



City Council Hearing
General Welfare Committee
“Oversight: DHS and the Adult Homeless LGBT Population”
Monday, June 10, 2013

INTRODUCTION

Good morning Chair Palma and members of the Committee on General Welfare. I'm Douglas James, Deputy Commissioner of Adult Services at the Department of Homeless Services (DHS) and I'm pleased to be joining you today with Mark Neal, the agency's EEO Officer and Executive Director of our office of Diversity and Equal Opportunity Affairs (DEOA).

Thank you for providing the agency the opportunity to discuss the adult homeless LGBT population and the respective programmatic successes of our Adult Services Division. The City of New York has proudly emerged as a world class leader in diversity and inclusion and DHS is pleased to be at the forefront of those efforts.

HISTORY

In 2006, DHS piloted a policy allowing transgender and gender nonconforming clients to stay in shelters based on the gender with which they identify, rather than their biological sex. This pioneering policy, based on best practices from national LGBT advocates, had one overarching goal - to treat all homeless clients with understanding, dignity and respect. In carrying out that objective, DHS has provided diversity, transgender and intersex training and guidance to all intake, assessment and shelter staff members in an effort to prohibit discrimination, related to gender identity or expression.

In 2010, based on sound principles developed throughout the pilot including tolerance, respect, privacy and safety, DHS committed to the policy and applied the guidelines system-wide. This was the right thing to do in order to welcome all people in need of emergency shelter services into a safe and respectful environment. Despite early controversy and predictions of failure, our policy was implemented throughout the shelter system successfully and without incident.

Today, agency and provider staff address individuals by their names, titles and other terms consistent with their gender identity. Supporting the integrity of all individuals was an important step forward for the City of New York. It's because of those efforts, and the inclusion of gender identity in the City's human rights law, that the Department of Homeless Services is considered to have one of the most LGBT-inclusive shelter systems in the country. We are proud to have set an example for states like Massachusetts, who in 2011 through Executive Order, implemented gender-identity inclusive practices in their homeless shelters as well. These great achievements help to advance the LGBT movement.

DHS also has a long history of providing temporary emergency shelter to couples, including LGBT families through our Adult Family Intake Center (AFIC). Well before marriage equality was passed in New York State, our system defined an adult family as any family without minor children, including household compositions with a valid marriage, civil union or domestic partnership

certificate. This definition entitles all couples, regardless of sexual orientation or gender expression, to receive shelter services with tolerance and respect in our adult family system. AFIC also allows presenting couples who have lived with each other for at least six months prior and are medically dependent on one another to apply for shelter as an adult family unit.

DIVERSITY AND EQUAL OPPORTUNITY AFFAIRS

In order to assist our Commissioner in implementing citywide EEO policies, the agency's DEOA Office is responsible for reviewing requests for reasonable accommodations and complaints of discrimination by all DHS employees, job applicants and clients. Furthermore, the Office incorporates diversity into the agency's day-to-day endeavors, as it delivers sound, culturally sensitive and relevant services to New Yorkers.

DEOA is tasked with counseling and advising agency staff, including front-line intake and shelter employees on equal employment opportunity, program access, disability services, and diversity issues. The Office also provides year round equal employment opportunity trainings which are mandatory for every employee to complete on a bi-annual basis. Last year for example, our DEOA office conducted over 40 trainings and instructed 637 employees. Additionally, as part of our new employee orientation training, staff receive a full day training which includes segments on appropriate conduct, diversity and inclusion. Last year 129 staff attended such trainings.

If any shelter client or applicant believes he or she is being discriminated against by agency staff due to sexual orientation or gender expression, he or she is encouraged to file complaints and grievances with both DHS' DEOA and Client Advocacy offices. Clients may also, of course, file a claim with the City Commission on Human Rights and the State Division of Human Rights. If there is alleged discrimination by a City employee, clients may file a grievance with the Federal Equal Opportunity Employment Commission (EEOC).

Inclusion is also making progress on a national scale. The Obama Administration has identified the transgender homeless issue as a priority and recently launched the Housing Discrimination Complaint Application App for mobile phone users. Yet another way to file grievances, the App allows users to submit a claim of housing discrimination for review by the U.S. Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity.

In 2012, the National Gay and Lesbian Task Force estimated that there were 15 states that have laws banning discrimination based on sexual orientation and gender identity or expression. While New York State does have laws banning discrimination based on sexual orientation, the State as a whole currently does not prohibit discrimination based on gender identity. New York City however supports legislation that passed in the Assembly earlier this year that would add New York State to the nondiscrimination map.

CONCLUSION

DHS is fortunate to have a wealth of tools and educated providers who enable the agency to better serve homeless clients of all sexual orientations and gender expressions. People are who they say they are. DHS supports an individual's freedom to define his or her self through self-identification and expression. We honor that right in every way and will continue to ensure that our shelters are prepared and able to treat all LGBT clients respectfully.

Testimony of
Coalition for the Homeless
and
The Legal Aid Society

on

The Adult Homeless LGBT Population

Presented before

The New York City Council
Committee on General Welfare

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June 10, 2013

Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council about the needs of homeless LGBT adults.

About the Coalition and The Legal Aid Society

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which now continues past its third decade. The Coalition also protects the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates twelve direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers, and demonstrate effective, long-term solutions. These programs include supportive housing for families and individuals living with AIDS, job-training for homeless and formerly-homeless women, rental assistance which provides rent subsidies and support services to help working homeless individuals rent private-market apartments, and permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes 900 nutritious meals each night to street homeless and hungry New Yorkers. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, client advocacy, referrals for shelter and emergency food programs, and assistance with public benefits.

The Coalition also represents homeless men and women as plaintiffs in Callahan v. Carey and Eldredge v. Koch. In 1981 the City and State entered into a consent decree in Callahan in which it was agreed that, "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The Eldredge case extended this legal requirement to homeless single women. The Callahan consent decree and the Eldredge case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults.

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of 1,000 of the brightest legal minds. These 1,000 Legal Aid Society lawyers work with nearly 700 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 25 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits some 2 million low income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the Callahan and Eldredge cases. The Legal Aid Society is also counsel in the McCain/Boston litigation in which a final judgment requires the provision of lawful shelter to homeless families.

Homeless LGBT New Yorkers

In response to tireless and forceful advocacy and organizing by homeless and LGBT New Yorkers; LGBT rights organizations; The New York City Council; and homeless advocates, including Coalition for Homeless and the Legal Aid Society, the NYC Department of Homeless Services has in recent years removed discriminatory anti-gay barriers to shelter and services and enacted policies that have significantly improved the well-being of homeless LGBT individuals in the municipal shelter system.

However, much more needs to be done to protect homeless LGBT adults from discrimination and mistreatment. In particular, homeless LGBT young adults continue to face significant barriers to shelter and services both in the municipal shelter system and in the separate youth shelter system.

And of course, in the midst of rising and all-time record homelessness in New York City, the next Administration will need to embrace proven housing-based solutions in order to reduce the number of homeless New Yorkers – including LGBT individuals -- bedding down each night in

municipal shelters and on the streets. Continued City Council oversight will be especially important during and after the upcoming transition to a new Administration.

Domestic Partnership for Adult Families

As this Committee knows well, for far too many years the Department of Homeless Services (DHS) maintained and defended a discriminatory policy under which homeless couple with domestic partnership certificates seeking shelter were required to produce additional “proof” of their “family status” or be denied emergency shelter. Married couples did not face this requirement, and the policy clearly discriminated against gay and lesbian couples who could not, at that time, marry under state law.

Under this misguided and discriminatory policy, hundreds of homeless people – including individuals living with serious mental illness and severe physical disabilities; pregnant women; and gay and straight New Yorkers alike – were denied emergency shelter even on nights of subfreezing cold merely because DHS did not believe that they were families.

Finally, in 2007, after years of organizing and advocacy by LGBT rights groups and our organizations, the City Council was able to forge an agreement with DHS to eliminate the discriminatory treatment of domestic partner couples seeking shelter. However, even after that victory, DHS maintained the new, non-discriminatory policy in “pilot” form for years. While we have been informed that the non-discriminatory policy has finally become DHS’s official policy, this sad episode is a reminder of the need for advocates and the City Council to maintain vigorous oversight over the City’s treatment of its most vulnerable residents.

Transgender Adults in DHS Shelter System

In 2006, also after years of advocacy and organizing, DHS implemented a new procedure that guided the treatment and placement of transgender adults. Within a system that is largely segregated by sex, this rule has allowed homeless adults to be placed based on the gender with which they identify, irrespective of legal documents or physical appearance.

For seven years, this policy has largely been successful in allowing individuals to enter the shelter system without feeling unsafe, uncomfortable, or threatened because of their gender identity.

Despite these developments in the official policy, there is still a need to create and implement cultural competency training through-out the DHS system. According to a recent report on the costs of employment and housing discrimination against transgender New Yorkers (<http://williamsinstitute.law.ucla.edu/wp-content/uploads/Herman-NY-Cost-of-Discrimination-April-2013.pdf>), 58,000 New Yorkers identify as transgender. “If rates of employment and housing discrimination found in the New York sample of the NTDS hold true for the transgender population of New York as a whole, then 11,600 have lost a job, 21,500 were not hired for a job, 11,600 were denied a promotion, 11,000 have been denied housing, and 4,600

have been evicted due to anti-transgender bias.” Additionally, children being raised by same-sex couples are twice as likely to experience poverty with African American same-sex families experiencing the highest levels of poverty. (<http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>) LGBT seniors and LGBT individuals with disabilities also live at higher poverty rates compared to their heterosexual peers.

These recent studies force us to recognize that the LGBT communities have a disproportionate higher rate of dependence on social services, including public benefits, homeless services, and Medicaid. However, clients consistently report discrimination and lack of cultural competency among staff of City agencies including not respecting transgender persons' gender identity and adoptive names. In order to ensure that the New York City Human Rights Law is upheld and effective, the City must commit to improving its agencies' knowledge of the challenges facing LGBT individuals, couples and families as well as implementing best practices in serving these communities.

LGBT Adults, Particularly Young Adults, Face Barriers in the DHS System

While policies with respect to transgender and domestic partner clients have improved, there still remain serious gaps in how DHS serves the LGBT population. Of particular concern is the treatment of young adults, ages 18 to 21, many of whom identify as LGBT. When young adults seek shelter at a DHS intake center, they are often automatically turned away to the inadequate youth shelter system administered by the NYC Department of Youth and Community Development (DYCD), frequently without a guarantee of actually receiving a bed there.

Although the DYCD shelter system is designed to meet the specific needs of runaway and homeless youth (RHY), particularly LGBTQ youth, its capacity is insufficient to serve the needs of this population. Providers are frequently forced to turn away youth and young adults because of a lack of space and young adults are only able to reside in DYCD emergency shelters for 30 days with the possibility of an extension for an additional 30 days. For over a year, providers and youth report that DYCD does not grant 30 day extensions rather they provide as little as 3 to 15 extra days in shelter for youth. A large majority of young adults in the RHY system do not meet the requirements to be accepted into one of DYCD's transitional living programs that provide shelter for up to 18 months. For those youth who qualify for the City's supportive housing programs, there are often insurmountable barriers to get all necessary documentation, in the amount of time they are permitted to remain in a DYCD shelter, including required mental health evaluations which are not provided for by the City.

The policy and practice of DHS to immediately turn away young adults to the DYCD system without verification of available space often results in vulnerable youth being caught in limbo and unaware of their right to shelter. At both the Coalition for the Homeless and The Legal Aid Society, we frequently receive reports of young adults who are told by DHS intake workers to go directly to the DYCD shelter system, only to find when they get there that there are no available

beds. Many young adults, unaware that they have a right to shelter, end up sleeping on the streets.

This particular lack of coordination seriously impacts the safety of LGBTQ young adults and could be remedied with little effort. Given the more appropriate services offered to young adults in the DYCD shelter system, DHS could first call the agency to ensure the availability of a bed before referring a young adult. In the absence of such availability, DHS staff could inform the young adult of the existence of the DYCD system, but clarify that young adults are legally guaranteed a bed within the DHS system.

Parallel to the larger homeless crisis in NYC, the RHY population is at an all time high resulting in significant negative outcomes for youth in our City. The City, which is the focus of this hearing, clearly must do more to adequately serve RHY, including homeless LGBTQ young adults. City funding for these services has been continuously and significantly cut over the past several years. We applaud the Council for repeatedly restoring the current funding level for RHY shelters. However, current funding is not enough to meet the needs of this population of young adults. Both the State and the Federal laws enacted for the benefit of runaway and homeless youth spell out a number of services these young adults should receive, many of which would help youth gain skills and take steps to achieve permanency in life. However, with only an estimated 250 beds to serve almost 4,000 youth, the vast majority of runaway and homeless young adults are left to survive on the streets or navigate a very complicated DHS system on their own with little to no assistance. LGBTQ youth often find themselves homeless due to family rejections or failures of the child welfare and juvenile justice systems. By not increasing services in the homeless system for RHY, the City is failing them at their most vulnerable time.

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 in favor in opposition

Date: 6/10/2013

(PLEASE PRINT)

Name: PATRICK MARICSE

Address: 129 FULTON ST, NY, NY 10038

I represent: COMMISSION FOR THE HOMELESS

Address: ✓

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Date: 6/10/13

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Name: Doug James, Deputy Cmr. Adult Svcs

Address: 33 Beaver St

I represent: DHS

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Date: 6/10/13

Name: Mark Neal, Exec Dir. Office of Diversity +
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I represent: DHS

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I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: MARK NEAL
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Address: 33 BEAVER ST 17th Fl NY NY 10004

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Address: SAME

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