

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, 2013
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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 Ydanis A. Rodriguez
Council Member James G. Van Bramer

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

Douglas James
Deputy Commissioner, Adult Services
Department of Homeless Services

Patrick Markee
Senior Policy Analyst
Coalition for the Homeless

CHAIRPERSON PALMA: Ready? [gavel]

Good morning. Good morning, I want to welcome the few people that came out today for today's hearing. [laughs] I'm joined by my colleague, Council Member Ydanis Rodriguez from Manhattan, and I would like to thank the Committee staff who prepared for today's hearing, and they did an amazing at, you know, putting the details for this hearing together. For Pride Month, the General Welfare Committee would like to examine issues, homeless, LGBT individuals face while seeking shelter and services at the Department of Homeless Services. There are many reasons why a person may experience homelessness: unemployment, poverty, drug abuse, or mental illness. These are all difficult circumstances that could have, that could leave a person without a home. However, the LGBT population may face an additional set of obstacles that could result in homelessness, and this stems from discrimination. While there is a growing focus on the problem of LGBT homeless youth, which is an extremely troubling problem in this City and across the country. Today, we're going to focus on homeless LGBT adults, a

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2 population that often does not generate a large
3 amount of attention. Despite the myth of
4 affluence in the gay community, the reality is
5 that members of the LGBT community are as or more
6 likely to live below the poverty line. The
7 Williams Institute, a think tank which specializes
8 in sexual orientation and gender identity law,
9 attributes the higher rate of poverty in the LGBT
10 community to a lack of employment protections in
11 most jurisdictions, exclusion for marriage related
12 financial benefits, lack of health insurance, lack
13 of institutional support for LGBT families, and an
14 inhospitable home life for LGBT youth. Although
15 there has been almost no research done on homeless
16 LGBT adults, in one study of low income LGBT and
17 gender nonconforming individuals in the New York
18 City area, the organizations Queers for Economic
19 Justice found that 69 percent of respondents have
20 been homeless at one point in their lives. In
21 2006, DHS adopted a policy to allow transgender
22 clients to choose a shelter according to the
23 gender they identified with regardless of their
24 biological sex. The Committee is extremely
25 pleased that this policy was adopted and today we

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2 would like to hear more about how the policy is
3 working, the types of training staff receives and
4 whether clients know about this policy and
5 regularly take advantage of it. Today, the
6 Committee is also interested in learning about any
7 other steps DHS takes to ensure that LGBT
8 individuals in the shelter system are safe and
9 being appropriately served. I'm going to ask
10 Douglas James, Deputy Commissioner of Adult
11 Services in the Department of Homeless Services,
12 to please share his testimony with us this
13 morning, and he's also joined by Mark--I lost my
14 mark--Mark Neal, also from DHS. And I would like
15 to welcome Council Member Jimmy Van Bramer from
16 Queens, thank you for joining us.

17 [pause]

18 DOUGLAS JAMES: I'm Douglas James,
19 Deputy Commissioner of Adult Services and the
20 Department of Homeless Services. And I'm pleased
21 to be joining you today with Mark Neal, the
22 agency's EEO Officer and Executive Director of our
23 Office of Diversity and Equal Opportunity Affairs.
24 Thank you for providing the agency the opportunity
25 to discuss the adult homeless LGBT population and

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2 the respective programmatic successes of our Adult
3 Services Division. The City of New York has
4 proudly emerged as a world class leader in
5 diversity and inclusion, and DHS is pleased to be
6 at the forefront of those efforts. In 2006, DHS
7 piloted a policy allowing transgender and gender
8 nonconforming clients to stay in shelters based on
9 the gender with which they identify, rather than
10 their biological sex. This pioneering policy,
11 based on best practices from national LGBT
12 advocates, had one overarching goal: to treat all
13 homeless clients with understanding, dignity and
14 respect. In carrying out that objective, DHS has
15 provided diversity, transgender and intersex
16 training and guidance to all intake, assessment
17 and shelter staff members in an effort to prohibit
18 and prevent discrimination related to gender,
19 identity or expression. In 2010, based on sound
20 principles developed throughout the pilot,
21 including tolerance, respect, privacy and safety,
22 DHS committed to the policy and applied the
23 guidelines system wide. This was the right thing
24 to do in order to welcome all people in need of
25 emergency shelter services into safe and

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2 respectful environment. Despite early controversy
3 and predictions of failure, our policy was
4 implemented throughout the shelter system
5 successfully and without incident. Today, agency
6 and provider staff address individuals by their
7 names, titles and other terms consistent with
8 their gender identity. Supporting the integrity
9 of all individuals was an important step forward
10 for the City of New York. It's because of those
11 efforts and the inclusion of gender identity to
12 the City's Human Rights Law, that the Department
13 of Homeless Services is considered to have one of
14 the most LGBT inclusive shelter systems in the
15 country. We are proud to have set an example for
16 states like Massachusetts, who in 2011 through
17 Executive Order, implemented gender identity
18 inclusive practices in their homeless shelters as
19 well. These great achievements helped to advance
20 the LGBT movement. DHS also has a long history of
21 providing temporary emergency shelter to couples,
22 including LGBT families, through our adult family
23 intake center. Well before marriage equality was
24 passed in New York State, our system defined an
25 adult family as any family without minor children,

1 including household compositions with a valid
2 marriage, civil union or domestic partnership
3 certificate. This definition entitles all
4 couples, regardless of sexual orientation or
5 gender expression, to receive shelter services
6 with tolerance and respect in our adult family
7 system. AFIC also allows presenting couples who
8 have lived with each other for at least six months
9 prior, and are medically dependent on one another,
10 to apply for shelter as an adult family unit. In
11 order to assist our Commissioner in implementing
12 citywide EEO policies, the agency's DEOA office is
13 responsible for reviewing requests for reasonable
14 accommodations, and complaints of discrimination
15 by all DHS employees, job applicants and clients.
16 Furthermore, the office incorporates diversity
17 into the agency's day-to-day endeavors as it
18 delivers sound, culturally sensitive and relevant
19 services to New Yorkers. DEOA is tasked with
20 counseling and advising agency staff, including
21 front line intake and shelter employees on equal
22 employment opportunity, program access, disability
23 services, and diversity issues. The office also
24 provides year round employment, equal employment
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2 opportunity trainings which are mandatory for
3 every employee to complete on a biannual basis.
4 Last year, for example, our DEOA office conducted
5 over 40 trainings and instructed 637 employees.
6 Additionally, as part of our new employee
7 orientation training, staff receive a full day
8 training, which includes segments on appropriate
9 conduct, diversity and inclusion. Last year, 129
10 staff attended such trainings. If any shelter
11 client or applicant believes he or she is being
12 discriminated against due to sexual orientation or
13 gender expression, he or she is encouraged to file
14 complaints and grievances with both DHS's DEOA and
15 client advocacy offices. Clients may also of
16 course file a claim with the City Commission on
17 Human Rights and the State Division of Human
18 Rights. Inclusion is also making progress
19 nationally. The Obama Administration has
20 identified the transgender issue as a priority and
21 recently launched the Housing Discrimination
22 Complaint Application for mobile phone users. Yet
23 another way to file grievances, the app allows
24 users to submit a claim of housing discrimination
25 for review by U.S. Department of Housing and Urban

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2 Development's Office of Fair Housing and Equal
3 Opportunity. In 2012, the National Gay and
4 Lesbian Taskforce estimated that there were 15
5 states that have laws banning discrimination based
6 on sexual orientation and gender identity or
7 expression. While New York State does have laws
8 banning discrimination based on sexual
9 orientation, the State as a whole currently does
10 not prohibit discrimination based on gender
11 identity. New York City, however, supports
12 legislation that passed in the assembly earlier
13 this year, that would add New York State to this
14 nondiscrimination map. DHS is fortunate to have a
15 wealth of tools and educated providers who enable
16 the agency to better serve homeless clients of all
17 sexual orientations and gender expressions.
18 People are who they say they are. DHS supports an
19 individual's freedom to define his or her self
20 through self-identification and expression. We
21 honor the right in every way and we will continue
22 to ensure that our shelters are prepared and able
23 to treat all LGBT clients, respectfully. Thank
24 you, and open to taking any of your questions.

25 CHAIRPERSON PALMA: Thank you,

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2 Deputy Commissioner. I want to start by asking--
3 In terms of the policy when you have an LGBT
4 individual who comes to the shelter system, how
5 would they know that this policy is in effect?
6 How is the policy being, I guess, promoted to
7 homeless individuals?

8 DOUGLAS JAMES: We don't currently
9 have any signage up in shelters informing them of
10 the policy. But based on someone's presentation,
11 we will direct them to what we think is the
12 appropriate intake facility. And wherever you
13 present, you're--an application is accepted,
14 whether it's at a women's intake facility or at a
15 men's.

16 CHAIRPERSON PALMA: So, if the
17 individual has to self-identify, then, to be able
18 to be directed to the appropriate shelter?

19 DOUGLAS JAMES: So, if I presented
20 at 30th Street, and my gender identity was
21 ambiguous, during the intake process they would
22 ask, "How do you self-identify?" If that person
23 said, "I identify as a woman," then they would be
24 placed in a women's shelter. So, while they
25 didn't come to the front door knowing of the

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2 policy, through the application process, the hope
3 is that we will learn of or, you know, recognize
4 someone's true gender identify expression.

5 CHAIRPERSON PALMA: In terms of the
6 person--so we've heard from organizations that
7 individuals have reported that sometimes they feel
8 unsafe in shelters, and maybe re--maybe retaliated
9 if they're making, they're putting grievances, to
10 be able to deal with these issues that they're
11 facing. And I'm curious to know, like, when and
12 if that happens, what is, what are the steps DHS
13 is taking to make sure that these practices don't
14 continue to happen?

15 DOUGLAS JAMES: It's prominently
16 listed in the client's rights that they may file a
17 grievance for any reason without fear of
18 retaliation or retribution. And that's
19 communicated to clients at intake and at the
20 shelter whenever they arrive there.

21 CHAIRPERSON PALMA: Right.

22 DOUGLAS JAMES: We don't have any
23 specific complaints that we've received that we're
24 able to identify regarding retaliation for
25 grievances filed regarding gender identity or

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2 expression. But we take those complaints, when we
3 do receive them for any reason, very seriously.
4 And we have a number of steps that we take to
5 address them.

6 CHAIRPERSON PALMA: I also want to
7 raise the issue in--do you want to add to the
8 statement you just made? [laughs]

9 DOUGLAS JAMES: I think I'm fine.

10 CHAIRPERSON PALMA: Okay. [laughs]
11 In terms of rapid HIV testing, and I know that
12 before DHS was doing, providing rapid HIV testing,
13 for clients who wanted it, I'm curious to know why
14 was this practice and--why did this practice end?
15 Why did--why is DHS no longer providing rapid HIV
16 testing?

17 DOUGLAS JAMES: I think it's still
18 available, voluntary, through our medical clinics.
19 But it's not mandatory.

20 CHAIRPERSON PALMA: So, doing the
21 medical assessment, it's being offered to
22 individuals? So--

23 DOUGLAS JAMES: Yes.

24 CHAIRPERSON PALMA: Okay. So when
25 they're coming into the intake centers and they

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have to go through the medical assessment, then that's part of the services that's provided and--

DOUGLAS JAMES: During the 21 day assessment--

CHAIRPERSON PALMA: [laughs] My colleague is raising that, you said, you'd think, so I just want to--

DOUGLAS JAMES: I did?

CHAIRPERSON PALMA: --be--I want to be--

DOUGLAS JAMES: During the 21 day assessment period, clients have deliverables including a full medical assessment. During that medical assessment, it is an option, and it is presented to them.

CHAIRPERSON PALMA: And then it's up to the individual to decline whether they want to. Okay. We've been joined by Council Member Maria del Carmen Arroyo. Does anyone--do you have questions? [background comment] Yeah.

COUNCIL MEMBER VAN BRAMER: Thank you very much, Madam Chair. I just had a few questions. One is, what is your overall census of LGBT adults who are homeless? Do you have a

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number?

DOUGLAS JAMES: No, we don't.

COUNCIL MEMBER VAN BRAMER: Do you have any way of identifying the LGBT community that are currently at or in the system?

DOUGLAS JAMES: It's not a characteristic that we track.

COUNCIL MEMBER VAN BRAMER: So you would only know, I guess, if someone self-identifies?

DOUGLAS JAMES: Correct.

COUNCIL MEMBER VAN BRAMER: Do you know how many self-identify?

DOUGLAS JAMES: No, because even if they do self-identify, it's not something that's recorded in our data systems. It's not a demographic characteristic that we track.

COUNCIL MEMBER VAN BRAMER: Why is that?

DOUGLAS JAMES: [pause, background comment] No, I think that--there's, I don't know why.

COUNCIL MEMBER VAN BRAMER: So, if it's important to track other bits of demographic

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2 information, so that we can understand the needs
3 of the various communities, of the City of New
4 York, we can witness trends, things of that
5 nature, seems to me like DHS should very much be
6 concerned about homelessness in the LGBT
7 community. And the only way to know if there is a
8 problem, if it's worse, if it's better, if there
9 are spikes, if there are dips, is to start by
10 recording that information and then tracking that
11 information.

12 DOUGLAS JAMES: It's something that
13 we would consider, but I don't know of any City
14 agency that currently tracks the gender identity
15 or sexual orientation of the individual it serves
16 or it encounters. I don't think that a single
17 agency does that at this point.

18 COUNCIL MEMBER VAN BRAMER: Well,
19 New York is--

20 DOUGLAS JAMES: Not that it's the
21 right or wrong thing, but--

22 COUNCIL MEMBER VAN BRAMER: Right,
23 right, right. Yeah, I mean, I think New York is
24 often at the forefront of these kinds of things,
25 and I think we should be here as well. And look,

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2 not everyone will self-identify or disclose. And
3 certainly you can't compel folks to do so. But it
4 certainly seems worthwhile to ask the question,
5 and get a sense. But beyond that, if someone
6 discloses to you, it seems to me like you've got a
7 fair amount of folks who are disclosing to you,
8 right, that "I am LGBT, I have certain needs, I
9 may have certain fears," they are disclosing that
10 information to you. Clear, that's happening every
11 day in the system, on some level, right?

12 DOUGLAS JAMES: Yes.

13 COUNCIL MEMBER VAN BRAMER: So,
14 even if you don't ask at the front end, when
15 people disclose, it seems to me like you're--I
16 don't want to say throwing away that information,
17 but you're certainly not recording it so that it
18 can be used in any way to actually help the LGBT
19 homeless community. And certainly as an agency, I
20 would think you would want that information,
21 right, to be able to track and to better serve.
22 No?

23 DOUGLAS JAMES: So, any time any
24 bit of identifying characteristic or data or
25 information relevant to a client's case comes up

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2 in the course of casework, it's recorded in a case
3 conference note. So, if it's relevant, if a
4 person's having particular difficulties or needs
5 to seek specific services, it would appear in
6 their case notes. It's not a field, it's not a
7 dropdown field that's included in our database.

8 COUNCIL MEMBER VAN BRAMER: It
9 should be. It should be, because if--if you are--
10 and look, this is all anonymous, right, I mean, in
11 terms of you're sort of collecting numbers, right,
12 and data, I mean, you're not disclosing this
13 information. But if you're tracking that
14 information in the clients' folders, then
15 certainly the agency should be tracking that,
16 right, to see what the need is.

17 DOUGLAS JAMES: I'm not willing to
18 concede that it is in fact the thing we should do,
19 but it's worth looking into.

20 COUNCIL MEMBER VAN BRAMER: So you
21 don't, so if clients come to you and say, "I am
22 LG--" they disclose, they say, "Look, I am LGBT."
23 And--can I keep going?

24 CHAIRPERSON PALMA: [off mic] Oh,
25 yes.

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2 COUNCIL MEMBER VAN BRAMER: "And I
3 have specific needs or concerns," the agency takes
4 that information down, because you think it's
5 important enough to take down and put into their
6 folder. So that the caseworkers, so that the
7 agency can better respond to that particular
8 individual's needs. Then what you're saying is
9 you don't think the agency should at least have a
10 dropdown field and actually record that
11 information so that you have even a semblance of
12 an idea of how many folks are coming through the
13 doors, who are LGBT, who identify as such, and may
14 need specific needs and services. DHS you don't
15 think should record that information?

16 DOUGLAS JAMES: What I'm saying is
17 I think we should look into that. So--

18 COUNCIL MEMBER VAN BRAMER: And I
19 feel very strongly that you should. Because I
20 think it's kind of staggering that you have no
21 idea, to the questions of what is your LGBT adult
22 homeless population? You don't, the answer to
23 even who's even disclosed to you, right, who's
24 telling you. You have no idea whatsoever. And
25 then my question is [background comment] how many

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2 folks have come to you with harassment complaints,
3 security concerns, things of that nature? Do you
4 have any sense of what those numbers are? Do you
5 track that in any way? So if folks are coming to
6 you and say, you know, "The person next to me is
7 calling me a faggot," or you know, what do you do
8 with that information?

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DOUGLAS JAMES: We do track all
10 incidents based on category and keep statistics on
11 that.

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COUNCIL MEMBER VAN BRAMER:

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Including LGBT harassment.

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DOUGLAS JAMES: Correct.

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COUNCIL MEMBER VAN BRAMER: So you

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are tracking LGBT harassment. Correct?

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DOUGLAS JAMES: Yes.

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COUNCIL MEMBER VAN BRAMER: So,

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what are those numbers?

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DOUGLAS JAMES: We have, looking

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into our files, we found three documented

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complaints of LGBT harassment.

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COUNCIL MEMBER VAN BRAMER: In what

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time period?

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DOUGLAS JAMES: Since 2010.

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COUNCIL MEMBER VAN BRAMER: Three.

Over the last three years?

DOUGLAS JAMES: And all three occurred offsite--

COUNCIL MEMBER VAN BRAMER: No, I know. I would imagine three happen every day. I find it staggering that only three people have come forward to complain about LGBT harassment. Because I mean, I certainly hear anecdotally, and on the street, you know, I mean, and as one of the openly gay members of the New York City Council, I mean, I understand that there are lots of folks who have concerns, right, security concerns. There's a great deal of fear. And your number is like woefully underreported, right, I mean, I think anybody would just say that that's--that's nothing, right, I mean, that's almost nothing, literally. And yet we know that there's a pervasive fear out there. So the agency isn't getting any real sense of the problem? Part of the reason I think that you're not getting any sense of the real problem is because it's flawed from the get-go. Right, because you're not tracking your population, you're not keeping track

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2 of who's identifying. And then people are
3 probably not feeling either safe enough to report
4 the abuse or they just simply drop out of the
5 system, rather than thinking that there's a way to
6 go for help. So, I think I'm pointing out a real
7 problem that I have with the work that you're
8 doing with respect to having any semblance of an
9 idea of where the epidemic is within the LGBT
10 community. I wanted to talk just briefly, and
11 then I'll--but, couch surfing is something that we
12 talk often about with respect to LGBTQ homeless
13 youth. But I think it is also something that LGBT
14 adults experience as well. I think there's sort
15 of a continuum, right, that sort of goes from
16 youth to adolescence to adulthood. So, do you
17 have any sense of the LGBT homeless population
18 that you're not even seeing? I mean, I don't
19 think you're recording what you do see, but are
20 there studies done? Are you looking into this?
21 Where are those folks who you're not even seeing?
22 Who are not even close to approaching the system,
23 but yet are still technically homeless?

24 DOUGLAS JAMES: With respect to the
25 instably housed, whether they're LGBT or

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2 otherwise, the number of folks doubled up in the
3 City is staggering. We don't have our arms around
4 what that number might be.

5 COUNCIL MEMBER VAN BRAMER: And
6 when youth transition out of DYCD, and age out of
7 the system, do you track that? How are you--where
8 is, you know, that continuum of service, if you
9 will, right, so there's not a breakage and that
10 people aren't lost? So, if you've got LGBTQ youth
11 who are aging out of prior systems, but yet within
12 the confines of the City, and then being forced
13 into the shelter system, right, for lack of
14 options. Do you track that at all? Do you have a
15 sense of how many youth are going into your
16 shelters each year as a result of that process?

17 DOUGLAS JAMES: WE do track that.
18 But there is a bit of a drop off. People,
19 clients, individuals, don't often come straight
20 from foster care to 30th Street. They have some
21 intervening stops along the way. They wear out
22 their welcome on, like you said, couches and guest
23 rooms before they reach out system. And so when
24 we're recording their prior addresses, we may not
25 always get that they were, that they aged out of

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2 the foster care system a year ago, or a year-and-
3 a-half ago. But it is something we try to
4 capture.

5 COUNCIL MEMBER VAN BRAMER: So,
6 given that, and I fully understand that drop off
7 and what are the numbers?

8 DOUGLAS JAMES: I don't know them
9 offhand. I'll have to get back to you with that.

10 COUNCIL MEMBER VAN BRAMER: But you
11 have those numbers.

12 DOUGLAS JAMES: Yes.

13 COUNCIL MEMBER VAN BRAMER: Okay.
14 I just, I mean, I think you get where I'm coming
15 from, right, that they're very, very few numbers.
16 And I'm a little stunned at that, just because
17 this is what the hearing is about. [laughs] And,
18 you know, and I really, really, you know, am
19 shocked because I think that this is a very
20 vulnerable population. Right? We know it's a
21 very vulnerable population. And--and the only way
22 to fully assist and make that population less
23 vulnerable is to know how big a population it is,
24 who they are, where they are, when they're coming
25 in, what they need, what they are faced with,

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2 before, during and after shelter. And I don't
3 think you have, from what I'm hearing, a really
4 good read on any of that. And so I would just ask
5 the Chair that we follow up and maybe consider
6 changing your intake policies, certainly, and make
7 sure that you're doing so. Because if--and the
8 reports of harassment are shamefully and
9 staggeringly low. And because it was so low, I
10 forgot my follow up question to that question.
11 But I do want to, now one more question. The
12 three complaints: what were they for and how do
13 you handle those? What's the process then for
14 making someone feel safe who said, "Someone has
15 said or done something to me that makes me feel
16 unsafe"?

17 DOUGLAS JAMES: Well, in general,
18 when a client complains of harassment, violence,
19 anything else that makes them feel unsafe, we meet
20 with the client to find out what they think will
21 help them to feel safer. That might be
22 transferring to another facility. That might be
23 staying at that facility and making sure that the
24 aggressor is transferred elsewhere. That's their
25 home shelter, they have a connection with the

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2 staff and security there. Changing their bed to
3 another location can sometimes address some
4 concerns of insecurity. And then, there's always
5 addressing the aggressor, and there's steps taken
6 to deal with that as well.

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COUNCIL MEMBER VAN BRAMER: Can I,
8 obviously, we're not talking names, but can you
9 talk a little bit about the disposition of those
10 three cases?

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DOUGLAS JAMES: [pause, background
12 noise/comments] One case was a criminal case. So
13 that was dealt with.

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COUNCIL MEMBER VAN BRAMER: So
15 someone was arrested.

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DOUGLAS JAMES: Yes. [pause] Two
17 of them, rather, I'm sorry, became criminal cases.
18 And one was a harassment that didn't result in
19 disciplinary action, but the staff intervened and
20 deescalated the situation and moved the clients.

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COUNCIL MEMBER VAN BRAMER: Well,
22 I'll conclude there, but I--you know, I want to
23 say I don't--I'm sure that you want, both of you
24 want, the agency wants what's best for the LGBT
25 homeless adult population. But I'm very, very

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concerned about the answers to just about all of the questions that I ask. So, I'm sure we'll be following up. Thank you, Madam Chair.

CHAIRPERSON PALMA: Thank you, Council Member. I have a question, before I turn it over to Council Member Arroyo. In--is there any--is any of the staff at DHS, that work in the shelters, specifically like trained to work with the LGBT population? Or is training across the board for all staff?

DOUGLAS JAMES: It's training across the board for all staff.

CHAIRPERSON PALMA: Are there any support groups provided at the sites for the LGBT population?

DOUGLAS JAMES: In different sites, have different linkages based on the needs of their individual clients. It's not a uniform policy or something available at every shelter.

CHAIRPERSON PALMA: So, it's up to the site to decide whether they want to provide these services? Or--

DOUGLAS JAMES: It depends on the clients that they ha--that they serve. They are

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expected to--it's not up to them, they're expected to make--

CHAIRPERSON PALMA: Okay.

DOUGLAS JAMES: --appropriate linkages to the community and to bring in services to meet the needs of their clients. So, if there's a site that has a large population of LGBT individuals who need services, then that site would be expected to--

CHAIRPERSON PALMA: If we--

DOUGLAS JAMES: --to provide appropriate services.

CHAIRPERSON PALMA: If it comes to the attention of DHS that a site is not providing those type of services, what are the steps that DHS takes to make sure, to ensure that the clients are receiving, or will receive the services?

DOUGLAS JAMES: You know, we meet with our providers and their staff very regularly. And whenever we find that there's a shortcoming, we bring it up and it's addressed.

CHAIRPERSON PALMA: Okay. Do we know if this has happened in recent times?

DOUGLAS JAMES: Specifically with

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respect to LGBT services? No, I don't know.

CHAIRPERSON PALMA: Okay. Council Member Arroyo?

COUNCIL MEMBER ARROYO: Thank you, Madam Chair. Good morning.

DOUGLAS JAMES: Morning.

COUNCIL MEMBER ARROYO: I want to follow up on the training, staff training question. You say staff is routinely trained.

DOUGLAS JAMES: Yes.

COUNCIL MEMBER ARROYO: Staff at the DHS facilities.

DOUGLAS JAMES: Correct.

COUNCIL MEMBER ARROYO: What about your contracted providers?

DOUGLAS JAMES: The contracted providers are responsible for training their staff appropriately.

COUNCIL MEMBER ARROYO: And how do you ensure that they have fulfilled that contractual responsibility?

DOUGLAS JAMES: Well, we find out about it when there's, when their staff come--fall short. We don't check their training.

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2 COUNCIL MEMBER ARROYO: So, as a
3 matter of routine, as the grand tour of these
4 contracts, in order for these providers to retain
5 their contracts and remain in good standing with
6 DHS, there is no administrative oversight that
7 allows the agency, DHS, to determine whether the
8 provider has done the ongoing training of their
9 staff.

10 DOUGLAS JAMES: Well, during
11 regular case conferencing and meeting with the
12 provider and the provider's staff, it does come to
13 our attention that staff is inadequately trained.
14 In a lot--

15 COUNCIL MEMBER ARROYO: Okay.

16 DOUGLAS JAMES: --in a number of
17 tracks--

18 COUNCIL MEMBER ARROYO: So, let me,
19 let me, let me help you here, because I think if
20 something happens, it comes to your attention, but
21 we're paying millions and millions of dollars to
22 these vendors, or contractors, or however we want
23 to define them, providers, in the community, who
24 often are the ones providing the services. I
25 think they provide more beds through contract than

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2 DHS does on its own. And I recognize that you can
3 control what happens at your facilities better.
4 But the oversight to ensure that personnel records
5 of these providers contain documented proof that
6 training of different type, not just sensitivity
7 and how to handle conflict and everything else
8 that goes along with that, but there is--so you
9 don't have a process to verify, by some kind of
10 audit, that's done of the providers, that the
11 training has indeed taken place.

12 DOUGLAS JAMES: So--

13 COUNCIL MEMBER ARROYO: It's okay
14 to say no.

15 DOUGLAS JAMES: Okay, but I just
16 wanted to clarify what I was saying before. Just--
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18 COUNCIL MEMBER ARROYO: Not that
19 it's okay, but it's okay for you to say--

20 DOUGLAS JAMES: I understand. I
21 just want to clarify my earlier answer. It's not
22 that when something happens we find out about it,
23 it's that we have regular supervision of their
24 staff. We meet with them, we ask them questions
25 about their work, about their engagement of

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clients, we review client case records. During that process, that very active, close supervision of our providers, we become aware of inadequacies. And then we address them.

COUNCIL MEMBER ARROYO: Okay, so could you--

DOUGLAS JAMES: Their, to your answer about the auditable trainings, I don't think that we have that.

COUNCIL MEMBER ARROYO: Okay, so, could you share with the Committee the document that is used to, in that review process? In those conferences that you, that you conduct, and the instrument that you use to deem a provider in compliance with their contractual agreement?

DOUGLAS JAMES: There isn't a document.

COUNCIL MEMBER ARROYO: There isn't.

DOUGLAS JAMES: There is not a document.

COUNCIL MEMBER ARROYO: Okay. As a former healthcare administrator, one of the things that we, in the healthcare industry, must provide

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2 to our licensing, contracting authorities, is an
3 employee file that documents and proves the
4 ongoing training that staff must undergo. Quality
5 insurance, fire safety, universal precautions,
6 physical exams, licenses that are required for
7 whatever position the individual holds. And if
8 DHS is not holding your contractual providers
9 responsible at that level, then I believe that
10 this system is not able to track and identify
11 providers that may not be in compliance; and
12 leaves room for too much to go wrong. So, I would
13 urge you to develop a document that enables you to
14 review your providers, unannounced, the same way
15 healthcare institutions are reviewed, to make
16 sure, just to check. Staff will do as well as
17 they are trained. That has been my experience.
18 And if we're not providing that ongoing education
19 to them, if something goes wrong, then we're part
20 of the problem. And notice how I say "we." I'm
21 not pointing the finger at DHS, I think as the
22 legislative body in the City, you as the agency
23 that has responsibility of housing our homeless,
24 we have a responsibility to make sure that the
25 dollars, the taxpayer dollars that are spent to

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2 provide these services in community, are used
3 appropriately and that the individuals that are
4 contracted to provide those services are doing it
5 according to the measure that that contract
6 dictates. And we don't have to make them up. I
7 am sure that you have it in the contractual
8 language what providers are responsible for. So,
9 I believe that you need to go back and have a
10 conversation about how we can measure how well
11 providers are doing, as it relates to training
12 their staff on a host of issues. But given the
13 conversation today, how do we handle issues
14 surrounding LGBT youth or adults? And how do we
15 best address their particular needs? And they do
16 have particular needs that maybe the heterosexual
17 population do not. So, that--I just, Madam Chair,
18 I put that out as a, you know, food for thought
19 and for follow up. The issue of when a conflict
20 occurs, and a complaint comes, you cited three
21 cases: two criminally, handled on a criminal
22 level; the other one was harassment. And you used
23 the term aggressor. And I think that--and this is
24 where staff training and providers have to be on
25 top of, well what happens with that aggressor and

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2 why is that aggressor displaying that kind of
3 hostility and conflicting behavior? And then what
4 do we do for that individual? Disciplinary
5 action. I'm not, that can mean a whole bunch of
6 stuff. But paramount in that is are we connecting
7 that individual to the appropriate level of care
8 so he or she can begin to deal with whatever it is
9 that put him or her in that aggressive behavior in
10 the first place. So, I didn't--all I heard was
11 disciplinary action.

12 DOUGLAS JAMES: Well, we take
13 responsibility. The clients have to take
14 responsibility for their own action, but
15 responsibility also is borne by us. So, yes, we
16 have to find out what happened. The first step is
17 ensuring safety, and sometimes safety requires an
18 immediate suspension, immediate transfer--

19 COUNCIL MEMBER ARROYO: I
20 understand that. I'm trying to get at beyond
21 that.

22 DOUGLAS JAMES: And after the fact-

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24 COUNCIL MEMBER ARROYO: I'm trying
25 to get at beyond that. This aggressor may need

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2 some further intervention on a clinical level by
3 health, a mental health professional. That's what
4 I'm looking for. What do we do to help that
5 individual in, during the process or after the
6 fact, to make sure that we connect that individual
7 to the kind of services he or she needs, so that
8 we can help him or her deal with the core issues?

9 DOUGLAS JAMES: Well, you know,
10 that is part of our ordinary casework. We do that
11 for every client, whether or not an incident has
12 occurred that they're the aggressor or they've
13 been the victim in an incident, or they're just
14 exhibiting behavior that warrants further
15 investigation. Whatever it is, we try to make
16 sure that every client's connected to services.

17 COUNCIL MEMBER ARROYO: Okay, Doug,
18 I am not hearing the language I want to hear. So,
19 I guess--

20 DOUGLAS JAMES: What I'm saying is-

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22 COUNCIL MEMBER ARROYO: --Madam
23 Chair, no, I'm, 'cause I have a couple more
24 questions, I don't want to dominate this. I
25 think, Madam Chair, we need to examine the policy

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2 the agency holds providers accountable for.
3 Because most of the services that are provided to
4 our homeless individuals in our City are done
5 through contracts, outside the control of the day-
6 to-day operation by DHS. So, I'm--the issue of
7 how do we handle the mental health needs of
8 individuals in our shelter system, I think is
9 something that warrants further discussion. And I
10 don't want to put you on the spot here. I don't
11 know what your title is, but I notice the
12 Commissioner's not here. Maybe he didn't think
13 this was important enough to be here, but--

14 CHAIRPERSON PALMA: Actually,
15 there's a transition going on in DHS, as we speak,
16 so that's why--

17 COUNCIL MEMBER ARROYO: Okay, so--

18 CHAIRPERSON PALMA: --Deputy, Doug
19 is actually the Deputy Commissioner of Adult--let
20 me get it right.

21 DOUGLAS JAMES: Adult Services.

22 CHAIRPERSON PALMA: Adult Services.

23 COUNCIL MEMBER ARROYO: So--

24 DOUGLAS JAMES: I mean, are you
25 aware of the mental health services that we

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provide throughout our system?

COUNCIL MEMBER ARROYO: I--that's--
the answer's no.

DOUGLAS JAMES: Okay, so, we have
robust mental health services.

COUNCIL MEMBER ARROYO: But, wait,
wait, wait, wait, Wait! Just a second. 'Cause
I'm not going to debate you. That's not what this
is about. This is about us understanding, us here
understanding what that robust--

DOUGLAS JAMES: So, I'll explain it
to you.

COUNCIL MEMBER ARROYO: No. Not
now. Let's follow up with a conversation about
mental health needs of those individuals in the
System and who's responsible for making sure that
that individual is connected to the right service,
which may or may not be the provider who is
housing the individual. It may be somebody else,
it may be outside of the contracted providers'
scope of services.

DOUGLAS JAMES: Okay.

COUNCIL MEMBER ARROYO: And I, my
office handles issues, complaints from individuals

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2 who are at the Willow Shelter, and 90 percent of
3 those issues come directly related to the
4 individuals not being connected to mental health
5 services that are needed. So, I--in the
6 underground, we have experiences that you don't.
7 And I know that what you expect is one thing; and
8 what happens on the ground level is something
9 different. So, the robust--there's the services,
10 notwithstanding, on the ground level, individuals
11 are not being handled appropriately as it relates
12 to mental health services, and the needs that they
13 have, and how they get connected, or not
14 connected, to services. It's a larger discussion
15 that we need to have. Now, last week, in my--in
16 the Health Committee, we had a hearing, we heard a
17 couple of pieces of legislation and the other part
18 of it was animal care and control in the City.
19 And how do we reduce the number of pets that end
20 up in shelter, and one main issue that came out of
21 that hearing, and I'm going to ask my Chair to
22 have a hearing with the Health Committee,
23 individuals who end up in shelter themselves,
24 often have to give up their pet, and their pet
25 ends up in a shelter system that's underfunded,

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2 over populated, and it's not necessary. And I
3 think what we need to look at, DHS policy about
4 pets, and how we can, changing how we practice,
5 how we transition families, talk about how we can
6 keep families and their pets united. So they're
7 not in the shelter system, as well. That is, I,
8 for me, it just seems like a very, no-nonsense,
9 common sense discussion that we need to have,
10 because it was one of the things that, of the many
11 recommendations that came out, that the advocates
12 and AC&C (Animal Care and Control) brought to the
13 table. We have to find a way to keep pets united
14 with their families, even if they're in the sh--
15 the family's in the shelter system themselves. I
16 think that it would save taxpayer dollars on one
17 end, for sure. So, and I don't know the answer,
18 but I think we need to come together and have that
19 conversation. Thank you, Madam Chair.

20 CHAIRPERSON PALMA: Thank you.
21 Council Member Brewer.

22 COUNCIL MEMBER BREWER: Thank you.
23 I don't know if this was asked, but there was a
24 study done by Queers for Economic Justice, and I'm
25 just wondering if you've looked at that study and

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whether you can take anything from it, in terms of what needs to get done?

DOUGLAS JAMES: What study is this, I'm sorry?

COUNCIL MEMBER BREWER: It was done, 2010 study by Queers for Economic Justice. It's an organization that serves LGBT young people and adults.

DOUGLAS JAMES: I'm not aware of that study.

COUNCIL MEMBER BREWER: Okay, so, 'cause it did look to see some of the issues that are, our young people and adults, LGBT, who are homeless or without permanent housing. And it just seems to me that that would've been--'cause one of the my questions is, "Do you do any survey of your shelter population as opposed to just the training that you do on it, for, by, of the providers?" In other words, is there any way that a person--it's scary when you're in shelter. We have lots of transitional shelters in my district. There's one wonderful person, Lisa Black, knows in our district, and the individuals who are in that transitional shelter, in my office, every single

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2 day. And so my question is, do you do any surveys
3 of your population, either the general population,
4 specific groups of individuals, is there any
5 surveying done to see what people's needs are? As
6 opposed to just talking to the provider.

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DOUGLAS JAMES: Which needs,
specifically?

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COUNCIL MEMBER BREWER: I don't
know. In other words, do you ever say to people,
"Are you getting the services you need? Is there
some other mental health--" In other words, do
you give them any questionnaires that they can
fill out about their services that are being
provided?

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DOUGLAS JAMES: There are no formal
surveys that we submit to clients.

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COUNCIL MEMBER BREWER: Okay.
Would that be something that you think maybe
should get done? 'Cause I think other
organizations are doing that. So, obviously,
QEJ's doing this.

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DOUGLAS JAMES: Something we can
look into.

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COUNCIL MEMBER BREWER: Okay. The

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2 other question I have is, the indiv--I'm really
3 familiar with True Colors. Is there anything else
4 like True Colors, which is Cyndi Lauper's group,
5 West Side Intergenerational? That's for aging
6 out, LGBT aging out. Is there any other such
7 shelter available, either for adults or young
8 people? Or you don't know.

9 DOUGLAS JAMES: Not that we
10 operate.

11 COUNCIL MEMBER BREWER: So that's
12 it. Only one. Okay. And do you think that's a
13 model that should be replicated?

14 DOUGLAS JAMES: We have--

15 COUNCIL MEMBER BREWER: Do you know
16 that program, do you know True Colors?

17 DOUGLAS JAMES: Yeah, I do. We
18 have a lot, a number of different program models,
19 mental health shelters, substance abuse shelters,
20 micro-shelters, employment shelters, that serve a
21 specific group. I'm not certain, right now, we've
22 looked at it, but we haven't come to the
23 conclusion that creating a separate program model
24 is the best thing for that population. Whether or
25 not segregating them and creating separate

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2 shelters is ideal. So, it's something that we've
3 considered and we looked at, and we haven't come
4 to a conclusion.

5 COUNCIL MEMBER BREWER: Okay, do
6 you know if True Colors is working? Do you think
7 that's, that's a different kind of model, it's
8 very well-funded, it's got a lot of support
9 services. Do you have some sense that young
10 people there--it's obviously young, it's not
11 adults, it's aging out--in between, they're aging
12 out, so they're going toward adulthood. I've been
13 there many, many times. Do you feel that that is
14 an example of--is that working? Is that something
15 that, even though you haven't looked at it
16 carefully, do you think that's a model that could
17 be replicated, even though you haven't carefully
18 at it, do you have any sense on it?

19 DOUGLAS JAMES: I don't want to say
20 it's a model that can be replicated. I think it's
21 a fantastic facility, it's a great program;
22 whether it can be scaled, whether it's something
23 that should be replicated, is a separate question
24 as, from whether or not it's good.

25 COUNCIL MEMBER BREWER: All right.

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2 I just think that if it's working, and that you--
3 somebody besides Cyndi Lauper and West Side
4 Intergenerational should be talking about trying
5 to do something like it. Next question. I am
6 always concerned, as many know, that we don't do
7 enough to keep people in their homes, with or
8 without pets, before they actually get there. And
9 one of the issues that's come up, not necessarily
10 for the entire population, but for those who are
11 trying to get, either coming through GMHC, where
12 they get some support, the issue is, "How do you
13 pay for your apartment?" either through getting
14 the apartment in the first place, because of this
15 broker fee issue, where you only get part of your
16 broker fee now by HRA. What do we do, what are we
17 doing in terms of trying to keep people in their
18 apartments? Obviously, this applies to the entire
19 population. But the LGBT population often gets
20 discriminated against. So, do you have any sense
21 of what the City as a whole, 'cause you're not
22 just isolated, you're not a silo. So the question
23 is, do you have any suggestions as to what the
24 City of New York can do to keep people in their
25 apartments before they end up in the DHS system?

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Do you ever have that discussion?

DOUGLAS JAMES: Well, we've made a tremendous investment in prevent services through our Home Base program.

COUNCIL MEMBER BREWER: We have not. That, then you're going to send me right off into the atmosphere of today. I'm dealing, I'm late, 'cause I'm dealing with a guy, he's not LGBT, but he's paying, he has an apartment, a \$410 a month, and he got evicted on Thursday, because his public assistance is \$210. So now I got to-- and he doesn't have a third party. So we do not do a lot of work to keep people in their apartments. He's going to end up paying \$3,000, we're going to end up paying \$3,000 a month, 'cause he went right into the DHS system. Don't get me started, I'm sorry, you don't know me, but don't get me started about what we're doing to keep people in their homes. I want to hear specifically, are you aware of how you could prevent, within the LGBT community, 'cause it's a specific community, and a lot of discrimination in housing. Do you have any sense of what extra we should be doing to keep LGBT individuals or

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families in their apartments before they end up becoming homeless?

DOUGLAS JAMES: I was speaking of Home Base. And we are working to create a module for Home Base geared towards singles, because it doesn't--

COUNCIL MEMBER BREWER: Working toward? What--translate that, Home Base and I are not on the same plane, just so you know.

DOUGLAS JAMES: I understand that.

COUNCIL MEMBER BREWER: That you get a--you call them up, you get a answering machine, that starts me right down the path of--

DOUGLAS JAMES: They do a fantastic job of serving families.

COUNCIL MEMBER BREWER: Yes.

DOUGLAS JAMES: There's a number of services--

COUNCIL MEMBER BREWER: Answering the phone would be good.

DOUGLAS JAMES: --available to-- there is a number of services available to them, there's a menu of options that they bring to bear, that helps families--

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COUNCIL MEMBER BREWER: Do they ha-

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DOUGLAS JAMES: --avoid cer--

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homelessness.

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COUNCIL MEMBER BREWER: And do you

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think that--

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DOUGLAS JAMES: For singles,

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there's not that.

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COUNCIL MEMBER BREWER: So it's

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mostly for families, is what--

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DOUGLAS JAMES: It's mostly for

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families. We're working to create something to--

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COUNCIL MEMBER BREWER: What would

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you think we should creating to keep singles--

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DOUGLAS JAMES: We have to--

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COUNCIL MEMBER BREWER: Go ahead.

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DOUGLAS JAMES: The first thing is

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identifying funding and resources--

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COUNCIL MEMBER BREWER: Right.

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DOUGLAS JAMES: --that could be

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brought to bear.

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COUNCIL MEMBER BREWER: We've been

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trying that for about 12 years, yes.

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DOUGLAS JAMES: So we're continuing to try that.

COUNCIL MEMBER BREWER: Okay. All right, thank you, Madam Chair.

CHAIRPERSON PALMA: Thank you. Going back to the eight individuals who do the HIV testing, if they're found, if they test positive, are they then connected directly to HASA?

DOUGLAS JAMES: Yes.

CHAIRPERSON PALMA: And so they don't have to go through the--go through the HASA process and out of the shelter system. Do we know how many individuals to-date have gone through that process and been connected to HASA? Do we have those numbers?

DOUGLAS JAMES: I'll have to check.

CHAIRPERSON PALMA: You don't have them now?

DOUGLAS JAMES: I don't have them right now.

CHAIRPERSON PALMA: Can we--can you get them to us?

DOUGLAS JAMES: Yes.

CHAIRPERSON PALMA: And in terms of

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2 Council Member Brewer brought up, you know, that
3 the LGBT population and the many discriminations
4 that they face, we know the employment program
5 that's in place, and all the laws that are
6 supposed to, you know, and the work requirement
7 that's part of trying, you know, to get them to
8 work, and you know, to get their lives in some
9 civility, but we also know that, you know, they,
10 many transgender individuals face discrimination
11 because, you know, they may go to a job interview
12 and they may not be called back. What are we
13 doing, what extra steps are being taken to make
14 sure that, you know, those individuals are
15 connected to jobs in a real way?

16 DOUGLAS JAMES: I think you're
17 referring to the SET program.

18 CHAIRPERSON PALMA: Yes.

19 DOUGLAS JAMES: So, the benefit of
20 the SET program, the idea is that we're connecting
21 hard-to-serve clients to work. And we're looking
22 at transgender and other folks who face barriers
23 to employment, by subsidizing their wages, by
24 working directly with the employers, they, they're
25 taking those clients and they're giving these

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2 clients that have been unable to find work through
3 Back to Work vendors or on their own, a leg up and
4 a start in the working world. And hopefully a
5 path out of shelter, and a path to stay out of
6 shelter.

7 CHAIRPERSON PALMA: And these
8 individual, these employers that you're working
9 with, and subsidizing the clients' income, do they
10 continue to work--Do you know if they're
11 continuing to work past the agreement that, you
12 know, the employers have with the City?

13 DOUGLAS JAMES: 70 percent of the
14 employees who complete the program will be
15 retained, that's the agreement with the employers.
16 And at the back end of the program, for those who
17 aren't retained, who aren't converted, we are, we
18 have employment services available to them to help
19 them get placed in permanent employment.

20 CHAIRPERSON PALMA: Do we know the
21 issues with the 30 percent that are not being
22 retained?

23 DOUGLAS JAMES: So, you know, at
24 the end of the program, why they might not be
25 retained, you know, poor attendance, being a bad

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2 worker, bad attitude. You know, the things that,
3 you know, sometimes are, my clients, our clients,
4 bring to the table in employment situations, they
5 have to be coached out of. And maybe not every
6 marriage is going to work.

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CHAIRPERSON PALMA: So, in part of
8 the SET program, are these issues that we're
9 dealing with, attendance issues, you know,
10 training the client in making sure that, you know,
11 you show up to work, you, you know, that these
12 things are important, at the end of the day for
13 them?

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DOUGLAS JAMES: So part of the
15 program includes funding for aftercare services.
16 So clients who have gotten jobs and exiting
17 shelter, will get a gift card to come back to the
18 shelter to meet with their caseworker to talk
19 about attendance issues and conflicts at work.
20 And you know, ongoing coaching. During the
21 initial phase, while they're still in shelter,
22 there's regular meetings about that, in
23 communication with the employer, as well. What--
24 is this client doing well? What is the, you know,
25 are there problems? What are they? Can they be

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2 addressed? Trying to keep that client stably
3 employed with that employer and, you know, moving
4 forward in the program.

5 CHAIRPERSON PALMA: Okay. Anyone
6 help--any more questions? No. So, I want to
7 thank you, Doug, for coming to testify. And I
8 know that, you know, it's, DHS is going through
9 its transition right now and the Administration's
10 coming to an end in six months, so I think the
11 issue raised by Council Member Arroyo in terms of,
12 you know, revisiting the policy, may be something
13 that we should work on doing, you know, before the
14 end of the year, and the model that Council Member
15 Brewer raised in terms of, you know, the True
16 Colors facility. Everything boils down to
17 funding, but I think it's, if we can definitely
18 take a look at that model and then take a look at
19 the policy that's in place and figure out how we
20 can enhance the policy to make sure that the LGBT
21 community within the, you know, home, within DHS
22 is being better served, and you know, that the
23 tolls and the resources are there to, for the
24 agency to be able to provide those services. So,
25 I want to thank you both for coming to this

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2 morning to testify, and we'll definitely be
3 following up with the agency to continue the
4 discussions around , you know, the policy and
5 what, you know, needs to be done and pets, pets
6 every--staying with their families, as well, I
7 think is, you know, is extremely important. It
8 was an issue that was really raised during the
9 Sandy hearings and we didn't realize how important
10 it was to a lot of individuals and families. So,
11 thank you again for coming and I look forward to
12 seeing you again.

13 DOUGLAS JAMES: Thank you.

14 CHAIRPERSON PALMA: Our next and
15 only witness to come and testify is Patrick Markee
16 from the Coalition for Homeless Services.

17 [pause, background noise/comments]

18 PATRICK MARKEE: Hello? Hi, my
19 name is Patrick Markee, I'm Senior Policy Analyst
20 at Coalition for the Homeless. We are submitting
21 written testimony in collaboration with the Legal
22 Aid Society, which you have copies of, and I won't
23 actually read that testimony, I'll just speak very
24 briefly just to highlight a few issues. First of
25 all, it's important to recognize that as we sit

1
2 here today, New York City is in the worst, the
3 midst of the worst homelessness crisis since the
4 Great Depression of the 1930s. We have more than
5 50,000 men, women and children sleeping each night
6 in our shelter system, the highest levels recorded
7 since modern homelessness began three decades ago.
8 And since Mayor Bloomberg took office, the
9 homeless population has increased by a remarkable
10 61 percent. And sadly it looks like we'll see
11 further increases throughout the course of the
12 rest of this year. So, it just again speak to the
13 need to change the policies that have led to the
14 elimination of permanent, affordable housing
15 resources for homeless children and adults in this
16 City, when we get to a new Administration.
17 Ideally before that, but it looks like we'll
18 probably be waiting for the next Administration to
19 see that kind of change. Obviously, that
20 homelessness crisis has impacted LGBT New Yorkers
21 as well as straight New Yorkers and it raises some
22 of the issues that this important hearing
23 addresses. I just wanted to sort of say a couple
24 things about some of the progress that has been
25 made, actually, in terms of the Department of

1
2 Homeless Services, dealing with a couple of
3 issues, particularly the transgender clients
4 policy and the policy regarding homeless couples
5 with domestic partnerships, when they're applying
6 for shelter. I think it's absolutely important to
7 recognize that the progress that has been made was
8 almost entirely the result of years of organizing,
9 advocacy, incredibly tireless work on the part of
10 LGBT rights organizations, homeless advocates,
11 homeless people themselves, and in critical, and
12 since there's the City Council stepping in to make
13 sure that the rights of people and that the
14 treatment of LGBT homeless people was being
15 protected, that transgender policy in particular,
16 which has really led to real improvements for
17 transgender client in the adult shelter system,
18 was really the result of years of advocacy on the
19 part of LGBT rights groups, particularly groups
20 like Queers for Economic Justice. And I think
21 it's important to recognize their critical role.
22 The domestic partnership policy, similarly, it
23 took the current Administration years and years
24 after they put in place a discriminatory policy,
25 that said that homeless couples who are registered

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2 as domestic partners, would have to produce
3 additional proofs to show that they were indeed
4 families, proofs that married couples were not
5 required to provide, and this of course at a time
6 when gay couples in New York State could not
7 marry. That it took years to reverse that policy,
8 a discriminatory policy that was put in place by
9 this Administration, and it was the City Council
10 and the Speaker and the leadership stepping in to
11 really take that on, which led to the elimination
12 of that discriminatory policy. So again, I think
13 credit where credit is due to the LGBT rights
14 groups, the advocates, the homeless advocates, and
15 the City Council. Having said that, despite that
16 progress, much more needs to be done. We need to
17 be doing much more in terms of improving cultural
18 competency and sensitivity in shelters. Council
19 Member del Carmen Arroyo's point about contracted
20 shelters making sure that they're actually doing
21 the kinds of trainings and having the frontline
22 staff who are the folks who really are like
23 implementing, you know, these policies, it's where
24 the rubber hits the road, we need to make sure
25 that those folks are really like trained and

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2 treating clients in the right way. But I'd also
3 then like to really highlight, I think, a really
4 critical issue where we still see major gaps, and
5 that has to do with homeless young adults and
6 homeless youth, LGBT youth in particular. The DHS
7 system actually ends up sheltering the largest
8 number of homeless youth in our City, who are in
9 shelter. The comparatively very small DYCD system
10 is often, is inadequately funded, does not have
11 enough beds, and so many homeless youth,
12 particularly LGBT youth, turn to the DHS system.
13 And often what happens is, when they come into the
14 DHS system, they're turned away. They're told,
15 "Go to a DYCD shelter. Go over to Covenant House,
16 go over to one of these other, you know, non-DHS
17 shelters" without the DHS frontline staff at the
18 intake points, actually ensuring that there's a
19 bed there for that client, or making sure that
20 that client's going to get entry there, or that
21 it's the right fit, all of those things. And so
22 what we end up seeing is homeless young adults,
23 and again a significant percentage of them are
24 LGBTQ adults, ending up getting bounced between
25 systems and often being forced to turn to the

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2 streets or to couch surfing, or to whatever. And
3 that's not the way that we should be having these
4 systems operate. So we still see huge gaps there,
5 and it's one of the ways that we really need to
6 ensure that at the DHS intake point, they're not
7 turning people away, that if they do refer someone
8 to shelter in another system, like the DYCD
9 system, that they ensure that there is a genuinely
10 available accessible bed, appropriate bed for that
11 individual. And we need to be making sure that
12 that's happening. I'd be happy to answer any
13 questions.

14 CHAIRPERSON PALMA: Question?

15 Yeah.

16 COUNCIL MEMBER BREWER: So, 'cause,
17 I mean, obviously thanks to Lew Fidler and the
18 Speaker there've been a lot of--not a lot,
19 there've been some funding allocated to - - and
20 others. So, are we under the impression, I think
21 it is true, that all of the DYCD beds are probably
22 filled every night. Is that your impression, or--

23 PATRICK MARKEE: It's clear we
24 don't have an adequate number of those beds, it's
25 absolutely clear.

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COUNCIL MEMBER BREWER: Okay, so--

PATRICK MARKEE: It's one of the reasons we see waiting lists for those beds.

COUNCIL MEMBER BREWER: Exactly.

PATRICK MARKEE: We see, you know, youth on the streets still, we see youth being forced to turn to the DHS system, which doesn't--

COUNCIL MEMBER BREWER: Well--

PATRICK MARKEE: --which doesn't match their needs in many instances.

COUNCIL MEMBER BREWER: So when young people go to this, to the DHS system, then what would be the appropriate response if there isn't a bed in the DYCD? What should--I'm just asking what we--

PATRICK MARKEE: They could be sheltered in the DHS system, and again I think that speaks to some of the issues that were raised about do we have the appropriate service models--

COUNCIL MEMBER BREWER: Got it.

PATRICK MARKEE: --for that population in the DHS system? But ideally, we should have adequate number of beds in the DYCD system, which I think everyone can agree, despite

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some programs, is much better suited to serving that--

COUNCIL MEMBER BREWER: Definitely.

PATRICK MARKEE: --runaway and homeless youth population.

COUNCIL MEMBER BREWER: Okay, so the answer would be to have more beds in DYCD.

PATRICK MARKEE: Well, the answer would be more housing, permanent housing, but in failing that--

COUNCIL MEMBER BREWER: Well, you're right, you're right. You and I definitely agree.

PATRICK MARKEE: --the answer would be adequate shelter capacity in the DYCD system. But failing that, or you know, alongside that, we need to be making sure that if an individual, if a young adult, you know, an 18-19 year old comes to the DHS system late at night on a cold winter night, that he or she isn't told, you know, "Oh, run over to, go over to the DYCD, we're turning you away, go over to the DYCD system," and then they get there and there's no bed for them.

COUNCIL MEMBER BREWER: Okay.

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2 PATRICK MARKEE: Or they're told,
3 you know, "You're not, you can't come in here."
4 And then that person is like in limbo.

5 COUNCIL MEMBER BREWER: Do you
6 think--

7 PATRICK MARKEE: And that happens a
8 lot.

9 COUNCIL MEMBER BREWER: No, I'm
10 sure. Do you think that programs like True Colors
11 make sense? 'Cause the agency stated that they
12 weren't sure that there was a model that they
13 could--should replicate or could replicate or they
14 hadn't studied it. I don't know the answer, I'm
15 wondering what you think.

16 PATRICK MARKEE: I think they
17 should definitely look at it. I know that there's
18 at least one, and I believe two, you know,
19 shelters for young adults with young adult program
20 models, in the DHS system, that's clearly not, you
21 know, not enough beds for the numbers of youth and
22 young adults that are in the DHS system. But
23 again, a lot of that is because of the inadequate
24 capacity in the DYCD system that leads to overflow
25 into the DHS system.

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COUNCIL MEMBER BREWER: Okay.

Thank you very much.

CHAIRPERSON ARROYO: Patrick, nice to see you, always, thank you for your work and your advocacy. On the available permanent housing issue, and I think one of the things that we can agree on is there's not enough of it. Have you, your part--your colleagues in the business of advocating for homeless families, is there any study that we can look at, that speaks to the number of units that are not available as permanent housing units because property owners, warehouse units, to then contract with a nonprofit, to enter into an agreement with DHS, to provide shelter beds for families in the system?

PATRICK MARKEE: Well, I think what you're talking about is the very controversial, and we think very misguided, scatter site/cluster site shelter model that was initiated in the last years of the Giuliani Administration, but has really exploded in size under the current Administration. I believe there are now almost 2,000 families a night, I think, sheltered in cluster site facilities, it's the way, one of the

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2 principal ways that the agency is expanding
3 shelter capacity, as we see record family
4 homelessness increasing in the City because of the
5 lack of permanent housing. And that points to
6 exactly why it's such a misguided policy. We're
7 taking permanent housing resources, apartment
8 buildings, and paying the owners of those
9 buildings top dollar, ridiculous amounts of money,
10 the \$3,000 a month that Council Member Brewer
11 talked about, for temporary shelter, when we could
12 be providing them with rental assistance, families
13 with rental assistance, and they could be living
14 in the same apartments, and then we could be
15 working to make sure those landlords were fixing
16 up the buildings and getting them up to the code
17 that they need to be in. It's--I think there's
18 almost no clear illustration of the lunacy of the
19 City's approach to this program, than that fact
20 that we're using permanent housing resources and
21 paying top dollar for them to use them as shelter.
22 Taking those units off the market, and paying
23 obscene amounts of money.

24 CHAIRPERSON ARROYO: Do we know--
25 okay, so, the question about is there a study or a

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2 document that we can go to that helps us get our
3 heads around the magnitude of how many units have
4 been taken offline as permanent housing, and put
5 into the shelter system as temporary housing.
6 Because it's more profitable for the property
7 owner to do that, than to rent to families that
8 are going to pay the market rate.

9 PATRICK MARKEE: I mean, I think,
10 I'm not sure that there's a research study that's
11 been done, but I know that, you know, certainly
12 the Comptroller's office has looked at this, we've
13 looked at this, and then, you know, you just have
14 DHS's own data, which shows, again, the numbers of
15 almost 2,000 families a night in cluster site, so-
16 called cluster site shelter, which is apartment
17 buildings. Then you have other facilities, you
18 know, like one of them in the Council Member's
19 district where apartment buildings--

20 CHAIRPERSON ARROYO: We know who
21 the property owners are, you know. We know who
22 they are.

23 PATRICK MARKEE: And often we know
24 who the property owners are, as well.

25 CHAIRPERSON ARROYO: We know who

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2 they are. So, it seems to me that it might be
3 prudent for DHS to examine the rate that it's
4 paying for a family, so that there's less
5 competition for the type of views a property owner
6 would deem his or her property for, because there
7 really is no profit in evicting families that are
8 then going to come back to your property, and
9 you're going to get a great deal more for. I
10 agree that it's misguided and it's one of the
11 leading causes of frustration in communities like
12 mine, where more and more we see tenement
13 buildings that had housed in some cases 57
14 families, are now under contract with a nonprofit
15 provider, and they're part of this, too, I think.
16 The system has to change, we have to reprioritize,
17 to make taking housing offline and make it more
18 profitable to run it as a homeless shelter. That
19 absolutely has to happen. Because if we don't,
20 then we're going to continue to see the evictions
21 happen, they end up in the shelter system, they
22 end up, often, not in the community they came
23 from, because the landlord is looking at the
24 bottom line, not the impact that he or she, from a
25 business perspective, has on the community at

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2 large. So, that is certainly something that I
3 think we need to drill down on in terms of, you
4 know, priorities. What are we, the City, that the
5 agency's saying to property owners? We're sending
6 a very strong message that it's more profitable
7 for them to take permanent housing units offline
8 and put them into the shelter system, and that's
9 just ludicrous and it's, is wholly irresponsible
10 and disgraceful, as far as I'm concerned.

11 PATRICK MARKEE: I absolutely
12 agree. We've put forward a blueprint for how the
13 next Administration can move away from that model.

14 CHAIRPERSON ARROYO: But you, have
15 you shared that with us?

16 PATRICK MARKEE: Yes, I have, and
17 I'd be happy to send you a copy of it, as well.

18 CHAIRPERSON ARROYO: Thank you, I
19 would appreciate it.

20 PATRICK MARKEE: And I will also
21 say there's a coalition of our colleagues of 100
22 organizations called United to End Homelessness,
23 which has put together a blueprint which is very
24 similar, in the sense that we need to get back
25 into doing permanent housing resources to help

1
2 families exit shelter, bring the size of the
3 shelter system down, beginning with this misguided
4 cluster site model.

5 CHAIRPERSON ARROYO: And when did
6 this misguided practice begin?

7 PATRICK MARKEE: It began I believe
8 in--

9 CHAIRPERSON ARROYO: Who's
10 responsible?

11 PATRICK MARKEE: --it began under
12 the Giuliani Administration, in 2000, I believe,
13 but really with only a few dozen units. And then
14 it really expanded dramatically under the current
15 Administration.

16 CHAIRPERSON ARROYO: Okay, thank
17 you.

18 CHAIRPERSON PALMA: Patrick, I have
19 a question around, we heard the Deputy
20 Commissioner state to Council Member Van Bramer,
21 that to-date they've only had three recent, or
22 since 2010, I believe, three, the three complaints
23 or incidents. Has your organization or do you
24 know of any other organizations, get more
25 complaints than have been reported?

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2 PATRICK MARKEE: Yes, I'm glad you
3 asked that question. I meant to address that. I
4 think it's a misleading sort of data point. Let
5 me just say, you know, we monitor the shelters for
6 homeless adults under the Callahan v. Carey
7 consent decree. We're out in the shelters,
8 literally every day, we have a real sense of
9 what's happening on the ground I think more than
10 almost any other group in the City. And on any
11 host of issues, clients are extraordinarily
12 unlikely to register a complaint with the
13 Department of Homeless Services about something
14 that happened to them in the shelters, for various
15 reasons. One, just because of the sort of
16 limited, sort of situation that some clients are
17 facing, sometimes because they don't trust the
18 agency to do the right thing. So, I think it's
19 not surprising. I mean, I guess that three
20 complaints, if you looked at it in the context of,
21 I would, what I would guess would be an
22 extraordinarily small number of complaints
23 overall, I think probably just tells you that
24 that's not the place that people are going to
25 register their complaints when these kinds of

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2 incidents happen. I know that, as I said, we do
3 get these kinds of complaints, and we address them
4 through our client advocacy, through our crisis
5 services. Queers for Economic Justice also
6 operates workshops and support groups in many
7 shelters around the City for LGBT shelter
8 residents. And they do amazing work in that
9 respect. And I know that they see those issues
10 firsthand, as well. So certainly, you know, to
11 Council Member Van Bramer's point, much more is
12 happening than those, like with those three
13 incidents would tell you. I just think it's a
14 misleading data point.

15 CHAIRPERSON PALMA: Thank you for
16 your testimony. I'm going to thank Council Member
17 Arroyo and Council Member Brewer for staying
18 through the end of the hearing. I think this has
19 been the quickest hearing the General Welfare has
20 ever [laughter] has ever held, but we have, as was
21 stated before, much work to be done around this
22 issue, and we definitely, as a Committee, will be
23 looking at working around the policy issues and
24 making sure that, you know, the LGBT community
25 knows that, you know, we're supportive in the

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2 services that they need to be receiving, and we're
3 going to be monitoring. And, again, working to
4 better serve this population. So, thank you for
5 your testimony and I'm--

6 PATRICK MARKEE: Thank you.

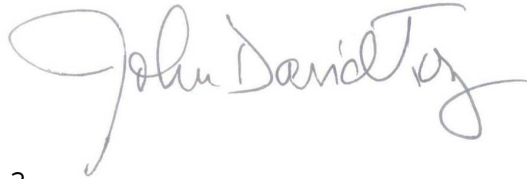
7 CHAIRPERSON PALMA: --going to
8 adjourn the General Welfare hearing of June 10,
9 2013.

10 [gavel]

C E R T I F I C A T E

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.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date July 2, 2013