

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

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October 26, 2010

Start: 12:55pm

Recess: 1:32pm

HELD AT: Council Chambers
City Hall

B E F O R E:
ANNABEL PALMA
Chairperson

COUNCIL MEMBERS:
Maria del Carmen Arroyo
Gale A. Brewer
Helen D. Foster
Brad Lander
Stephen Levin
Rosie Mendez
Ydanis A. Rodriguez

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

Wanda Hernandez
Member of the Board of Directors
New York City AIDS Housing Network and Voyages of
Community Activists and Leaders, VOCAL

Esther Locke
Assistant Director of Policy Advocacy and Research,
Senior Policy Analyst for HIV
Federation of Products and Welfare Agencies

Lindauer Bono
Manager of Government Relations
Gay Man's Health Crisis, GMHC

Tamara Green
Associate Vice President
Harlem United, Supportive Housing Division

Virginia Shubert
Principal
Shubert Botein Policy Associates

Geoffrey Carter on behalf of Camilla Shadine
Supervising Attorney
Law Graduate
New York Legal Assistance Group, Housing Project

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2 CHAIRPERSON PALMA: ...number 477,
3 which calls on the state legislation to override
4 Governor Patterson's veto of A-2565 and S-2664,
5 both of which were passed in the Assembly in the
6 State respectively. If enacted, this legislation
7 will provide that persons living with clinical
8 symptomatic HIV/AIDS who are receiving shelter
9 assistance or an emergency shelter allowance shall
10 not be required to pay more than 30% of their
11 household's monthly income towards the shelter
12 cost, including rent and utilities. Council
13 Member Mendez and Speaker Quinn are also sponsors
14 of this resolution.

15 New York City is a leader in
16 serving the needs of persons living with HIV/AIDS
17 and HASA is one of the most comprehensive
18 government programs in the country for this
19 population. HASA provides an array of specialized
20 services to thousands of New Yorkers such as
21 intensive case management, help applying for
22 benefits like food stamps or Medicaid and rental
23 assistance.

24 According to HRA figures, as of
25 June 2010 43,875 individuals were served by HASA.

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2 As a result of legislation passed through the
3 General Welfare Committee, HASA must provide
4 clients with these services under strict
5 timeframes. However, it is clear that more needs
6 to be done.

7 According to the New York City
8 Department of Healthy, New York City has the
9 highest AIDS case rate in the nation, more than
10 Los Angeles, Washington, DC, Miami and San
11 Francisco combined. More than 107,000 New Yorkers
12 are living with HIV and AIDS. HIV is the third
13 leading cause of death for New York City residents
14 age 35 to 54. HIV/AIDS is a health problem with
15 the largest racial disparity. 80% of the new AIDS
16 diagnosis are African American or Hispanic.

17 According to the New York City Department of
18 Health and Mental Hygiene, the city's AIDS case
19 rate is almost three times the national average.

20 In addition, we have seen an upward
21 trend in homelessness among people living with HIV
22 and AIDS over the past three years. The number of
23 HASA clients and commercial SROs, which is a form
24 of emergency housing has increased by
25 approximately 17% from August 2007 to June 2010.

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2 These figures show that New York City can not be
3 complacent about HIV and AIDS. We must do
4 everything we can to ensure that people living
5 with AIDS and HIV stay healthy and housed.

6 The state legislation was passed by
7 both houses; sponsored by Senator Duane and
8 Assemblywoman Glick and they both supported this
9 goal. Unfortunately this legislation was recently
10 vetoed by Governor Patterson. Resolution number
11 477 supports the override for Governor Patterson's
12 veto so that the vital legislation can be enacted
13 and people living with HIV and AIDS can be
14 protected.

15 State legislation would cap HASA
16 clients rent contribution at 30%, bringing it in
17 line with other programs like Section 8 or public
18 housing. A key component is HASA is the rental
19 assistance program, which provides assistance at
20 various levels. However, because of the current
21 state budget rules, HASA clients will have income
22 such as Social Security or Social Security
23 disability, veterans benefits or earned income
24 routinely find themselves paying well over half of
25 their income towards rent. Many are left with

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2 only \$11 per day to live on. We've heard on
3 numerous occasions how these clients and how some
4 of the folks that live with HIV and AIDS struggle
5 to even have something to eat with trying to
6 manage an \$11 a day budget.

7 Over 10,000 people are currently in
8 this situation. These people are often forced to
9 choose between paying for medication, food or
10 shelter. They are also at greater risk for
11 falling behind on their rent or being evicted.
12 HASA clients are under severe constraints and
13 these types of stressors can negatively impact
14 their health. A growing body of research suggests
15 that stability is what keeps them being able to
16 function in a normal setting, less likely to use
17 drugs and less likely to engage in high risk
18 sexual activities and are more likely to adhere to
19 medical regimens and more likely to receive proper
20 health care.

21 The Patterson and Bloomberg
22 administration are concerned that a rent cap will
23 cost the city and state approximately \$35 million.
24 However, alternative analysis suggests that this
25 legislation will actually result in reduced costs

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2 for certain services. For instance, providing
3 stable housing decreases the need for future
4 costly emergency room visits and hospital
5 stations. HRA would avoid paying rent arrears for
6 clients⁴ and fewer people will need to be housed
7 in costly emergency single room occupancies.

8 Both A-2565 and S-2664 were passed
9 in the Assembly and State this year by wide
10 margins. And set forth in Resolution number 477,
11 we call upon the State legislature to override the
12 Governor's unfortunate veto of this legislation
13 that will provide financial relief to over 10,000
14 HASA clients who are severely burdened by high
15 rents and utility costs. The City Council passage
16 of Resolution 477 would be an important step to
17 making this economic relief a reality for HASA
18 clients throughout the city.

19 In a related matter, I would like
20 to mention that the City Council and the Bloomberg
21 administration have reached an agreement to
22 significantly reduce the \$1.876 million cuts to an
23 on-site supportive housing case management
24 services and HASA funded supportive housing
25 adopted in fiscal year 2011 budget. The agreement

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2 will restore \$1.4 million to HASA supportive
3 housing case managers, of this \$1.4 million, \$1
4 million came fro the City Council and \$400,000
5 came from the Human Resource Administration.

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7 I would like to thank Speaker Quinn
8 and their staff for the hard work on this
9 important issue and my colleagues who also
10 supported the restorations of these funds. I now
11 like to turn the floor over to Council Member
12 Rosie Mendez, who is the sponsor of this
13 resolution. Do you want to say a few words?

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15 COUNCIL MEMBER MENDEZ: For the
16 sake of brevity, I just think this is an important
17 resolution and I look forward to this body passing
18 it. I want to thank Chair Palma and the Speaker
19 for co-sponsoring this legislation.

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21 CHAIRPERSON PALMA: We're not voting
22 on it. We're just hearing it today so you want to
23 vote? I want to recognize the committee members,
24 Council Member Ydanis Rodriguez, Council Member
25 Foster, Council Member Arroyo, Council Member Gale
Brewer, Council Member Stephen Levin, I know Brad
Lander is somewhere around here. I'm so glad that
my colleagues are eager in voting for this

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legislation. Council Member Brewer.

COUNCIL MEMBER BREWER: I would like to have my name added to the resolution. I must leave because I'm supposed to be chairing Governmental Operations right now. Thank you very much.

CHAIRPERSON PALMA: I know that Council Member Landers asked for his name to be added to the resolution. I recognize Council Member Foster and Arroyo both want to be added to the resolution and Council Member Ydanis Rodriguez and Council Member Levin and Brewer. Now I want to call the first panel to testify on the resolution, Esther Locke, Wanda Hernandez and Lindauer Bono.

WANDA HERNADEZ: Hi, good afternoon. My name is Wanda Hernandez and I am a member of the Board of Directors of the New York City AIDS Housing Network and Voyages of Community Activists and Leaders, VOCAL. NYAHN and VOCAL is a grass roots membership organization led by low income people who are living with and affected by HIV and AIDS, drug use and mass incarceration. We also have a dues paying network of 30 AIDS housing

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2 providers. We would like to thank the General
3 Welfare Committee chair, Annabel Palma and Rosie
4 Mendez sponsoring this hearing and introducing
5 this important resolution.

6 I am going to testify about my
7 experience as a woman living with HIV and AIDS and
8 struggling to survive on less than \$12 a day. HIV
9 does not discriminate but sometimes public
10 policies do. I worked hard all my life, at one
11 point juggling two jobs with four hours of sleep
12 each night until I was disabled by AIDS and could
13 no longer work. All those years I struggled to
14 pay the bills and play by the rules. I never
15 expected that I would get HIV. After I was
16 diagnosed that I would even be at the brink of
17 losing my home.

18 It's time for New York's low income
19 housing programs to have a single standard for
20 ensuring affordable housing. The rental
21 assistance program I rely on through the HIV/AIDS
22 Service Administration known as HASA is the only
23 one of its kind in this state that does not cap
24 its tenants at 30% of their income. After I pay
25 rent each month, which amounts to 71% of my Social

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2 Security disability, I'm left with less than \$12
3 per day to live on for all other expenses.

4 That means difficult trade offs
5 that become harder to manage over time. I have
6 often had to reschedule medical appointments
7 because I can not afford a Metro card to get
8 there. Not to mention, the co-pays on my Con Ed
9 bills are always behind, constantly worried about
10 keeping my phone turned on which is a life line
11 for my medical care. Sometimes I also have to
12 skip basic necessities like toiletries or new
13 clothes when my old ones are worn out.

14 Other things like going out to
15 dinner once in a while or even getting an ice
16 cream cone in the summer are luxuries I can not
17 afford, which only makes the social isolation
18 associated with HIV/AIDS even worse. That is why
19 Governor Patterson's decision to veto a bill that
20 would have prevented thousands of New Yorkers
21 living with HIV and AIDS from becoming homeless
22 was such a devastating blow.

23 This bill would not create a new
24 program or entitlement but rather reconcile
25 inconsistencies within the HASA and align the

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2 agency with other housing programs like public
3 housing and Section 8. This isn't just an issue
4 of fairness. New York is paying twice as much to
5 house people in costly emergency shelter programs
6 when it would be cheaper and better for our health
7 to keep low income people living with HIV and AIDS
8 in their homes.

9 HASA rental assistance program,
10 which has been around since the mid 1980s, is a
11 failure to ensure clients have stable medically
12 appropriate housing. At any point in time 1 in 20
13 HASA clients are homeless and thousands more are
14 in arrears and at risk of losing their homes. It
15 is time to close the revolving door between HASA's
16 rental assistance programs and the shelters.

17 Housing is really the difference
18 between life and death for people living with HIV
19 and AIDS. Those who have stable housing are twice
20 less likely to have a undetectable viral and one-
21 third less likely to visit an emergency room or
22 have a lengthy hospital stay.

23 The good news is that this bill
24 would pay for itself, which is why the legislature
25 should act swiftly to override the Governor's

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2 veto. It's not a matter of whether we can afford a
3 rent cap. What we can't afford is to continue
4 paying emergency shelter when low income New
5 Yorkers living with HIV and AIDS clients can no
6 longer juggle bills and fall too deeply in
7 arrears. Thank you.

8 ESTHER LOCKE: Good afternoon. My
9 name is Esther Locke and I'm the Assistant
10 Director of Policy Advocacy and Research and
11 Senior Policy Analyst for HIV at the Federation of
12 Products and Welfare Agencies.

13 FPWA it's a membership organization
14 with a network of human services organizations and
15 churches that operate over 1,100 programs
16 throughout New York City. Together we serve over
17 1.5 million low income New Yorkers of all ages,
18 ethnicity and denominations each year. This gives
19 us a comprehensive view of the complex social
20 problems that human service organizations face
21 today and allow us to identify common ground
22 members so that we can have a greater impact as we
23 advocate for them.

24 I would like to thank Chairwoman
25 Palma, Council Member Mendez and all the other

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2 members of the General Welfare Committee for the
3 opportunity to testify on Resolution 477 today,
4 which calls upon the New York State legislature to
5 override Governor Patterson's veto of A-2565 S-
6 2664, which is commonly known as the 30% cap bill.

7 FPWA strongly recommends that this
8 bill be enacted into law, an action we believe can
9 change the existing unjust policy to allow
10 medically vulnerable low income New Yorkers with
11 HIV or AIDS to stay in stable housing while
12 retaining sufficient resources to meet medical and
13 related needs.

14 This bill promotes sound public
15 policy on many aspects. It reduces homelessness
16 by providing stable housing for more than 10,000
17 low income New Yorkers living with HIV. It will
18 generate millions of dollars in savings through
19 reducing rates of rent arrears and evictions. It
20 will help to fix inefficient government public
21 policies since HASA ultimately pays either the
22 cost of rent arrears or moves clients who have
23 been evicted into emergency housing. It will also
24 correct existing policy by aligning it with the
25 federal HUD established standard for affordable

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2 housing where the rent share burden is calculated
3 at 30% of income.

4 This legislation has received
5 unanimous support within and outside HIV/AIDS
6 community in New York. Between April and May 2010
7 more than 250 individuals responded to an online
8 action alert developed by FPWA to send a fax or
9 email directly to Governor Patterson asking him to
10 sign this bill into law. In the past few years,
11 more than 90 health and human services providers
12 have publicly endorsed this bill.

13 According to the cost benefit
14 analysis conducted by Shubert Botein Policy
15 Associates, the cost of capping the rent for HASA
16 clients at 30% would be less than the cost
17 incurred as a result of housing distress. It is
18 unfortunate, though, that the fiscal analysis
19 conducted by the Mayor's Office of Management and
20 Budget contradicted the one developed by Shubert
21 Botein Policy Associates and that the Mayor
22 lobbied against this bill. In our analysis of
23 both analyses we believe that the Shubert Botein
24 estimate is more accurate and more comprehensive.

25 Though we understand the challenges

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2 faced by the state and the city in this difficult
3 economic times, the Article 16 of New York State
4 constitution states clearly that the aid, care and
5 support of the needy are public concerns and shall
6 be provided by the state and by such of its
7 subdivisions and in such manner and by such means
8 as the legislature may from time to time
9 determine.

10 Governor Patterson missed the
11 opportunity to fix an inefficient government
12 policy that would have prevented the need for
13 payment of rent arrears or the cost of moving
14 evicted clients into emergency housing. It is
15 unfortunate that the low income New Yorkers living
16 with HIV are forced to make difficult decisions.

17 New York State can not continue
18 relying on the costly and harmful emergency
19 shelter system to provide housing for this
20 medically vulnerable population. We commend the
21 City Council General Welfare Committee for its
22 continued support and advocacy to make this 30%
23 cap bill become law.

24 FPWA greatly appreciates the
25 passage of Resolution 2145 in 2009. We urge the

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2 City Council to pass 4477. We look forward to
3 working with the Council's General Welfare
4 Committee to urge the New York State legislature
5 to override Governor Patterson's veto of this
6 bill. Thank you for the opportunity to testify.

7 LINDAUER BONO: good afternoon. My
8 name is Lindauer Bono. I'm Manager of Government
9 Relations at GMHC, Gay Man's Health Crisis. On
10 behalf of Gay Man's Health Crisis I would like to
11 first of all applaud Speaker Quinn and Council
12 Members Rosie Mendez and Annabel Palma for
13 introducing this resolution and of course all of
14 the other Council Members who announced today that
15 they wanted their names included on this bill.

16 This is a very important piece of
17 legislation. The continued support of City
18 Council in the fight for equitable treatment for
19 people living with HIV and AIDS, even during these
20 challenging economic times, is deeply heartening.
21 The thought of living in New York City on less
22 than \$12 is impossible to think of. But when
23 Governor Patterson vetoed the rent cap bill he
24 decided it was okay for over 10,000 New Yorkers
25 living with HIV and AIDS to subsist on just that

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2 amount.

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Without this legislation, HASA clients will continue to pay upwards of 70% of their income towards rent and live on less than \$11.88 a day. That dollar amount hasn't changed since the 1980s so the Governor's short sided decision maintains the status quo that now results in wasteful spending during a fiscal crisis.

What's more, the state and city ultimately spent more on rent arrears and emergency housing patients among HASA clients who lose their homes than they would if they adopted a rent cap that limits payments to just 30% of HASA clients' income.

The current policy results in high rates of housing loss and forces individuals to make difficult trade offs between paying rent and other expenses like traveling to the doctor, co-payments for medicines and groceries. By not signing this legislation, the Governor demonstrated a profound failure of leadership that is especially disappointing given his 25 years of work on social justice issues.

The decision means that many of the

1 clients we see each day who struggle to maintain
2 their housing will continue to grapple with
3 decisions that no New Yorker should ever have to
4 make. Thousands of HASA clients will be forced to
5 live in limbo with no stable place to call home.
6 The decision is a grossly missed opportunity to
7 make HASA affordable, consistent with the
8 standards set by the federal Department of Housing
9 and Urban Development. It is also a missed
10 opportunity to improve HIV prevention in New York
11 State, as studies show that stable housing is a
12 cornerstone of solid HIV prevent strategy.
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14 HASA's rental assistance program is
15 the only low income housing program of its kind in
16 New York that does not provide an affordable
17 housing protection. This unfairly targets some of
18 the state's most vulnerable residents. Housing
19 stability is the foundation for strong and
20 effective response to HIV/AIDS epidemic in New
21 York. Research has shown that stable housing is
22 essential for promoting inherent medical treatment
23 and reducing HIV transmission.

24 GMAC urges the Council to act now
25 as it did last year when it unanimously passed a

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2 Resolution calling on the state legislature and
3 the Governor to sign the rent cap bill. Adopt
4 Resolution 477. Our elected officials must do the
5 right thing and stand up against this physically
6 and morally unsound veto and immediately override
7 the Governor's veto of the rent cap bill in order
8 to save as many lives as possible. Thank you.

9 CHAIRPERSON PALMA: Thank you. Do
10 any of my colleagues have any questions? Just
11 because we're not asking questions doesn't mean
12 that we're not aware of the issues that rise; you
13 highlighted them in your testimony. So I want to
14 thank you for your testimony and know that we're
15 very supportive of making sure that the
16 legislature does the right thing.

17 Our next panel is Tamara Green,
18 Virginia Shubert and Geoffrey W. Carter.

19 [Pause]

20 You can begin.

21 TAMARA GREEN: Thank you
22 Councilwoman Palma and the members of the
23 Committee on General Welfare for your attention
24 and your support. My name is Tamara Green and I'm
25 the Associate Vice President of the Supportive

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2 Housing Division at Harlem United and I'm here
3 joined with my colleague Kimberly Smith, the
4 Senior Director of State and Local Policy.

5 With 545 housing units, 850 men,
6 women and children across Harlem and across the
7 City of New York, Harlem United is one of the
8 largest AIDS supportive housing providers in this
9 country. Harlem United is a member of the New
10 York City AIDS housing network, which since 2006
11 has led the campaign to pass this legislation. We
12 are grateful to them and to the decision makers
13 and representatives like you who have supported
14 this effort.

15 We at Harlem United are gravely
16 disappointed in Governor Patterson's failure to
17 sign this bill into law, ignoring evidence and
18 vetoing a policy that potentially promises to
19 break the cycle of evictions and replacement in
20 supportive housing and we urge the City Council to
21 use its influence and press the New York City
22 State legislation to override this veto.

23 Many of our clients have been in
24 the revolving cycle of homelessness,
25 hospitalization and the criminal justice system

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2 and most have been without a place to call home
3 for years. When clients come to us for housing
4 placement, more often they come medically and
5 emotionally fragile with little or no knowledge of
6 what it takes to live a life that has any level of
7 normality.

8 The case manager staff they very
9 gingerly assist clients in helping to put the
10 pieces of their lives back together. However,
11 clients quickly learn that the honeymoon is over
12 and it's over before the life they had hoped for
13 can begin. The 330 rule almost immediately forces
14 them back into hopelessness and poverty and it
15 most certainly and immediately puts their housing
16 in jeopardy because it is just impossible to pay
17 rent and live off of \$330 per month. So many are
18 forced to make the choice to pay the rent or to
19 buy something to eat. Many of the tenants living
20 with HIV with whom we work with, as you stated,
21 are left with less than \$12 per day for
22 transportation and other necessities.

23 At Harlem United we have personally
24 witnessed many successes with rent collections,
25 particularly to our clients who pay a 30% rent

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2 portion because 30% is doable. Clients affected
3 by the 330/344 rule don't have the same success
4 rate with maintaining their rent portion and more
5 often than not return to homelessness again.

6 Our own analysis show that in 2008
7 clients whose rent share was capped at 30% paid
8 more rent consistently compared to those who were
9 subject to the 330 rule, which paid between 41%
10 and 84% of their income. It is proven that
11 affordable, stable housing provides clients with
12 access to medical care and improves their overall
13 health outcomes.

14 But today we stand strong in
15 opposition to this veto and urge that the you pus
16 the New York State legislation to override it.
17 Thank you again for your time and your attention
18 and your support in this matter.

19 VIRGINIA SHUBERT: Good afternoon
20 and thank you for this opportunity. My name is
21 Virginia Shubert and I'm a Principal Shubert
22 Botein Policy Associates. As you've heard, since
23 2008 I've been examining the potential cost impact
24 of the proposed rent cap. My analyses have been
25 based on data that we pried out of HASA through

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2 Freedom of Information Law request and data that's
3 available publicly through their quarterly
4 performance reports to this body and their HASA
5 fact sheets.

6 As I've testified previously before
7 this committee, my analyses indicate that NSU
8 part. Previously my analyses indicate that
9 savings realized by the city and state through
10 avoided rent arrears and avoided housing loss
11 among severely rent burdened HASA clients will
12 offset the incremental cost of the rent cap.
13 That's just looking at housing costs, even before
14 taking into account public savings that would be
15 realized as a result of prevented HIV infections
16 and reductions in emergency and acute care health
17 costs. So just looking at the housing system,
18 there would be a cost offset.

19 As the Governor notes, though, in
20 his veto memo, any estimate of the net fiscal
21 effect on the bill is by definition just that, an
22 estimate. But fiscal estimates in a matter so
23 vital to the health and well being of our most
24 vulnerable citizens must be calculated in good
25 faith and they must be based on the best possible

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2 data.

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The city's fiscal analysis, the most recent one which was produced on the very last day of the Governor's consideration of the bill, the day before he had to make a decision, was not a good faith effort. The state Department of Budget refused even to make their most recent estimate public. I will note, however, that I've got lots of cost estimates. I looked at all of them extensively, I don't know where that \$35 million figure comes from. Even the city's own last minute cost estimate put the cost at \$20 million but whatever.

I believe that the Council Finance Division did make a good faith effort when it reviewed the fiscal impact of the bill, even though I don't agree that with the Finance Division's conclusion that there will be a small incremental net cost. But the Council Finance Division - - in the same way that I have been and even state DOB were, by the inability or refusal of HASA to make public any information on the actual rate of housing loss among rent burdened clients.

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2 If, as HASA claims, they don't
3 track such information, the Council's oversight
4 role should be deeply concerned. And if they're
5 just concealing it because it's bad for them,
6 maybe you should be even more concerned. I will
7 just note that in their last cost analysis they
8 still refused to recognize anything other than a
9 marshal eviction or a legal lock out as a housing
10 loss.

11 Both the city and the state budget
12 offices have acknowledged, which is good, that
13 offsetting savings should be taken into account
14 when evaluating the fiscal impact of this bill or
15 any bill. But there are several points where our
16 analyses differ. I've given you a memo, outlined
17 the key points where my analysis differs from the
18 city and state cost analysis. I'm not going to go
19 through every point here. I'm glad to answer any
20 questions you have.

21 But there are some things that we
22 know for certain based on the available data. We
23 know, according to the latest quarterly
24 performance report that during the last fiscal
25 year HASA approved over 2,100 rental arrears

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2 requests for the client's share. So that is 2,100
3 people who requested and had approved rent arrears
4 requests. During that period there were almost
5 7,000 new HASA emergency housing placements,
6 despite a steady case load.

7 In August there were over 1,800
8 HASA clients in emergency housing, including
9 almost 1,000 in the commercial SROs. All other
10 state disability programs as been noted and all
11 federal housing assistance programs cap the
12 tenant's rent contribution at 30%. HUD defines
13 payment of more than half of income, which is what
14 most of these clients pay, as a severe rent burden
15 leaving a tenant at eminent risk of eviction.

16 30% of income was also cited in
17 President Obama's recent opening doors federal
18 strategic plan to end homelessness which called on
19 all federal, state and local rental assistance
20 programs to cap rent burden at 30% of income. As
21 it's already been pointed out, contrary to the
22 Governor's veto memo; it doesn't create a new
23 program, it doesn't expand existing eligibility.
24 It's a simple fix to make a successful program
25 work better.

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2 The last point I was going to make
3 is about all the other costs associated with this
4 inefficiency in the rent cap program. But I read
5 the memo while waiting, the memo that was prepared
6 for this resolution and its an excellent summary
7 of those points so thank you.

8 GEOFFREY W. CARTER: Good
9 afternoon. I should state at the outset that some
10 of the things I'll be covering has been covered by
11 other panel members but I'll try my best to be
12 brief. Thank you for this opportunity.

13 Chairwoman Annabel Palma, Council
14 Member's staff, good afternoon and thank you for
15 the opportunity to speak about Resolution 477. My
16 name is Geoffrey Carter and I'm a law graduate
17 testifying on behalf of Camilla Shadine, the
18 supervising attorney of the Housing Project at the
19 New York Legal Assistance Group.

20 NYLAG is a non profit law office
21 dedicated to providing free legal services in
22 civil law matters to low income New Yorkers. As
23 you know, the State Assembly passed A-2565 in
24 January of 2010 and the Senate passed its
25 companion bill, S2664 first in 2009 and then again

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on April 27, 2010.

These bills sought to provide persons living with HIV/AIDS who are receiving shelter assistance or an emergency shelter allowance with a rental cap, ensuring that such persons would not be required to pay more than 30% of their monthly household income towards rent and utilities. As such, these bills would have provided much needed rent relief to roughly 11,000 New Yorkers suffering from HIV/AIDS and the massive financial burdens associated with it.

Regrettably, Governor Patterson vetoed the bill on September 18, 2010 based on his conclusion that the bill would impose added financial burdens. Despite acknowledging "the history of the inadequacy of services government has brought to bear for those with HIV/AIDS". As a result many HASA clients will be forced to continue paying as much as 50% of 70% or in some cases greater of their benefits towards rent and utility costs, leaving them on average with a meager \$11 a day to pay for, or should I say force them to choose between paying for other vital necessities and expenses.

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2 As State Senator Thomas K. Duane
3 said, "These clients with AIDS are going to have
4 to choose between buying a toothbrush or doing
5 laundry; choose between buying underwear or paying
6 a phone bill". Governor Patterson's veto likewise
7 comes in despite of independent fiscal analyses
8 demonstrating how the bill would be cost neutral
9 if not cost reducing. In fact, independent
10 research has demonstrated that the bill will
11 create savings by shifting funding away from
12 emergency housing costs such as rental arrears
13 grants and commercial SROs, which are relatively
14 speaking more expensive. And shift these funds
15 towards more cost effective, stable and long term
16 housing.

17 The veto bill will also have a
18 ripple effect in regard to effective HIV/AIDS
19 health care and prevention. Studies have found
20 that among those living with HIV/AIDS, homeless
21 individuals are two to six times more likely to
22 engage in high risk and drug related and sexual
23 behaviors than are individuals in stable housing
24 with otherwise same personal and service use
25 characteristics. By reducing such high risk

1
2 behaviors New York State and City would likewise
3 see a reduction in the spread of HIV/AIDS, a drop
4 in criminal activity and a dramatic reduction in
5 health care costs associated with eliminating the
6 spread of new HIV infections.

7 Based on the foregoing, we at NYLAG
8 support Resolution 477 and urge the Council to
9 pass it. By ensuring that qualifying low income
10 New Yorkers living with HIV/AIDS would not be
11 required to pay more than 30% of their household's
12 monthly income towards housing costs, New York
13 City and State governments will assist in avoiding
14 the numerous pitfalls associated with the current
15 predicament of those living with HIV/AIDS.

16 The bill will ensure that those
17 living with HIV/AIDS are not forced to pay 50% to
18 70% of their benefits towards housing costs. It
19 will likewise divert crucial resources towards
20 more cost effective funding of long term housing
21 and most importantly, it will help curtail drug
22 use and high risk sexual behavior among those
23 living with HIV/AIDS, the benefits from which
24 shall be boundless.

25 I, again, would like to reiterate

1
2 our support for Resolution 477 and that we
3 encourage the Council to adopt this resolution.
4 Thank you.

5 CHAIRPERSON PALMA: Thank you. I
6 have a quick question for Ms. Shubert. In the
7 first bullet where you site the quarterly report
8 for fiscal year 2010, the 2,100 rent arrears, do
9 you have a dollar figure?

10 MS. SHUBERT: They don't report
11 that in the quarterly report.

12 CHAIRPERSON PALMA: They don't
13 report that. It's just 20, okay.

14 MS. SHUBERT: the last actual data
15 we had was from 2006-2007, I believe it was. Then
16 it was about \$1,800. I think that the most recent
17 data I've seen is around \$1,900 per rent arrears
18 payment.

19 CHAIRPERSON PALMA: Per client or
20 cumulative?

21 MS. SHUBERT: Per client.

22 CHAIRPERSON PALMA: Per client.

23 Thank you. I want to thank you for your
24 testimony. I want to thank my colleagues for
25 signing their name on the resolution and for

1
2 hanging out until the end of the hearing. Like I
3 had cited before, this is an important issue for
4 the Council and this was the first hearing that
5 the Resolution has. So we are eager to getting it
6 passed. Thank you.

7 MS. SHUBERT: Thank you.

8 MR. CARTER: Thank you.

9 CHAIRPERSON PALMA: This meeting is
10 now adjourned.

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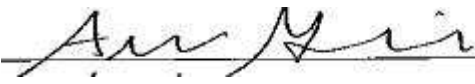
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C E R T I F I C A T E

I, Amber Gibson, 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 November 15, 2010