

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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November 29, 2011
Start: 1:15 p.m.
Recess: 4:33 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
ANNABEL PALMA
Chairpersons

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Gale A. Brewer
Helen D. Foster
Brad S. Lander
Stephen T. Levin
Ydanis A. Rodriguez
James G. Van Bramer
Ruben Wills

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2 CHAIRPERSON PALMA: Good morning
3 and welcome. I'm Annabel Palma, chair of the New
4 York City Council's General Welfare Committee.
5 We're here today to vote on a pre-considered
6 resolution that would authorize the City Council
7 to bring a legal action against the Department of
8 Homeless Services. As we explored in an emergency
9 General Welfare hearing on November 9th, DHS is
10 attempting to create a new eligibility assessment
11 for single adults seeking shelter. In essence,
12 the proposed change will make it more difficult
13 for single adults applying for shelter to be
14 deemed eligible. Litigation in the late 70s and
15 early 80s - - that established a right to shelter
16 for single adults. In the family system however,
17 there is no equivalent right to shelter. Families
18 must visit a prevention assistant and temporary
19 housing office or PATH [phonetic] in the Bronx to
20 be assessed for shelter eligibility. As a result,
21 many families who apply for shelter as deemed
22 ineligible and are turned away. If this proposed
23 change were to be put into effect for single
24 adults seeking shelter, individuals like families
25 will now have to prove they have no other place to

1 stay in order to be deemed eligible. The
2 Committee is very concerned about DHS' ability to
3 properly judge if a single adult does in fact have
4 a viable housing alternative. It is important to
5 know that DHS has been heavily criticized for
6 failing to accurately assess family applicants'
7 eligibility for shelter. It is also important to
8 know that the reapplication rates for families
9 suggest that many who are deemed ineligible by DHS
10 do actually require shelter. The Committee is
11 also very concerned about the implications this
12 new procedure will have on homeless individuals.
13 We fear that this change will result in an
14 increase in street homelessness, just as our
15 coldest winter days are approaching. And let us
16 not forget when a homeless family or individual is
17 denied shelter, they are forced to sleep in our
18 parks, on our church steps, in our subways or in
19 other public spaces. As you know in recent years,
20 the overall number of people in DHS shelter system
21 has steadily increased. DHS daily report for
22 November 3rd, 2011 shows that there are now 39,293
23 individuals in the traditional shelter system.
24 This represents a population increase of 23% since
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2 2006. DHS believes that by implementing an
3 eligibility procedure, it can deny shelter to
4 applicants who are presumed to be able to return
5 to living with friends or families; however, this
6 new policy could also serve as a method for
7 decreasing the number of people in our shelter
8 system. Additionally, it is estimated that this
9 change in policy can save DHS \$4 million. In
10 addition to the impact this policy will have on
11 our city's homeless, the Committee calls into
12 question DHS' legal basis for adopting this new
13 eligibility procedure; specifically the resolution
14 we are hearing today reasons that DHS proposed
15 eligibility procedure falls within the definition
16 of a rule under the city's administrative
17 procedure act or - - that DHS did not follow the
18 procedure for rulemaking set forth in the New York
19 City Charter and that DHS has not asserted the
20 eligibility procedure that was adopted as an
21 emergency exception also pursuant to the Charter.
22 In short, this eligibility procedure seems to not
23 only go against the right to shelter as indicated
24 by local law, but will surely have a devastating
25 impact on the lives of our city's most vulnerable;

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2 therefore, the Committee is seeking authorization
3 for the City Council to sue DHS in order to stop
4 the implementation and enforcement of the new
5 eligibility procedure.

6 Before I call the vote, I would
7 like to recognize that we've been joined by
8 members of the Committee, Council Member Helen
9 Foster from the Bronx, Council Member Ruben Wills
10 from Queens, Council Member Gale Brewer from
11 Manhattan, Council Member Steve Levin from
12 Brooklyn, Council Member Jimmy Van Bramer from
13 Queens, Council Member Brad Lander from Brooklyn
14 and Council Member Maria del Carmen Arroyo from
15 the Bronx. Some of my colleagues would like to
16 share some comments before we call the vote. I
17 would also like to thank the General Welfare
18 Committee for their due diligence on this issue,
19 and especially, the work that they have done this
20 month. We've been thrown a lot of work at us this
21 month, and they've just been able to pick up
22 fairly quickly and get things done, so I wanted to
23 make sure that I thank them publicly. Council
24 Member Jimmy Van Bramer?

25 COUNCIL MEMBER VAN BRAMER: Thank

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2 you very much, Madam Chair. I want to commend you
3 for your unbelievable work on this issue and
4 obviously Speaker Quinn for brining this action.
5 in the two years that I've been in the City
6 Council, this is one of the things that I feel
7 absolutely most strongly about--the fact that our
8 system and our city would seek to grill those
9 people at their most desperate moment, forcing
10 them to prove that they are in the dire straits
11 that clearly someone is when they come to the
12 system and say that they have no more and that
13 they need so much. This is a needless barrier to
14 access for people at the absolute worst time in
15 their lives, the absolute most critical time for
16 them to seek assistance, and knowing that so many
17 individuals who are homeless are dealing with many
18 other issues--mental health and substance use
19 issues, it is absolutely fool - - to seek to bar
20 them and to make it more difficult for them to
21 access the services they need. The presumption
22 that if there are friends and family that they
23 have stayed with that that is actually good
24 housing, that that is a healthy option is also
25 dead wrong because often, the situations that

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2 exist in the homes of the friends or families that
3 they might have been staying with are situations
4 that they should not be in and only exacerbate the
5 issues that they are dealing with. So in fact,
6 they should not be in that housing. That is not
7 healthy for them or for the city. I just want to
8 say that I support this 110%. This is a dead
9 wrong policy and we should stop it, and you, Madam
10 Chair, and the Speaker are doing an amazing job
11 leading this effort. I just want to say thank
12 you.

13 CHAIRPERSON PALMA: Thank you,
14 Council Member. Anyone else? Ready to call the
15 vote? Council Member Lander?

16 COUNCIL MEMBER LANDER: I just want
17 to add my voice. Here we are between Thanksgiving
18 and the Holiday Season, and the idea that what the
19 Bloomberg Administration would do at this moment
20 is seek to bar the door--to tighten the door.
21 We've already seen a significant increase in the
22 number of people getting rejected from shelter in
23 recent years as though a smart response for a city
24 in a time of recession is to make it harder for
25 homeless people to have the shelter they're

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2 entitled to. It's cruel and it's illegal. I give
3 great credit to you and to the Speaker and to the
4 staff for the Committee for bringing forward this
5 resolution of this potential lawsuit. Thank you
6 very much. I look forward to voting yes.

7 CHAIRPERSON PALMA: Thank you.

8 Council Member Rodriguez?

9 COUNCIL MEMBER RODRIGUEZ: First of
10 all, I would like to thank our Chairman Palma for
11 being a leader in this effort and Speaker
12 Christine Quinn. I believe that only a major - -
13 where the average New Yorker can be behind trying
14 to increase the level of homeless in our city. As
15 I say, even I shared when we held a hearing that
16 in my district, I've been addressed with a number
17 of people that when they've been going through the
18 intake process through the shelter, they were
19 asked about, "Do you have a place - - family - -
20 to your country?" - - as a - - commissioner - -
21 even recognized that yes, when people go and apply
22 for shelter, they look at all the options
23 including motivating people to go back to their
24 country. I believe that is unfair and I believe
25 what we are doing today, we send a message to the

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2 mayor that we are standing for one of the most
3 vulnerable groups in the city, which is the
4 homeless, but they are not here by themselves.
5 Anyone can be homeless at any particular time in
6 their life. Thank you.

7 CHAIRPERSON PALMA: Council Member
8 Levin?

9 COUNCIL MEMBER LEVIN: Thank you,
10 Madam Chair. I just want to add my voice and just
11 say that last winter, there were two individuals
12 in my district who died of hypothermia while
13 sleeping in McCarren Park. Both of those
14 individuals were not deemed homeless because they
15 had potential places to stay with family. Under
16 this policy, they would be rejected for shelter.
17 I have no doubt that the action that we are taking
18 today is going to save lives this winter. I
19 applaud you and I applaud the Speaker of the City
20 Council, Christine Quinn, for your efforts to
21 stand up for the most vulnerable population in our
22 city. Thank you.

23 CHAIRPERSON PALMA: Thank you. We
24 can call the roll.

25 COMMITTEE CLERK: Kevin Pin,

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2 Committee Clerk. Roll call in the Committee on
3 General Welfare. Council Member Palma:

4 CHAIRPERSON PALMA: I vote aye.

5 COMMITTEE CLERK: Brewer?

6 COUNCIL MEMBER BREWER: Aye.

7 COMMITTEE CLERK: Foster?

8 COUNCIL MEMBER FOSTER: Just a
9 minute to explain my vote. I vote aye, and I want
10 to thank you, Council Member Palma, the Speaker
11 and the Council for standing up. What we're
12 seeing is the mayor and the administration again
13 promoting two very different cities. The reality
14 for the people that I represent and the district
15 that I represent is that this policy will do
16 nothing but aggravate and promote homelessness.
17 We should be as the premiere city setting an
18 example on what to do with our most vulnerable and
19 what to do is not put them out. I again want to
20 thank you and of course than the General Welfare
21 Committee because you guys have been working hard,
22 but last but certainly not least, the advocates
23 who are on the front line dealing with the
24 situation and making sure that we as a Council
25 respond to their needs. We appreciate it. So

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thank you very much, and I vote aye.

COMMITTEE CLERK: Arroyo?

COUNCIL MEMBER ARROYO: Aye.

COMMITTEE CLERK: Rodriguez?

COUNCIL MEMBER RODRIGUEZ: Aye.

COMMITTEE CLERK: Lander?

COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK: Levin?

COUNCIL MEMBER LEVIN: Aye.

COMMITTEE CLERK: Van Bramer?

COUNCIL MEMBER VAN BRAMER: Aye.

COMMITTEE CLERK: Wills?

COUNCIL MEMBER WILLS: Aye.

COMMITTEE CLERK: By a vote of nine
in the affirmative, zero in the negative, no
abstentions, the item has been adopted. Members,
please sign the Committee Report.

CHAIRPERSON PALMA: Thank you. I
want to thank Speaker Quinn for her leadership,
for quickly making sure that we were able to
convene the emergency meeting and you know, to
pass this resolution. I want to thank the
Committee members for their support on this issue
and this is not how we wanted to address this

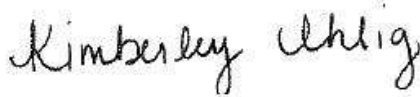
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2 issue--we really wanted to sit with the
3 administration and be able to come up with an
4 alternative to this policy, an alternative that
5 would really address the issue of homelessness and
6 not having to go waste city resources and taxpayer
7 dollars on lawsuits and legal actions in court,
8 when we can actually be dedicating those funds to
9 make sure that homeless people are being housed in
10 an appropriate way. I'm happy to have been able
11 to vote this resolution out today, but I have
12 faith that moving forward, we're actually going to
13 be trying to engage this administration and future
14 administrations to deal with the issue of
15 homelessness in a more proactive way and make sure
16 that we're preventing homelessness instead of
17 trying to put Band-Aids on the issue. Thank you.
18 This meeting is adjourned.

19 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____

Date 12/11/11