

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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July 27, 2011  
Start: 10:50 am  
Recess: 11:07 am

HELD AT: Committee Room  
250 Broadway, 16th Fl.

B E F O R E:  
GALE A. BREWER  
Acting Chairperson

COUNCIL MEMBERS:  
Gale A. Brewer  
Brad S. Lander  
Stephen T. Levin  
Ydanis A. Rodriguez  
Ruben Wills

## A P P E A R A N C E S

Patrick Markee  
Senior Policy Analyst  
Coalition for the Homeless

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2 CHAIRPERSON BREWER: Good morning,  
3 I'm Gale Brewer, City Council. I apologize for  
4 being late. That's no excuse, except I'm helping  
5 constituents all morning with all their frigging  
6 problems. I'm delighted to be here and simply in  
7 the absence of the very great Annabel Palma, who  
8 is the real chair of this committee. While we're  
9 waiting for more people to join us, I'm just going  
10 to go through the Power Point and talk about this  
11 hearing today.

12 Obviously, we're talking about a  
13 Resolution authorizing the Council to intervene or  
14 file an amicus brief in Chelsea Business and  
15 Property Owners' Association v. City of New York.  
16 The purpose is to defend provisions of the  
17 Administrative Code that limits the size of  
18 homeless shelters for adults to 200 persons.

19 On May 6, 2011, the Chelsea  
20 Flatiron Coalition, known as CFC, filed a lawsuit  
21 challenging the construction of a 328-bed  
22 inpatient and outpatient drug, alcohol and mental  
23 health care facility and homeless shelter for the  
24 mentally ill at 127 West 25th Street. Among other  
25 things, CFC claims that the size of the proposed

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2 shelter violates Local Law. Under the  
3 Administrative Code, adult homeless shelters may  
4 not exceed 200 beds. This Local Law was enacted  
5 by the Council in 1998. I believe Speaker Vallone  
6 was in charge then.

7 On July 8, 2011, the Corporation  
8 Counsel filed a memorandum of law in opposition to  
9 the petition. This memorandum argues that the  
10 section of the Administrative Code is invalid  
11 because it is preempted by New York State Law, and  
12 in any event, the proposed 328-bed facility does  
13 not violate the Administrative Code. This case is  
14 currently pending the State Supreme Court.

15 As I said earlier, today the  
16 Preconsidered Resolution we are hearing would  
17 authorize the Council to intervene or file an  
18 amicus brief in Chelsea Business to defend the  
19 1998 Local Law that limits the size of homeless  
20 shelters for adults to 200 people. We will hear  
21 testimony from the Coalition for the Homeless and  
22 the Legal Aid Society and any other interested  
23 individuals or parties who are present and who  
24 want to testify. Then the committee will vote on  
25 the Preconsidered Resolution.

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2                   So, at this point we'd like to call  
3 to the podium Albert. Is that Albert? I can't  
4 read it. Mr. Foley and Patrick Markee from the  
5 Coalition. Please join us up at the podium. I  
6 just want to thank the staff of General Welfare.  
7 I'm sorry; just Patrick is coming up. What do I  
8 know? I'm just following instructions here. But  
9 then we'll have Mr. Foley.

10                   I just want to thank the staff of  
11 this amazing committee, because on a regular basis  
12 they brief us and they are so informed and they  
13 really add a lot to the people of the City of New  
14 York.

15                   Thank you very much. Why don't you  
16 begin your testimony? I don't know what happened  
17 to the lights, but in any case go ahead. Thank  
18 you very much, sir.

19                   PATRICK MARKEE: Hi, thank you. My  
20 name is Patrick Markee. I'm the senior policy  
21 analyst at Coalition for the Homeless. I submit  
22 this testimony on behalf of Coalition for the  
23 Homeless and of the Legal Aid Society. Josh  
24 Goldfein, Staff Attorney at Legal Aid sends his  
25 apologies; he wasn't able to join us today.

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2 I've submitted written testimony,  
3 and I won't read through the entire testimony.  
4 I'll just summarize it here. We strongly support  
5 the Preconsidered Resolution that would authorize  
6 the City Council to intervene or file an amicus  
7 brief in litigation involving the City's plans to  
8 create homeless shelters in excess of 200 beds.

9 It's worth sort of considering the  
10 history here and the importance of the Local Law  
11 and the capacity limits that are enshrined in that  
12 law. When modern homelessness began in the early  
13 1980s, the City of New York responded in a  
14 haphazard fashion by sheltering thousands of  
15 homeless men and women in very large warehouse-  
16 style, barrack-style shelter facilities. These  
17 included armories, former hospital buildings, and  
18 other large buildings.

19 The conditions in these shelters  
20 were positively deplorable. Many folks in the  
21 city will remember the horror stories that came  
22 out of the Fort Washington Armory, which had 1,000  
23 beds across the armory drill floor. There were  
24 other armory shelters, which had hundreds and  
25 hundreds of beds, with men crowded next to each

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2 other in cots that were only a few feet apart from  
3 each other. Communicable diseases spread  
4 throughout these shelter facilities. Incidence of  
5 violence and other threats of violence occurred on  
6 a frequent basis in these shelters.

7           It's worth also remembering who  
8 these shelters were meant to serve. Homeless  
9 single adults, the population of homeless single  
10 adults is characterized by having significant high  
11 rates of serious mental illness, other serious  
12 health problems. We're talking about individuals  
13 who are suffering some very serious conditions and  
14 disabilities, folks who need places where they can  
15 feel safe, places where they can get the care that  
16 they need.

17           At the time, in the 1980s, there  
18 were, in fact, capacity limits included in state  
19 regulations. State regulations limited the size  
20 of shelters for adults to no more than 200 beds.  
21 Unfortunately, the state government did not  
22 enforce those capacity limits on a systematic  
23 basis.

24           Advocates sued in the early 1990s  
25 to enforce those capacity limits, and as a result,

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2 many of the largest and most notorious shelters,  
3 mostly in armories, were forced to downsize their  
4 capacity. The Fort Washington shelter downsized  
5 from 1,000 beds to 200 beds. The Sumner Avenue  
6 Armory in Bedford-Stuyvesant in Brooklyn downsized  
7 from 550 beds to 200 beds. That was, in fact, one  
8 of the many positive reforms that we saw happening  
9 in the early 1990s, responding to the terrible  
10 conditions and the health and safety hazards at  
11 those shelters.

12 At the same time, the Dinkins  
13 administration, following some moves by the Koch  
14 administration, had also begun to move in the  
15 direction of using smaller, more services-enriched  
16 shelters.

17 I think it's worth considering the  
18 recommendations that were made by the New York  
19 City Commission on the Homeless in the early  
20 1990s. This was a commission that was chaired by  
21 our current governor, Andrew Cuomo. The Cuomo  
22 Commission, as it was called, recommended that the  
23 City, "end the use of large barrack-style shelters  
24 for homeless single adults." The commission  
25 agreed with "the Mayor's philosophy that smaller,



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service-based facilities are preferable."

This was a time of real reforms and moving away from these dangerous warehouse-style facilities. The enforcement of the capacity limits, the litigation by advocates and the move by the city government towards smaller, services-enriched shelter was part of that very positive reform movement.

Notwithstanding that fact, the Giuliani administration, in the winter of '93 and '94, attempted to add some beds to the Sumner Avenue Armory in Bedford-Stuyvesant Brooklyn. Again, the state courts ruled against the City when they tried to exceed the capacity limits of 200 beds. Then, in what was the most misguided move, the Giuliani administration asked the Pataki administration, former governor Pataki, to eliminate the state regulations on capacity limits, which Governor Pataki did in 1995.

As a result of that, and as a result of the fears that the city was moving backwards towards these larger warehouse-style shelters, once again the City Council acted, and acted in the right way. The Council passed a

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2 Local Law that restored the capacity limits of  
3 shelters to 200 beds. Folks who were in the city  
4 at the time and were in the Council or working for  
5 Council staff will recall that there were  
6 significant disputes with the Giuliani  
7 administration at the time over this legislation.  
8 But at the end of the day, the Council and the  
9 mayor, the former mayor, reached a negotiated  
10 agreement. That's the Local Law that we have now.

11           Unfortunately, over the past year,  
12 the current administration has been again taking a  
13 step backwards, moving towards large warehouse-  
14 style facilities that would exceed 200 beds. We  
15 became aware last year of the plans to open a  
16 shelter with more than 200 beds in the Chelsea  
17 neighborhood of Manhattan. That shelter is the  
18 subject of the current litigation which this  
19 Resolution discusses.

20           Last fall, we also became aware  
21 that the city had begun to add 200 beds to the  
22 already 200-bed Pamoja House Shelter, which is  
23 located in the Sumner Avenue Armory in Bedford-  
24 Stuyvesant Brooklyn, which I've previously spoken  
25 about. In fact, the City continued with its

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2 costly plans and did in fact install an additional  
3 200 beds on the drill floor of that armory.

4 Fortunately, the city so far has not begun to use  
5 those additional 200 beds. That is, we  
6 understand, still part of the city's intentions.

7 That is why it is, one of the many  
8 reasons why it is absolutely essential that the  
9 City Council fight to protect the capacity limits  
10 that are enshrined in this law. It would be a  
11 huge step backwards to move away from the positive  
12 reforms that we saw 20 years ago to protect the  
13 health and safety of vulnerable homeless New  
14 Yorkers who reside in shelters for homeless  
15 adults. It would be a huge step backwards for  
16 surrounding communities which are impacted by  
17 these facilities. That is the reason that we  
18 strongly support the Resolution.

19 Thank you for this opportunity to  
20 testify, and I'm happy to take questions.

21 CHAIRPERSON BREWER: Patrick, thank  
22 you very much for your encyclopedic knowledge of  
23 this topic, and for testifying. I want to make  
24 sure that people know that Council Member  
25 Rodriguez, Council Member Wills, and Council

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2 Member Lander have all joined us. I appreciate  
3 their participation. Are there any questions?  
4 Brad, do you have any questions? No.

5 I do have one quick question. I  
6 obviously share your strong feelings. I think  
7 perhaps even 200 is too many. That would be my  
8 opinion. I think we want small shelters.

9 I know that on 108th Street where  
10 there's a Catholic church, there was to be a large  
11 one. They worked, as many people, Lisa and others  
12 from DHS know and it is now some 48. The church  
13 wants to buy the building. The church wants to  
14 make it permanent housing. It was the right size,  
15 it was the right mixture and it was the right  
16 community and that's what you need.

17 You don't need, despite Muzzy's  
18 efforts you don't need a large group of people who  
19 are not going to involve themselves productively  
20 in that kind of number. They're not going to  
21 bounce off each other with good signs and good,  
22 positive life changes, in my opinion, when you  
23 have that number of people. Of course that  
24 impacts the local neighborhood. So I couldn't  
25 agree with you more.

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2 My quick question is do you think  
3 that there is a possibility, working with DHS, to  
4 make smaller shelters that would achieve the kind  
5 of goals that we all want, which is self-  
6 sufficiency and people employed and being  
7 productive citizens of New York? How would you go  
8 about that? Not too long an answer.

9 PATRICK MARKEE: Sure. Just to put  
10 my answer in context, the Coalition for the  
11 Homeless has been for 30 years the court-appointed  
12 monitor under the terms of the consent decree in  
13 Callahan v. Carey of shelters for homeless adults.  
14 So I think we have a fairly thorough knowledge of  
15 the shelter system as a whole.

16 The shelters for homeless adults  
17 that the City administers are now more than 50  
18 facilities with around 9,000 beds. It's been our  
19 experience that the smaller shelters tend to have  
20 better services, better conditions, and better  
21 outcomes for the residents of those facilities.

22 I would agree with you that 200 is  
23 too many. Nevertheless, it is essential to  
24 protect these capacity limits. We, again, support  
25 the Resolution.

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2 CHAIRPERSON BREWER: Council Member  
3 Lander?

4 COUNCIL MEMBER LANDER: Thank you  
5 very much, Chair Brewer, and Mr. Markee thanks for  
6 being here. I just want to explore this just a  
7 little bit further. I appreciate you being here.  
8 I totally support your testimony and I'm glad that  
9 the Council is moving forward to try hard to  
10 prevent the administration from violating the law  
11 or obviating the law here. I think we both think  
12 that there are ways that we could be focused much  
13 more on permanent and supportive housing that  
14 would get the shelter count down.

15 But given where we are and the fact  
16 that we do need to build more shelter beds with  
17 what's going on, to provide shelter for people in  
18 New York, and that we have real concerns and  
19 frustrations on the hotel side, on the kind of  
20 shotgun leases that are getting signed in a lot of  
21 cases for quality and that we don't want really  
22 big shelters, do we need to do something to kind  
23 of have a more coherent plan for shelter siting so  
24 that we can building appropriate shelters,  
25 appropriately sized ones, appropriately located

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2 ones? I wish we could use that energy to just  
3 focus on permanent supportive housing but we  
4 obviously are at a moment when we may need to be  
5 ratcheting capacity up. Is that something you  
6 guys have been giving further thought to?

7 PATRICK MARKEE: Let me just answer  
8 by saying that first of all, obviously, the city  
9 would not be expanding the size of the shelter  
10 system if it was, in fact, investing and utilizing  
11 the proven solutions that are available. That, of  
12 course, includes the use of permanently affordable  
13 housing, federal housing programs which are  
14 available and which should be used to move  
15 homeless families and individuals from shelter  
16 back into the community, investments in permanent  
17 supportive housing and all of that. I happen to  
18 agree with you strongly there.

19 I think it's worth remembering,  
20 just to put the answer in some sort of a recent  
21 historical context, since the economic crisis  
22 began a few years ago, the number of homeless  
23 single adults in the shelter system has risen  
24 quite dramatically, to levels that we haven't seen  
25 since the late 1980s.

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2                   Notwithstanding the crisis  
3 conditions that the city faced, and its failure to  
4 utilize affordable housing resources in a smart  
5 way, the city has managed to build and site  
6 shelters for homeless single adults without  
7 exceeding the capacity limits, without violating  
8 this Local Law. They've added more than 1,200  
9 beds in the past couple of years.

10                   These were under very difficult  
11 conditions. I understand there was concern and  
12 upset in some communities about that, but they did  
13 it without violating the law. There is no reason  
14 that they need to do it in a violation of the  
15 Local Law in this instance or in any other  
16 instance, including in Bedford-Stuyvesant.

17                   I think there's certainly lots of  
18 things the city could do much better in terms of  
19 siting shelters. We would much rather see the  
20 city investing in the solutions that work and  
21 permanent supportive housing.

22                   COUNCIL MEMBER LANDER: Thank you  
23 very much. Thank you.

24                   CHAIRPERSON BREWER: We've been  
25 joined by Council Member Steve Levin. Are there



1  
2 any other questions? Yes, go ahead, Council  
3 Member Wills.

4 COUNCIL MEMBER WILLS: Good  
5 morning. Could you just give me a feeling on the  
6 Mayor's ability to do an emergency declaration and  
7 then from the emergency declaration get around  
8 doing the public meetings, as far as sitings of  
9 shelters and different things like that?

10 PATRICK MARKEE: I guess all I  
11 would say about that is there are certainly  
12 circumstances where the city does face what I  
13 think all of us would agree is a genuine  
14 emergency. The circumstances that existed in  
15 2009-2010 in the wake of the economic crisis, I  
16 think in many instances qualified.

17 Also, it's important to remember  
18 too that the need for homeless single men and  
19 women tends to be much higher in the colder  
20 weather months of the year. So there's  
21 traditionally a seasonal increase in that  
22 population at that time of year. I think the city  
23 was forced to open some shelters on a very short-  
24 term basis in that period of time. We certainly  
25 were very concerned that the city had not planned,

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2 particularly in 2008 and 2009 for what all of us  
3 could have predicted would have been an increase.  
4 I think there was some failure of planning, but  
5 there was also historical economic circumstances  
6 that contributed to that increase as well.

7 CHAIRPERSON BREWER: I also want to  
8 thank Jennifer Gomez who is the general counsel;  
9 Liz Hoffman, who is the policy analyst to the  
10 committee; Crystal Coston, the financial analyst;  
11 and William Hongach, who is another policy analyst  
12 for the Juvenile Justice Committee. As I said,  
13 this entire staff is phenomenal regarding General  
14 Welfare.

15 So without further ado, we'd like  
16 to take a roll call on this intro, and I recommend  
17 a positive vote. Can you call the roll?

18 Mr. Foley waived his right to  
19 testify, is that correct? Okay. Go right ahead  
20 and call the roll. I thought you were going to  
21 testify. Go ahead.

22 JEFFREY VELAZQUEZ: Jeffrey  
23 Velazquez, Committee Clerk, General Welfare roll  
24 call vote. Excuse me. Committee Clerk roll call  
25 of Committee on General Welfare. Council Member

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Brewer?

CHAIRPERSON BREWER: I vote aye.

JEFFREY VELAZQUEZ: Rodriguez?

COUNCIL MEMBER RODRIGUEZ: [off  
mic] Aye.

JEFFREY VELAZQUEZ: Lander?

COUNCIL MEMBER LANDER: Aye.

JEFFREY VELAZQUEZ: Levin?

COUNCIL MEMBER LEVIN: I vote aye  
and I'd like to be added as a co-sponsor of the  
bill.

JEFFREY VELAZQUEZ: Wills?

COUNCIL MEMBER WILLS: [off mic] I  
vote aye.

COUNCIL MEMBER LANDER: I'd like to  
be added as a co-sponsor as well, as long as we're  
all chiming in.

CHAIRPERSON BREWER: Me too. And  
Muzzy Rosenblatt should know better. Thank you  
very much.

JEFFREY VELAZQUEZ: The affirmative  
is five; zero in the negative and no abstentions.  
All items have been adopted. Members, please sign  
the committee reports. Thank you.

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CHAIRPERSON BREWER: Thank you all

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very much. This hearing is adjourned.

C E R T I F I C A T E

I, Donna Hintze 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 August 5, 2011