if that's exactly what you're asking.
24 We certainly work with HPD, I'd be happy to raise
25 this issue with the HPD Commissioner if I could

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2 get more details. I'm actually meeting with him
3 next week, and we, we are seeking to work more
4 closely together.

5 COUNCIL MEMBER VANN: Okay, I will
6 see more specific clarification on that concept.
7 And I'll get back to you either by phone or email
8 or, or writing.

9 SETH DIAMOND: That would be fine.
10 And HPD is a big developer of supportive housing,
11 which does provide for housing for among other
12 populations, homeless individuals. So they
13 provide often the capital, and then we then
14 provide other subsidies along with a variety of
15 other agencies to allow them to provide services
16 to special high needs populations, including
17 homeless families and singles.

18 COUNCIL MEMBER VANN: Right. Let
19 me conclude with this. First of all, I am very,
20 very sympathetic and sensitive to homeless
21 families and individuals. I also recognize that
22 there is a bias in many of communities in New York
23 City, there is a very negative perception of
24 homelessness. Unfortunately, they assume that if
25 you're homeless you're necessarily negative,

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2 alcoholic or drug related or whatever, and that if
3 homeless shelters come into their neighborhood it
4 will mean that the neighborhood would go down. I,
5 I don't personally accept that or believe that,
6 but it is a prevailing perception among many
7 communities. And so, except for the grace of god
8 go I, and so I always look at it is if I became
9 homeless, who would be there for me, what would be
10 there for me. So, I appreciate the agency and the
11 work that you do. However, there are two concepts
12 that I think ought to be paramount, as the agency
13 carries out its mission. Number one, there ought
14 to be fairness. And I'm sure you know where
15 homeless people come from, the borough of their
16 origin. So, one way to deal with the paranoia and
17 the negativism is to make sure that shelters or
18 housing for homeless are provided where they are,
19 where they come from. And so therefore, people
20 cannot complain, "Well, I'm overwhelmed, why are
21 there disproportionate number of, you know,
22 services here and the people come from someplace
23 else." So that ought to be one of the guiding
24 principles, I would think. And the other should
25 be, whatever the circumstances, what's the problem

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with notifying? I mean, even when we, community boards are notified, they don't have the power to make it not happen, you know, but at least they can plan, they can arrange, they can do something. So, I don't see why it's a big problem that it should not be a policy that whether I'm putting someone there on emergency or some other basis, that we notify the appropriate community, community board, that this, this is happening. And seem to me these ought to be the two guiding principles of your policy, and, and I'd just like to--you want to respond to that?

SETH DIAMOND: Well, on, yes, on the, on the first one, we do seek to place homeless families in, in their communities where they came from, both as you said, for reasons, for those reasons, and also it's better for children to be closer to their schools, and better for parents to be, and families, and, to be located to their friends and, and family members who can support them. And if you look at the map that was attached to my testimony, it sort of tries to match up the, the borough where homeless people come from and the borough where they're placed.

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2 And there's a, a good correlation in the
3 proportion of families that come from a particular
4 borough and the, the proportion where they're
5 placed in shelters. So we are seeking to match
6 that up and are generally successful in, certainly
7 four of the five boroughs, it's a very close match
8 between the proportion of families that come into
9 shelter and the ones that, and where they're
10 placed. And in terms of notification, again, we
11 do have, we think, a good community notification
12 process that provides a notification both at the
13 beginning of the process, throughout the process,
14 and then after we're sited. And again, I think
15 the proof is that we're good neighbors, that the
16 overwhelming number of communities find us either
17 to not, not know that we're there, or to be good
18 partners in the community, and that's what we
19 seek.

20 COUNCIL MEMBER VANN: You make it
21 sound good, Commissioner, but there are problems
22 with notification. There are problems where some
23 communities are overwhelmed. And I think that may
24 be what DHS has in mind, and, and maybe I'll take
25 a look at your maps. But I would like for you to

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2 send to our chair, the borough of origination of
3 your homeless population as, as it currently
4 exists, so we can take a look at whether or not
5 that is accurate, what you're saying, that there
6 is indeed housing, families, homeless families
7 being housed in the borough of their origin and
8 not--

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SETH DIAMOND: Yeah, and that,
10 that's what our map, I didn't mean to cut you off,
11 but that's what our map gets at. But I'm happy to
12 discuss it further with you.

13

COUNCIL MEMBER VANN: Okay.

14

CHAIRPERSON PALMA: I want to
15 welcome Council Member Levin, I know he was with
16 us, I think he stepped out, to use [laughs] the
17 phone, but I want to make sure that I welcome him
18 to today's hearing. Council Member Lander.

19

COUNCIL MEMBER LANDER: Thank you,
20 Madam Chair. Thank you, Commissioner for your
21 testimony, as, as someone who has both sited and
22 developed housing for people who are homeless, and
23 as a longtime community board member, in Brooklyn,
24 I feel the challenge is on, on both sides of this
25 pretty deeply. I want to ask a couple of

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questions that follow on Council Member Vann's questions. The first is on the second of the two notification exceptions that you outlined in your testimony, the per diem arrangements. And I wonder if you could first just help us understand what that is a little better, and how much of it? Is this primarily hotels? How long is something a per diem arrangement? What percent of your, of last night's numbers do per diem arrangements make up?

SETH DIAMOND: Okay, on the, on the last point, for the adults, the adults, when we say "the adults," the single shelter system, all of the facilities are under contract. For the families, nearly three-quarters are under contract, so there's about a quarter of the sites that are in, in per diem arrangements, but those per diem arrangements are moving towards contract and are in various stages. So, the overwhelming number of our shelter families are in sites that are covered by, shelter families and singles, and when you take the whole system together, the overwhelming number of people who are in shelter are in sites that are covered by a contract. And

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2 we from a system point of view greatly prefer the
3 contracts, not only is it a better process in
4 terms of the issues that the controller would be
5 concerned about in terms of payment, and in terms
6 of making sure you have a more formal and regular
7 process for, for working with providers, but it
8 also is only through the contract process that we
9 can get the level of social services that we need
10 into a site. Because what happens typically is
11 that as, if we have an emergency need we will open
12 a site, but the site, what we're largely doing at
13 those sites is providing reimbursement to the
14 landlord for the rental cost. We are only
15 providing minimal social services at that site.
16 We want to move that site as quickly as possible
17 to contract, because it's only when you bring in
18 the social services provider that you get the full
19 range of services we want to provide at shelters.
20 So we have the same interest as everyone does, as
21 you do, as everyone else does, is moving as
22 quickly as possible from an emergency process to a
23 contract process. And, excuse me, in that
24 contract process is when you get the, the full
25 community notification process. We try and do

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2 that as quickly as possible, sometimes there are
3 issues of negotiation over rate, or, or other
4 matters that, that make the process a little
5 longer than we would like. But we hope that we
6 can move, if we have to go in, in an emergency
7 basis, and we don't seek to do that, but if we are
8 forced to do that because of a need to acquire
9 capacity, we will move from, quickly as possible
10 from there to a more formal contract.

11 COUNCIL MEMBER LANDER: I don't
12 doubt that you would, you prefer to have contract
13 arrangements, I just would like to understand a
14 little better what the per diems actually are. So
15 you're saying about a quarter of the current
16 family units are per diem arrangements.

17 SETH DIAMOND: Yes.

18 COUNCIL MEMBER LANDER: Which is
19 about how many units?

20 SETH DIAMOND: About, I think it's
21 about 1,600. And, but again, their, their per
22 diem arrangement's moving toward contract, so
23 they're not static.

24 COUNCIL MEMBER LANDER: I'll ask
25 about that in a minute, but let me first

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2 understand what they are, are those predominately
3 hotels? Is that what mostly is?

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SETH DIAMOND: I think it's a range
of facility, mostly hotels, okay.

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COUNCIL MEMBER LANDER: And has
that number grown as, I assume, I mean, one would
assume, right, as the shelter census has grown in
recent years, that you have had to rely more on,
on the hotels and the per diems, that certainly--

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SETH DIAMOND: Yeah, well, but
we've also had a conscious policy decision to try
and move more into the contract realm. So I think
there was a time when the, I think it's gone, it's
fluctuated, so I'd have to get back to you on the
historical number.

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COUNCIL MEMBER LANDER: And what,
are there some rules or guidelines or protocols
that you use for how long something can be a per
diem site before it must transition to being a
contract site? I hear you that you would always
prefer it, and I, that makes sense to me, but I'm
guessing that there are various reasons,
particular owners, particular situations, why
that's hard to so. So is there a point past which

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there's a, you know, you, you have some formal

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step of seeking to convert the particular per diem

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arrangement to a contract?

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SETH DIAMOND: No, I, we have,

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again, a very strong interest in moving very

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aggressively towards a contract site. Our goal

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is, as you know, to get families out of shelter as

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quickly as possible. And we can't do that unless

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we have good services on site. So it does us no

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good as an agency in terms of what our mission is,

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to have a site sitting there where families are in

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shelter and not getting services. So, we want to

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move as quickly as possible. We don't have a

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formal timeframe but we certainly want to get

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those services in as quickly as possible, because

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it's only then that we'll be able to get our

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ultimate goal, which is to help the families get

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out of shelter.

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COUNCIL MEMBER LANDER: You've

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recently sort of directed Home Base contractors to

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increase the provision of services in hotels.

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Does that include the per diem units, or is that

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only to hotels that have come under contract?

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SETH DIAMOND: Yes, that would be

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2 both. The, the hotels under contract and the per
3 diem units.

4 COUNCIL MEMBER LANDER: So you are
5 increasingly providing services to homeless
6 families in per diem hotels.

7 SETH DIAMOND: We're--

8 COUNCIL MEMBER LANDER: Not that I
9 would want you not to, I just want to understand.

10 SETH DIAMOND: Right. Those are
11 move out services, again there aren't as, as rich
12 of a variety of services, the full sort of range
13 that we would want to, if we can get a contract.
14 But we are providing some limited services there.
15 But again, we are still moving with all of the
16 1,659 units to try and move those to contract.

17 COUNCIL MEMBER LANDER: I mean, do
18 you appreciate though, from the purpose, the point
19 of view of today's legislation, that if you've got
20 these per diem units, and you neither have a
21 notification requirement, nor any rules or
22 guidelines or protocols on how long they could
23 main--remain per diem arrangements, that people
24 might not be excited to learn you had opened one
25 in your neighborhood, which they neither have any

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2 ability to know is going to go to contract at any
3 point, nor any way of getting noticed about it.

4 SETH DIAMOND: Well, I, I
5 understand that there could be a concern there,
6 but I, there will be a point, at the point where
7 we decide that it's going to be a more permanent
8 use, and that we could better describe to the
9 community the full range of the use and the
10 service provider and what the services will be, we
11 will tell, go through the more formal community
12 notification process. Before that, it is somewhat
13 premature. Number one, we're not sure the length
14 of the use, we're not sure who the social services
15 provider is, we don't know all the details that we
16 would want to provide the community to be able to
17 give them a complete picture of the use. Once we
18 have all those details, and we've decided to more,
19 move forward with a contract, we will tell the
20 community. Before that, we think we may be giving
21 and incomplete or inaccurate picture to the
22 community. We don't want to do that, but at,
23 certainly at the point where we have the entire
24 package together, we think it's appropriate to do
25 so.

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2 COUNCIL MEMBER LANDER: I'll just
3 point out that if there's, if the only timeframe
4 is your, is your both decision and ability to do
5 that, you could see why communities would feel
6 pretty, pretty dissatisfied that there's--So, I'll
7 leave it there. I, I think,, you know, as a
8 question about how much should be legislated and
9 what should be in your policies, but on at least
10 the other areas, there is a policy of
11 notification; here there's neither a policy of
12 notification nor any certainty about how long. It
13 sounds to me like you could have something, maybe
14 a per diem arrangement for ten years, that you
15 wouldn't want that, but that it could go that way,
16 and that in fact there's, there's nothing that
17 would, either ever require that it convert to
18 contract, or require that you ever provided
19 notification to the community about it.

20 SETH DIAMOND: We would be working
21 against ourselves to have such a long term use.
22 So, you know, we want, again, the same thing--

23 COUNCIL MEMBER LANDER: What do you
24 think, what's the longest one of those 1,600?
25 What's the longest, you know, continuous operation

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of a per diem arrangement that has not moved to contract?

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SETH DIAMOND: I don't know, I would have to check. But, again, there is, the contract process, as you know, is a, is a lengthy one in and of itself. So it does take some time period.

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COUNCIL MEMBER LANDER: It'd be great to get that answer, and I guess just let me be clear, I'm not saying that you would seek to do that or want to do it, but if it, if it happened, the community would still have to be dealing with the, with the consequences of it. So, all right, I just want to move on, and ask a couple of questions about fair share and how you understand that. And I was interested in your interchange with, with Council Member Vann. It sounds like your understanding, your approach to sort of the fair share question here is, you would like to have as close a match as possible between shelter beds and the communities from which homeless families are entering the system.

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SETH DIAMOND: Well, there's a number of factors that go into that. When we

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2 have, we have an open-ended RFP, what we call an
3 open-ended RFP, which again ultimately governs
4 where we will have facilities sited. And we take
5 the facilities that are provided to us and do an
6 evaluation of them, and decide where we would like
7 to go. So, the first sort of input into the
8 process is what facilities we receive. And they
9 could be from any community in the City, but we,
10 we are somewhat at the mercy of what kinds of
11 facilities we have. We then have to evaluate the
12 facilities for their appropriate use, their cost,
13 and all the kinds of things that go into a
14 decision about whether the city is going to move
15 to contract. We do have an interest in trying to
16 keep families in their communities. Sometimes
17 it's to maintain the support network for the
18 families, but the most important variable is
19 allowing the child, if they have school age
20 children, to be able to continue in school. And
21 it's, that really is only possible if you are,
22 especially if you have younger children who can't
23 travel so far, if you're relatively close to the
24 community from which you came.

25 COUNCIL MEMBER LANDER: So, I'm

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2 interested in this partly about homelessness, but
3 certainly about the broader question of what "fair
4 share" means. This is the first time, it's an
5 interesting point of view, that the best way to
6 approach fair share is to keep families close to
7 home and so they can go to school. One might
8 argue instead we should look to the communities
9 that have the best schools in the City, so the
10 kids could get the best education they could
11 possibly get. Or one might say that here, what's
12 actually driving families into homelessness is
13 extremely high rents, so we should look at the
14 highest rent neighborhoods in the City, and seek
15 to locate our homeless facilities there. And I'm
16 just interested how we pick, whether was it a
17 policy making decision to adopt this particular
18 approach to fair share?

19 SETH DIAMOND: Well, I think you're
20 balancing again a cornucopia of reasons as to, to
21 be able to, to do the right siting decision.
22 Sometimes it's, if you have families with
23 children, it's, it's based on you, I think the
24 school is important, because especially children
25 in the younger years, they do develop a real

1 support network, and an attachment, and parents
2 may develop an attachment to a particular school.
3 I think while parents have the flexibility that
4 the Department of Education provides to choose
5 different schools. If they choose to decide in
6 their, stay in the, their neighborhood school, we
7 want to be able to, to do that. But all, the
8 entire City has an obligation to support
9 homelessness and to be able to provide sites, and
10 we do think that no community should be exempt if
11 we can get appropriate sites in a community that
12 meet our cost needs and our other constraints. We
13 certainly are not averse to putting facilities in
14 any particular neighborhood. Again, it may not
15 be, it may be different populations that move to
16 different communities depending on what their
17 particular needs are, so that it may be best to
18 put a family with young children close to where
19 they have their children in school. But a family
20 that doesn't have young children may be able to
21 better move to some other facility that's not in
22 their community. So we, we do have facilities
23 throughout the five boroughs and we do seek
24 proposals and, from every neighborhood in the
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2 City, and we'll evaluate all those proposals. So,
3 we want to be able to have the, the entire
4 participation by the entire City. Sometimes it's
5 not possible, sometimes facilities are not
6 available in certain neighborhoods, or the costs
7 may be prohibitive in certain neighborhoods. So
8 we're trying to balance not only the need to be in
9 communities and to be throughout the City when
10 needed, but also to be able to run the system in
11 an efficient manner that's responsible to the
12 taxpayers. And so we have to be conscious of, of
13 cost and availability and community supports.

14 COUNCIL MEMBER LANDER: So, one
15 question, just about data, if we already have it,
16 great, but if not, it'd be wonderful if we could
17 have, maybe by community district rather than by
18 borough, the information that's, that's reflected
19 here, both on where the shelters are and on the,
20 and on the homeless census. And I guess I would
21 love also to have that with, I'd love to have the
22 per diem, the per diem units mapped as well. And
23 I guess what I would just say on the, on this, on
24 the question of the relationship between fair
25 share and notification, if you were to come here

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2 and say "Our goal is that, you know, every
3 community would have, by population, across New
4 York City, a fair share of the shelter beds, which
5 is what I think the most typical New Yorker would
6 understand by fair share, I would be more willing
7 to cut you some slack on what I thought the
8 community notification requirement would be. And
9 if you provided us periodically or annually with a
10 report, and said, "Here's our goals," of course
11 we'd get what contracts proposed we get, we're
12 stuck with what people propose. But our goal is
13 an equal spread, and here's how we're trying to
14 achieve it. Then I would say, "You know what? I
15 know no one wants them," with except for Council
16 Member Vann, and I appreciate that he, he might.
17 But, but you're seeking to achieve a fair share
18 goal, and I'll cut you some slack on community
19 notification. But if you've made a policy
20 decision that we haven't affirmed as policy
21 anywhere, not an unreasonable one, that you would
22 want people to be close to home, but one that does
23 have the, the effect of burdening the poorest
24 communities with the most homeless shelters, then
25 it, it doesn't seem as reasonable to me to say,

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2 "We'll, we'll relax the notification requirements
3 that you would, you would provide to those
4 neighborhoods."

5 SETH DIAMOND: No, I, but I don't
6 think we're consciously picking or not picking
7 facilities based on the criteria you've described.
8 We, we evaluate the, the facilities that are
9 provided to us, we look at their costs, their
10 appropriateness in other measures. And I think as
11 it's developed over time, it does sort of mirror
12 the shelter population. But it wasn't so much a
13 conscious decision going into this that we will
14 only site facilities in the same neighborhoods
15 that people come from. I think, when you look at
16 the broad spectrum of availability and what's
17 provided to us, there is a, a good match that we
18 think is appropriate, and gives us the ability to
19 site families as close as possible to their
20 communities. But it's, we are not ruling out
21 certain neighborhoods.

22 COUNCIL MEMBER LANDER: I
23 appreciate you're not ruling out any
24 neighborhoods. But either your goal is to try to
25 keep the shelters as close as possible to where

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2 the families are coming from, or it's a co-happy--
3 I'm not clear whether you're saying it's a happy
4 coincidence, that what's been proposed to you just
5 happens to be in those neighborhoods?

6 SETH DIAMOND: Well--

7 COUNCIL MEMBER LANDER: It's not an
8 unreasonable point of view to say that that's
9 where they should be, but I think that is what
10 you, what you said.

11 SETH DIAMOND: It, yes, we seek to,
12 to place people as close as possible, and that's
13 one of the reasons why we need flexibility, to be
14 able to have capacity throughout the system, and
15 to be able to, to open sites, sometimes more
16 nimbly than other times. But, we do not go into,
17 we are not planning or ruling out certain
18 neighborhoods. We, we take facilities wherever
19 they're presented to us, we evaluate them. If
20 they're appropriate and within our cost
21 guidelines, we are open to using them and will use
22 them. And then we will make individual family
23 based decisions based on the family's needs. But
24 we need, and it's best to have as much flexibility
25 throughout the system in order to do that. But

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2 again, we're not making a conscious decision to
3 site facilities only in neighborhoods where people
4 come from.

5 COUNCIL MEMBER LANDER: Okay, thank
6 you, I guess I'll just close by saying, I, I feel
7 like what's needed in policy is either a more
8 transparent and consensus based fair share policy,
9 or a more advanced and consistent notification
10 policy. And so if the point of view is we need to
11 have flexibility on notice, it would be a lot
12 easier if what we had was a clear policy and some
13 data provided to us on what the fair share
14 policies were, and how we were doing to meet them,
15 so we could use that as a reason for saying,
16 "We're actually seeking to do the fair share job."
17 If we, if we can't get that, it's hard not to at
18 least want to give communities notice when things
19 are going to happen. So, thank you.

20 CHAIRPERSON PALMA: Thank you.
21 Council Member Brewer, and then Council Member
22 Rodriguez.

23 COUNCIL MEMBER BREWER: Thank you
24 very much. I guess one of the reasons that I
25 think notification might be helpful, and I see

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2 both sides, I get sued pretty regularly. And
3 Corporation Counsel has to represent me, by people
4 who don't want facilities. So I'm quite familiar,
5 and I'm supportive of quality supportive housing
6 of any, any kind. However, one of the issue is
7 the community, and when I mean community, I mean
8 elected and the community boards, many times, and
9 I guess it's under 50 percent, whatever the
10 scatter site definition is, where there's no
11 notification, we don't know in the community if
12 the individuals are from HRA, DHS or some other
13 agency. Sometimes it takes us three days, four
14 days, a week, to figure that out. And so, that's
15 challenging because unfortunately people are not
16 as receptive as those of us in this room, and so
17 they, in the neighborhood, go crazy. And then the
18 people who are placed there are very
19 uncomfortable. And horrible things are said about
20 them. And I think if there was more of a welcome
21 mat, for lack of a better word, which is I think
22 something that people don't think of. I certainly
23 would be, welcome that opportunity. But if all of
24 a sudden you're like chasing agencies and
25 nonprofits, which I've had to do, to figure out

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2 "Who are these people? What kind of services are
3 they getting?" Again, in this case it was not
4 DHS, it was HRA. But we didn't know. So I'm just
5 saying that is something to think about. Number
6 two, fair share. The community comes up with, I
7 mean like, somebody standing on a corner, they
8 call that fair share. There's too much, there's
9 saturation. Facts, 'cause again, if you are to
10 share with the community board, even though I
11 might run a web, someplace, somewhere, it needs a
12 discussion in whatever the appropriate method is,
13 'cause the community that's not receptive makes up
14 fair share. They say that everything is dumped in
15 our neighborhood. And it's in fact not true. So,
16 the fair share would be another reason, I think,
17 to have notification to set the record straight.
18 Third issue is, nonprofit versus pub--versus
19 private. I mean, I'm a big believer in the
20 nonprofit community, and quality services, and
21 then I am more than 100 percent supportive of
22 whatever programs are coming into the
23 neighborhood. I am much less supportive of the
24 for profit owners who are looking for other
25 reasons to have individuals in their, in their, on

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2 their premises. That is another reason, I think,
3 to notify. I don't know what the percentage, I'm
4 more familiar with singles, 'cause of all the
5 residential hotels and SROs, so I don't know as
6 much about the 1,600 families and whether or not
7 they're in private or nonprofit. But I do think
8 particularly where you have a for profit, which is
9 emergency, per diem, whatever the definition--I
10 really don't care who it is, it's not going to be
11 well done. And in the situation that I have, it's
12 shared bathrooms and shard kitchens. And the next
13 thing you know, with the people who are permanent
14 residents, sharing with somebody, they are then
15 upset about the quality of that sharing
16 experience. And because there's not enough
17 funding now to have supportive services onsite,
18 even though people are supposed to, I know the
19 whole game, you're supposed to go to the--here for
20 services during the day, but there are just not
21 enough services. So, we're in and out of the--
22 sometimes we clean the bathrooms ourselves, we do
23 everything we can to try to keep the peace. But
24 the neighborhood has no idea this is going on. If
25 we did, I do think that the community boards could

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2 be educated, not every community board is going to
3 be supportive, but I hope that over time with some
4 kind of notification, they could be educated.

5 This whole issue of siting slows down New York,
6 New York three, four, five, six, whatever it is,
7 one, two, three. And it's providing the biggest
8 challenge for getting some of your family's housed
9 is deciding the issue. So, I just think you need
10 to have a different approach, because people are
11 always going to be against it, but maybe with
12 education about the fair share, the nonprofit
13 community and what they offer, and this issue of,
14 you know, maybe we have to be like, you know, the
15 Foreign Relations Committee in Congress where when
16 they get information, they don't go blab it. You
17 know? And maybe the people who are involved with
18 social services at the community board level, need
19 to like not say their first thing is to have a
20 hearing, but to think of strategically how to
21 integrate this challenge into the community. So
22 I'm just, I don't know if that's a statement or a
23 question, but I'm just wondering if you've thought
24 a little bit differently about how to do this
25 notification. I guess that would be my question.

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2 SETH DIAMOND: Well, I, I do think
3 you raise a good point, and I think in, in some
4 cases, there is a great deal of nervousness and
5 hesitation when a, when a shelter is coming in,
6 and a lot of that is overblown and gets, develops
7 sort of a life of its own, which works against our
8 ability to provide good services in the community,
9 and, and sort of overlooks the fact that, as we've
10 been saying, and as Council Member Vann said, that
11 shelter families could be any one of us, and that
12 they come from the same communities that the
13 people who are living in, in apartments do. And
14 we do again seek to strive--we do strive to have
15 not-for-profit providers with all our shelters,
16 and because we think that that provides a better
17 environment and a better shelter, and also a
18 better community partner, because then you have an
19 identified not-for-profit agency, that is
20 dedicated to making sure that there are quality
21 services delivered, that really often the provider
22 has other work in the community and always has
23 long roots working with community board members
24 and other civic organizations; and so knows sort
25 of the, the issues that the community may bring to

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2 it. And the single system we have all of our
3 sites are under contract. So there aren't any per
4 diem arrangements for, for single shelter sites.
5 So, I think in general, in the overwhelming number
6 of cases, we are there, and again, I think the
7 test is what happens after we open the facilities.
8 Are the fears, concerns, stigmatization that might
9 occur before, are they born out once we open the
10 facility. And I, I really do think that in, in
11 the overwhelming number of cases, we are good
12 neighbors that most people do not know that
13 there's a shelter in their community, or down the
14 block, or three blocks from, from where they are,
15 and that the impact and the, in the, of having a
16 shelter in the community is either neutral or
17 often positive, because of some of the, the
18 economic effects of, of fixing up a building and
19 rehabilitating, and bringing services and people
20 who support local merchants into a neighborhood.

21 COUNCIL MEMBER BREWER: Let me just
22 finish up. I would agree with you that when a
23 nonprofit has the whole building, that nonprofit
24 is in the community, that people in the end don't
25 know about it, when it's a quality nonprofit.

1
2 What I will disagree with you is when you have--
3 and I don't know about, I mean, there are people
4 in my neighborhood right now, in residential SROs,
5 that are singles, and that were placed here
6 without notification, I assume under 50 percent of
7 the building, and all hell breaks loose every day.
8 So those are not, I don't think long term
9 contracts, I assume those are per diem. But I
10 guess what I'd like to know at some point, for the
11 Committee, is how many of the singles and how many
12 of the families are in the private as opposed to
13 for profit, as opposed to the nonprofit. 'Cause
14 that is where, to me, the rub becomes, the rubber
15 hits the road where the challenge is. And
16 obviously you've always tried to eliminate those,
17 you prefer to use a nonprofit, but I guess given
18 the situation, I don't know if it's up or down, I
19 think it's down. I understand that. But still,
20 it exists.

21 SETH DIAMOND: Well, the service
22 providers are, overwhelmingly, maybe entirely not-
23 for-profit? Or, overwhelmingly. And again, all
24 the single sites are, are, have not-for-profit
25 providers.

1
2 COUNCIL MEMBER BREWER: They may
3 have nonprofit, but they're renting rooms in for
4 profit institutions. I--

5 SETH DIAMOND: Right, but I mean--

6 COUNCIL MEMBER BREWER: I was in
7 one yesterday, so I know.

8 SETH DIAMOND: Okay, no, that may
9 be, but again--

10 COUNCIL MEMBER BREWER: So--

11 SETH DIAMOND: --the not-for--

12 COUNCIL MEMBER BREWER: Okay, but
13 I'm just saying--

14 SETH DIAMOND: --I don't know that
15 split that you're talking about.

16 COUNCIL MEMBER BREWER: Okay, so
17 I'm just trying to say, so what, that to me ends
18 up still being a for profit situation, that's the
19 kind of problem that I promise you exists, and so
20 where those exist, I do think the neighborhood
21 would be helpful to be notified, 'cause the
22 services aren't there, I--maybe the nonprofit is
23 not being monitored enough. I don't want to
24 belabor the point, but that for-profit is a
25 problem. Thank you.

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2 CHAIRPERSON PALMA: Thank you,
3 Council Member. Commissioner, I want to, before
4 we let you go [laughs] I want to ask about the
5 recent study that was conducted on March 21st, the
6 audit that the comptroller's office had conducted,
7 and in that order he found that DHS wasn't
8 adequately monitoring the providers, and that the
9 providers were not providing safe and sanitary
10 shelter to homeless families, and transition, the
11 transition period was not done in a timely manner.
12 So, can, can you tell us what's the length of stay
13 for the Tier Two shelters, the cluster sites, the
14 hotels?

15 SETH DIAMOND: The average length
16 of stay in the system for the family system is
17 about eight-and-a-half months, that's down
18 significantly from over ten months, about two
19 years ago. So, we are moving in the right
20 direction. I'd have to get the breakdown for the
21 different components that you raised.

22 CHAIRPERSON PALMA: Okay, and, and
23 into--the length of stay for non-contracted DHS,
24 transitional housing, so that's, those will be--

25 SETH DIAMOND: Yeah, the, the

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2 short, the, the sites where we have the services
3 have shorter length of stays. And again that's
4 why I, I raised the point earlier that it's in our
5 mission, and we have the same interest in trying
6 to get service providers in, which not only adds
7 the community notification process, but it also,
8 from our perspectives, makes sure that it's a
9 complete package, that we're, we have a facility
10 and we're providing the services. So, the, the
11 best facilities are the ones where we have service
12 providers who are working aggressively with
13 families to improve their situation and get them
14 out of shelter. And we, we can get you the
15 numbers to show that.

16 CHAIRPERSON PALMA: And does DHS
17 have, like a performance based structure in place
18 for the, for those providers who are not under
19 contract with DHS?

20 SETH DIAMOND: The ones who are not
21 under contract just receive a rate, a per diem
22 rate, based on, I think it's \$90 a night or
23 something thereabouts, for every night that people
24 stay. The--it's when we moved to contract that we
25 do have more requirements and a sort of

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2 performance component to the, to the arrangement
3 that includes an incentive to move families out as
4 quickly as possible.

5 CHAIRPERSON PALMA: Okay. And I
6 think that was my last question. I, I want to
7 just state that I, as Chair of the General Welfare
8 Committee, along with the Speaker and, and the
9 Council, look forward to working, to continuing to
10 work with, with you and, and the agency to make
11 sure that, you know, there's community
12 involvement, community participation. I, you
13 know, when we talk about homeless families, I
14 always, I want to remind my colleagues we need to
15 be extremely mindful that, you know, a lot of
16 these families, they didn't ask to be in, in these
17 positions, and we need to be extra sensitive on,
18 on how we are dealing with these issues, because
19 at the end of the day, we don't want to seem like
20 we're pitting community against homeless families,
21 when these homeless families come from these same
22 very communities. And so, I always try to make
23 sure that we speak about homeless families as
24 sensitive, you know, in the most sensitive way
25 that we can. And so, I appreciate the commitment

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2 that you have made to making sure that the
3 notification process is, is strengthened, and, and
4 that communities do feel like they, they're being
5 engaged. And, and I know that Council Member
6 Brewer raised it, I also want to make sure that,
7 you know, these provi--these landlords that, that
8 are doing this because they feel they can make a
9 quick buck, they, they need to really, we really
10 need to, to crack down on those and, and not have
11 them take advantage, not only of, you know,
12 homeless families, but also the City. I think we,
13 our bigger mission here is to make sure that those
14 35,000 plus families are moved into permanent,
15 adequate housing, and, and you know, if, if their
16 agenda's any different from what the goal of, of
17 DHS and the City is, then we don't need to be
18 working with them. Thank you for your testimony.

19 SETH DIAMOND: Thank you very much.

20 [pause]

21 CHAIRPERSON PALMA: And we have 14
22 witnesses signed up to speak, and the first panel
23 will be Jose Rodriguez, from Community Board Four,
24 in The Bronx; Patrick Caruso from Community Board
25 Ten; and Jonathan J. Judge from Community Board

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2 14, from Brooklyn. [pause] And, you know, it,
3 we, we've been here like two hours already, so in
4 the interest of time, we'll, we'll give each
5 person who will be testifying two minutes to give
6 us your testimony, but I won't, I won't press the
7 eject button if you go over your two minutes.

8 Thank you.

9 JOSE RODRIGUEZ: Thank you very
10 much. Thank you, Madam Chair, and thank you
11 Council Members for giving us the opportunity to
12 speak to you all this afternoon. Bronx, my name
13 is Jose Rodriguez, I am the District Manager of
14 Bronx Community Board Four, the host community of
15 the new intake center at 151st Street in The Bronx.
16 Bronx Community Board Four has expressed its
17 frustration and concerns regarding DHS's siting
18 policies, and how they relate to community review.
19 The notification procedure that DHS has opted to
20 use is inadequate. There is no meaningful
21 dialogue and consultation with the affected
22 community, and no consideration for community
23 input. For several decades, this district has
24 been used as a continuous hosting site by the City
25 to bring in services that have detrimentally

1 impacted the overall wellbeing of our
2 neighborhoods. The City has systematically kept
3 residents and those charged to care for community
4 residents, such as community boards, from knowing
5 their full intentions. The failure of DHS to
6 fully take into consideration the needs and
7 concerns of community residents, both young and
8 elderly, continues to illustrate the callousness
9 of the agency charged to take care of those who
10 are in need of services without thinking about the
11 burden that is placed on others. When it comes to
12 less affluent communities, it appears that the
13 guidelines of fair share policy, and indeed fair
14 play, are forgotten. The charter grants that
15 neighborhoods have in--have input into planning
16 its environs. We strongly maintain that the City
17 should keep to its fair share policy. It is
18 unconscionable that an agency with the duty,
19 authority and powers that can change the quality
20 of life of entire neighborhoods go about their
21 business without substantial public review. Such
22 a practice is unacceptable for any community. And
23 so we continue to petition the Council that there
24 must be enforcement of mandated consideration of
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1
2 review. Allow me to give a brief example. Due to
3 our involvement in the opposition of the new
4 intake center at 151st Street, the following
5 transpired. Organized press conference,
6 conferences and tours were taken of the facility,
7 and public consciousness was raised about the
8 mistreatment of home--of the homeless in the
9 facility, and the negative impact on the
10 neighborhood. By 2004/2005, the outrage expressed
11 by Community Board Four was clear and DHS
12 discontinued communication. Shortly thereafter,
13 the EAU was moved to Powers Avenue in The Bronx,
14 the old building was razed, and the general
15 understanding was that the issue had cleared up.
16 CB4 and other city/state agencies and officials
17 were kept out of the loop, as DHS continued its
18 plan to rebuild a seven story intake center
19 designed to serve all homeless families in all of
20 New York City's five boroughs, without the
21 community's input and without other officials and
22 agencies apprised of their plan. In December of
23 2007, then Borough President Carrión hosted a
24 meeting. At said meeting, then Commissioner Hess
25 indicated that he would address concerns at a

1
2 later date. He finally met with us in September
3 of 2008, but by then construction had started. At
4 this meeting, hosted by Community Board Four, we
5 designed to funnel the community's efforts to stop
6 the building of the intake center. We addressed
7 the Commissioner with what we wanted to propose,
8 or consider alternatives for negotiation, but was
9 all, but all was to no avail. It is distressing
10 to know that the City continues to ignore its own
11 mandate to grant neighborhoods' input into
12 planning its environs. Again, we strongly
13 maintain that the City should keep to its fair
14 share policy. Thank you very much.

15 PATRICK CARUSO: Good afternoon,
16 Council Members.

17 CHAIRPERSON PALMA: All right,
18 press the button, speak into the mic, and
19 introduce yourself for the record. Thank you.

20 PATRICK CARUSO: Good morning,
21 Patrick Caruso, Community Board Ten. Honorable
22 Chair and Members of the Committee on General
23 Welfare of the New York City Council, Bronx
24 Community Board Ten would like to submit the
25 following statement concerning an amendment of the

1
2 New York City Administrative Code, Chapter Three,
3 Title 21, with the addition of a new section, 21-
4 316, known as the Community Notification
5 Requirement. In the spring of 2009, Bronx
6 Community Board Ten learned that it was to be host
7 community to a transitional homeless shelter,
8 located at 1564 St. Peters Avenue, operated by an
9 organization known as Basics Housing Incorporated.
10 The Board learned of this via a hand-delivered
11 document from the New York City Department of
12 Homeless Services, late on a Friday afternoon,
13 just before closing. There was no fair share
14 analysis or public hearing on this matter. Just a
15 notification that the facility was going to be
16 opened. The agency never provided a firm date as
17 to when it planned to relocate the families.
18 Instead, they moved these families into the
19 building on a sporadic basis, with no published
20 schedule. The DHS Commissioner, excuse me, the
21 DHS under former Commissioner Hess justified the
22 placement of 38 families, consisting of women and
23 children, in a building that is a failed
24 condominium, by stating that there was a homeless
25 crisis. The DHS placed these families into this

1 building without a contract. Later, after a
2 hearing with the Mayor's Office on Contract
3 Services (MOCS) the Board learned that a contract
4 was let for housing and social services to basics.
5 The MOCS hearing we were told was the agency's
6 version of a public hearing. The MOCS hearing
7 could hardly be called a public hearing, and that
8 it was held outside the host community, and never
9 addressed the neighborhoods concerns. The
10 proposed legislation addresses the notification
11 practices of DHS which requires significant
12 reform. It also limits the notification process
13 to the Council Members and the Community Board.
14 These are excellent provisions, but there are
15 other stakeholders in the community that should be
16 consulted. DHS should fund a robust community and
17 governmental affairs unit to engage the community
18 at large on these matters. Additionally, the
19 proposed legislation does not address the need for
20 an objective public hearing process, allowing the
21 affected community an opportunity to hear the
22 proposal, assess it, and offer alternative sites
23 if that is necessary. Such hearings are required
24 because the decision concerning the provision of
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2 social services to our neighborhoods should be
3 organic and rooted in the community. Facilities
4 should not be imposed upon a given community by a
5 governmental agency or advocacy group. The
6 proposed legislation is a fine start, but if it is
7 the intention of its sponsors to provide true
8 community notification, it must be expanded to
9 include stakeholders in the community. Bronx
10 Community Board Ten requests that the Committee
11 draft legislation that will consider and expansion
12 of those to be notified to include community
13 organizations, that the Committee support
14 increased funding for a DHS community and
15 governmental affairs office, and that it further
16 require DHS to conduct public hearings. Thank you
17 for your attention and consideration on this
18 matter.

19 CHAIRPERSON PALMA: Thank you, Mr.
20 Caruso.

21 JONATHAN JUDGE: Good afternoon,
22 Chairperson Palma, and members of the General
23 Welfare Committee. My name is Jonathan Judge, I'm
24 the Community Coordinator at Brooklyn Community
25 Board 14. And I'm here today representing our

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2 Board Chairman Alvin Burke and District Manager
3 Doris Ortiz, to testify on Intro 79. Brooklyn
4 Community Board 14 and the residence of West
5 Midwood, recently experienced a significant need
6 for notification on transitional housing, when 800
7 East 12th Street in Brooklyn was chosen to serve as
8 such a facility. This experience, in fact, aptly
9 demonstrates a crucial need for this legislation,
10 which we fully support with the inclusion of
11 several improvements. Firstly, before continuing
12 further, CB14 wishes to commend the Department of
13 Homeless Services and Common Ground for their
14 professionalism in cooperation during the process
15 of dealing with the transitional housing 800 East
16 12th Street. We are glad to say that to-date,
17 everyone is on the same page, and we work closely
18 together in the extremely rare instance that any
19 issue arises at 800 East 12th Street. However,
20 with that said, our first encounter with DHS's
21 transitional housing program in our district
22 caused grave concern, which prompted a strong
23 reaction from a community that is otherwise very
24 supportive of working toward transitioning the
25 homeless to permanent housing solutions. In the

1
2 middle of July 2009, we were first notified by
3 inquiries from multiple residents that DHS,
4 through a contract with not-for-profit Common
5 Ground, was securing a number of units at 800 East
6 12th Street for transitional housing. What DHS and
7 Common Ground were unaware of at the time was the
8 history of the location. Known as the Oak Hotel,
9 it was the epicenter for drug use and prostitution
10 in the neighborhood for decades. In fact, it was
11 only in the past several years that the problems
12 at this location subsided. Needless to say, the
13 seemingly surreptitious creation of a homeless
14 shelter, as it was initially perceived, created a
15 stir of panic. Residents did not know who was
16 moving in, what kind of security would be on the
17 premises, and whether they would, there were any
18 special needs concerning drug use, mental health
19 or problems that individuals might have, which
20 could adversely impact the community if not
21 properly administered. In order to address the
22 outcry of concern, CB14 coordinated an emergency
23 summer meeting that July, when community boards
24 citywide are in summer recess, with DHS, Common
25 Ground, the owner of 800 East 12th Street, local

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2 neighborhood associations and residents, to find
3 out what was going on. After a very long meeting,
4 weeks of follow up with various stakeholders, and
5 negotiating with DHS, Common Ground, the property
6 owner and other agencies like NYPD, regarding the
7 operation of the facility, we were finally able to
8 defuse the panic and the fear so we could warmly
9 welcome this new transitional housing facility
10 into our community. And I just might add that
11 residents, had we not pursued this meeting, were
12 contemplating a lawsuit against the City for the
13 placement of this housing. So this wholly
14 unnecessary controversy that delayed the effective
15 implementation of transitional housing in our
16 district, a service that our community is very
17 supportive of, could have been avoided had there
18 already been a requirement for prior notification
19 with an opportunity for public comment.

20 Therefore, we not only endorse Intro 79, but we
21 believe that it needs to be strengthened to ensure
22 long last community support and cooperation for
23 this crucial component of eradicating homelessness
24 in our City. We strongly recommend the following
25 addition to the bill: a definition of

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2 transitional housing. Neither the bill nor
3 current law defines what transitional housing is.
4 It's important not only to define the scope of the
5 bill but to provide communities with a clear
6 expectation of what transitional housing and how
7 it will operate. CB14's experience with 800 East
8 12th Street show that no one could precisely tell
9 us what to call this facility, and it made it
10 difficult for all of us to understand how it would
11 be used. Another component: essential
12 information is missing from the notification. It
13 requires, the bill requires a certain number of
14 items of information to be sent to community
15 boards, but it should also include a list of any
16 other transitional housing within certain radius
17 from the proposed site, to determine whether or
18 not the community may be saturated, how many units
19 in any proposed property will be dedicated for the
20 purposes of transitional housing, and a list of
21 any other uses of the facility, whether it's an
22 apartment building, a hotel, and etc. A concrete
23 timeline for notification is necessary, in order
24 to ensure adequate notification to the public and
25 to allow community boards to be able to offer any

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2 public comment before any such contractual
3 agreements are signed. A mandatory 45 day prior
4 notice by DHS would be considered typically
5 sufficient for most community boards. And
6 finally, an explicit solicitation for public
7 comment. The most important lesson learned from
8 our experience of 800 East 12th Street is the need
9 for public comment. DHS should be required to
10 seek comment from community boards when they are
11 notified of the intention to place transitional
12 housing in their districts. At that point, each
13 board can commence with its own standards for
14 collecting and providing public input to the
15 agency, so that the community could have
16 sufficient influence in any concerns or needs that
17 need to be addressed in the process. So on behalf
18 of Community Board 14, we thank you for this
19 opportunity to speak on this very important
20 matter.

21 CHAIRPERSON PALMA: Thank you so
22 much for your testimony. Jose, I know that if you
23 want to leave your testimony for the record, we'll
24 be more than happy to accept it. No questions?
25 Thank you so much. Our next pane: Diana Foster,

1
2 Henry Butler, Cheryl Johnson and Mark Winston
3 Griffith.

4 COUNCIL MEMBER KOPPELL: Madam
5 Chair, I didn't have questions for the panel, but
6 I want to thank all the community board people
7 who've come today to talk about this, I appreciate
8 them coming down.

9 [pause, background noise]

10 CHAIRPERSON PALMA: You--you guys
11 can decide how you want to begin, but you may
12 begin.

13 DIANA FOSTER: Good morning,
14 everyone. I'm giving honor to all whom honor is
15 due. My name is Diana Foster, I'm a community--

16 CHAIRPERSON PALMA: Ms. Foster, can
17 you just pull the microphone up to you so we can
18 hear you?

19 DIANA FOSTER: Yes. My name is
20 Diana Foster, I'm a member of Community Board
21 Eight, I'm a member of Neighborhood Advisory Board
22 Eight. I am Mothers Against Gangs, I'm a member
23 of CHRM. I was born and raised in Crown Heights,
24 and I'm speaking for myself today. I'm a former
25 drug addict, I'm a former shelter resident, a

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2 former mental health, you name it, I was there.
3 And I thank God that I received the supportive
4 services that I needed to be where I am today.
5 And I did not receive them in the shelter system.
6 I did not receive them in the shelter system. I
7 see both sides of the coin, being a former shelter
8 resident I understand the need for supportive
9 housing; being a member of Community Board Eight I
10 see the saturation, the over saturation in our
11 community. I've heard people speak today about
12 placing families and individuals in the
13 neighborhood that they came from, that is not
14 necessarily true. When I came through the shelter
15 system, I was put in the, in The Bronx. I had to
16 battle DHS to be placed in Brooklyn. You know,
17 after The Bronx, they wanted to put me in Queens.
18 You know, some people may say, "Why am I going
19 through all of this today?" I need to let this
20 hearing, the people here understand that someone
21 with a mental health, substance abuse or homeless
22 background, we can go on and become productive
23 parts of society, if we receive the help we need.
24 But if you just place 500-600 people in the
25 shelter, in a cot situation, with no supportive

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2 services, no mental health, no treatment program,
3 no support services coming from the family, and
4 the community, you're just going to have a
5 problem, you're just going to continue to have a
6 problem. As we speak, the City of New York wants
7 to shut down Bellevue Intake Shelter system and
8 send a bunch of more men into our community. It's
9 not, you know, not in our community, 'cause we
10 have supportive services in our community, we have
11 more than in other communities, but you're not
12 providing supportive services to men at Bedford
13 Avenue Armory, why would we allow you to willingly
14 dump some more men into our community. It's not
15 fair to the community, and it's not fair to the
16 men who are there. Every morning, they get up,
17 they put them out, and they just go into the
18 community. When you open up a shelter in a
19 community, you need to look at, you don't want to
20 overwhelm the community. You need to look at the
21 food pantries, the soup kitchens, the mental
22 health services, the hospitals, the reentry
23 programs, if there are any, reentry for people
24 coming home from jail. You need to look at
25 spirituality, and in AA they talk about a God of

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2 your understanding, and we need that. If you
3 close down Bellevue, and the majority of those, of
4 the men are from Manhattan, and you bring them
5 into Brooklyn, they know Manhattan. When you're
6 in the shelter, you know where to go to get your
7 free meal, you know where to go to get your
8 clothes, you know what restaurant to go to 'cause
9 at the end of the day they're going to give you
10 the food. You know, how to survive. So, if you
11 take the men out of Manhattan, and you dump them
12 into Brooklyn, the doesn't necessarily mean that
13 they're going to go into the shelter. They may go
14 back to Manhattan and live on the streets. You
15 may have a bigger problem than you had before.
16 Bellevue has a mental health, Bellevue has
17 substance abuse, you have AIDS programs in, in
18 Manhattan. Community Board Eight, all we have is
19 Interfaith Hospital, and that's a small hospital.
20 Question, some of the questions, you know, when I
21 came here today, I did not have a speech, I did
22 not want to speak, 'cause this is very emotional
23 for me. As I was sitting here, I was jotting down
24 things. In the shelter system, is there a, a push
25 for treatment? Is there a push for substance

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2 abuse treatment? Is there a push or referral,
3 let's use that term, referral, for mental health
4 treatment? Is there GED training? Are there
5 vocational skills? You know, are there referrals,
6 if the shelter does not provide these things, are
7 there referrals to agencies that do provide these
8 things? Someone mentioned that--the Commissioner
9 mentioned that you do not want the, you may not
10 want to let the community know what you're placing
11 shelter in the community, 'cause there's a stigma.
12 I beg to differ. I beg to differ. Every
13 organization I sit on, and I sit on a few
14 organizations, they know my history. No one has
15 treated me differently than anyone else. I've
16 been before this Council twice. I was here last
17 year to talk about bedbugs, 'cause I do live in
18 transitional housing. Or permanent, whatever you
19 want to call it. And I was here to talk about
20 community boards. Every battle that I have won
21 against my landlord, Community Board Eight,
22 Michelle George, Councilperson Tish James,
23 Assemblyman Hakeem Jeffries, and Assemblyman Karim
24 Camara have helped me. If I did not have these
25 political connections, God knows where I would be

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2 with my housing issues. Where would I be? Every
3 client do not know to come here. And a question I
4 have is why are there no residents, why do we not
5 have any residents from the shelter here to talk
6 about what, what services they're receiving or
7 what services they're not receiving?

8 CHAIRPERSON PALMA: We, we did
9 invite people from advocates, residents, people
10 choose to come or not to come, but that, people
11 were not invited, they were, they were invited. I
12 don't know why they're not here.

13 DIANA FOSTER: I did not know that.
14 I'll say when I was in the shelter and I would go
15 to Department of Homeless Services to file a
16 complaint, when I got back to the shelter, I was
17 treated totally different. So it takes a lot to
18 come before a committee, to talk about the lack of
19 treat--the lack of services. I don't want to tie
20 up the Committee forever. Mmmm. I heard people
21 talk about the cost of housing the homeless. If
22 you can pay \$3,000 a month to put a homeless
23 family in that co-op in Crown Heights, \$3,000 a
24 month, or \$85 a day, in the hotel, the City may be
25 able to spend that money to fix up houses; that

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2 may be cheaper than \$3,000 a month to home, to
3 house the homeless. Also, I thank you for that.
4 That was my little input.

5 CHAIRPERSON PALMA: Thank you, Ms.
6 Foster.

7 DIANA FOSTER: May I say one last
8 thing for Community Board Eight, please.
9 Councilperson Al Vann's mentioned quite a few of
10 the things that's on the list. The list comes
11 from Ms. Ethel Tires, and she's representing
12 Community Board Eight, and basically it says that
13 community board review and approval should be
14 required for any government funded use of real,
15 real property within the community district.
16 Granted such a process would be time consuming,
17 given the community board members are volunteers
18 and no fulltime employees. Nevertheless, the
19 various government agencies at each level,
20 federal, state and City, should be required to
21 communicate their intentions to place such
22 services in our communities. A common database of
23 existing projects, shared by such agencies, would
24 greatly facilitate more careful planning as
25 service providers work with the community boards

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2 to jointly decide where to place residential
3 supportive services. If a community knows that
4 there is a shelter or transitional housing in the
5 community, we could assist the residents and
6 provide supportive services to them. If we know
7 that they're there, and we know what they need.
8 The churches could step up and do more. The
9 schools could step up and do more, the politicians
10 could step up and do more. But if we don't know
11 what's going on, and you slide in, in the middle
12 of the night, and just dump people in our
13 community, that's not fair to the community and to
14 the residents. - -

15 CHAIRPERSON PALMA: We agree, so we
16 hope to accomplish, to strengthen the
17 transparency, transparency between DHS and, and
18 the community.

19 DIANA FOSTER: Thank you.

20 CHERYL JOHNSON: Good afternoon,
21 Chairperson, Chairwoman, and Council Members. My
22 name is Cheryl Johnson, I'm a president of a block
23 association in Brooklyn, in Community Board Number
24 Three, Putnam Avenue Hygienic Block Association.
25 I want to say, first and foremost, that I'm very

1 fortunate. We have a very active Community Board
2 Three. The President and Mr. Butler has been very
3 active working with us regarding some issues we
4 have with transitional housing. We've been active
5 with Dr. Best, who's a Council Member who works
6 with for Police Department officer, commanding
7 officer for Precinct Number 79, very active with
8 us in terms of, concerns regarding safety and
9 security. Having said all that, we had an owner
10 on the block who was having problems selling his
11 building, and slipped in transitional housing.
12 What we found was, while we didn't treat the
13 people improper or confront them, whatever, we had
14 issues regarding hanging out, people hanging on
15 cars, a lot of traffic. They, the owner, never
16 told he was going to do this, but we did get a
17 hold of the program director. He wasn't really on
18 point with maintaining his program, and we were
19 told they're receiving services. Come to find
20 out, it's just an SRO. So we felt we were not
21 being told the truth from day one. In addition,
22 since November when they moved in, they started
23 kicking men out. It started it out was a man, it
24 was transitional housing for men; now the
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2 building's occupied by men and women. It's a
3 legal two family, being about 26, at least 26
4 residents live there, in a two family legal
5 residence. So, it's being used illegally. We now
6 have an issue regarding men and women hanging out
7 at night, 'cause now they're not, it's getting
8 warm, and our police department actively walk up
9 and down our block, especially on the corners,
10 especially in the evenings, especially late at
11 night, 'cause that's a new problem. They're not
12 always the best of neighbors, and so with the
13 community board and the police department, they're
14 at least helping us to maintain a level of
15 quality, of living we had prior. As a homeowner,
16 and a business person, my concern to you is, as a
17 City, who indirectly fund through our tax dollars
18 these program, it's a legal liability. The
19 building's a legal two family with a mortgage. I
20 do not believe that that mortgage will, has an
21 insurance policy that covers SRO living. So, if
22 these people are hurt, if my neighbors and
23 residents are hurt, or property is damaged, you're
24 going to get sued. Because the City is the one
25 that's financing. Now, the City might be

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2 financing where they pay the residents, who then
3 in turn pay the program, but the owners insurance,
4 based on their use, does not cover that new use,
5 that illegal use. Who's legally responsible to
6 us, as owners and residents, when stuff goes down?
7 When things go wrong, people get hurt, property is
8 damaged. I think that based on the homeless
9 problem we had earlier, a couple of years ago,
10 where residents turn around and sue the owners,
11 and the City, based on how they're being housed,
12 and the quality of the housing, you would kind of
13 recognize that as a concern and step to it. Now,
14 I do understand, having worked for the City, and
15 directly for New York City Economic Development
16 Corporation, the City gets sued a lot, it happens.
17 However, it seems to me that when you take on a
18 project, the legal responsibility should at least
19 be a part of the process of developing a program
20 and creating a need, creating a process for
21 meeting a need. And as homeowners who now come
22 and invest hundreds of thousands of dollars into
23 their properties, invest their family future in
24 these communities, when you have the poachers come
25 in, not being managed properly, no notification,

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2 no proper security concern for our needs, and put
3 our properties and our persons in jeopardy, you're
4 creating a lot of hostility. And at some point,
5 legal obligation, and legal liability to
6 yourselves, as City agencies, and as City. So I
7 just want you to be aware of that and take into
8 consideration, because that might come down the
9 pike. If it wasn't for the Community Board Three
10 and the Police Department's active participation,
11 there would have been litigation already.

12 Property damage, personal safety, was, it's
13 already been a risk. So I just want you to be
14 aware of that and make that a part of HRA's and
15 DHS' process of housing, when they do this,
16 understand what they're facing. And I understand
17 that when litigation comes down, it takes years,
18 by the time you go to court, or you settle, people
19 who made the decisions are gone. I understand
20 that, it takes years to get to a process where you
21 negotiate a settlement or you actually go to
22 trial. I know it takes a long time. But that has
23 to be part of somebody's frame of thought, when
24 you know that you're going to be the one around
25 after all of this is said and done. Thank you.

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CHAIRPERSON PALMA: Facility you're talking about is a two family home?

CHERYL JOHNSON: It's a legal, two family home, and it's housing at least 26 residents.

CHAIRPERSON PALMA: Is this a, do you know if it's a DHS site?

CHERYL JOHNSON: It might be HRA, but the community board president will tell you more about it, 'cause he's the one that's been actually looking into it and helping us with it.

CHAIRPERSON PALMA: Thank you.

HENRY BUTLER: Actually, the gentlemens are the people that--

CHAIRPERSON PALMA: Can you just state your name for the record?

HENRY BUTLER: Oh, sorry. Henry L. Butler, Chairperson, Community Board Three, Bedford Stuyvesant, Brooklyn. Good afternoon, Madam Chair and the rest of distinguished Council Members. As Ms. Johnson stated, there are 20, 25, 30 people living in this facility. The situation is the people there are receiving checks from HRA.

CHAIRPERSON PALMA: Can you give us

1
2 the address of the facility?

3 HENRY BUTLER: 437 Putnam Avenue.

4 Now checks are going there, the gentlemen are
5 receiving checks from HRA. Now, I'm assuming that
6 when they get the checks, the gentlemen are paying
7 the, either the landlord or whoever's running the
8 program there. But right now, but there is no
9 monitoring of services there. Actually, there are
10 no services there.

11 CHAIRPERSON PALMA: Now who's the,
12 the name of the provider?

13 HENRY BUTLER: The provider is
14 supposed to be an organization called Uplifting
15 Men.

16 CHAIRPERSON PALMA: Uplifting Men.

17 HENRY BUTLER: And on their website
18 they stated that they're affiliated with HRA.
19 When we contacted the Commissioner of HRA, Mr.
20 Doar, they said that they have no affiliation with
21 this organization. Okay, at this time, we
22 actually have the Human Rights Commissioner
23 looking into various facilities within Community
24 Board Three, which what we're finding out a lot of
25 times these programs, they're actually lying on

1
2 their websites, as to who they're, which City
3 agencies they're affiliated with. [cell phone]
4 Excuse me. So, so basically what we're trying to
5 say is that what we have a situation where we have
6 programs that are taking over building, landlords
7 are allowing programs to come in, to run programs
8 out of their building, 'cause they're receiving
9 moneys from them. Various agencies are paying
10 moneys to the individuals, and the individuals are
11 giving their moneys to the programs. But then, at
12 the time, but there is no particular City agency
13 that are monitoring what's going on in the
14 facilities, and the facilities are being used
15 illegally. As she stated, it's a legal two family
16 brownstone. They tried to convert it to four
17 families, but it's been held up right now by the
18 Department of Buildings. So when we brought this
19 to the Department of Buildings, Department of
20 Buildings can't do nothing at this time because
21 they said they can't get inside of the building.
22 We mentioned this to the Fire Department, the Fire
23 Department was able to get inside to check out the
24 safety of the building--Was there enough egress?
25 How many exits was there?--it, they didn't meet

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2 all safety standards, but it wasn't enough to
3 remove the clients from the building. But as of
4 today, the building is being used illegally.
5 That's what's going on now. But also what I
6 wanted to talk about was I wanted to comment on
7 the statement that the Commissioner made. He
8 stated that DHS does not target specific
9 communities. That may or may not be true, but I
10 can say the contractors who DHS deals with, they
11 contract, they target certain communities. When
12 we had one of the contractors contact us about
13 they're going to put a new facility in Bedford
14 Stuyvesant, we asked them what were locations of
15 their previous facilities. We found out they
16 already had two in Bedford Stuyvesant, they
17 already had one next door to us in Community Board
18 Four in Bushwick. So this one would've made four
19 within like a two mile radius. And we asked them,
20 "Why do you keep cont--placing facilities in
21 certain communities?" They really didn't have a
22 specific answer, it was basically, "Well, this is
23 where we're able to find locations."

24 CHAIRPERSON PALMA: --contract are
25 you talking about?

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HENRY BUTLER: Housing Bridge.

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CHAIRPERSON PALMA: Housing Bridge.

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4 And--

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HENRY BUTLER: Yes.

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6 CHAIRPERSON PALMA: How--what kind
7 of facility they're running?

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8 HENRY BUTLER: They run
9 transitional housing. They're one of the
10 contractors with DHS. What we found out was that
11 as I was stating that they have three, that that
12 would've been the third one at Bed Stuy, and then
13 one in Bushwick. And it's only certain, it seems
14 to be as only certain communities that they have
15 their facilities in. I believe what's happening
16 now with the contractors, for-profit contractors
17 is, because of the foreclosure problem in New York
18 City, in particular neighborhoods, has Bedford
19 Stuyvesant, Bushwick, Brownsville, East Harlem,
20 certain parts of The Bronx, there are a lot of
21 properties that are available. Because these
22 properties are available, the contractors go to
23 these neighborhoods to obviously buy up the
24 properties and then, once they buy the properties
25 in these particular communities, that's why you

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2 get the--the programs from these contractors, in
3 specific communities, because there's certain
4 communities that are going through a foreclosure
5 crisis. That's what's happening now. On the bill
6 itself that we're talking about, I'm going to
7 piggyback on what the previous speaker stated
8 about community board involvement. If there is no
9 hearing that's going to be allowed by the
10 community board, once we, once there is contact
11 made from the contractor to, or from DHS to the
12 community board, if we're not allowed to have a
13 hearing or public hearing, at the community board,
14 then we're still in the same situation that we're
15 in right now. That we'll know, I will know, the
16 district manager will know, maybe certain members
17 of the community will know, but the whole
18 community will not know what's coming into the
19 community, unless we're allowed to have a public
20 hearing. Now, we can vote yes or no, that doesn't
21 necessarily mean that the facility would not, you
22 know, still be allowed to, to open up. But the
23 community board needs to have much more say so in
24 this process. You know, with this new legislation
25 that's being mentioned as of today. Without that

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2 community board involvement, we're still going to
3 be in the same predicament that we're in right
4 now. Thank you.

5 CHAIRPERSON PALMA: Thank you.

6 MARK WINSTON GRIFFITH: Good
7 afternoon, Chairperson Palma. My own Councilman
8 Al Vann, and the rest of the members of the
9 General Welfare Committee. My name is Mark
10 Winston Griffith, I am a resident of Crown
11 Heights, Brooklyn. I'm a board member of Crown
12 Heights Revitalization Movement, also known as
13 CHR.M. I'm also the founding executive director of
14 a new community organizing group called The
15 Brooklyn Movement Center. My brief, my comments
16 are going to be brief, many of the things I'll be
17 saying have already been said on some level, but I
18 just think it's still important to get some of
19 these things on the record. I'm in full support
20 of a law requiring the DHS to notify the affected
21 community prior to locating transitional housing
22 for the homeless. This law gets to the heart of
23 what people need in order to trust their local
24 government, and be fully engaged in civic
25 developments and local decision making. And

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2 nowhere is this more important than in low and
3 moderate income areas and neighborhoods of color,
4 like where I live, in which people already believe
5 they are, they are being overlooked, dumped on and
6 disrespected by public and large private interests
7 alike. I also think this is in the best interests
8 of DHS, and the City, to have a constructive
9 dialogue and relationship with the community. As
10 an example, over the past two years, CHRM has been
11 at the forefront of a community struggle to
12 prevent a poorly maintained assessment center for
13 homeless men, located at the Bedford Atlantic
14 Armory, from becoming a citywide intake center.
15 This isn't about NIMBY, this isn't about us versus
16 them, this isn't about, you know, not allowing
17 homeless people into our neighborhoods, they're
18 not aliens, they're our brothers and sisters, they
19 are part of our community. We believe that an
20 intake center, as originally conceived would be
21 bad both for people of the surrounding area, as
22 well as for the homeless population, who are
23 already poorly served by the Bedford Atlantic
24 Armory. Furthermore, this area, Community Board
25 Eight, is already the most saturated community

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2 district and community in terms of social service
3 beds, and this does not even include beds
4 associated with transitional housing. And most
5 relevantly, originally we as a community were not
6 officially notified, nor provided with a formal
7 process for weighing in on the City's plan, a plan
8 which did not provide the resources necessary to
9 make sure both the surrounding community, and the
10 homeless population would be safe and healthy.

11 The fact is, over the past several years, various
12 people in Crown Heights have complained of
13 incidences of transitional housing, just suddenly
14 appearing in their buildings and on their blocks.

15 In some cases, the neighbors are more concerned
16 about the lack of supportive personnel and
17 services for these populations, than they are
18 about any problems the new residents may pose
19 themselves. Given these experiences, and our
20 community for the record is still in the dark
21 about the City's intentions with the Bedford
22 Atlantic Armory, we respectfully recommend that
23 some elements be added to the law you are
24 proposing. For one, we believe that there will be
25 some sort of sunshine provision which mandates

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2 that information on the transitional housing in
3 question is made publicly available on the web, so
4 that there is transparency around the individual
5 placements of transitional housing, as well as
6 citywide data that can be aggregated and used. We
7 would also like there to be some process that
8 allows for actual community input on the plan, and
9 even some type of community resource when there
10 are--recourse, 'scuze me--when there are serious
11 flaws in the plan. That's, that's all I have,
12 thank you very much for the opportunity to speak.

13 CHAIRPERSON PALMA: Thank you so
14 much for your, for your testimony.

15 HENRY BUTLER: Can I just put one
16 more thing on record. When they were stating that
17 they got to put residents from within a community,
18 keep them in the community, when we asked the
19 contractor how many people were from, in their
20 facility were from Bedford Stuyvesant, there was
21 only between 13 and 16 percent in their facility
22 from Bedford Stuyvesant. So to piggyback on what
23 she said, that's not necessarily true that people
24 in the systems or in the shelters, in these
25 facilities, actually are from the community.

CHAIRPERSON PALMA: Okay. Thank
you.

DIANA FOSTER: Can I say one last
thing?

CHAIRPERSON PALMA: Can--Okay, but
we need to move, because I need to be out of this
room by 1:00 o'clock, and I still have two more
panels.

DIANA FOSTER: It's okay.

CHAIRPERSON PALMA: But, okay.

DIANA FOSTER: I'll call you.

MARK WINSTON GRIFFITH: Thank you.

CHAIRPERSON PALMA: Okay.

COUNCIL MEMBER KOPPELL: Chair, I,
I--

CHAIRPERSON PALMA: [laughs] You,
you can, we can definitely meet if, if you want,
you can reach out to my office.

COUNCIL MEMBER KOPPELL: I want to
thank, I want to thank the panel for coming. I
also want to say that I think we should be looking
at the definitional section of the, of the
legislation, make sure we're covering--It was an
interesting point that this building seems to be

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2 something like a shelter, but it's not really
3 covered. And, I mean, if all the people in the
4 facility are being supported by public funds, it
5 probably should be considered.

6 CHAIRPERSON PALMA: Right, it, the
7 facility--

8 COUNCIL MEMBER KOPPELL: And--

9 CHAIRPERSON PALMA: --they
10 described sounds more like a three-quarter housing
11 facility.

12 COUNCIL MEMBER KOPPELL: Yeah.
13 And, and, I think that the community board
14 probably could hold a public hearing even now, but
15 we might want to say specifically that the board
16 could hold a public hearing on the issue.

17 CHAIRPERSON PALMA: Yes, yes they
18 can. Our next panel's Father Gorman, Charlene
19 Frasier, Viola Green Walker, and Barbara Van
20 Buren.

21 [pause, background noise]

22 RICHARD GORMAN: How should we go?

23 CHAIRPERSON PALMA: You may begin
24 in whatever order you choose.

25 RICHARD GORMAN: Go ahead, ladies

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2 first.

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CHAIRPERSON PALMA: Well, such a gentleman. [laughter] Always.

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BARBARA VAN BUREN: Good afternoon. My name is Barbara Van Buren, and I'm the co-chair of the Health and Human Services Committee of Community Board Seven in Manhattan. Our Committee has the responsibility for monitoring the delivery of services by those City agencies who place their homeless clients in the buildings of our community. And so, we have had a great deal of contact with DHS. As our community has many SROs, single room occupancies, which have for a long time provided permanent housing for low income people, but who's owners are now looking for more money than they can receive by renting to the people that they're intended for, we've had a great deal of experience with the placement by DHS. I was fascinated by the description of notification that the Commissioner was presenting, and very curious as to why our community board have never heard of any of that notification, or received any. Usually, as most people have described, we're alerted to the arrival of DHS

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2 placements by the community, which wondered about
3 these buses that arrived at a building overnight
4 and filled up the building with people. The
5 landlords have made sure that those buildings were
6 empty in order to be able to receive the
7 exorbitant rent that they receive from DHS, which
8 was in contrast to what they're legally intended
9 to receive from low income people. This was, I
10 was also interested in the contracts that the
11 Commissioner was talking about. We have been told
12 by Commissioners that they don't have contracts
13 with the landlords of the buildings that they use,
14 because it's so much simpler just to have
15 agreements and handshakes on what they're going to
16 provide to them in terms of funding. And it's
17 often been very difficult to find out just how
18 much they were funding these places for. And the
19 notification that the Commissioner was describing,
20 I realized why we don't hear about it, because we
21 had mostly per diem housing, which they did--which
22 they say they don't have to let anybody know
23 about. And in terms of cluster housing, we've--
24 our most recent DHS facility is called a cluster
25 house. I don't know what it's--we know that it's

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2 part of another provider, but it's, nobody who's
3 been in the neighborhood who knows anything about
4 resources in the community, and it's hardly a
5 cluster of service, of a service providers houses,
6 where they know what's going on. In communities
7 which have worked hard to create safe, friendly
8 environments, find that they have new neighbors
9 who have no stake in the community, as they don't
10 expect to be there long, and they have had no
11 choice about where they were going to be sent.

12 DHS does sign nonprofit groups to provide
13 services, but these are often ones which have had
14 no previous contact with the community. We have
15 groups coming from Bronx agencies, from other
16 places, who don't know what's available, and there
17 is a great deal available. And part of the reason
18 the community's unhappy is that they would like to
19 be able to provide services to people, but they
20 don't know that the people are coming or what they
21 need. Community members have a greater knowledge
22 of the landlord's history, too. We're, as DHS
23 states, that it does not do any extensive
24 background checks on the owners of properties to
25 whom they are paying these exorbitant rates. That

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2 newest DHS facility in our community which just
3 arrived a couple of months ago, which I would
4 think would fit into this, the landlord, the
5 owner, the landlord is one of the most notorious
6 slum landlords in the City. And he, he's known
7 throughout the City, and the public media, for his
8 aggressive removal of tenants in order to make
9 room for tenants who would pay more money. I will
10 acknowledge that when DHS was told this by the
11 community, they decided that they would not
12 continue a long term arrangement with him, which
13 was only going to mean another move for their
14 clients who, you know, are being moved around a
15 lot by DHS. But we were very concerned that just
16 about everyone in the community knew that there
17 was a problem with this landlord, but the DHS
18 investigation didn't even reveal indictments that
19 had been made. If DHS would, would provide
20 notification, which I think this bill is so
21 important to provide, information can be shared
22 about the needs of the clients, of their clients,
23 and the resources in the community, planning can
24 be done ahead of time. But our board actually
25 finds that the main big tragedy is the continuance

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2 of City agencies, not just DHS, to use the
3 emergency housing crisis as a reason to turn
4 permanent, low income housing, into transient,
5 high cost to the taxpayer, stopovers. Emergency,
6 which the dictionary describes as an unforeseen
7 crisis which demands immediate attention, has
8 existed in our neighborhood, has been given as the
9 excuse for the high rates that they pay to the,
10 these landlords, for over 20 years. And we think
11 that that's a long enough time for the City to
12 have started looking at what can be done. But
13 they have, seemed to have no real plans to address
14 the lack of affordable housing in our community,
15 or in other communities. The vast majority of new
16 housing is intended for much higher incomes, and
17 this subsidized housing existing for lower income
18 people is rapidly being lost in our community.
19 Most of the affordable housing in our community
20 has disappeared, because of the changeover to
21 expensive condos, to City agencies using up the
22 facilities, using up the space, for transitory
23 housing, and ignoring the fact that if they were
24 going to pay this \$3,000 a month to the landlord
25 of these buildings, they could easily have

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2 afforded to subsidize the same individuals at a
3 much lower cost for their housing. And we feel
4 that it's time for the City agency to sit down
5 with the affordable housing advocates and
6 providers to map out some plan to create
7 affordable housing for all New Yorkers. And we
8 think that the right to shelter, that's so
9 frequently mentioned by the Commissioner, that's
10 promised in the State Constitution, doesn't mean
11 the right to a bed in their dorm.

12 CHAIRPERSON PALMA: Thank you. I
13 just want to remind folks, I think, you know,
14 we're hearing the same, the same concern across
15 the board that, that we want to make sure that DHS
16 is being transparent and, and having a dialogue
17 and engaging the community. So we need to be out
18 of here by 1:00 o'clock, so if you could just, you
19 know, give us your testimony and, and hit your
20 main points, I will really appreciate that. I
21 still have one more panel to hear from.

22 CHARLENE FRASIER: My name is
23 Charlene Frasier, and I'm here on behalf of
24 myself, with the--I became homeless after having a
25 stable home for 24 years. And I was in Health USA

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2 Women's Shelter, and they have a 21 day
3 assessment. And within that 21 day assessment,
4 they mandate that you apply for public assistance.
5 And as soon as your public assistance is active,
6 they shuttle you into what is called a three-
7 quarter house. Now, when you move into a three-
8 quarter house, you're still homeless, but now
9 you're invisible, because you lose the DHS intake
10 number, and according to DHS, you have permanent
11 housing. But in this three-quarter house, it's,
12 there's nothing legal about it, so you can be
13 pushed out in 30 days, or in ten days, depending
14 on if you go with the flow and you agree with the
15 misery that you're put to live under. Now, in the
16 house that I'm in, if the residents didn't take on
17 an HP action, we would be living with holes in the
18 ceiling, and rats, and all types of things. So, a
19 lot of things have to be done to provide people,
20 adult single people, with low income housing.

21 VIOLA GREEN WALKER: Good
22 afternoon, Chair Palma and Council Member Koppell.
23 My name is Viola Green Walker, and I'm the
24 District Manager of Community Board 16 in
25 Brooklyn. I appear before you today on behalf of

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2 Community Board 16, to support Intro No. 79.
3 Intro 79 states in part that notification shall be
4 provided to the community board prior to the
5 Department of Homeless Services entering into a
6 contractual arrangement with a transitional
7 housing provider, or otherwise finalize its
8 decision to use or expand a location as
9 transitional housing. This notification is most
10 important to us, because it affords the community
11 an opportunity to voice concerns to the Department
12 of Homeless Services, elected officials, and
13 sponsors of transitional housing, about the impact
14 that transitional housing will have on our
15 community before Department of Homeless Services
16 awards a contract to providers of transitional
17 housing. The present methods of siting
18 transitional housing creates an atmosphere of
19 hostility and undermines our efforts in Community
20 District 16 to rebuild our community with
21 permanent and affordable housing. In addition to
22 transitional housing facilities operated or
23 contracted for, by or on behalf of the Department
24 of Homeless Services, Community District 16 is
25 being inundated with facilities known as "three-

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2 quarter houses." These are often smaller, two or
3 three family houses, that have been converted to
4 dormitory style housing. Residents often come
5 from shelters or the prison system with a myriad
6 of social and health problems, which leaves them
7 at the mercy of the operators of these facilities,
8 who are only interested in money these facilities
9 generate. They do not provide much needed support
10 services for the residents. Some of the residents
11 live under horrendous conditions with only a
12 mattress to sleep on. They are afraid to complain
13 because it might force them on the street.

14 Blatant and deliberate attempts are made to
15 camouflage the existence of these facilities with
16 the erection of walls, wooden fences, and other
17 enclosures on blocks where all other residential
18 homes have openness and welcoming appearances.

19 This attempt to shield what goes on in the
20 building only creates animosity because the
21 neighboring residents see and hear alterations
22 being made, followed by the delivery of multiple
23 bunk beds. Their fear and concerns are
24 immediately heightened. When they ask questions
25 regarding the plan usage, no one seems to have or

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2 is willing to provide them with answers. Their
3 fear and anger are further exacerbated when they
4 contact the community board, which is at a
5 disadvantage because we are not informed about
6 plans for the building. Operators of these
7 facilities are only interested in making a profit
8 and not consider how their investment will affect
9 the lives of their neighbors. We have struggles
10 through the years of burnt out buildings and
11 vacant lots, and have arrived at a time where new
12 housing is being built. Families are returning to
13 raise their children and become productive members
14 of the community. The expectations are to be good
15 neighbors and develop block association and other
16 community organizations, and be a very integral
17 part of the plans for promoting continued growth
18 of the community. Being able to acquire a home is
19 a major investment in any economy, but it is even
20 more of an accomplishment in the current economic
21 environment. These families have every
22 expectation, and rightfully so, to anticipate that
23 the adjacent building will be occupied by a family
24 or an official who has a vested interest in
25 insuring that the community continues to grow and

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2 create an atmosphere that will encourage others to
3 move into the community. By its nature,
4 transitional housing does not create a sense of
5 permanency or condition that promote an
6 environment necessary for a community to survive.
7 Brooklyn Community Board 16 supports and urges
8 passage of Intro 79. We also urge this Committee
9 to introduce legislation to regulate three-quarter
10 houses. Thank you.

11 RICHARD GORMAN: Good afternoon,
12 Madam Chairwoman, good afternoon, Council Member
13 Koppell. My name is Father Richard Gorman, I'm
14 the Chairman of Community Board Twelve in The
15 Bronx, and I'm here today to ask these, this
16 Committee and the City Council to pass the
17 legislation that we are speaking about. And I
18 want to thank Council Member Koppell for having
19 the insight to, to introduce it. First thing I
20 want to say today, so that it is very clear: no
21 one here is against homeless. No one here is
22 against the homeless. Indeed, we are in favor of
23 the homeless, and we're in favor of helping them,
24 but helping them in the right way. The current
25 system is a disgrace and it's unfair. It is

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2 unfair to neighborhoods, it is unfair to the
3 homeless themselves who are being used as
4 commodities for other people's benefit, and it is
5 unfair to the taxpayers of a great City who have
6 had their money wasted for over 20 years. The
7 other thing I want to say today is something that
8 I think we all have to be honest about. My
9 friends, some homeless people have real problems.
10 That is the main reason why they are homeless.
11 Some, like my good friend there, who I always meet
12 at public hearings, have been very successful with
13 medication, have been very successful with the
14 proper social services in overcoming them. We've
15 got to make sure that our homeless people get
16 those services, and their needs are provided for.
17 However, there are a few among the homeless
18 population who don't respond to those things. And
19 sometimes those are the very same people that get
20 into situations or inflict unnecessary hardship
21 upon communities, and we have to be sensitive to
22 that. Because not only do the homeless people
23 have rights, those that welcome them into their
24 areas have rights, as well. So we have to be
25 careful and we think, I think we have to be a bit

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2 more insightful. And yes, a bit more honest in
3 this whole situation. Because right now the
4 current situation doesn't help anybody. And those
5 most among us in need, who have needs, they get
6 nothing at all. And then they wind up becoming
7 involved with the criminal justice system, where
8 their problems are only exacerbated and never
9 solved. The Commissioner spoke today about
10 emergencies, yes there are emergencies, but that's
11 not the case here. That's not the case here.
12 What we're talking about here is the failure of
13 the current City administration to keep a promise
14 to the people of this City. It was only a few
15 years ago, Madam Chair, that the Mayor of this
16 town and Deputy Mayor Gibbs, announced that within
17 a few years, homelessness would be radically
18 reduced and would disappear. Has anyone checked
19 up on why that hasn't happened? Maybe it's time
20 that someone check up, because what we're looking
21 at here is a failure of policies. The same
22 administration that's putting homeless shelters
23 and other facilities for the homeless in our
24 neighborhoods, is the same administration who
25 promotes homelessness by its abhorrent policies

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2 and by supporting developers who are not
3 interested in anything except making money. And
4 the case in point with Stuyvesant Town, where they
5 were going to throw out all those rent controlled
6 people and put in what they called "market rate
7 housing." And you know what the result would've
8 been. Notification, I'm not going to tell you
9 there isn't any notification, but isn't it
10 amazing, Annabel, that no one up here, including
11 your own colleagues, no one up here, at all, had
12 anything different to say about the lack of
13 notification. Is it that we're all drinking Kool-
14 Aid? I don't think so. It's that the City is not
15 being honest with us. And the problem I think was
16 touched upon by my very distinguished colleague,
17 the Chairman of the Community Board from Brooklyn,
18 representing Bed-Stuy. There is a process here.
19 And for lack of a better word, I'm going to call
20 it a pimping process. And the homeless are being
21 used as commodities. The City, because it could
22 do the, do, provide for homelessness in the right
23 way, got not-for-profits involved, but only
24 certain not-for-profits, who know all about what's
25 going on and what the needs are, who know exactly

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2 how to respond to RFPs, who know exactly what real
3 estate people to go to, to find places where they
4 can turn around and put their facilities. And
5 they all work together behind the scenes so that
6 by the time the community board or the local
7 council member or the public officials are
8 notified of what's going to happen, it's a done
9 deal. It's a done deal. And the homeless are
10 just shuttled around and used for other people's
11 wellbeing. And nothing is done to help them.
12 Fair share? There can't be fair share, because
13 the City technically isn't putting anything
14 anywhere. It's not-for-profits, and so therefore
15 there is no need for fair share, but the
16 Commissioner, Annabel, admitted to you today that
17 fair share has no place in his plans. How did he
18 say that? He used the word "cost" several times.
19 Folks, there's the money element again. There's
20 the money element again. We'll put them where we
21 can afford to put them, not where everyone shares
22 in the obligation to help our less fortunate
23 brothers and sisters. Also, he kept saying, "We
24 like to put them in the same neighborhood,"
25 meaning that poor people go back to poor

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2 neighborhoods, where the services are already
3 insufficient, and I would say that the
4 overwhelming number of times, they are like
5 Community Board Twelve, neighborhoods that are
6 composed of communities of color, and in many
7 cases composed of folks who are recently arrived
8 here in the United States. It's a big joke. And
9 it's all whitewashed with very nice language,
10 supposedly expressing concern, but there is no
11 concern. If there was concern, there would be
12 honesty. If there was concern, there would be
13 forthrightness. DHS has a portfolio? Good, share
14 that with the community boards and let us know
15 what's going on. We'll turn around and tell you
16 what properties are good and where you can turn
17 around and take care of things. And let's get
18 back to a real citywide service, statement of
19 needs, where each department tells us exactly what
20 they need, and what they're looking for in our
21 community. And let's start getting back these
22 nonsensical responses, nothing is planned, because
23 you and I know everything is going on in the
24 background. I will be quick in saying the next
25 several things. Number one, advisory boards,

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2 another sham. Multiplication of groups does not
3 turn around and ensure proper notification or
4 participation. Also, they do not look for people
5 who are involved and who know what is going on at
6 the community at large. You really want it turned
7 around and have good working relationships with
8 these facilities? Require the heads of these
9 social service agencies to put local community
10 people on their boards of directors, and require
11 all of the agencies operating any kind of social
12 service function in the community to come to the
13 district service cabinet every month where they
14 will have to deal with the district manager, and
15 to attend community board meetings, or they will
16 find out who their neighbors are and what their
17 neighbors need. I came out a few months ago, and
18 you probably saw it in The Bronx News, with a list
19 a proposals to deal with this issue. I'm going to
20 copy them and I'm going to send them to every
21 Council Member. Some good ideas, I hope most of
22 them can be useful, but I would like you to
23 seriously consider the fact that we're just not
24 dealing with homeless, we're dealing with so many
25 populations of need, and we need to have a

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2 comprehensive picture of it. And the last thing I
3 will say is that if this bill can in any way be
4 amended to include the fact that notification
5 should involve not only telling the community
6 board, but giving us time to comment and the
7 agency having to respond to us before any contract
8 is signed. Thank you very much. Oh, and by the
9 way, I, I'm joined by Xavier Rodriguez from Board
10 Five.

11 CHAIRPERSON PALMA: Of course.

12 [laughs]

13 XAVIER RODRIGUEZ: I didn't sign
14 in, but as a District Manager, I wholeheartedly
15 support what everyone's been saying here this
16 afternoon. And also, Council Member Koppell, I
17 wanted--

18 CHAIRPERSON PALMA: Xavier, if
19 you're going to make a statement, just--

20 XAVIER RODRIGUEZ: For the record,
21 Xavier Rodriguez--

22 CHAIRPERSON PALMA: Thank you.

23 XAVIER RODRIGUEZ: --District
24 Manager, Community Board Five in The Bronx.
25 Council Member Koppell, also want to thank you.

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2 But for me, recent District Manager, six years in
3 Community Board Five. I've had at least 15
4 facilities go through my district. And from the
5 state in terms of the Padavan Law, in terms of
6 oversaturation, community groups and for-profits
7 are getting very sophisticated, as well mentioned
8 by our colleague over there in Brooklyn. They
9 come in, pick up the foreclosed homes, they know
10 exactly who they go, go to in terms of real estate
11 industry, they come to you with the notification
12 that they're already in contract. So,
13 communities, groups, residents, community boards,
14 cannot sit down in earnest to deal with the issue
15 of siting. So, notification for us, okay, is
16 useless, if the organizations are already coming
17 in in contract. Signing contracts with DHS is
18 also meaningless because part of the RFP
19 requirement is that they must show that they can
20 obtain a site, within a reasonable amount of time.
21 So, if the not-for-profit is going to do
22 notifications to community board, there's got to
23 be some provisions within Intro 79 that they come
24 to the community board with notification that
25 they're not in contract for the particular site.

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2 Secondly, in terms of the scatter site and
3 clusters. My community board leads in serious
4 violations citywide, we're number two, I believe.
5 The per diems with private property owners, are
6 getting rewarded needlessly. What DHS does, they
7 only inspect the apartments they're going to use.
8 The other apartments are a total sham. I mean,
9 they've got broken ceilings, electrical lighting,
10 lead poisoning, in terms of lead paint. So,
11 therefore, if it's 50 apartments and they use ten,
12 they only inspect those ten. There's got to be
13 some provisions within the law that the entire
14 building is inspected before a property can come
15 into this program. And those are my remarks,
16 thank you.

17 CHAIRPERSON PALMA: I want to
18 thank--

19 COUNCIL MEMBER KOPPELL: hose are
20 very good--I thought those were very good
21 suggestions, Madam Chair.

22 CHAIRPERSON PALMA: I want to thank
23 the panel for their testimony, and I'm pretty sure
24 that, I'm confident that your recommendations will
25 be taken into account. Our next panel is Richard

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2 Depolito [phonetic], Anderson Fils-Aime, and
3 Robert M. Brown.

4 [pause, background noise]

5 RICHARD DEPOLITO: My name is
6 Richard Depolito. I thank you, Madam Chairperson,
7 members of the Council, for allowing me to speak.
8 I apologize for us not having a written statement.
9 We were unaware--

10 CHAIRPERSON PALMA: --need to
11 apologize.

12 RICHARD DEPOLITO: We were unaware
13 that we would have a chance to speak. I'm very
14 much aware of the problem with homelessness,
15 because I, I am and still was, I was and still am
16 one. I came home from several years, many, many
17 years in prison, and because I had no family, I
18 was directed straight to the, to the shelter
19 system. I went from, in the shelter system, as
20 soon as they found out I was social security
21 eligible, they says, "Oh, you don't belong here,
22 you belong in a transition house." Well, the
23 transition house turned out to be what you call a
24 three-quarter house. I was better off in the
25 shelter. It's a shame to say that. There are no

1 regulations, there is no, no one to go to and
2 complain, and if you say to 'em, "Well, how come
3 the bathroom doesn't work?" "You don't like it,
4 leave" is the pat response. I believe
5 wholeheartedly in the bill as written. I would
6 like to see an addition to it. Not so much to,
7 forcing--the contractor to make, to post like
8 posters and say, I'm going to do this, and we're
9 going to open this, and we're going to have a
10 meeting on such and such a day, at such and such a
11 place, and their contractors should pay for it,
12 because they're going to make an awful lot of
13 money. Yeah. It should not be a burden on the
14 taxpayers, it should not be a burden on the City.
15 The person who's going to profit from it, should
16 pay for it. I think the same thing should be the
17 case with these three-quarter houses. They
18 should be licensed, they should be tightly
19 regulated, and they should pay for it, not the
20 City, not the taxpayer. Let's make it fair.
21 They're going to take tax dollars in, let 'em give
22 back tax dollars to the people. I thank you,
23 that's all I have to say.

25 CHAIRPERSON PALMA: Thank you, Mr.

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Depolito.

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ROBERT BROWN: Good afternoon, I'm Robert Brown, representing myself. I've been in the shelter system, that Bedford Atlantic shelter that they mentioned before, for nine months, and received absolutely no services at all. It was mandated, well not mandated, made to leave at 8:00 a.m. every day with nowhere to go, and I had a caseworker that the only time I ever saw was to get my meal ticket signed. It was like a Catch-22. To try to catch that person, you'd have to hang around all day, and they wanted you go, wanted you to go places, and the only where, the only way you could get coffee or to go places was you, if you had an appointment, and that appointment was in Manhattan, how are you going to get to Manhattan, get the coffee, and then they handed out the coffee at 10:00 a.m., when your appointment was at 8:00 a.m. But right now I'm on the opposite end of - - I'm in a three-quarter house. And basically, what I'm here today for, is it's not regulated, there's nobody I can go complain to about my situation. It's at their, I'm at their beck and call. I'm on social

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2 security disability, and other people, the only
3 thing we have there in common is the address.
4 There are people from prison, there are people
5 there with severe mental problems. I'm a
6 recovering alcoholic. I get no support for that.
7 I make my own meetings a day, yeah, I make a
8 meeting a day to stay sober. I don't have to go
9 to a program, other people don't have to go to
10 program, there's active abuse in there, people on
11 methadone. It's also--we, we have what the lady
12 before us talking about, we have probably an
13 illegal two family house, we have ten men on each
14 floor, we all have to share that bathroom, from
15 6:30 a.m. And now that I, I think this is why, I
16 had an argument with the house manager on Sunday
17 night, and then he put in a new law that we have
18 to be all out at 8:00 a.m. And I'm on, my
19 circumstances with my health right now, I'm on
20 medication that if I do take, for high blood
21 pressure, it makes me dizzy and tired, and if I
22 don't take it, my doctor told me I'm an inch away
23 from having a stroke. And the man does not care,
24 all he cares about is the money. Some people get
25 paid automatically through their checks, but being

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2 that I make, I get the social disability, I have
3 to pay double. I receive no extra services from
4 the house at all. It's a non-cooking facility.

5 CHAIRPERSON PALMA: Why do you have
6 to pay double, Mr. Brown?

7 ROBERT BROWN: That's the, that's
8 the, the going rate in the neighborhood. If you
9 have social security disability, everybody else,
10 welfare, whatever, they pay \$215 a month, and that
11 goes automatically into the house. I have to pay
12 \$405 a month out of my pocket. And I receive no,
13 nothing extra. We have ten men on one bathroom
14 since 6:30 and 8:00 o'clock in the morning, and
15 it's a non-cooking facility. And, and so, I'm
16 supposed to be on a special diet, I cannot keep, I
17 cannot be on that special diet if all I can do is
18 microwave. And, and what the argument was about,
19 I pay my rent on the third, had the argument on
20 the fifth, and the manager told me that if I did
21 not like it there, pack my bags and go, tonight.
22 This was Sunday night and he knew darn well that I
23 already paid half my check to him, and I had no
24 place to go, unless I go back to the Bedford
25 Atlantic Shelter, which at least there they feed

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2 you and you get, they give you toilet paper. I
3 have to bring my own toilet paper in there, and
4 no, and my whole complaint is nobody knows about
5 these places, nobody--they, they run gun, they run
6 gunshot on you, and they run the place with
7 threats and fear. I've been going to Neighbors
8 Together at the community center, and they made me
9 aware of my rights, my tenant rights. They cannot
10 kick me out, for any reason, they don't have a
11 right to kick me out at 8:00 a.m. They don't even
12 have a right to kick me out if I got out and get
13 drunk. But you do that, they want you to go
14 through detox, they want you to go to treatment
15 center, and I'm paying my rent, and there are
16 people there are who are active. And nobody's
17 aware of this. I have nowhere to go to let people
18 know about what I'm going to face. I can go home
19 tonight, and my bags will be packed. My bags,
20 everything I own, will be backed and say, "Get
21 out." And if I didn't know Anderson here, I
22 wouldn't even know that I have the right to call
23 the police and say, "I pay my rent, I'm there four
24 months now, they got my whole month rent for June,
25 where am I supposed to go?" And it just seems,

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2 not only does DH--doesn't let people know. And in
3 our neighborhood, you can walk down every block,
4 there's a three-quarter house. It's like we all
5 know where they are, 'cause we all talk amongst
6 ourselves saying, "Well, I get thrown out of here,
7 I'm going to that one, I'm going to that one.
8 That one's \$420, but you can cook there. This
9 one, you got cable TV here and a computer."
10 That's all I have to say, I just wanted to let you
11 be aware, 'cause it doesn't seem like, only we
12 know, in the community know. And, and Anderson
13 runs a soup kitchen, and wasn't for that soup
14 kitchen when I got to my three-quarter house, I
15 would've starved to death, 'cause I didn't have
16 any money, and I was waiting to get my food
17 stamps. And I eat there twice a day, and thank,
18 it saved my life, 'cause I had nowhere to, nowhere
19 to eat. Just doesn't seem like anybody in New
20 York knows about these places, and how they, and
21 they run it by fear and intimidation.

22 ANDERSON FILS-AIME: Good

23 afternoon, Chairwoman Palma, thank you for having
24 this hearing. I apologize, the gentlemen did not
25 know that we were going to have a chance to speak.

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2 We thought this was just a meeting on the previous
3 public hearing that was held about the DHS no
4 longer making referrals to three-quarter housing.

5 But thank you for the opportunity to speak.

6 Neighbors Together is a soup kitchen located in
7 Brooklyn, 20--2094 Fulton Street. We run a three-
8 quarter housing project along with MFY Legal
9 Services, I'm the Community Action Board Program
10 Director, and basically the rabble-rouser and
11 civic engager for our members who number in the
12 thousands, who 90 percent of them are male and who
13 99 percent of them reside in three-quarter
14 housing. If you came to our agency right now,
15 where we're serving lunch, and you asked "Who has
16 a key here?" I don't think you would get one
17 person to say, "I have a key to my own apartment."
18 And I think in the City, like this, that is--I
19 can't find the words to describe it. I saw you on
20 New York One the other day, with the Commissioner.
21 I applaud you because of your story, so I know
22 that you have this emotional, and an intelligent
23 attachment to this, and you will provide some
24 leadership in this. We support the bill as an
25 agency, our members support the bill about

1 notification. These are members of their
2 community, they're members of the community, no
3 one in the community is isolated. These are
4 members of the community. And they want
5 notification because they want to be able to
6 contribute to the community. So we support the
7 bill. And we want it as Chairwoman Green Walker
8 said from Community Board 16, which is in our
9 district, we need to regulate three-quarter
10 housing. If we only did what DHS is said to do,
11 in the area of three-quarter housing, that's a
12 huge leap, a huge leap, that we could eliminate
13 illegal, substandard, dangerous housing. The City
14 is sanctioning that. These two gentlemen receive
15 federal funding for their income. Right? The
16 City, you know, argues about that. Their brothers
17 in their respective homes receive payment from the
18 City of New York. Ms. Frasier here who's part of
19 our group, she gets her rent paid by the City
20 agency. So the City sanctions three-quarter
21 housing. Blatantly. And then they say, "Oh, we
22 don't know, we don't make the referrals." But
23 they pay the rent, they know if you called HRA
24 here and said, "Please give us a printout of every
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2 place you send \$215 a month to," and then exclude
3 the shel--you know, public housing, exclude
4 Section VIII, and say, "How many of these private
5 houses--" see how many of those homes have
6 violations for certificate of occupancy. Right.
7 So we're sanctioning an illegal practice, it's
8 getting out of control. And we have to put a stop
9 to it, and we're here today seeking to work with
10 you, work with our neighbors in Brooklyn and
11 throughout the five boroughs, that we--this is
12 underground. And we're, we acknowledge it.
13 Frankly. We're just saying, "Oh, it's okay, it's
14 'them,' let, that's happening to 'them,'" like we
15 have no say so in this matter. So, we support the
16 legislation, yet we want it expanded and
17 strengthened and governed because these are
18 members of our community. Thank you very much for
19 your time.

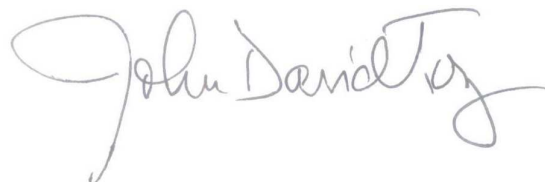
20 CHAIRPERSON PALMA: Thank, thank
21 you, Anderson. You know, it's always interesting
22 how we start a hearing talking about a specific
23 issue and then other issues arise that we're, you
24 know, caught up thinking about, "Okay, now we have
25 to do a hearing on, on another thing." So, I, I

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2 welcome the opportunity to work with you and the
3 members that you represent in continuing to make
4 sure that the City agencies, at least that this
5 Committee oversees, are truly making sure that
6 we're delivering services to the people of New
7 York, services that they do deserve. Because
8 these people, you know, they, they're in our
9 communities, and they're depending on us to make
10 sure that, that we uplift them, and, and move them
11 into self-sufficiency. And we cannot do that if,
12 if the agencies are not living up to the, the
13 goals and the mission statements of, of each
14 agency. So, I thank you for, for staying around
15 and, and sharing your, your recommendations with
16 us. And, and for all of those who participated
17 and, and shared their recommendations with this
18 Committee. I know that we will be looking at how
19 to formulate a plan to make sure that DHS is doing
20 what it needs to do to, to be, to be held
21 accountable for the homeless families and, and
22 communities in the City of New York. Thank you.
23 This meeting is now adjourned. [gavel]

24 [background noise, silence until
25 end]

C E R T I F I C A T

I, JOHN DAVID TONG, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Signature_____

Date June 25, 2010