

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 9, 2011
Start: 1:14 p.m.
Recess: 4:59 p.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
ANNABEL PALMA
Chairperson

COUNCIL MEMBERS:
Speaker Christine C. Quinn
Council Member Gale A. Brewer
Council Member Helen D. Foster
Council Member Stephen T. Levin
Council Member Ydanis A. Rodriguez
Council Member James G. Van Bramer
Council Member Jumaane D. Williams

A P P E A R A N C E S [CONTINUED]

Annabel Palma
Opening Statement
Chairperson
Committee on General Welfare

Molly Murphy
Counsel
Committee on General Welfare

Brendan Cheney
Policy Division
New York City Council

Jennifer Gomez
Staff Member
New York City Council

Elizabeth Hoffman
Policy Analyst
Committee on General Welfare

Crystal Coston
Finance Division
New York City Council

Christine C. Quinn
Opening Statement
Speaker
New York City Council

Seth Diamond
Commissioner
Department of Homeless Services

George Nashak
Deputy Commissioner
Adult Services
Department of Homeless Services

A P P E A R A N C E S [CONTINUED]

Rebecca Chew
Assistant Commissioner
Special Counsel
Family Intake Center
Department of Homeless Services

Patrick Markee
Senior Policy Analyst
Coalition for the Homeless

Judith Goldiner
Attorney in Charge
Civil Practices Law Reform Unit
The Legal Aid Society

Michael Polenberg
Vice President
Government Affairs
Safe Horizon

Chris Parque
MSW, Executive Director
Homeless Services United

Written testimony submitted by:
Megan Crow-Rothstein

Karen Jorgensen
Director
Valley Lodge Shelter

Kendall Jackman
Housing Campaign Leader
Picture the Homeless
Current Shelter Resident

Nancy Downing
Director of Advocacy
Covenant House, New York

A P P E A R A N C E S [CONTINUED]

Terry Grace
Chair
Housing Advocacy Committee
Social Concerns Commission
Episcopal Diocese of New York
Member
Shelter Committee
St. James Episcopal Church
Member
Steering Committee
Emergency Shelter Network

Called but did not testify:
William Boone

Cassandra Agredo
Director
Xavier Mission
Church of St. Francis Xavier
Member
Steering Committee
Emergency Shelter Network

Andrea Logan
Homeless Shelter Resident for five years

Patrick Cooper
Homeless Shelter Resident
Outreach worker
Picture the Homeless

Veronica Torrado
Staff Member
Leadership Development Coordination
Picture the Homeless

MR. JERRY STAFFIERI: Quiet please.

CHAIRPERSON PALMA: Good afternoon.

We're calling the Emergency General Welfare hearing of November 9th to order. Good afternoon and welcome to everyone. I'm Annabel Palma, Chairman of the New York City Council's General Welfare Committee. And first let me thank Speaker Quinn for being helpful in convening this meeting on the new policy that the Department of Homeless Services seeks to implement on November 14th. I want to thank the staff that prepared today's hearing: Molly Murphy, Brendan Cheney, Jennifer Gomez, Elizabeth Hoffman and Crystal Coston.

We are here today to address the Department of Homeless Services recent announcement to implement more stringent eligibility requirements for single adults seeking shelter. As many of you know the current intake process for single adults differs from that which families must go through in order to determine their eligibility in shelter. Families must visit the Prevention Assistance and Temporary Housing Office or PATH as many know it as in the Bronx to be assessed for shelter eligibility. As a result

many families who apply for shelter are deemed ineligible and turned away.

November 3rd, 2011 the Department of Homeless Services issued a new eligibility procedure for single adults, which mimics the eligibility process that families have to undergo. The DHS seeks to implement the new eligibility process in five days on November 14th, as I stated before.

The Committee is very concerned about the implications this new procedure will have on homeless individuals. It is important to note that DHS has been criticized in the past for failing to accurately assess families' eligibility. Reapplication rates for families suggest that there are families deemed ineligible by the Department of Homeless Services who do in fact require to be shelter. According to the Fiscal Year 2011 DHS Critical Activities Report, the percentage of families who submitted multiple applications has been increasing. For example, the number of eligible families who submitted two applications has increased from 9.5% in Fiscal Year 2010 to 10.4% in Fiscal Year 2011.

In some instances some families submit up to six applications. The reapplication rates suggest that DHS mistakenly denies eligibility to needy families. And let us not forget when a homeless family is denied shelter they are often forced to sleep in public places.

A 2007 *New York Times* article documented instances where families with children who were deemed ineligible ended up sleeping on the floor of a church near PATH or in the ER. The Committee is concerned that this will happen again with this policy to single adults.

Additionally the Committee is concerned about DHS's ability to determine if housing is actually viable. For example, at a General Welfare Committee hearing in 2007, we learned that one family was told to live at a relative's NYCHA apartment. The relative had multiple health conditions and a letter was submitted to DHS from her doctor stating that the family could not reside with her. The family was still determined ineligible for shelter even after the doctor's note was provided and despite the fact that NYCHA rules and regulations prohibit

1 this kind of doubling up.

2 We fear the same unreasonable
3 assessments will happen for single adults. As
4 well in the new eligibility procedure DHS states
5 that if an individual in the middle of an eviction
6 proceeding voluntarily moves out prior to a final
7 determination and applies for shelter, DHS will
8 expect that the individual return to the
9 apartment, ask for her keys back from the
10 landlord, the same landlord who brought the
11 eviction proceedings against them in the first
12 place, and ask that he or she be allowed to live
13 in the apartment while the eviction proceedings
14 are finalized. The Committee has serious concerns
15 about this scenario and how DHS assesses the
16 viability of the housing option they identify for
17 shelter applicants who are in this situation.

18 Another main concern is that the
19 new policy requires that adults seeking shelter
20 bear the burden of proving that they do not have a
21 viable housing option. Compared to families, a
22 higher percentage of single adults experiencing
23 homelessness suffer from mental illness and
24 substance abuse related issues.
25

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2 According to a 2005 Department of
3 Health and Mental Hygiene report, substance abuse
4 was the third leading cause of death for single
5 homeless adults with a date rate nearly triple
6 that of adults using family shelters, proving
7 homelessness is already difficult for healthy
8 individuals, let alone those suffering from
9 serious mental illness or substance abuse
10 problems.

11 Additionally individuals will not
12 be given shelter while DHS determines their
13 eligibility. The timing of this policy's
14 implementation just at the start of winter means
15 that those individuals who are mistakenly denied
16 shelter will likely have no other option but to
17 sleep in the streets.

18 In sum the Committee seeks to
19 understand the implications of the new eligibility
20 procedure for single adults and how DHS plans to
21 address them. Again I want to thank Speaker Quinn
22 for making sure that we were able to convene this
23 hearing and for the support that she has
24 demonstrated and the leadership she has
25 demonstrated in making sure that this issue

1 doesn't fall through the cracks. Speaker Quinn.

2
3 SPEAKER QUINN: Thank you very much
4 Chair Palma. And I want to thank you for moving
5 so quickly to have this Emergency Oversight
6 Hearing. I want to thank the Homeless Services
7 Commissioner and the other staff from the
8 Bloomberg Administration for being here. I just
9 want to be clear: this hearing is not an attempt
10 to engage in the behavior of demagogues or in
11 behavior that is irresponsible.

12 We learned of this significant
13 policy change through the news media. We have
14 oversight responsibilities per the Charter of the
15 City of New York on the City's Department of
16 Homeless Services. We need, inasmuch as that
17 oversight role was disregarded by never even
18 informing of this policy change, although Chair
19 Palma and other staff were engaged in
20 conversations with DHS in very similar items, we
21 therefore needed to have this emergency hearing
22 today to get the facts to understand them.

23 Why is it an effort to get the
24 facts so important to us? One, many of us on the
25 Council, myself included, have long opposed this

1 policy switch when it occurred for families. I
2 want to be very clear. For years I have thought
3 that switch for families was wrong-headed and
4 mean-spirited. So for me I have those very same
5 concerns as it relates for singles. And I think I
6 speak for many of my colleagues.
7

8 Beyond that, as Chair Palma has
9 said, the singles population in our homeless
10 services universe is one that has higher levels of
11 substance abuse and mental health challenges. And
12 although I appreciate that the Administration,
13 according to press reports since we've not gotten
14 any direction information, says that people with
15 mental health challenges will not go through this
16 process. I am not sure that can be automatically
17 identified in a quick fashion when someone is
18 presenting in this process.

19 Beyond that, let's look at the
20 facts as it relates to how this process has worked
21 for homeless families. According to a 2009
22 Comptroller's Report which covered Fiscal Year
23 2008, according to the report "DHS has not ensured
24 that its guidelines for determining eligibility
25 are consistently followed by its staff when

families are deemed ineligible". The audit found that "DHS staff placed an undue burden on families in need". The Comptroller sampled 32 cases in which families filed more than 1 application and found that in 22% of the cases, DHS did not follow its own procedures. 22% was 7 families, 2 of those 7 filed 3 applications and 16 applications respectively before they were found eligible.

Another 5 families filed between 3 and 23 applications before they were deemed eligible. T

That is harassing behavior of people when they are in need. If we can't do this for families, and I see little evidence that it has kept the number of families who are homeless in the City down, what leads us to believe we can implement it fairly for an even more challenging population?

We have a legal obligation to house people who are homeless. And I find it deeply troubling that when there is a New Yorker who has found the ability to have a friend or family takes them in we are going to penalize them. Sometimes people can get a little extra support and you know what, sometimes that support runs out. They're at

1 the end of their rope. And then they come to us.
2
3 And our job is not to harass them and make them
4 feel guilty or be punished because they found
5 other resources along the way.

6 So I look forward to the
7 questioning today and hearing more about this
8 policy and perhaps my concerns about
9 implementation of this in the singles population
10 being addressed, I doubt it, and even if the
11 implementation can be addressed I want to be
12 clear, I oppose the entire spirit and intent of
13 this change as I have for homeless families
14 because I believe it is nothing more than
15 harassment.

16 CHAIRPERSON PALMA: Thank you
17 Speaker Quinn. I want to recognize that we have
18 been joined by our colleagues Council Member Gale
19 Brewer from Manhattan, Council Member Jumaane
20 Williams from Brooklyn, Council Member Jimmy Van
21 Bramer from Queens, Council Member Helen Foster
22 from the Bronx, and Council Member Ydanis
23 Rodriguez. And now Commissioner Diamond I welcome
24 your testimony.

25 COMMISSIONER SETH DIAMOND: Thank

1
2 you Madam Chair and good afternoon Madam Speaker
3 and Chair Palma and members of the General Welfare
4 Committee. I'm Seth Diamond, Commissioner of the
5 Department of Homeless Services. And I'm pleased
6 to be joined today by George Nashak, our Deputy
7 Commissioner for Adult Services.

8 I appreciate this opportunities to
9 share information with you regarding the
10 eligibility process we plan to implement at our
11 intake centers for single adults on November 14th,
12 2011. I'd also like to acknowledge the tremendous
13 dedication and hard work of DHS staff and that of
14 our not-for-profit shelter providers who work each
15 day to ensure that men and women in our adult
16 shelter systems are afforded the assistance they
17 need to overcome their housing crisis and return
18 to the community as quickly as possible.

19 Through our eligibility process for
20 single adults we strive to preserve a costly yet
21 critical benefit while helping those with
22 available housing options or sufficient financial
23 resources remain in the community. It is clear
24 that individuals at risk of becoming homeless are
25 best served in the community. It is incumbent

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17 As I will explain shortly our
18 eligibility process for single adults is modeled
19 in very large part on the eligibility process at
20 PATH, our family intake center. Over the past
21 three decades the City transformed its shelter
22 system for single adults to one that is recognized
23 as the most comprehensive and sophisticated in the
24 nation. Today the City is proud to offer a
25 variety of shelters for specific populations

As I will explain shortly our eligibility process for single adults is modeled in very large part on the eligibility process at PATH, our family intake center. Over the past three decades the City transformed its shelter system for single adults to one that is recognized as the most comprehensive and sophisticated in the nation. Today the City is proud to offer a variety of shelters for specific populations

1 including the employed or employable, individuals
2 with mental illness, and those who are battling
3 alcoholism or addiction.
4

5 As public servants we have an
6 obligation to monitor and respond to systemic
7 changes whether that be through a change in the
8 services we provide or in this case implementation
9 of an eligibility process to help us distinguish
10 between those individuals who have alternatives to
11 shelter and those who do not.

12 Recently we've observed two notable
13 shifts in the single adult population we serve.
14 Only five years ago one-third of the adult shelter
15 population reported having lived on the street
16 prior to shelter entry. Today less than 15% of
17 those seeking shelter report a history of street
18 homelessness. In fact nearly 60% of men currently
19 seeking shelter were living with friends or family
20 before they arrived at intake. For this reason we
21 believe that through implementation of an
22 eligibility process, we can identify applicants
23 who can safely return to available housing in the
24 community.

25 State regulations provide guidance

on the proper interpretation of these regulations. State Administrative Directive 94 A.D.M. 20 states in pertinent part, and I quote, "as a general rule individuals and families must be responsible for making their own housing arrangements. Districts have a limited ability to provide housing and are neither expected nor obligated to provide temporary housing assistance unless it is clearly demonstrated that the person requesting assistance has faced with an immediate need for housing, has made reasonable efforts to secure housing, and cannot access any other housing even on a temporary basis".

DHS will use an eligibility process to determine whether single adult applicants have available housing options or the financial resources to independently secure their own housing. This procedure not only is modeling on the integrated approach for families with children, but also employs the extensive checks and balances of that process to ensure that applicants who are in fact homeless receive shelter.

Those found ineligible are linked

1
2 to resources and supports to enable them to
3 maintain housing stability in their home
4 communities. In moving forward with this new
5 assessment process, we remain committed to the
6 principle that every applicant merits
7 individualized attention and unique consideration.

8 Under the single adult eligibility
9 process, specialists will interview applicants in
10 person and in great detail to elicit among other
11 things the reason why the applicant seeks shelter
12 and inquire where they lived in the past year.
13 Eligibility specialists will conduct a thorough
14 review of an applicant's eligibility for shelter
15 and render a written eligibility determination
16 based on the full understanding of each
17 applicant's circumstances.

18 We will also continue to provide
19 diversion assistance to applicants at our adult
20 intake centers. Staff from the Human Resource
21 Administration will be available on site to help
22 applicants access other City services.
23 Specialized staff will also be available at intake
24 centers to help ineligible individuals return to
25 the community by offering a variety of services

1
2 and linkages to meet their needs including family
3 mediation, housing advice, employment referrals,
4 and benefit advocacy.

5 Given our decades of experience
6 working with mentally ill shelter clients, we
7 recognize that there will be applicants who,
8 because of impairment, are unable to participate
9 in the application and investigation process.

10 Thus if applicants report or exhibit signs of
11 impairment, the eligibility specialist will
12 immediately refer them to a licensed social
13 worker. The social worker will interview such
14 applicants to determine whether they have an
15 impairment that renders them unable to participate
16 in the application or investigation process.

17 If the applicant needs assistance,
18 the social worker will consult with a supervisor
19 to determine if the applicant needs immediate
20 medical attention, has an alternative housing
21 option, or is eligible for shelter. DHS staff
22 will investigate whether the applicant has housing
23 options by conducting interviews with the
24 applicant and relevant third parties such as
25 primary tenants with whom the applicant lived

1 prior to seeking shelter.

2 Our eligibility procedure has
3 multiple safeguards to ensure the accuracy of our
4 determinations. I've already talked about one of
5 the most important safeguards, assessment
6 conducted by licensed social workers. In addition
7 eligibility specialists will prepare a written
8 recommendation regarding each applicant's
9 eligibility for shelter which is subject to their
10 supervisor's review and final approval. All
11 applicants found ineligible will have a right to
12 an agency conference before a DHS attorney who
13 will have the authority to reverse the
14 determination or request further investigation and
15 evaluation.
16

17 At the conference the applicant can
18 also provide new information or documentation
19 which will be reviewed. All applicants will have
20 the right to challenge the denial of their
21 application at a State Fair Hearing. They also
22 have the option to bring an advocate of their
23 choosing to the agency conference and/or the
24 hearing to support their effort. The written
25 notice that all applicants receive informing them

1 of the agency's eligibility determination includes
2 the phone numbers of the Urban Justice Center and
3 the Coalition for the Homeless and instructions on
4 how to request an agency conference and a fair
5 hearing. Applicants will also have the option of
6 discussing their case with the Department of
7 Homeless Services Office of Client Advocacy whose
8 staff can provide crisis counseling, mediation
9 services, and assistance in navigating the
10 eligibility process.
11

12 DHS has made tremendous strides in
13 providing shelter to individuals in need while
14 also significantly reducing the number of New
15 Yorkers living on the street. We have no interest
16 in undermining this success or creating
17 unnecessary barriers to shelter for eligible
18 applicants. Our eligibility process is designed
19 with the special needs of our clients in mind and
20 is equipped with the necessary safeguards to
21 ensure that those in need of shelter receive it.
22 And I'm happy to take your questions.

23 CHAIRPERSON PALMA: We've been
24 joined by Council Member Steve Levin from
25 Brooklyn. And I am going to defer my questions to

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Speaker Quinn.

SPEAKER QUINN: Thank you very much
Chair Palma. Let's first talk, Commissioner,
about; obviously you and I have a difference of
opinion on how well it's working with families.

COMMISSIONER DIAMOND: Mm-hmm.

SPEAKER QUINN: Forget I said
Fiscal Year 2008, you said a different year, let's
forget the years, but you talked about a 98%
approval rating as it relates to Fair Hearings.
Is that for the final Fair Hearing? Because in
the individuals who I mentioned from the
Comptroller's Report who filed upwards of 23
applications, they may have gone for a Fair
Hearing 23 times and then eventually after the 22nd
or 23rd Fair Hearing, were sent back and taken into
the system. So is that the sum total of your
success, so to speak, or is it only after the
final one? Because 22 of those, you won in the
Fair Hearing, so to speak, but then you eventually
lost 'cause that individual was housed. Maybe won
or lost is not the way to say it, I apologize, but
you understand what I'm saying.

COMMISSIONER DIAMOND: I do.

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2 Again, we encourage people who disagree with our
3 determinations to ask for an agency conference or
4 a hearing. The 98% total represents those who
5 have asked for a Fair Hearing at any stage--

6 SPEAKER QUINN: [Interposing]
7 Right.

8 COMMISSIONER DIAMOND: --in the
9 process because they disagreed with the
10 determination and how often the State judge has
11 agreed with our presentation.

12 SPEAKER QUINN: But it does not
13 mean, as one who might be less familiar with the
14 system, might assume from your presentation that
15 your determination of eligibility or lack thereof
16 for families is correct 98% of the time.

17 COMMISSIONER DIAMOND: Well the
18 determination of eligibility is based on the
19 information that we have available at the time.
20 And that information is presented in the case of a
21 Fair Hearing to a State Fair Hearing judge--

22 SPEAKER QUINN: [Interposing] So
23 just think the answer is no, right?

24 COMMISSIONER DIAMOND: Well no
25 because--

SPEAKER QUINN: [Interposing]

Because it's not because in these cases if people go 23 times to a Fair Hearing and the Fair Hearing says the eligibility determination of ineligible was correct 22 times, but then the person goes back to the City and is housed the 23rd time, in essence your 22 determinations were wrong 'cause you had to house the person.

The fact is in the act of housing at the end of it. So what is the percentage question that I think is relevant is the last time someone presents at a Fair Hearing, what is your percentage? It can't possible be 98% if that is the sum total of all Fair Hearings since they are not--people may think a Fair Hearing is like in a court of law, that that's it, you can't go back. That's not the case, right?

[Off mic discussion]

SPEAKER QUINN: Can you identify yourself for the record? You can answer the question directly, just turn your mic on and identify yourself for the record.

COMMISSIONER DIAMOND: I just want to make sure I have accurate information to

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respond.

SPEAKER QUINN: Okay.

[Off mic discussion]

COMMISSIONER DIAMOND: Again, I think the issue is what information is presented at the Fair Hearing. Very often people come with different information, additional information, their circumstances change, so that you could have--

SPEAKER QUINN: [Interposing] Sure.

COMMISSIONER DIAMOND: --different Fair Hearing results just like you could--

SPEAKER QUINN: [Interposing] Sure.

COMMISSIONER DIAMOND: --have different eligibility decisions based on--

SPEAKER QUINN: [Interposing] Okay so--sorry.

COMMISSIONER DIAMOND: --the 98% is based on the applicant presenting everything that they had available, the agency presenting everything they had available and the State judge affirming us almost all the time.

SPEAKER QUINN: So just two things. I think that answer is, you know, a longer version

1 of yes, that's right, I'm giving you 98% of the
2 times in sum total and that doesn't mean that 98%
3 of the families us said didn't deserve housing at
4 the end of the process were found in fact not to
5 need housing, right? Because you're saying they
6 can--somebody can come in a second time and have
7 the additional piece of paper or the 24th time and
8 have the additional piece of paper and then the
9 answer is yes.
10

11 So what I would like is a
12 percentage of how many times the ineligible
13 determination is held up as the final
14 determination when the person is then not granted
15 housing 'cause that is a reflection of ultimately
16 whether you are right or wrong what percentage of
17 the time.

18 Two, your own statement,
19 Commissioner, speaks to the incredible challenges
20 of your process. 'Cause you just said it depends
21 on what paper a homeless person has with them at
22 any time, right? And if the homeless person, the
23 first time they come in, doesn't have the right
24 paperwork but does the 2nd, 3rd, 4th, 5th, 22nd time,
25 they might get in. So inherently you are saying

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this is a very challenging process because of what paper you want people to come in with. A process in fact where some people will doggedly, good for them, go through it over 20 times. Is that fair?

COMMISSIONER DIAMOND: Well first of all I don't think I said it depends on the paper that people bring. I think--

SPEAKER QUINN: [Interposing] You said the materials.

COMMISSIONER DIAMOND: No, well I think it depends on people's circumstances. And people's circumstances--

SPEAKER QUINN: [Interposing] I think you did say what they brought with you. You may not have said paper, we can check the transcript, but Commissioner, you said what they present, what they bring with them--

COMMISSIONER DIAMOND:
[Interposing] What they present, what their circumstances--

SPEAKER QUINN: [Interposing] What else do people present aside from paperwork?

COMMISSIONER DIAMOND: People's circumstances change.

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SPEAKER QUINN: Okay.

COMMISSIONER DIAMOND: The reason why they need to apply for shelter changes. And I think you would want a process where we're willing to revisit every decision--

SPEAKER QUINN: [Interposing]
Absolutely.

COMMISSIONER DIAMOND: --when people come in. you wouldn't want a system where once somebody had a determination that was their determination for the next several months. So we're willing to revisit every decision when somebody comes in. If they have new information that they haven't presented before, we're willing to consider it. But we can only base decisions on the information that is presented to us at the time. That information--

SPEAKER QUINN: [Interposing] Sure.

COMMISSIONER DIAMOND: --we are confident that those decisions are right because when people challenge them, the State Fair Hearing judge affirms us nearly all the time.

SPEAKER QUINN: But again Commissioner, and I don't want to beat this point

1 to death, the Fair Hearing may confirm you're
2 right at that one Fair Hearing. But if ultimately
3 somebody goes through five Fair Hearings and on
4 the fifth Fair Hearing they are determined
5 eligible or after the fifth Fair Hearing they go
6 back to your office and are granted the
7 eligibility, you were not correct. But let me ask
8 this question--
9

10 COMMISSIONER DIAMOND:

11 [Interposing] No, but that may not necessarily be
12 true. They may have a different circumstance the
13 fifth time than they did at the first time and--

14 SPEAKER QUINN: [Interposing] But
15 that speaks, Commissioner, to the challenge of
16 this process. And if in the process of, you know,
17 people's circumstances obviously could change in a
18 minute. In a minute life can change, God forbid.
19 But also it has to do with how you're asking the
20 question. Right? And how people are answering
21 the question. And these are stressful questions
22 at incredibly challenging times in people's lives,
23 right?

24 So do you know anybody in the City
25 of New York you could stay with? Sure. I mean

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2 there's 8.4 million people, everybody can probably
3 say yes to that. That's a different question than
4 is there in fact someone right now you could go to
5 the telephone and call with whom you could stay.
6 So I think you're substantiating, and the 98%, I
7 just don't want people who are here today to
8 misinterpret that as 98% effectiveness.

9 Well let me ask another question.
10 How many people who are deemed ineligible, raw
11 number or percentage, ask for a Fair Hearing?

12 COMMISSIONER DIAMOND: Just to
13 respond to the first point. We don't ask open-
14 ended questions like that: is there anyone you
15 could live with. We ask specific targeted
16 questions--

17 SPEAKER QUINN: [Interposing] Such
18 as?

19 COMMISSIONER DIAMOND: Where have
20 you lived for the past year? Who have you lived
21 with? Are any of those available housing
22 responses at that point? I agree with you. It is
23 a challenging process. People come to us often at
24 their lowest point. And our staff need to--

25 SPEAKER QUINN: [Interposing] And,

1 again, even then I don't think the answer is
2 abundantly clear. You know what I mean? Well you
3 might say, well yes but I'd really rather not.
4 It's really difficult and it's problematic, you
5 know, but you still say yes--

6 COMMISSIONER DIAMOND:

7 [Interposing] And that should be the subject of
8 discussion. And then why isn't it appropriate to
9 go back? Is it an available--?

10 SPEAKER QUINN: [Interposing] Look,
11 look, I think my point is your 98% should not be
12 interpreted as only 2% incorrect. But what
13 percentage of people go to a Fair Hearing anyway?

14 COMMISSIONER DIAMOND: And again,
15 people have--I don't know if we have that here.
16 About, okay, so about a third go to a Fair Hearing
17 but there are also--

18 SPEAKER QUINN: [Interposing] So
19 can I then ask a question? If the two-thirds that
20 don't go for a Fair Hearing, what is, from your
21 interpretation which we might if we crunch the
22 numbers see it differently, your error of being
23 correct in your determinations?

24 COMMISSIONER DIAMOND: Well in
25

1
2 those cases we have made a determination. In some
3 cases people have asked for an agency conference
4 to--

5 SPEAKER QUINN: [Interposing] What
6 percentage?

7 COMMISSIONER DIAMOND: About a
8 third.

9 SPEAKER QUINN: Okay.

10 COMMISSIONER DIAMOND: So in some
11 cases people have gone through a conference and
12 there may have been a review of the decision.
13 There may have been a better understanding of how
14 we reached the decision.

15 SPEAKER QUINN: But do you actually
16 have--if you don't have it you can just get it to
17 us, what it is for those two-thirds of the
18 population?

19 COMMISSIONER DIAMOND: Well in
20 those two-thirds of the cases, the decision that
21 the agency made has not been subject to further
22 State review and it stands.

23 SPEAKER QUINN: But you don't know
24 actually whether it was accurate. Do you know of
25 those two-thirds of the people re-presented and

1
2 came back through again? And then were on the
3 second, third or tenth try deemed eligible?
4 That's what I'm really trying to find out.

5 COMMISSIONER DIAMOND: Again, we
6 believe it was accurate based on the
7 circumstances--

8 SPEAKER QUINN: [Interposing] But
9 do you know those two-thirds of people never re-
10 presented at your office?

11 COMMISSIONER DIAMOND: Again, just
12 as you said, circumstances may change and people's
13 lives, they may come--

14 SPEAKER QUINN: [Interposing] So do
15 they? Did they? What percentage of the two-
16 thirds re-presented at the office?

17 COMMISSIONER DIAMOND: I don't know
18 that we know it like that.

19 SPEAKER QUINN: Could you look and
20 see if you can get it--

21 COMMISSIONER DIAMOND:
22 [Interposing] We will look at it, yes.

23 SPEAKER QUINN: Thank you. When
24 Fair Hearings occur and the City is presenting its
25 case, does a lawyer do that?

COMMISSIONER DIAMOND: A City lawyer represents. The client is free to bring an advocate of their choosing--

SPEAKER QUINN: [Interposing] Sure.

COMMISSIONER DIAMOND: --a lawyer or a friend or a family member.

SPEAKER QUINN: Right. No, and you give them phone numbers which we appreciate. What percentage, so 100% of the time the City is there, there's a lawyer.

COMMISSIONER DIAMOND: The City uses lawyers to--

SPEAKER QUINN: [Interposing] Okay.

COMMISSIONER DIAMOND: --to represent itself.

SPEAKER QUINN: What percentage of the homeless individuals are represented by a lawyer?

COMMISSIONER DIAMOND: I don't know. I don't think we track that. But, again, everyone is available to--

SPEAKER QUINN: [Interposing] No, they're free to get a lawyer, of course.

COMMISSIONER DIAMOND: Yes.

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2 SPEAKER QUINN: Of course, of
3 course. But do we have a sense? If you were to
4 ask your legal team, is it a lot? Is it not a
5 lot? Is it sometimes? It's not a lot in Housing
6 Court.

7 COMMISSIONER DIAMOND: You know, I
8 don't want to give you wrong information. We're
9 happy to look to see if we have more--

10 SPEAKER QUINN: [Interposing]
11 Great, great.

12 COMMISSIONER DIAMOND: --but again
13 anyone can--

14 SPEAKER QUINN: [Interposing] No,
15 of course.

16 COMMISSIONER DIAMOND: --avail
17 themselves of a lawyer.

18 SPEAKER QUINN: Of course.

19 COMMISSIONER DIAMOND: Legal Aid is
20 actively involved in--

21 SPEAKER QUINN: [Interposing] Yes.

22 COMMISSIONER DIAMOND: --homeless
23 services business and--

24 SPEAKER QUINN: [Interposing]
25 Absolutely.

COMMISSIONER DIAMOND: --people can--they are free to come in and represent clients at hearings.

SPEAKER QUINN: No, of course. I mean it's a little challenging these days, those organizations, you know, by all of the budget challenges, a little short staffed. But whatever.

In your testimony you talk about the changes you have made as ones that were supported by the State, right? So should I take from that that the State of New York approved this decision to extend the protocol for homeless families to singles?

COMMISSIONER DIAMOND: They said it was authorized by State regulations. It was not inconsistent with State rules.

SPEAKER QUINN: And is that the same thing as approved, not inconsistent with State rules? Or what does that mean exactly?

COMMISSIONER DIAMOND: Well I'd want to be accurate and want to quote the letter that they sent us which says that it is--

SPEAKER QUINN: [Interposing] Could we get a copy of that?

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COMMISSIONER DIAMOND: Of course.

SPEAKER QUINN: Today?

COMMISSIONER DIAMOND: Yes.

SPEAKER QUINN: Great.

COMMISSIONER DIAMOND: That's--

SPEAKER QUINN: [Interposing] Do
you need a fax number?

COMMISSIONER DIAMOND: No.

SPEAKER QUINN: Oh, we have it,
okay, great.

COMMISSIONER DIAMOND: I'm going to
give it to you.

SPEAKER QUINN: Thank you very
much. Appreciate that. So what is the? So,
okay.

COMMISSIONER DIAMOND: Do you want
me to read the relevant--?

SPEAKER QUINN: [Interposing]
That'd be great. Yeah, I'd appreciate that 'cause
I seem to have forgotten my glasses and my arms
have gotten shorter and we can't find them so,
okay--

COMMISSIONER DIAMOND:
[Interposing] It says in relevant part: the Office

1 of Temporary and Disability Assistance has
2 reviewed the procedure and determined that it is
3 not inconsistent with State law or regulations.
4

5 SPEAKER QUINN: Okay. And does
6 that mean from your perspective that--I found them
7 Madam thank you. No, I'm good. I don't need
8 anybody else's. Thank you. Does that mean it's
9 approved?

10 COMMISSIONER DIAMOND: It means
11 that the State has not issue with the policy.
12 They understand that we're moving forward and,
13 yes, they've given us approval to move ahead.

14 SPEAKER QUINN: Okay. Because
15 we've got a--our understanding from the Governor's
16 Office is different. Our understanding from the
17 Governor's Office is that they have not approved
18 it and that they have in fact expressed to the
19 City that the failure to submit to the court was
20 unreasonable and not supported by State law. They
21 do yield that they told you it was not in conflict
22 with State regs or State law. So I want to be
23 very, very clear. There is not, as I understand
24 it, any disagreement on that point.

25 But there is disagreement that it

1
2 was actually in fact approved. And there is this
3 issue of the court, not having gone to the court.
4 So can you speak to both of those points?

5 COMMISSIONER DIAMOND: I have not
6 had one email, one phone conversation, or one
7 letter that expresses anything like what you're
8 saying. The conversation that we have had with
9 the State, where we submitted the procedure and
10 then this letter followed, indicates in my view,
11 their agreement with us going forward with the
12 procedure. There has been no other position
13 expressed in any way. And I want to be clear: in
14 any way. Not a smoke signal, not a telephone
15 call, not an email, not a formal letter.

16 SPEAKER QUINN: Well if the State
17 was to reach out in one way or another and say to
18 you this was not approved, that although it was
19 not inconsistent with State regs, that it was not
20 approved, and/or that you had to seek relief from
21 the court to do this, what would happen? Because
22 I believe my sense is there will be a
23 communication of that nature soon.

24 COMMISSIONER DIAMOND: Well I can
25 only deal with the communications that we've

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gotten.

SPEAKER QUINN: Hypothetically.

COMMISSIONER DIAMOND: We believe that we are authorized to--

SPEAKER QUINN: [Interposing]
Right.

COMMISSIONER DIAMOND: --proceed now. And we--

SPEAKER QUINN: [Interposing] And hypothetically if you fail to be authorized, what happens? Or hypothetically, if you were told you had to go to the court, what happens?

COMMISSIONER DIAMOND: Again, I'd have to see the specifics. We believe that State regulations allow this. It's consistent, as we said, what's happened for a decade and a half with the families.

SPEAKER QUINN: But you also said the State had to approve that, right?

COMMISSIONER DIAMOND: Well they determined--

SPEAKER QUINN: [Interposing] For the families.

COMMISSIONER DIAMOND: --that it

1 was not inconsistent, meaning that it was
2 allowable under State regulations. We don't see
3 any barrier for us to continue. If they were to
4 change the regulations that would be different but
5 as regulations and statutes now exist they have
6 said that our process is consistent with them. We
7 believe we should be able to go forward and we
8 don't see any--

10 SPEAKER QUINN: [Interposing]

11 Right. Can--

12 COMMISSIONER DIAMOND: --need for
13 review.

14 SPEAKER QUINN: --I ask. Just let
15 me ask you a different question so I understand
16 this better. Do you believe you need approval
17 from the State or clarification that it is not
18 inconsistent from the State which are two
19 different things? Do you think the State has to--
20 well I'll just, forget the two different things
21 'cause I'm confusing this.

22 Do you believe to implement this
23 you need approval from the State of New York?

24 COMMISSIONER DIAMOND: Well the
25 relationship with the State works is the State

1
2 issues regulations in the social services area and
3 localities are free to design their programs
4 within the limits of those regulations. So we
5 believe that because they determined that this
6 program, this procedure that we're going to
7 implement, is consistent with the regulations, we
8 could go forward. We don't need explicit
9 approval.

10 SPEAKER QUINN: So you don't--
11 'cause you did say in a media account that the
12 change had been approved by the Cuomo
13 Administration by OTDA. So you don't need
14 approval? Is that what, in a conversation or
15 whatever with Ozzie? So you don't need approval.
16 You only need a determination that it's not
17 inconsistent.

18 COMMISSIONER DIAMOND: We want to
19 make sure that the State's view was that it was
20 consistent with their laws and regulations, that
21 was--

22 SPEAKER QUINN: [Interposing]
23 Because you don't need approval?

24 COMMISSIONER DIAMOND: Because we
25 have the flexibility to implement programs that

1
2 are consistent with State law and regulation. The
3 State has said that this is one of those and
4 therefore we think we can go forward.

5 SPEAKER QUINN: But I just, I'm
6 sorry, 'cause I'm not a lawyer and I don't want to
7 be confused when I leave. So just yes or no, do
8 you need approval from the State of New York?

9 COMMISSIONER DIAMOND: I think this
10 letter represents approval that we can go forward.

11 SPEAKER QUINN: I hear that.
12 Right. You know, but do you believe you need
13 approval before you move forward, yes or no?

14 COMMISSIONER DIAMOND: No.

15 SPEAKER QUINN: So then all you
16 believe--so even though you believe this is
17 approval, you don't believe you need approval?

18 COMMISSIONER DIAMOND: No, I didn't
19 say that. Now you're using my words against me.
20 I said--

21 SPEAKER QUINN: [Interposing] Okay
22 then let me start over 'cause I'm, you know, look
23 I'm not a lawyer and I haven't been--don't go to
24 as many hearings anymore so I could be rusty. But
25 do you believe, you said you believed this was

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approval, correct? A second ago?

COMMISSIONER DIAMOND: I believe this is what's needed for us to allow us to go forward. The State oversight--

SPEAKER QUINN: [Interposing] I think you said you believed this was approval; we can check the record--

COMMISSIONER DIAMOND: [Interposing] I do believe it is approval. But in the--

SPEAKER QUINN: [Interposing] But, wait, wait, wait.

COMMISSIONER DIAMOND: --common usage of the term. You're trying; the approval can be used in different ways, right--?

SPEAKER QUINN: [Interposing] Okay. Tell me how you're using it? I swear to God I'm not. Just tell me how you're using approval.

COMMISSIONER DIAMOND: That we're permitted to go forward.

SPEAKER QUINN: Okay.

COMMISSIONER DIAMOND: That they approve of our implementing the program--

SPEAKER QUINN: [Interposing] Okay.

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COMMISSIONER DIAMOND: --if you're looking for a value judgment on their approval--

SPEAKER QUINN: [Interposing] No, I'm not. I'm not.

COMMISSIONER DIAMOND: I can't say that the Administration has endorsed it--

SPEAKER QUINN: [Interposing] Let me--

COMMISSIONER DIAMOND: --they have approved our implementing the program.

SPEAKER QUINN: Let me very, very, very clear. I am not looking for a value judgment from the Cuomo Administration or your belief whether you needed a value judgment because I don't believe that is relevant--

COMMISSIONER DIAMOND:
[Interposing] And I agree with you.

SPEAKER QUINN: --in this question. I mean I have a value judgment on this. I've expressed it. But that's a different question to the Governor's Office, their value judgment, 'cause their determination here is a technical one. Right? So just to be clear, using the word approval in a technical, not moral, sense, you

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believed this was a technical approval of what you wanted to do.

COMMISSIONER DIAMOND: Yes.

SPEAKER QUINN: Though you do not believe you needed a technical approval--

COMMISSIONER DIAMOND:

[Interposing] No. That we needed. We needed absolutely a technical approval to go forward. What I was saying--

SPEAKER QUINN: [Interposing] Okay.

COMMISSIONER DIAMOND: --was that we didn't need a policy judgment--

SPEAKER QUINN: [Interposing] Okay.

COMMISSIONER DIAMOND: --by the Administration that they thought it was what they want to do. I'm not saying that they don't. But--
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SPEAKER QUINN: [Interposing] Okay.

COMMISSIONER DIAMOND: --we absolutely needed--

SPEAKER QUINN: [Interposing] A technical approval--

COMMISSIONER DIAMOND: --a technical approval that they were comfortable with

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us going forward.

SPEAKER QUINN: Okay. So if in fact my understanding is correct, that the Cuomo Administration does not believe they gave a technical approval, would you be able to go forward?

COMMISSIONER DIAMOND: You know, it's very hard in the abstract. I don't know what the letter would say. We need to know that the Office of Temporary Disability Assistance is comfortable with the policy and that it doesn't violate State law--

SPEAKER QUINN: [Interposing]
Comfort as a technical term or--

COMMISSIONER DIAMOND:
[Interposing] A technical term.

SPEAKER QUINN: --a moral term?
Okay.

COMMISSIONER DIAMOND: That it is not, just to use their term because I don't want to put words in their mouth.

SPEAKER QUINN: No, of course.

COMMISSIONER DIAMOND: That it's not inconsistent with State law or regulation. We

need to know that. As long as we have that assurance, which we received, we are comfortable going forward. If they're going to revisit their determination of last week, we would, of course, look at it. I don't have any sense--

SPEAKER QUINN: [Interposing] Okay.

COMMISSIONER DIAMOND: --I have received no indication that they are not willing, that they are prepared or thinking about doing that. No one has called us to give us any sense that they have any problems with what they sent us. And this represents the final determination, we believe, of the Administration on this policy.

SPEAKER QUINN: Okay. Just two last things, and I apologize Madam Chair, I believe, it's my understanding is that the Governor's Office sees it differently. So I would, if there is any communication to the Department or the Administration from the Governor's Office in any formation that conversation, communication comes in, I request that the Council be notified of it immediately because I believe the Governor's Office and the State is not where the Department of Homeless

Services believed it was.

I want to be clear. I am not saying the Department of Homeless Services did this believing that the Governor's Office was not in agreement. I'm not implying that but I do want to say that my understanding is we are in a different place than you thought you were and I want the Council informed as soon as, if in fact, you or anyone else in the Administration is made aware of that.

COMMISSIONER DIAMOND: If we get such a communication, we will certainly review it--

SPEAKER QUINN: [Interposing] And share, and notify us of it?

COMMISSIONER DIAMOND: It depends on the nature of the conversations but we will certainly review it.

SPEAKER QUINN: What type of conversations would occur on this matter between the City and the State that you would be unable to notify the Council of?

COMMISSIONER DIAMOND: Again, there could be attorney/client issues. There could be attorney to attorney conversations. There could

1 be privileged issues. We'd have to review it. I
2 understand your need. Certainly if they raised
3 questions that they were not approving it, we
4 would, that would be a significant issue. I have
5 no sense and have received no indications--

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7 SPEAKER QUINN: [Interposing] No, I
8 understand that.

9 COMMISSIONER DIAMOND: --that
10 that's something that they are prepared to do.

11 SPEAKER QUINN: All right. Well
12 we'll have the lawyers follow up later on the
13 lawyer/lawyer issues. Lastly, just speak to the
14 issue of whether you needed to go to the court and
15 whether the State would have believed you should
16 have gone to the court before you did this.

17 COMMISSIONER DIAMOND: We notified
18 Legal Aid that we were prepared to go forward and
19 gave them advance notice of our implementation of
20 the--

21 SPEAKER QUINN: [Interposing] I'm
22 sorry. I'm sorry you gave notification to whom?

23 COMMISSIONER DIAMOND: Legal Aid.

24 SPEAKER QUINN: But that's not the
25 same as the court, right?

COMMISSIONER DIAMOND: No.

SPEAKER QUINN: Okay.

COMMISSIONER DIAMOND: We don't believe that we had to go to the court. We believe, again, because the policy is consistent with law and regulation we have the authority to implement it now.

SPEAKER QUINN: Thank you. Thank you Madam Chair.

CHAIRPERSON PALMA: Thank you. I have a few questions and I know my colleagues have questions as well. Commissioner, I just want, since learning from Channel 4 news about this policy change, I just want to wrap my brain around how do you believe this policy change is not going to push people or create more homelessness among our City streets?

COMMISSIONER DIAMOND: Well we are, of course, very concerned about the number of people living on the street. And we've made great efforts, which have been the subject of I know other discussions about what we've done to try and reduce the numbers on the street, and no one would have an interest in increasing the number of

1 people on the street. That is one of the
2 hallmarks of our policies is to make sure that we
3 effectively apply to people who have other housed
4 options but not to people who do not have those
5 other options which would be people living on the
6 street.
7

8 The policy is not intended to make
9 barriers for chronically street homeless. They do
10 not have other options. So they, of course, would
11 be allowed into the shelter--

12 CHAIRPERSON PALMA: [Interposing]
13 So they will be automatically allowed into shelter
14 without actual follow up?

15 COMMISSIONER DIAMOND: No, they
16 will go through an interview process. And if
17 they're chronically street homeless, they will not
18 have other housing options. The policy is--

19 CHAIRPERSON PALMA: [Interposing]
20 And they will automatically be let in, be allowed
21 into our shelter system?

22 COMMISSIONER DIAMOND: Again. I
23 don't want to use the word automatically wrong
24 'cause it could get tripped up. They will go
25 through the eligibility interview. If they're

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2 chronically street homeless, they will be eligible
3 for shelter because they do not have housed
4 options. This policy is designed to look at
5 people who have housing alternatives. The street
6 is not a housing alternative. I think we can all
7 agree on that. Living with family or friends,
8 those are housing alternatives; those are what
9 we're going to explore not living on the street.

10 CHAIRPERSON PALMA: So I want to
11 talk about that 'cause I know that you and I have
12 had many, many conversations and the housing,
13 optional housing alternative is where we usually
14 don't see eye to eye. Because as it was mentioned
15 before by Speaker Quinn and many of my colleagues
16 at our press conference prior to the hearing,
17 sometimes those options run out.

18 And yes, you know, when someone is
19 homeless or becomes homeless, our first option is
20 not to go to the shelter system. We do seek help
21 from families and friends. But those options
22 which DHS seems that they're real alternatives run
23 out. So what happens then when someone is coming
24 to the shelter and telling you this is no longer
25 an option for me? But you, DHS, believes that,

yes, they can go live with friends or relatives because they have alternative options.

COMMISSIONER DIAMOND: Well again that would be the subject--

CHAIRPERSON PALMA: [Interposing]
Do we think that those people are lying when they come in to the initial intake process?

COMMISSIONER DIAMOND: Well that discussion that I talked about would center on whether it was a viable option, whether there is space, whether it's safe, whether somebody can go there, whether there might be other support that the primary tenant needs to allow someone to go there. Those are the types of discussions that we intend to have. If at the end of the day it is not a viable option and it's not safe, there's no space for somebody, there are violence issues that are potentially posed, that will not be deemed a viable option and a person will be eligible for shelter assuming they meet the other requirements--

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CHAIRPERSON PALMA: [Interposing]
But for DHS to get to that point, how long is that process going to take? Or is that process going

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2 to take--will that decision be made during the
3 time where that individual is sitting with the
4 social worker or the eligibility intake person?

5 COMMISSIONER DIAMOND: Well we want
6 to be very clear on this. While we're making a
7 decision, the person will be given shelter during
8 the time it takes us to make the decision. We
9 will not require people to leave the system upon
10 application. If it takes us days to make the
11 decision, we will be giving shelter during the
12 time period of that decision-making process. We
13 will be exploring the options, calling the
14 previous residents, and during that entire time we
15 will be offering shelter.

16 Once we make a determination, the
17 person will either be eligible for shelter based
18 on the fact that none of those options are viable,
19 or if we find that they are viable, we'll be
20 asking them to explore those options and to use
21 those options.

22 CHAIRPERSON PALMA: And once a
23 person says those options are no longer available
24 to me and DHS claims that they are, what's going
25 to happen to that person?

COMMISSIONER DIAMOND: We're going to, again, explore fully the options. We believe that if a friend or a family member has an available space--

CHAIRPERSON PALMA: [Interposing]
How are we exploring them?

COMMISSIONER DIAMOND: I'm sorry?

CHAIRPERSON PALMA: How are we exploring them? And then when we talk about available space, I mean we hear the stories in the news and in the newspaper where folks are sleeping, you know, in living rooms, on floors, like we know that that is not a safety option, that's not a healthy option, that's not an option or an adequate option for people to be living under.

Somebody shouldn't be, you know, found ineligible because they're allowed to sleep in the corner, under the Christmas tree for, you know, the month of December. We should not find that as, you know, I have an issue when you tell me that people have viable options just because they can sleep on a corner on a mattress in somebody's living room.

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2 So I want to hear, you know, more
3 about space and how we are making sure that we're
4 just not considering somebody's floor a viable
5 option.

6 COMMISSIONER DIAMOND: Again, you
7 have to look at the totality of the circumstances.
8 It depends on how many people are living in the
9 apartment, what the connection is between the
10 applicant and the person who is the landlord. We
11 certainly will not consider an option viable if
12 it's not safe. So if it's overcrowded, that will
13 not be considered a viable option. But
14 overcrowded depends, again, on the apartment size,
15 how many people are living there, the lease, other
16 kinds of considerations.

17 But we want the person to make--we
18 want to have a discussion where we can fully
19 explore the issues and we will make a
20 determination based on the whole range of
21 circumstances. It's not one factor or another is
22 the final say. It's a whole range of
23 circumstances. The option has to be safe. It has
24 to be something where there was not violence, that
25 there's a risk of reoccurring, that we're worried

1 about a domestic violence situation for example.

2 And we will be providing housing in shelter during
3 the time it takes us to make that determination.

4 CHAIRPERSON PALMA: Well will
5 individuals who are not receiving public
6 assistance be deemed ineligible for shelter?

7 COMMISSIONER DIAMOND: You know,
8 public assistance is one fact that might allow an
9 option to be a viable option. It might allow
10 someone to pay rent to a landlord or to a family
11 member where they weren't or might provide a
12 family member with some assistance so that they
13 could better house somebody. But it's not, that
14 is not an eligibility factor in itself.

15 CHAIRPERSON PALMA: So someone who
16 may be employed but who's not making enough money
17 to be able to pay a rent in an apartment will not
18 be found ineligible.

19 COMMISSIONER DIAMOND: Again, if
20 somebody's employed we certainly would look to
21 their income to see if there was space that they
22 could afford, either with a family or friend or
23 with another housing option that we could
24 identify. But the fact that they're employed,

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alone, will not make them ineligible for shelter.

CHAIRPERSON PALMA: And I want to talk a little bit about the \$4 million in savings that the policy, the report states. How did DHS, the City, come to that calculation? And how many people will have to be turned away from shelter in order to achieve that savings?

COMMISSIONER DIAMOND: Well, again-
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CHAIRPERSON PALMA: [Interposing]
Or that amount because I know we spoke on Friday and you claimed to me that it wasn't going to be a savings but--so I just want to know how we came to that amount.

COMMISSIONER DIAMOND: It's not that there wouldn't be a savings, we didn't do it for the savings, we did it because we believe that people who have other housing options should explore and use those options if they're viable before they come to shelter. It will result, we believe, in some savings, although there will be an implementation where we will better assess the nature of the savings and there may not be savings, it depends.

CHAIRPERSON PALMA: So you calculated it based on individual costs for a single adult in shelter?

COMMISSIONER DIAMOND: We looked at the population. We made some estimates as to whether we thought--how many people we thought would be able to find housing alternatives. And we have a savings as a result. Again, we didn't do it because of that. The savings--

CHAIRPERSON PALMA: [Interposing] So how many people does it take? How many people does it take--how many people have to have housing alternatives in order to achieve the \$4 million you're speaking about?

COMMISSIONER DIAMOND: Again, just to be clear, the \$4 million is an estimate. It is hard for us to know. It's impossible for us to know exactly what the savings will be or what the program specifications in terms of implementation will be until we start. We believe based on some work we've done on a voluntary basis to help people find alternatives that there may be 90% of the people would be eligible for shelter. We may be able to find alternatives for 10% of the

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2 people. That may turn out to be too high; it may
3 turn out to be too low. We don't know. We will
4 have to see.

5 But our initial savings estimates
6 would calculate something like 90% of the people
7 continue to be eligible for shelter. We can
8 assist 10% with finding alternatives. Again, that
9 may end up being not--there may be fewer people we
10 could find alternatives for or there may be many
11 more. We have to see upon implementation.

12 CHAIRPERSON PALMA: Will the \$4
13 million be used to meet a PEG moving forward?

14 COMMISSIONER DIAMOND: It is one
15 element of our PEG program. But again we did not
16 do it for financial reasons. We have a range of
17 reasons for doing this. It's bringing forward a
18 policy that has been implemented for a decade and
19 a half in the family system. We believe it's the
20 right policy--

21 CHAIRPERSON PALMA: [Interposing]
22 But I hear you Commissioner--

23 COMMISSIONER DIAMOND: --and there
24 is a financial result. But it is not the reason
25 we're doing this.

CHAIRPERSON PALMA: I hear you Commissioner. And, you know, I know that this policy has been in place but I think you've also heard, you know, the cries of the community, of the elected officials, of the advocacy community, also state that this policy works against some families entering our shelter system. And, you know, the barriers that it creates, then some folks could just never get there.

It's almost set up to make you, you know, to make you feel so humiliated and not asking for help when, you know, you are down and out and in the neediest time of your life, this is what this policy, you know, when I was reading this policy, that's what it did to me, you know, that's how it would make me feel. It would make me feel like, you know, if I have to go through all this, if I'm going to be thought of as a liar from the beginning, then I'm not even going to go ask for help because this is, you know, I don't want to be humiliated any further. I think anyone that's coming into our shelter system, and you heard me say this before, was not the first option. That was just not the first option.

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Council Member Williams.

COMMISSIONER DIAMOND: Well if I could just respond. You know, I'm sorry you had those feelings. And I know you've battled homelessness. You've talked very bravely about your work before on that, not only as a Council Member but in your personal life. And I think that's a model for everyone.

We don't want the system to create unnecessary barriers for people. We have, under the Bloomberg Administration, the shelter system has been totally revamped. And we just opened, as you know, last spring a \$70 million intake center which is designed to be welcoming, to understand that families are in the midst of crisis, to provide the best possible environment, given the crisis they're going through, for assessing and working with them on their homelessness application. So I think there's been a tremendous commitment to developing a better process. It is nothing like the system that used to exist in the 90's where families spent days in horrible--

CHAIRPERSON PALMA: [Interposing]
No, it's not at all. I helped cut the ribbon.

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It's a beautiful place.

COMMISSIONER DIAMOND: Exactly.

CHAIRPERSON PALMA: It is a
beautiful place once you're able to get in the
door and what I--

COMMISSIONER DIAMOND:

[Interposing] Well anybody--we do not turn any
away--

CHAIRPERSON PALMA: --say, and what
I say--

COMMISSIONER DIAMOND: --everyone
is welcome to come into the door--

CHAIRPERSON PALMA: [Interposing] I
understand--

COMMISSIONER DIAMOND: --we do not
turn anyone away.

CHAIRPERSON PALMA: --and what I
say is that, you know, with policies like this,
many individuals will have to think two, three,
four times before they go seeking the City's help
because it's humiliating enough the situations
that they're in. And to think that they will
further, you know, be humiliated is just, it's
just food for thought I guess, I'm just, you know,

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2 in my opinion, folks will really think about
3 seeking help.

4 COUNCIL MEMBER WILLIAMS: Thank you
5 Madam Chair. Thank you Commissioner Diamond and
6 Deputy Commissioner Nashak, is it? And whomever
7 else is with you.

8 COMMISSIONER DIAMOND: It's Rebecca
9 Chew who runs our Family Intake Center and does a
10 wonderful job doing it.

11 COUNCIL MEMBER WILLIAMS: Thank you
12 Ms. Chew for coming here and giving the testimony.
13 I also wanted to thank you for mentioning the hard
14 work of the DHS staff in the nonprofit shelters.
15 I do think they do a lot of good work. My ire
16 is dedicated to the leadership, primarily yourself
17 and the Mayor, the Administration in general.

18 I use a very technical word in the
19 press conference about this policy. It was called
20 stupid. That was the word that I used. And I'd
21 like to also add the word asinine to these
22 policies. And they're built on--thank you,
23 arrogant is also a good one, yeah. They're built
24 on other stupid, asinine, and arrogant policies.
25 And this is not a personal attack to you but I do

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2 have to say some of the responses you've given
3 have kind of followed suit, what I've heard so
4 far.

5 So you've mentioned that you don't
6 think it's going to increase homelessness. You
7 think the mentally disabled are not going to be
8 affected. The kicker to me was when you said
9 there may be attorney/client privilege that the
10 State may give to the City, that you cannot share
11 with the Council, of which we have oversight of
12 the agency. That's simply amazing. I don't even
13 know how you crafted to say that. I have no idea
14 what could possibly come from the State that would
15 go to DHS, of which we have oversight, I don't
16 know if you remember that, that you would not be
17 able to share with us.

18 COMMISSIONER DIAMOND: I understand
19 your concern. We came here today to share as much
20 information as we had. I've been testifying
21 before the City Council for nearly 20 years. And
22 I think I've always tried to give answers that are
23 responsive to questions and respect your role.
24 And you may not always like the answers but I
25 always try to be upfront and forward.

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COUNCIL MEMBER WILLIAMS: Okay.

COMMISSIONER DIAMOND: I just didn't want to prejudge a situation where a communication where I haven't seen, I haven't received, hasn't even been contemplated, what we might do with it.

COUNCIL MEMBER WILLIAMS: Okay.

COMMISSIONER DIAMOND: Once we see it, we will fully review it and make the appropriate decisions.

COUNCIL MEMBER WILLIAMS: Just a couple of things I want to talk about. One, on page 3, the concluding statements include that we have no interest in undermining the success or creating unnecessary barriers to shelter for eligible applicants.

You have to know that's exactly what's happening with this policy. And that's exactly what happened with previous policies. And I get the feeling, and not just with this policy, that the Administration, and I said it before, has a way of trying to not just not help but also create working poor, create enclaves of poverty in this City, create homelessness. And then bring

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2 the NYPD in to make sure that we're content when
3 that happens. And that disturbs me a lot.

4 Some other quotes that I read in
5 the DNA Info article, one, you said no one is
6 turned away, which just doesn't make any sense.
7 But my favorite: there are some people that come
8 in here who are not aware of their options. That
9 was amazing to me. So what you're saying is there
10 are homeless people who come in but not aware that
11 they have some place else to live, is that
12 correct?

13 COMMISSIONER DIAMOND: Well there
14 could be a variety of options that people are not
15 aware of that are available to them. For example,
16 somebody could come in because they've had a
17 financial breakdown with their landlord. They may
18 not realize that if they get public assistance
19 they could pay rent to their landlord. They may
20 not realize that food stamps are available to help
21 them through an economic crisis.

22 So there could be a range of
23 supports we could give. We could connect them
24 with an attorney that could help them fight in
25 landlord tenant court to be able to prevent an

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2 eviction. So there are a range of options and
3 services that are available to people that they
4 may not realize in the community. But when they
5 come in, if those options and services can assist
6 them, we want to put them in place first.

7 COUNCIL MEMBER WILLIAMS:

8 Everything you've mentioned has been cut as well.
9 But also there was one more thing. I forgot to
10 mention that was fantastic: when you said that you
11 let the homeless know that they can get attorneys
12 to come to the Fair Hearings. I thought that was
13 actually kind of humorous as well. I don't know
14 that many homeless who feel they have the
15 tremendous resources, which is probably why they
16 were coming into the shelter to begin with--

17 COMMISSIONER DIAMOND:

18 [Interposing] No, there are free attorney services
19 available--

20 COUNCIL MEMBER WILLIAMS:

21 [Interposing] Those services are also being cut.
22 So the Administration has a circular argument
23 within itself about the services that are
24 available but then they go and cut the services.

25 COMMISSIONER DIAMOND: The Mayor is

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tremendously committed to--

COUNCIL MEMBER WILLIAMS:

[Interposing] Yes.

COMMISSIONER DIAMOND: --a range of poverty programs. He has done more than any other mayor to raise the issue of poverty and the City's efforts--

COUNCIL MEMBER WILLIAMS:

[Interposing] He's done more to create more homelessness as well--

COMMISSIONER DIAMOND:

[Interposing] He has done--

COUNCIL MEMBER WILLIAMS: --you see you have to work hard to beat Giuliani. Like you have to want to beat Giuliani. And he's done that in so many areas that it's amazing.

COMMISSIONER DIAMOND: The Mayor has a commitment to increased housing, the affordable housing program that HPD has launched. It has over 150,000 units. It is unprecedented in its scale--

COUNCIL MEMBER WILLIAMS:

[Interposing] Okay, first of all, that program, we had to force him to change it to discuss

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2 preservation 'cause he was trying to build his way
3 out of the problem and then he realized he
4 couldn't. And I'm not sure of the success of that
5 as well. But I don't want to discuss all of those
6 things--

7 COMMISSIONER DIAMOND:

8 [Interposing] Well but you raised the issue and I
9 want to be clear that the Mayor has a commitment
10 that is unmatched in terms of fighting poverty--

11 COUNCIL MEMBER WILLIAMS:

12 [Interposing] There are more homeless now--

13 COMMISSIONER DIAMOND: --he has
14 innovative programs that no Mayor--

15 COUNCIL MEMBER WILLIAMS:

16 [Interposing] Okay. I'm asking the questions,
17 Sir.

18 COMMISSIONER DIAMOND: --has ever
19 tried to try to get at the root causes of the
20 problems.

21 COUNCIL MEMBER WILLIAMS: Thank you
22 very much. I'm asking the questions. So my
23 question then, since you want to tout all of the
24 achievements, have you achieved the goal of
25 cutting homelessness as was supposed to be done a

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few years ago?

COMMISSIONER DIAMOND: We have not achieved the numerical goal that we would have liked. We have made--

COUNCIL MEMBER WILLIAMS:
[Interposing] Thank you.

COMMISSIONER DIAMOND: -- substantial changes in the process. Again, the revamp--

COUNCIL MEMBER WILLIAMS:
[Interposing] Which have created more homeless.

COMMISSIONER DIAMOND: No. The revamped shelter process--

COUNCIL MEMBER WILLIAMS:
[Interposing] There was not--

COMMISSIONER DIAMOND: --is far better than it ever was before the Administration. The EAU has been replaced by a \$70 million facility which is intake into a system which treats people with compassion, gives them a fair process, treats them courteously, gives them shelter right away as opposed to the old EAU process which required them to sleep for days in a disgusting building. There has been tremendous

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changes to the process.

COUNCIL MEMBER WILLIAMS: There has been. And the buildings are nice. I just--

COMMISSIONER DIAMOND:
[Interposing] Not just the building. The building represents the commitment the Administration has made to improve the process--

COUNCIL MEMBER WILLIAMS:
[Interposing] Okay, has the homeless population stayed the same?

COMMISSIONER DIAMOND: Again we have not--

COUNCIL MEMBER WILLIAMS:
[Interposing] Wait, wait. Yes or no.

COMMISSIONER DIAMOND: Family homelessness has actually--

COUNCIL MEMBER WILLIAMS:
[Interposing] Has homelessness in the City stayed the same?

COMMISSIONER DIAMOND: I'm trying to answer your question.

COUNCIL MEMBER WILLIAMS: Okay.

COMMISSIONER DIAMOND: Family homelessness is actually down compared to its peak

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2 2 years ago. We're 6% low where we were 2 years
3 ago. There were fewer applicants this summer than
4 any summer since 2008. So we are making progress.
5 We believe it's never low enough until there are
6 no people who are homeless. And we want to keep--

7 COUNCIL MEMBER WILLIAMS:

8 [Interposing] My question is homeless in the City,
9 has it stayed the same?

10 COMMISSIONER DIAMOND: The single
11 population has increased--

12 COUNCIL MEMBER WILLIAMS:

13 [Interposing] There has been an increase in
14 homeless.

15 COMMISSIONER DIAMOND: --I
16 understand that but the family numbers, again, are
17 down 6% compared to 2009 and we had fewer
18 applications this summer than any summer in the
19 last 3 years.

20 COUNCIL MEMBER WILLIAMS: And being
21 an advocate, coming from the housing side, I'm
22 well aware of the family and the services that are
23 given there. And I'm not impressed by them so I
24 was horrified that you were mimicking portions of
25 it to bring over to the single side.

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2 So my other question was can you
3 please define homeless?

4 COMMISSIONER DIAMOND: Homeless are
5 people who do not have other available housing
6 options.

7 COUNCIL MEMBER WILLIAMS: All
8 right. So the Federal government, one of their
9 definitions, an individual who lacks a fixed,
10 regular, and adequate nighttime residence. That
11 was part of their definition.

12 COMMISSIONER DIAMOND: Well we
13 believe, the Federal government uses a variety of
14 definitions for different purposes. And they have
15 one that does look specifically at people in
16 shelter as homeless. But we believe that a fair
17 definition of homelessness is people who do not
18 have other housing options available to them.
19 People should use other housing options before
20 they come to the shelter system--

21 COUNCIL MEMBER WILLIAMS:
22 [Interposing] I agree.

23 COMMISSIONER DIAMOND: --if they're
24 available.

25 COUNCIL MEMBER WILLIAMS: I agree.

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So I just wanted to discuss, as was started to be discussed, the housing options. What constitutes a housing option in another person's home? Is it a bathtub? Is it a rug? Do you have to have a bed? Like what is it?

COMMISSIONER DIAMOND: Again, it depends on the circumstances. It depends on how many people are living in the apartment. We would evaluate the full range of circumstances. You would, of course, have to have a safe place to sleep, that would have to--

COUNCIL MEMBER WILLIAMS:
[Interposing] What's a safe place to sleep?

COMMISSIONER DIAMOND: Again.

COUNCIL MEMBER WILLIAMS: Do you have to have a bed? I'm literally asking you. Do you have to have a bed?

COMMISSIONER DIAMOND: you have to have a place where you can sleep--

COUNCIL MEMBER WILLIAMS:
[Interposing] That wasn't my question.

COMMISSIONER DIAMOND: --it could be a couch. It could be a bed.

COUNCIL MEMBER WILLIAMS: Or it

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could be a couch.

COMMISSIONER DIAMOND: Yes.

COUNCIL MEMBER WILLIAMS: Okay. It could be a rug. Could it be the floor?

COMMISSIONER DIAMOND: No.

COUNCIL MEMBER WILLIAMS: Okay. So an elevated place to sleep.

COMMISSIONER DIAMOND: Again, it has to be an appropriate--

COUNCIL MEMBER WILLIAMS:
[Interposing] Kitchen table?

COMMISSIONER DIAMOND: --place to sleep. No. An appropriate place to sleep. A bed or a couch would certainly qualify.

COUNCIL MEMBER WILLIAMS: A bed or a couch. Okay. And then again, let me make sure, also the individuals who have alternate shelter... it's just strange to me how the City has gained the jurisdiction to be able to tell other people that they should have people in their homes.

So if someone comes to you and says they're homeless, how can the Administration say you have a friend's house that you can say at. You may not have spoken to the friend. The friend

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2 may not want that person there. The family may
3 not. So how do you force someone to have the
4 responsibility of housing another person?

5 COMMISSIONER DIAMOND: Well first
6 our exploration is not at random housing options.
7 It's at places where people have actually lived
8 within the past months. So we will only explore
9 places where they've actually spent the night and
10 presumably there was some agreement for them to do
11 so at that time. Those are the places we will
12 explore. If they're available and they still
13 represent safe options, that someone could go to,
14 there's no overcrowding, there's no other risk of
15 violence, they could be a viable option.

16 COUNCIL MEMBER WILLIAMS: Let me
17 just back up. So from your definition of a couch
18 or the bed, so if you were at a friend's, a
19 brother's home, you have just been burned out of a
20 house, God forbid, and you're staying at the
21 person's couch, you are no longer homeless, is
22 that?

23 COMMISSIONER DIAMOND: Again, you
24 have to look at the full circumstances. It
25 depends on how many people are living in the

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house--

COUNCIL MEMBER WILLIAMS:

[Interposing] Three.

COMMISSIONER DIAMOND: It depends
on how big the household is--

COUNCIL MEMBER WILLIAMS:

[Interposing] Two bedrooms.

COMMISSIONER DIAMOND: --we can't
do it this way.

COUNCIL MEMBER WILLIAMS: Yes, we
can.

COMMISSIONER DIAMOND: No, you
can't because--

COUNCIL MEMBER WILLIAMS:
[Interposing] I'm a client. I'm coming in. God
forbid my house just burned down. My brother has
a 2-bedroom apartment. There are 3 people living
there. And he has a couch that no one sleeps on.
Am I homeless or am I not homeless?

COUNCIL MEMBER BREWER: And it has
bedbugs.

[Laughter]

SERGEANT AT ARMS: Quiet please.

COMMISSIONER DIAMOND: Again, we

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would have to evaluate all the circumstances.

COUNCIL MEMBER WILLIAMS: What other circumstances?

COMMISSIONER DIAMOND: How big the apartment is? How many people are living there?

COUNCIL MEMBER WILLIAMS: I just answered those questions.

COMMISSIONER DIAMOND: But you can't tell without looking at the situation in more detail like that--

COUNCIL MEMBER WILLIAMS: [Interposing] This is the size of the apartment.

COMMISSIONER DIAMOND: I don't know what that means?

COUNCIL MEMBER WILLIAMS: This is the size of the apartment.

COMMISSIONER DIAMOND: How old the people are? I mean it would range--

COUNCIL MEMBER WILLIAMS: [Interposing] It's my brother, his wife and a child who lives in the second room.

COMMISSIONER DIAMOND: If there was an available room that sounds like it might be a good option--

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COUNCIL MEMBER WILLIAMS:

[Interposing] This is a couch. There's a couch.
There's no living room.

COMMISSIONER DIAMOND: Again it
depends on where the couch is, you know, you
can't, you can't do work this way, that's hwy you
have to have--

COUNCIL MEMBER WILLIAMS:

[Interposing] Do you know--but--

COMMISSIONER DIAMOND: --detailed
interviews with people to explore these issues--

COUNCIL MEMBER WILLIAMS:

[Interposing] I'm giving you a detailed response--

COMMISSIONER DIAMOND:

[Interposing] No. you do it in a private setting
with somebody for an interview that takes in
excess of an hour to try and get at the
circumstances. Not, not in a few questions being
thrown back and forth like this.

COUNCIL MEMBER WILLIAMS: Okay. So

just going forward, so you're saying if they've
lived there for the past six months, my brother
says I can no longer have you here, is that still
an option for me?

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COMMISSIONER DIAMOND: It depends
why you can no longer--

COUNCIL MEMBER WILLIAMS:
[Interposing] He doesn't want me there. It's his
house.

COMMISSIONER DIAMOND: Again, we
would explore--family and friends are better
options than the shelter system--

COUNCIL MEMBER WILLIAMS:
[Interposing] How--

COMMISSIONER DIAMOND: --if
somebody can go--

COUNCIL MEMBER WILLIAMS:
[Interposing] So I'm glad you said that because--

COMMISSIONER DIAMOND: --with
family and friends then they should go there
first.

COUNCIL MEMBER WILLIAMS: --on the
stupid and asinine side, I don't understand how
the City can tell anyone that they have to provide
their home and the City is now considering their
home as a valuable shelter option for someone
who's homeless. That is what you are saying now.
You sitting there telling people your home must be

opened up as a valid resource and shelter for another human being who the City should be sheltering. How does that make sense?

COMMISSIONER DIAMOND: Because if-- families should take care of themselves if that's a possibility. And they should do that before coming to the shelter system. The shelter system should be preserved especially at a time of very difficult financial resources. The shelter system should reserve for people who have no other options. People who have family should use those options first if they're available. And again available has to be--

COUNCIL MEMBER WILLIAMS: [Interposing] But you're assuming is that those options weren't used. Okay. Is it nuclear family? Is it cousins?

COMMISSIONER DIAMOND: It could be a range of family members, that's one of the factors--

COUNCIL MEMBER WILLIAMS: [Interposing] Okay so you have cousins who said I'll hold you up for six months but you need to go now because my family is not running the way I

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2 want it to. But you're saying that's not a good
3 enough excuse.

4 COMMISSIONER DIAMOND: It might be.
5 It depends on the situation. You have to
6 evaluate--

7 COUNCIL MEMBER WILLIAMS:
8 [Interposing] Well give me, can you give me a
9 situation where it is good?

10 COMMISSIONER DIAMOND: The family
11 was going through a severe financial crisis. They
12 could no longer afford to have them there. They
13 are having tremendous financial difficulties
14 themselves. It's creating great discord in the
15 family that is remaining in the house. We would
16 not want to introduce another person into that
17 situation in those circumstances.

18 There could be other cases where we
19 could mediate the family conflict. We could
20 introduce new benefits to the family, food stamps,
21 Medicaid, public assistance which could help
22 resolve those. All those things should be
23 explored. That's what we want to do in the
24 interview, all those things are better options if
25 they work than coming into the shelter system.

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COUNCIL MEMBER WILLIAMS: How does
a family prove the discord?

COMMISSIONER DIAMOND: It's the
subject of a discussion with trained specialists
and the family members.

COUNCIL MEMBER WILLIAMS: So now
the money you were going to save, you're now going
to spend on the food stamps and the other
services.

COMMISSIONER DIAMOND: Well again
we would look at--we're not doing this for
financial reasons. We're doing this because we
believe people can do better in the community,
many of the services that they may need, that they
think they may have to come to shelter, they can
access in the community. We want them to live in
the community. And we believe that family and
friends are a better option, yes, than the shelter
system.

COUNCIL MEMBER WILLIAMS: I really
do want to get rid of the tens of thousands of
people who leave their family homes for the
spacious places of the homeless shelter. There's
apparently a lot of them out there that we have to

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2 get out who are saying to their brothers and their
3 cousins and their friends, I don't want to live in
4 your house, I want to go to a homeless shelter.
5 That's what you're saying is happening right now.

6 And then you're saying that the
7 City has a right and the authority to tell their
8 friends and family that they should house them.
9 That makes absolutely no sense. And I can't even
10 believe that the Mayor, I have a little ire for
11 you, I have more ire for the Mayor 'cause I
12 believe a lot of this is coming from him, that he
13 would even propose such a thing.

14 Just a final couple of questions
15 and I apologize. Two? One? I apologize to my--
16 okay. So my last one is on NYCHA. What if the
17 person is not supposed to stay in NYCHA 'cause
18 they have housing rules? Would you still try to
19 force the NYCHA resident to take another person
20 in?

21 COMMISSIONER DIAMOND: Okay. First
22 of all, just on your prior question, over 60% of
23 the people who are coming into the shelter system
24 are coming from living with somebody else at this
25 point: family, friend, you know, somebody that

10 COUNCIL MEMBER WILLIAMS: Before
11 you answer the last question.

13 COUNCIL MEMBER WILLIAMS: The
14 definition of someone, because they're not on the
15 street, they're not homeless, doesn't fly. Maybe
16 that's where the problem is. Because someone has
17 opened their home to you at a bad situation in
18 your life does not mean you now have a home of
19 your own or a home that you can stay in
20 indefinitely.

23 COUNCIL MEMBER WILLIAMS: But
24 you're not exploring it--

COMMISSIONER DIAMOND:

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[Interposing] Well--

COUNCIL MEMBER WILLIAMS: --you're instituting something--

COMMISSIONER DIAMOND: --you should explore it first.

COUNCIL MEMBER WILLIAMS: But you're not.

COMMISSIONER DIAMOND: Well that's what the policy is designed--

COUNCIL MEMBER WILLIAMS:
[Interposing] Okay. Okay this--

COMMISSIONER DIAMOND: --to get at, it doesn't necessarily mean that it is a place but it is worth looking at--

COUNCIL MEMBER WILLIAMS: --could you just go onto the NYCHA question.

COMMISSIONER DIAMOND: --before you come to the shelter system--

COUNCIL MEMBER WILLIAMS:
[Interposing] Before my colleagues kill me. Can we just go on to--

COMMISSIONER DIAMOND:
[Interposing] In NYCHA, that's been the subject, we actually had a hearing on that very issue. We

1 coordinate very closely with NYCHA. There is an
2 authorization form for somebody to live in NYCHA
3 housing even above the family that's on the lease.
4 We work very closely if somebody comes in to make
5 sure that they get that form. We provide
6 additional information at PATH about the
7 availability of authorization from NYCHA. And we
8 work with NYCHA to make sure that they are allowed
9 to stay there.
10

11 COUNCIL MEMBER WILLIAMS: If they
12 don't have that authorization, is it still a
13 viable resource?

14 COMMISSIONER DIAMOND: Again, you
15 have to look at the circumstances--

16 COUNCIL MEMBER WILLIAMS:
17 [Interposing] Okay thank you [laughing]. Thank
18 you very much.

19 COMMISSIONER DIAMOND: --they can
20 get that authorization and they should get that
21 authorization if they can.

22 COUNCIL MEMBER WILLIAMS: Thank you
23 very much.

24 CHAIRPERSON PALMA: Council Member
25 Rodriguez.

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2 COUNCIL MEMBER RODRIGUEZ: Thank
3 you Chairman Palma. Commissioner I think that we
4 should know that there's a reason why the Occupy
5 movement is getting so much support and it's
6 basically because of situations such as the one
7 that we face in different sectors including the
8 homeless population. Like you refer about
9 housing, you say okay you've been building
10 housing. You talk about Mayor's goal of building
11 150,000 units of housing, right?

12 COMMISSIONER DIAMOND: I think it's
13 162,000 but it's over 150,000.

14 COUNCIL MEMBER RODRIGUEZ: 62?

15 COMMISSIONER DIAMOND: 162,000, I
16 think is the goal--

17 COUNCIL MEMBER RODRIGUEZ:
18 [Interposing] Yes--

19 COMMISSIONER DIAMOND: --and he's
20 substantially on his way to achieving that.

21 COUNCIL MEMBER RODRIGUEZ: And in
22 my District only 228, 204 (sic) Street is the only
23 building that has been built in my District. And
24 it's only 100 units from the 162,000 based on the
25 HPD.

COMMISSIONER DIAMOND: No, over 70% of the HPD units are aimed at low income New Yorkers. I don't know the specifics unfortunately in your District--

COUNCIL MEMBER RODRIGUEZ:
[Interposing] I'm sharing with you a reality--
okay--

COMMISSIONER DIAMOND: --but it is a tremendous commitment to try--

COUNCIL MEMBER RODRIGUEZ:
[Interposing] Okay.

COMMISSIONER DIAMOND: --and increase the affordable housing stock in the City.

COUNCIL MEMBER RODRIGUEZ: Okay. I am showing you reality and data. HPD, District 10, only 228 204 Street is the only affordable housing unit that has been built in my District based on HPD and it was built in 2005. 100 units.

And then we have different numbers going back to the issue of the homeless, what we have seen in the data is overall the number of people in the Department of Homeless Services has increased in [phonetic] the system. Right now we have 39,292. Is that the number?

COMMISSIONER DIAMOND: 39,000, I'm sorry, what was your?

COUNCIL MEMBER RODRIGUEZ: 39,000 based on November 3rd, 2011 we have 39,292.

COMMISSIONER DIAMOND: Yes. That's accurate.

COUNCIL MEMBER RODRIGUEZ: And it means an increase of 23% since 2006.

COMMISSIONER DIAMOND: I don't have that calculation. I'm not sure if that's right. Again, we talked a little bit about the numbers before. The family numbers are actually down from 2009. We have had some increase in the family numbers in the summer as we always do. The rate of increase this summer is actually less than it has been in many summers including summers when Section 8 was available--

COUNCIL MEMBER RODRIGUEZ:
[Interposing] Well this is what the information is. DHS daily report for November 3rd, 2011 showed 39,292 individuals in traditional shelter [phonetic] systems which represents an increase of 23% since 2006.

COMMISSIONER DIAMOND: You're

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reading from something I don't have.

COUNCIL MEMBER RODRIGUEZ: I'm
reading from the information that we have that we
as a Council get.

CHAIRPERSON PALMA: Our report.

COUNCIL MEMBER RODRIGUEZ: Our
report.

COMMISSIONER DIAMOND: Okay is
there a question or are you just?

COUNCIL MEMBER RODRIGUEZ: Well.

COMMISSIONER DIAMOND: Reading
that.

COUNCIL MEMBER RODRIGUEZ: Well I'm
questioning how this reality of an increase of 23%
since 2006 is completely different from what you
are sharing with us right now.

COMMISSIONER DIAMOND: Well I was,
again, I was focusing on the singles, on the
family numbers where there has been a decline
since 2009. You were using since 2006 but we're
down 6% since 2009 which was the peak.
Applications have come down this summer. The
number of families in the system did go up as it
does every summer including summers when Section 8

1 or NYCHA were more readily available from the
2 Federal government. So we think we have
3 tremendous work to do and we're nowhere near where
4 we want to do but we are making some progress
5 particularly on the family side.
6

7 COUNCIL MEMBER RODRIGUEZ: We have
8 both. We have the individual and we also have the
9 general homeless population. And in the report
10 that we have on the general homeless population,
11 we have a 23% increase since 2006.

12 COMMISSIONER DIAMOND: You know,
13 again, I don't have--

14 CHAIRPERSON PALMA: [Interposing]
15 Councilman, just to clarify, what the numbers
16 were, we use for report, we used since 2006 and I
17 believe the numbers that Commissioner Diamond is
18 reporting on he's using from 2009. But again I
19 mean looking at the HS Critical, of your report,
20 Critical Analysis Report, some of the numbers, I
21 mean to compare last year's numbers to these
22 numbers and say that they're down, we still, you
23 know, in the beginning of a fiscal year so we
24 don't know how many more families we're going to
25 see coming through the door. So that's why we

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will never agree on the numbers.

COUNCIL MEMBER RODRIGUEZ: And on the immigrant population, isn't that true that some immigrants, they've been asked, when they go to the intake shelter if they can turn their family back to the country?

COMMISSIONER DIAMOND: Again, we want to explore all options. It may be that going back to where you came most recently in another state or another country, if that's viable, if it's safe, if you can go there legally, that could represent a good option for some families. Again, it's voluntary. People do not have to--

COUNCIL MEMBER RODRIGUEZ: [Interposing] But why--how dare you come to us with a question, imagine the Europeans who ask an immigrant in 1885 came here and they were asked can you turn your brother and sister back to your country?

COUNCIL MEMBER WILLIAMS: This is crazy.

COUNCIL MEMBER RODRIGUEZ: Isn't that because this is Latino--

COMMISSIONER DIAMOND:

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[Interposing] No--

COUNCIL MEMBER RODRIGUEZ: --Black,
other people going.

COMMISSIONER DIAMOND: --it has--
no. And--

COUNCIL MEMBER RODRIGUEZ:
[Interposing] No.

COMMISSIONER DIAMOND: --we send
people to--there are people who have available
options in countries across the world.

COUNCIL MEMBER RODRIGUEZ: Does
that also include Mr. Fabio? In 2002 Mr. Octavius
Tabus [phonetic] who is waiting for a transplant
on his kidney or his pancreas in Mount Sinai
Hospital and he'd been asked that unless his
housing is stable he will be out of the list.

COMMISSIONER DIAMOND: You know I'm
not familiar with that case--

COUNCIL MEMBER RODRIGUEZ:
[Interposing] Your Department is very familiar.
Very familiar--

COMMISSIONER DIAMOND:
[Interposing] Again we--

COUNCIL MEMBER RODRIGUEZ: --

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because--excuse me, excuse me--

COMMISSIONER DIAMOND: --have an
obligation--

COUNCIL MEMBER RODRIGUEZ: --excuse
me Commissioner. Excuse me Commissioner. Excuse
me Commissioner--

COMMISSIONER DIAMOND: --to fully
explore options--

COUNCIL MEMBER RODRIGUEZ: --excuse
me Commissioner. Excuse me Commissioner. Your
Department has been very familiar as the media has
been very familiar with this particular situation.
And you know but this is just not Octavius. This
is not one of my constituents. This is a wrong
policy of asking immigrants do you have a place
where to send your family back there. And that
question was asked to a USA citizen. It was not
asked even regardless this should not be asked to
anyone. Because anyone go as a homeless, asking
for support, it's because they need a place where
to stay. Here.

No one has the right to ask a
question why don't you send them back to your
country. And I think that's a policy and that

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2 question has been asked very often in the intake.
3 And that policy is broken as the numbers show that
4 while we have been doing up to now is not working
5 right now. And I think that the new policy that
6 you're planning to implement has nothing to you
7 being humane with the homeless.

8 It will increase the homeless
9 population and it also will increase the support
10 that we have in the 99% movement. Because that's
11 what the Mayor in this Administration does not
12 understand. Most of the people have not received
13 their share of the benefits of this City. And
14 until we understand that unfortunately Mayor
15 Bloomberg who wanted to be measured by education
16 and homeless in his Administration, time is
17 running. He only has two years. And when we had
18 an increase of 23% of the homeless population, it
19 showed that he's failing in this policy.

20 COMMISSIONER DIAMOND: I don't
21 agree with that. I think we've made tremendous
22 strides in improving the homeless shelter system
23 to be much more compassionate and treat people
24 much more courteously than we have in the past.
25 And we will continue to make sure that we make

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2 improvements in the system, the number of people
3 living on the City streets is down 40% in the past
4 6 years. We've done unprecedented work in
5 outreach to try and address needs for people who
6 are street homeless. And we believe that this
7 policy is consistent with preserving precious
8 resources for people who have no alternatives.

9 COUNCIL MEMBER RODRIGUEZ: [Off
10 mic] I hope that we don't have to wait for someone
11 to die. And they come back and analyze, and have
12 a hearing about why someone who is [mic cuts out]
13 asking about we cannot continue on this
14 application. We have to take it out from the list
15 because you don't have permanent housing.

16 COMMISSIONER DIAMOND: We are
17 implementing this in the most thoughtful way. We
18 have licensed social workers available. We're
19 going to take into account the full range of
20 circumstances. No one, and I want to be clear, no
21 one wants to put anyone at risk. And we will make
22 sure that we do so very carefully, very
23 thoughtfully. I think we've implemented the
24 family policy with tremendous care over a decade
25 and a half of work. And it has been shown to be a

1 fair policy as evidenced by the fact that the
2 overwhelming number of determinations we made are
3 affirmed by the State.
4

5 COUNCIL MEMBER RODRIGUEZ: Numbers
6 is showing what the Administration is doing with
7 the homeless and reality is, that this population
8 will continue to increase. Unfortunately we're
9 talking about one of the more vulnerable groups in
10 the City because no one would like to be homeless.
11 And everyone has the potential to become homeless
12 and you can say, you can speak over and over, but
13 you know what, two more years, we will look over
14 and see how the homeless population has increased
15 in the City and this Mayor has failed on the
16 homeless population, on the homeless population.

17 CHAIRPERSON PALMA: Thank you
18 Council Member. Council Member Brewer.

19 COUNCIL MEMBER BREWER: Thank you
20 very much. I have a question. June 2010, I know
21 you conducted a study, pilot study of the home-
22 based program. I know we had a hearing on this
23 topic. I never got the results. And I'm
24 wondering if you can provide some results. There
25 was quite an outcry. Those who would get

1 services. Those who wouldn't, et cetera, et
2 cetera. Where there singles in that study? And
3 if so could you indicate what kind of services the
4 ones who were not part of the home-based support
5 network got and if they were able to get homes as
6 a result. What was the update?

8 COMMISSIONER DIAMOND: Well it was
9 a 2-year study. We are hopeful that we'll be able
10 to have some interim results shortly. But we are
11 not, at this point, we don't, have the final
12 study. There would be singles, yeah, included.
13 And it was not limited to only families. It
14 depends on who comes and they were part of the
15 overall research design.

16 COUNCIL MEMBER BREWER: So when do
17 you think the final results will be available? A
18 year from now?

19 COMMISSIONER DIAMOND: The final
20 results will be available, yes, in the next fall.
21 We may have something on interim results sooner
22 than that.

23 COUNCIL MEMBER BREWER: Okay.
24 Second question is I'm obviously very interested
25 in mental health issues and feel strongly the City

1 should put more support into that population.

2 What percentage of the adult shelter population do
3 you think is mentally challenged?

4 And what percent do you think
5 coming in under this new system, if it goes into
6 effect which I have a feeling it won't, but if it
7 does what do you think would be the mentally
8 challenged percentage? Maybe also the MICAs,
9 those who are both mentally challenged and have
10 substance abuse, what percentage now or in the
11 future do you imagine?

12 COMMISSIONER DIAMOND: Let me ask
13 George Nashak to answer that.

14 MR. GEORGE NASHAK: I mean to some
15 extent this depends on, of course, the definition
16 of mentally challenged, but we tend to see that
17 people with a significant mental health problem
18 represent about 30% of the population under care
19 at any given moment.

20 COUNCIL MEMBER BREWER: Of the
21 singles? You're talking about the singles.

22 MR. NASHAK: I'm talking about
23 single adults at this point. The families, we
24 believe it's much lower but on the singles we
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believe it's about 30%.

COUNCIL MEMBER BREWER: You don't think it's higher than that?

MR. NASHAK: Again, to some extent it depends on your definition. I do not believe it's much higher than that. And that's pretty consistent with the national survey data--

COUNCIL MEMBER BREWER: [Interposing] And that includes those with substance abuse or is that an additional percentage--

MR. NASHAK: [Interposing] No, I would count that separately.

COUNCIL MEMBER BREWER: Okay. What percentage would have substance abuse in addition to the 30%? Some have both.

MR. NASHAK: Again, to some--that's right. To some extent this is definitional and depends on where you draw the line. But it's probably twice that I would say have some kind of an issue with substances--

COUNCIL MEMBER BREWER: [Interposing] So 60%.

MR. NASHAK: --where substance use

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has impacted their lives in some negative way.

COUNCIL MEMBER BREWER: So that 90%
total of the single--

[Crosstalk]

MR. NASHAK: [Interposing] Well--

COMMISSIONER DIAMOND:
[Interposing] No, no, no.

MR. NASHAK: --no because there's
some overlap in those populations.

COUNCIL MEMBER BREWER: All right.
So--

MR. NASHAK: --it's a Venn diagram
kind of situation.

COUNCIL MEMBER BREWER: --60% have
some kind of challenge either substance abuse or
mental illness or both.

MR. NASHAK: I think that's fair to
say.

COUNCIL MEMBER BREWER: And does
that include the word social dysfunction, I don't
know exactly what that means, but is that
incorporated into the 60%?

MR. NASHAK: I have no idea what
that means so I couldn't tell you.

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2 COUNCIL MEMBER BREWER: Okay. My
3 other question is when you are working with these
4 individuals who you might turn away, could you
5 just, again, explain the process to me because
6 I've had these individuals in my home. I know
7 them well.

8 And the question is there gets to
9 be a point with this 60% that you just articulated
10 when between the substance abuse and the mental
11 illness, that family can no longer handle that
12 individual. The individual is not working. The
13 other children in the family are impacted. That
14 guy's got to go. So my question is what is the
15 process if the person shows up at assessment, you
16 feel that the person can return, what's the next
17 step in that process?

18 MR. NASHAK: Well there are quite a
19 number of steps before that Councilwoman. First
20 of all if someone appears to have or claims to
21 have a problem of the nature that you're
22 discussing, we would immediately want to put the
23 investigation process on hold and bring over one
24 of the licensed social workers who are going to
25 make an assessment as to that person's ability to

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2 continue to participate in a productive way in
3 that process. And the licensed social worker will
4 remain a resource through the course of this
5 process to the eligibility staff and to the
6 applicant to make certain that we're dealing with
7 that person appropriately.

8 We have no intention of returning
9 people to situations where they're going to be in
10 danger to themselves or endanger other people.
11 That is not our intention. We don't believe that
12 there will be many circumstances in which we deem
13 someone in this category ineligible but let me, I
14 think there are a couple that we could cite
15 productively.

16 I mean we do periodically have
17 people who appear at our front door from, for
18 example, a supportive housing placement that they
19 were put into, and we would want to work to see if
20 we could return that person to that supportive
21 housing setting. I think everyone would agree
22 that that's a better and higher outcome than
23 someone coming into shelter. That would be an
24 example of where we'd try to--

25 COUNCIL MEMBER BREWER:

1 [Interposing] I know, I do it all day long in my
2 office.
3

4 MR. NASHAK: Sure.

5 COUNCIL MEMBER BREWER: Okay. My
6 other question is what do you do if this person is
7 on the street? Because the home situation doesn't
8 work, you don't want that person to go to the
9 street but they do. My understanding is with the
10 excellent street homeless teams that are trying to
11 get people off the street is you have to be on the
12 street for a certain period of time and you also--
13 you have certain criteria before the street
14 homelessness unit can pick you up and try to find
15 either a safe haven or some other appropriate
16 shelter. The problem is these individuals may not
17 fit under the street homelessness criteria. Can
18 you comment on that?

19 MR. NASHAK: Sure. And thank you
20 for your compliments, the work of the teams, I
21 agree with you, the teams that are out on the
22 streets do--

23 COUNCIL MEMBER BREWER:
24 [Interposing] But they can't handle everybody
25 'cause I get the ones they can't handle.

1
2 MR. NASHAK: And I also appreciate
3 the opportunity to clarify what is a common
4 misunderstanding that the outreach teams don't
5 work with everyone on the street. It is our
6 expectation that the contracted outreach teams, we
7 have four outreach prodders in New York City, work
8 with everyone they encounter on the street.

9 There are certain resources that we
10 preserve for chronically street homeless folks.
11 And it's our way of targeting our resources in an
12 effective manner. And so if someone who's a
13 chronically homeless person on the street with
14 significant mental health or substance abuse
15 disorders or a physical disability, and they've
16 been on the street for a long period of time,
17 that's someone--and that person has chosen not to
18 come into shelter, that's a person we're very
19 concerned about trying to find another doorway to
20 bring them in. And so that would be a client who
21 we would want to bring into a safe haven.

22 But everyone who the outreach team
23 encounters should receive some level of service
24 from that team. It may be we will offer to
25 transport that person to shelter--

COUNCIL MEMBER BREWER:

[Interposing] But they don't want to go to the assessment center. They don't want to go, they're not eligible for safe haven because they are not chronic. Believe me, I have those individuals. So I am worried that these individuals who may not go through your front door will end up in that in between zone. They're not chronic--

MR. NASHAK: [Interposing] Well we have other services. We have other services for those--

COUNCIL MEMBER BREWER:

[Interposing] Okay.

MR. NASHAK: --in between and we have a network of stable housing--

COUNCIL MEMBER BREWER:

[Interposing] I will send you--I've been working

MR. NASHAK: --we have the stabilization beds.

COUNCIL MEMBER BREWER: --with your office trying to find shelter for those who fit in between. And believe me or not, these are not eligible for many of the services. Leave it at that. I'm just telling you. That's a fact.

1
2 MR. NASHAK: But I will point out
3 that we do have plenty of room in the shelter
4 system for those people to come in and that's--

5 COUNCIL MEMBER BREWER:
6 [Interposing] They won't go to the shelter system--
7 -

8 MR. NASHAK: --well, we understand
9 that--

10 COUNCIL MEMBER BREWER: --that's
11 the problem.

12 MR. NASHAK: --and we work very
13 hard to try to get them into the shelter system.

14 COUNCIL MEMBER BREWER: Okay. They
15 won't go. That's the problem because it's not--it
16 doesn't fit. If they're out on the street, they
17 will not go back to the assessment having had a
18 bad situation in the first place.

19 MR. NASHAK: Yeah, we also have a
20 network, as you know Council Member because we've
21 spoken about it at length, we've got a network of
22 drop-in centers and faith-based beds--

23 COUNCIL MEMBER BREWER:
24 [Interposing] Okay.

25 MR. NASHAK: --and the faith-based

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2 beds are an extremely important component to our
3 continuum. And many of the clients you're talking
4 about are very appropriate for that system--

5 COUNCIL MEMBER BREWER:

6 [Interposing] Okay.

7 MR. NASHAK: --and benefit from it.

8 COUNCIL MEMBER BREWER: Okay. My
9 other question, you have to go through the
10 assessment center in order to get to Terry's bed
11 though, just FYI.

12 The other question I have is
13 training materials. Can we get copies of the
14 training materials that you use with your staff in
15 order to deal with this population? Do we have
16 training--can we get a copy sent to the Committee?

17 MR. NASHAK: Yes, I think so.

18 COUNCIL MEMBER BREWER: Okay. My
19 final question is how do you, the issue is the
20 Callahan decree we're all familiar with from the
21 Koch years, how will this decree be protected?

22 COMMISSIONER DIAMOND: Again, the
23 decree speaks to people who are homeless. People
24 who are homeless means that they do not have
25 another housing option. And those people will

1
2 continue to be eligible for shelter. People who
3 have other housing options are not homeless and
4 that's who we're trying to direct with those
5 options--

6 COUNCIL MEMBER BREWER:

7 [Interposing] So that's where the difference of
8 opinion comes in. Okay. And then do you believe
9 that this, I know you've always complained that
10 the singles numbers is going up, do you think that
11 this suggested policy will change that in a
12 positive way? In other words you think your
13 numbers will go down. We obviously think that
14 street homelessness will increase. That's my
15 opinion. And I'm wondering do you think that
16 street homelessness will increase? And do you
17 think the numbers will go down as a result of this
18 policy?

19 COMMISSIONER DIAMOND: As I said
20 before, no one has any interest in increasing--

21 COUNCIL MEMBER BREWER:

22 [Interposing] I know.

23 COMMISSIONER DIAMOND: --street
24 homelessness. And we are going to be very
25 committed to watching that very closely. And we

1
2 happily accept the challenge from you to make sure
3 that we live up to that commitment. In terms of
4 the numbers in shelter, we are doing this because
5 we think it's the right policy, because resources
6 should be preserved for people who have no other
7 option.

8 It will allow us to better serve
9 the people who do not have options. And we'll
10 have to see what the census is. The census is a
11 factor, a product of a lot of other conditions not
12 just our efforts to direct people to other housing
13 options but other things beyond in the larger
14 world.

15 COUNCIL MEMBER BREWER: Okay.
16 Thank you. I don't think it's going to work but
17 we will see. Thank you.

18 CHAIRPERSON PALMA: Thank you.
19 Council Member Foster.

20 COUNCIL MEMBER FOSTER: Thank you.
21 Commissioner, what I see and what this
22 Administration has continually done is created a
23 2-tier system in this City. And the tier that I
24 live in is very different from the tier that you
25 talk about.

10 My question, number one, in this
11 policy did you consult with the advocates, the
12 people that are actually doing the work in
13 creating this policy?

23 COUNCIL MEMBER FOSTER: So outside
24 of the agency, you did not work with any
25 advocates?

COMMISSIONER DIAMOND: Again, no,
we did--

COUNCIL MEMBER FOSTER:
[Interposing] No.

COMMISSIONER DIAMOND: --we have
long experience within the agency. We have
decades of experience. Individuals have given
their entire careers to making sure that we serve
people in the shelter system in a better way,
those are the experts that we used--

COUNCIL MEMBER FOSTER:
[Interposing] I'm not--I'm not questioning people
that worked in the system and given their lives.
But I also know that I'm smart enough to know that
even in my office when I do something, I need
assistance. I need people who are on the
frontline, different than my frontline. So I
think that's the first mistake.

The second question has to do with
self-assessment. What type of, you sit here and
you say how well the staff treats people and I'm
sure that some do. But if, if, as a Council
Member I got the feedback that I am getting from
this room, from those that use the service, that

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2 COUNCIL MEMBER FOSTER: Do you have
3 a process by which you rotate staff or can assess
4 when staff is in fact burnt out? Where they've
5 lost the ability to be objective and compassionate
6 because maybe they've been in it too long?

7 COMMISSIONER DIAMOND: Well again
8 we have a supervisory structure that closely
9 reviews the work of staff. We have, as we've
10 talked about, in this policy we'll have
11 supervisors that are going to be the final sign-
12 off on final eligibility determinations. We have
13 licensed social workers that will also be an
14 important part of the process. So there are a
15 number of potential feedback loops to alert us to
16 problems.

17 COUNCIL MEMBER FOSTER: My last
18 question is if you, you know and I started with
19 this 2-tier system, and from the City's approach
20 to dealing with the homeless population, poverty,
21 it further creates pockets of poverty. Would you,
22 God forbid, and you became homeless, would you fee
23 comfortable going into the system that you are
24 responsible for overseeing?

25 COMMISSIONER DIAMOND: I think

1
2 that's a fair test. And I think that the system
3 should be fair and courteous so that if any of us
4 found ourselves in an unfortunately situation that
5 we had to access it that we would be comfortable
6 or recommending to someone we knew that if they
7 had no other option that we would be comfortable
8 saying that they should go into the system.

9 COUNCIL MEMBER FOSTER: So, yes,
10 you feel comfortable with this policy and the
11 policies as Commissioner that you are responsible
12 for, yes, you would, if you had to, go through
13 this system.

14 COMMISSIONER DIAMOND: If I had no
15 other options and I had to access the system, yes,
16 I'd be comfortable with it.

17 COUNCIL MEMBER FOSTER:
18 Interesting. Madam Chair, I would request that we
19 make sure the training manual that Gale spoke of,
20 that we in fact get it in a timely fashion. I
21 think it's important for those of us whose offices
22 really deal with the bulk of homeless issues and
23 the overflow of their buildings being too full and
24 everything, have that in hand. Thank you.

25 CHAIRPERSON PALMA: Duly noted.

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Council Member Levin.

COUNCIL MEMBER LEVIN: Thank you
Madam Chair. I have a number of questions so feel
free to cut me off when you see fit.

Commissioner, I have, let's see,
the first one I want to ask, so there's a
gentleman that comes up and down my block and he
collects bottles and cans and takes them for
recycling. And we'll call him Moe. So every time
I see Moe, he tells me that he needs housing. And
I tell him to call my office. And I have a
suspicion that he may have some type of mental
illness.

He lives with his brother
currently. And he tells me that his brother is
verbally abusive. All right. He lives in his
brother's basement which is not, I don't believe,
would be a legal bedroom. Under those
circumstances, just him and his brother, so it's
not a space issue, if he were to come in and say
that he needs shelter because he wants to be out
because his brother is verbally abusive and
because he lives in the basement, would DHS deem
him eligible or ineligible?

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COMMISSIONER DIAMOND: Well, again, you'd have to do a full interview but you said two things that would certainly raise concern. The basement could not, might not be a safe situation and it depends on--

COUNCIL MEMBER LEVIN:
[Interposing] Well I'm assuming that his brother would deny being verbally abusive.

COMMISSIONER DIAMOND: Okay. But there are other--that wouldn't necessarily--

COUNCIL MEMBER LEVIN:
[Interposing] The basement's a--

COMMISSIONER DIAMOND: --in the inquiry, we would be talking to the applicant to ask him about it. And the basement--

COUNCIL MEMBER LEVIN:
[Interposing] But the burden is on the--

COMMISSIONER DIAMOND: --may not be a safe situation.

COUNCIL MEMBER LEVIN: But the burden is on the applicant to prove it. That's what--

COMMISSIONER DIAMOND:
[Interposing] The burden is on the applicant to

1
2 cooperate with the interview and to give full
3 information and then we, working with all the
4 parties involved and making a full and complete
5 determination, we will believe be able to reach
6 the right conclusion.

7 COUNCIL MEMBER LEVIN: So staying
8 in a basement is not an option.

9 COMMISSIONER DIAMOND: Again, it
10 depends. I don't know all the housing rules.
11 Basements, I don't know that we can rule it out as
12 a rule but it certainly would raise a concern.

13 COUNCIL MEMBER LEVIN: Sleeping in
14 a basement.

15 COMMISSIONER DIAMOND: As to
16 whether it was appropriate, whether it complied
17 with the rules to be a safe place for someone to
18 live.

19 COUNCIL MEMBER LEVIN: What if the,
20 and this is kind of following up on Council Member
21 Williams points before, what happens if the owner
22 or the person that's deemed to be an appropriate
23 family member or friend, what if they say no and
24 they lock the door and they say absolutely not.
25 And that's the only option. They say no.

COMMISSIONER DIAMOND: Again we'd--

COUNCIL MEMBER LEVIN:

[Interposing] The City says please. They say no.

COMMISSIONER DIAMOND: We would want to see if it's--there's a high necessity to explore particularly family options. And a family member who has available space should, that should be utilized before people access the shelter system.

COUNCIL MEMBER LEVIN: But what if they say no?

COMMISSIONER DIAMOND: Well we would have to explore the situation to understand why they were saying no.

COUNCIL MEMBER LEVIN: Because they don't want to.

COMMISSIONER DIAMOND: Well in some cases, again, absent violence, absent safety issues, we believe that people should use those family options before they come into the shelter system.

COUNCIL MEMBER LEVIN: Should, but does the City have the legal authority to force them to--what are the--I mean seriously the City,

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to--

COUNCIL MEMBER LEVIN:

[Interposing] It's the brother and they say no.

COMMISSIONER DIAMOND: Again,

brothers should take care of each other. And if that's an available option, people should go there first. If it's an available option. That's not to say if there's a history of discord or if there's been violence, if they don't have space, that's a different situation. If they have space available, brothers--you should stay with your brother before you come to the shelter system--

COUNCIL MEMBER LEVIN:

[Interposing] So, okay, you're saying in every instance then where they have an available-- there's no violence, there's nothing, there's no other reason that it falls under the criteria to be disqualified, other than they say no. They say no. They say sue me. They say, you know, they say no. What happens to the individual then? Are they taken into shelter? What happens? That is available under all the criteria, it's available.

COMMISSIONER DIAMOND: Well again,

you'd have to look at the full circumstances:

whether it was placing a significant financial burden on the brother. So there would be a variety of circumstances--

COUNCIL MEMBER LEVIN:

[Interposing] Oh, no, it's not.

COMMISSIONER DIAMOND: --you would have to assess. If you're telling me it's not a significant burden. There's available space. There's been no discord. There's appropriate space. Then that sounds like that--

COUNCIL MEMBER LEVIN:

[Interposing] But they still said no.

COMMISSIONER DIAMOND: --could be an option.

COUNCIL MEMBER LEVIN: And they still say no.

COMMISSIONER DIAMOND: Well we believe that that option should be used before people come to the shelter system.

COUNCIL MEMBER LEVIN: But if they say, I just don't get it, so if they say no then that individual will be out on the street.

COMMISSIONER DIAMOND: Well we believe that we can make a good decision based on

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COUNCIL MEMBER LEVIN: [Interposing]
Sorry, sorry, and why did they decide, and I mean
I don't mean to assume that you know what was
going through their head but why was this not

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implemented before?

COMMISSIONER DIAMOND: Well I think you have to look at two things. First of all, again, as we talked about before, there's been a significant change in the people who are applying for shelter. Five years ago nearly a third of the people who were applying for shelter came directly from the street. Now that number is less than 15% because of a real targeted effort to have options available and work closely with people who are living on the street.

Now over 60% of the people who are coming to shelter are coming from housed options. So you have a population that is different than what it was in the past.

Secondly--

COUNCIL MEMBER LEVIN:

[Interposing] There are more individuals coming in now.

COMMISSIONER DIAMOND: But the percentage of people who are coming in who have housed options, just talking about the percentage not the absolute numbers, the percentage of people who are coming directly from other options is

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2 higher than it was five years ago, significantly
3 higher.

4 And also the agency has matured. I
5 think we have significant experience in how to
6 implement the policy like this, fairly and
7 courteously. The family system has now been in
8 place for a decade and a half. I think it's been
9 implemented, again, in a way that is effective and
10 courteous to those who apply and is done fairly
11 given our affirmation rate at Fair Hearings.

12 And I think that has given us a
13 good basis and tremendous experience to implement
14 a policy here that now that we have a population
15 that has other housed alternatives, that has
16 alternatives or at least may have alternatives
17 that are worth exploring, we can borrow the
18 experience that we have from the family system.

19 COUNCIL MEMBER LEVIN: How many
20 homeless single adults are there in New York City?

21 COMMISSIONER DIAMOND: Well the
22 census last night in the shelter system was about
23 8,500 or so.

24 COUNCIL MEMBER LEVIN: Somewhere
25 around there, I think, our briefing paper says

9,000. But okay so that's--

COMMISSIONER DIAMOND:

[Interposing] And then we have another 2,700,
2,600 who were on the street.

MR. NASHAK: 9,000 is probably the
number of shelter beds.

COUNCIL MEMBER LEVIN: Okay. Now
if, okay, if you implement this policy, will those
individuals, it will reduce the number of
individuals that then qualify to be in the shelter
system. No doubt about it. You will be claiming
a reduction.

You will be claiming a reduction in
the number of homeless individuals out there
because those folks that would be normally going
in, are going to be put into some type of--I mean
are you going to be tracking them? Those that are
diverted, are those going to be counted as? Are
they going to be counted as homeless? No. Right?
So you're going to be able to claim that there's a
reduction in homeless individuals.

COMMISSIONER DIAMOND: Well I would
say a couple of things. First of all I just want
to be clear, I'm not saying you had this

1 understanding but just to be clear, we are
2 applying this policy going forward. So the people
3 who are in the shelter system now will not be
4 going through the review I was talking about.
5 Additionally if they leave the system and come
6 back within a year they will also not be going
7 through the review process I was talking about.

8 So this is only for new people
9 coming to us without a recent history of
10 homelessness. In terms of how we will identify
11 the numbers going forward, we certainly track the
12 census very closely. We post it on our website so
13 that everybody is aware of it.

14 But we have other measures of how
15 we are doing and one of them that's very important
16 to us that we will be watching very closely is the
17 number of people living on the street. And we
18 measure that in a more comprehensive way than any
19 jurisdiction in the country where we go out every
20 year and count the number of people on the street
21 plus we have more resources devoted to street
22 outreach than any city in the country to make sure
23 that we're addressing needs there.

24 So certainly the census will be one
25

1 indicator that we will be watching very closely
2 but we will also be watching the number of people
3 on the street very closely to see if that changes.
4

5 COUNCIL MEMBER LEVIN: Okay. You
6 said 30% of individuals, roughly, have mental
7 health issues. Callahan v. Kerry mentions social
8 dysfunction. That would be a qualifying
9 characteristic. Social dysfunction. I'll read
10 it: provision of shelter, this is in the decree.
11 The city defendants are to provide shelter and
12 board to each homeless man, we talked about
13 homeless, homeless man who applies for it provided
14 that, A, the man meets the needs standard to
15 qualify for the home relief program established in
16 New York State or, B, by reason to physical,
17 mental, or social dysfunction is in need of
18 temporary shelter.

19 COMMISSIONER DIAMOND: And as we
20 said before--

21 COUNCIL MEMBER LEVIN: [Interposing]
22 What percentage is it, has DHS, I'm sure you've
23 seen that before, what percentage of individuals
24 come, adults, coming in into the intake center do
25 you deem have social dysfunction?

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2 COMMISSIONER DIAMOND: Let me be
3 clear. The Callahan settlement that you raised
4 applies to and places an obligation on the City
5 for people who are homeless. The policy is being
6 applied to people who are not homeless because
7 they have other alternatives. So you do not get
8 into the Callahan decree for the people that we
9 will be using the policy and reviewing other
10 options for. For people who are homeless, who
11 have no other options, then I understand that the
12 decree governs.

13 COUNCIL MEMBER LEVIN: How about
14 the guy that comes in to an intake center from,
15 say it's Moe who it was determined he was able to
16 stay with his brother, but he determined himself
17 that, no, that doesn't work or his brother
18 determined that, no, that doesn't work? And he
19 finds himself out on the street. Is he then
20 homeless?

21 COMMISSIONER DIAMOND: Again, you'd
22 have to have a review of the circumstances. It
23 may be that he has a mental illness that needs to
24 be reviewed. There might be an issue that would
25 make a placement in the community not appropriate.

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You'd have to review the full situation to know why he was not allowed back in the home.

COUNCIL MEMBER LEVIN: He's sleeping on the street.

COMMISSIONER DIAMOND: If he has no other option then we want him in shelter, not on the street.

COUNCIL MEMBER LEVIN: But you've already determined that his brother was the option.

COMMISSIONER DIAMOND: Again, it depends on the circumstances. If his brother is an option, we want him to use that option first. If he has no other option then we want him in the shelter--

COUNCIL MEMBER LEVIN:
[Interposing] Well what I'm saying--

COMMISSIONER DIAMOND: --not on the street.

COUNCIL MEMBER LEVIN: --when DHS says it is an option and the individual plus their family members are saying it's not an option, who's right?

COMMISSIONER DIAMOND: We believe

1 we'll be able to make the right decisions based on
2 a decade and a half of making those determinations
3 in the family system--

4 COUNCIL MEMBER LEVIN:

5 [Interposing] So you're saying that's never going
6 to happen?

7 COMMISSIONER DIAMOND: --and with a
8 full discussion.

9 COUNCIL MEMBER LEVIN: You're
10 saying that's never going to happen?

11 COMMISSIONER DIAMOND: I think
12 we'll be able to make the right decision. And if
13 people disagree with the decision, they have a
14 right to ask for an independent review of it.

15 COUNCIL MEMBER LEVIN: Okay. And
16 my last question with Fair Hearing. I just don't
17 find that to be an acceptable answer because
18 there's going to be circumstances when you say one
19 thing and they say another and are you going to--
20 and there is an individual that is going to be
21 sleeping on the street. That to me meets the
22 threshold of homeless. But okay.

23 For Fair Hearings, you said that
24 individuals are directed towards legal services or
25

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2 Legal Aid. What if there is a backlog? I mean
3 those lawyers have enormous caseloads. And the
4 lawyer can't go down to the Fair Hearing but, you
5 know, they say we're with you 100%, guy, but I
6 can't be down there at 10:30 on Tuesday. Does the
7 individual have the right to an adjournment of the
8 Fair Hearing?

9 COMMISSIONER DIAMOND: The State
10 controls the Fair Hearing process. It is
11 certainly in our interest to have those hearings
12 as quickly as possible. We will have lawyers
13 ready whenever the hearing is held--

14 COUNCIL MEMBER LEVIN:
15 [Interposing] Well the DHS, I mean, so take me
16 through this, there's a DHS appeal process, right?
17 First it goes through DHS.

18 COMMISSIONER DIAMOND: Yes.

19 COUNCIL MEMBER LEVIN: Then it goes
20 to a State Fair Hearing?

21 COMMISSIONER DIAMOND: If somebody
22 asks for one, yes.

23 COUNCIL MEMBER LEVIN: Okay. In
24 both situations, say the lawyer can't make it. Is
25 the individual, can they get an adjournment until

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2 the lawyer can make it or does that hearing have
3 to happen in the absence of a lawyer?

4 COMMISSIONER DIAMOND: The State
5 would make that decision. I think generally they
6 would grant an adjournment until they were ready.
7 Again I can't speak for the State. I would think
8 that in my experience in dealing with Fair
9 Hearings for almost 20 years, the State grants
10 adjournments when people can't make them. I don't
11 want to--

12 COUNCIL MEMBER LEVIN:
13 [Interposing] Well the person's there.

14 COMMISSIONER DIAMOND: But they're
15 not adequately represented in the way that they
16 would like to present their case.

17 COUNCIL MEMBER LEVIN: Maybe at the
18 DHS appeals process, DHS has a lawyer there at the
19 time, right? Is that correct?

20 COMMISSIONER DIAMOND: Yeah, it's
21 before a lawyer.

22 COUNCIL MEMBER LEVIN: Okay. Now
23 that's not a State Fair Hearing, that's a DHS
24 hearing.

25 COMMISSIONER DIAMOND: That's a--

1 right. Yes, that's an internal--

2 COUNCIL MEMBER LEVIN:

3 [Interposing] When an individual wants the lawyer
4 but the lawyer can't make it at that hearing does
5 DHS, is it a matter of DHS policy, that the person
6 can have an adjournment until a lawyer can make
7 it?
8

9 COMMISSIONER DIAMOND: Just to be
10 clear on terms, that is called technically a
11 conference.

12 COUNCIL MEMBER LEVIN: That
13 conference is--

14 COMMISSIONER DIAMOND:
15 [Interposing] Yeah.

16 COUNCIL MEMBER LEVIN: --is that
17 person entitled to?

18 COMMISSIONER DIAMOND: Yeah. And
19 we would grant an adjournment or a request for a
20 delay--

21 COUNCIL MEMBER LEVIN: [Interposing]
22 Is that in writing? Is that in writing?

23 COMMISSIONER DIAMOND: I don't
24 know.

25 COUNCIL MEMBER LEVIN: Are

1 individuals notified of that? Are they notified?
2 Are they told you have the right to a lawyer and
3 you can request an adjournment until you get one?
4

5 MS. REBECCA CHEW: They're given
6 notice. When they're provided with notice--

7 CHAIRPERSON PALMA: [Interposing]
8 Just introduce yourself for the record.

9 MS. CHEW: I'm sorry. Mm-hmm.

10 CHAIRPERSON PALMA: Just speak into
11 the mic and introduce yourself for the record.

12 MS. CHEW: When people are served--
13 oh. My name is Rebecca Chew, Associate
14 Commissioner, Special Counsel for Family Intake.

15 CHAIRPERSON PALMA: Thank you very
16 much.

17 MS. CHEW: Thank you. When persons
18 are served with a notice of ineligibility, along
19 with it there's a notice of the agency conference
20 time. And if they're unable to make that set
21 conference time, they can call and ask--

22 COMMISSIONER DIAMOND:
23 [Interposing] They can make it.

24 MS. CHEW: --and explain the reason
25 for delay.

COMMISSIONER DIAMOND: They can make it. Their lawyer can't.

COUNCIL MEMBER LEVIN: That would be a reason.

MS. CHEW: Right. And then they can just call and talk to a lawyer or a supervisor and then the supervisor will work out with the person, you know--

COUNCIL MEMBER LEVIN:
[Interposing] I'm just wondering if they're informed of their rights to the extent that it's explicit that they can request an adjournment if their lawyer cannot make it.

MS. CHEW: It's not that specific in the notice. The notice is if they are unable to make that conference time, right?

COUNCIL MEMBER LEVIN: Uh-huh.

MS. CHEW: That they can--

COMMISSIONER DIAMOND:
[Interposing] Or for whatever reason.

MS. CHEW: --for whatever reason, maybe they have a medical, conflicting medical appointment, PA appointment--

COMMISSIONER DIAMOND:

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[Interposing] Or they want to get a counsel.

MS. CHEW: Right. Or they want to get a lawyer, they can just call and then talk to a supervising attorney or someone in Legal to figure out what time they are going to be able to make it and what the reason is.

COMMISSIONER DIAMOND: And just to be clear, the State dictates the language on the notice you're talking about.

COUNCIL MEMBER LEVIN: Okay. I would like to--I mean I'll do my due diligence but I would like to see that that's in writing and explicit, I think, and also for the State Fair Hearings as well. Thank you Madam Chair.

CHAIRPERSON PALMA: Thank you Council Member Levin. I just want to clarify that the numbers we used in our briefing report to determine how many homeless individuals that the City of New York has, the number he was referring to, included 502 safe haven beds which the Department of Homeless Services don't put in their census and 377 veteran beds which are not included in their census as well.

Commissioner, I want to go back to

1 the initial, the intake process in terms of if an
2 individual comes and doesn't exhibit signs of
3 mental illness because usually mental illness is
4 not visible or impairments or they are denying
5 that they are not mentally ill or have a problem,
6 are they then deemed ineligible on the spot? Or
7 will there be an effort to make sure that that
8 person then is evaluated by a professional? And
9 if that person refuses to be evaluated by a
10 professional does that constitute refusal to
11 cooperate with the process to be able to get into
12 shelter?
13

14 COMMISSIONER DIAMOND: Just to be
15 clear, no one is denied on the spot. We do a full
16 review of their circumstances before we issue an
17 eligibility determination. And in terms of mental
18 health issues that is one of the things we're very
19 sensitive to. You want to discuss it a little bit
20 more?

21 MR. NASHAK: Yeah, just to clarify,
22 we're not going to deem someone eligible or
23 ineligible based on a mental health issue. A
24 mental health issue is a factor that we need to
25 take into consideration to make certain the person

1
2 can cooperate with our assessment and evaluation
3 of their circumstances. But no one, you had
4 mentioned that someone could be found eligible or
5 ineligible based on their mental illness, that's
6 not going to happen--

7 CHAIRPERSON PALMA: [Interposing]
8 I'm asking--

9 MR. NASHAK: --our concern is
10 finding--

11 CHAIRPERSON PALMA: --was that
12 going to be part of the process?

13 MR. NASHAK: --people eligible.
14 Absolutely.

15 CHAIRPERSON PALMA: And if it was,
16 how then, you know, we, who are we asking to
17 evaluate the people that are coming into the
18 shelter system.

19 MR. NASHAK: There will be several
20 opportunities for people to be evaluated. At the
21 front door, at the actual intake center, we're
22 going to have licensed social workers who can
23 intervene if someone appears to have or claims to
24 have a mental illness to make certain that they
25 can participate in the process.

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1 Thursday you let them know that this upcoming
2 Monday there was going to be a policy change.

3 COMMISSIONER DIAMOND: We sent them
4 a letter and copy of the policies--

5 CHAIRPERSON PALMA: [Interposing]
6 Of the policy.

7 COMMISSIONER DIAMOND: --so that
8 they were aware of what was happening, yes.

9 CHAIRPERSON PALMA: Okay. And
10 before, I guess I just want to go back, before
11 your team decided, okay, this was the way to go,
12 to be able to sort of control, if I may, who's
13 coming into our shelter system. Who's really in
14 need of services versus those who are just, you
15 know, flocking to the doors because they believe
16 they can get services at the expense of the City.

17 Was there any discussion to go back
18 and use the Federal housing resources that we've
19 discussed ad nauseam before that are, you know,
20 that have been available to the City? And we know
21 that some of those resources have been tapped out.
22 Some of those resources have been cut. But we
23 also believe that there's still some of those are
24 viable options for some of the homeless families
25

1 and individuals that we are trying to serve. Was
2 there a discussion before the change in policy to
3 go back? Or will there be a discussion to use
4 those Federal housing options that we know have
5 worked in the past?
6

7 COMMISSIONER DIAMOND: Those
8 Federal housing options are not anywhere near
9 sufficient to build a homelessness housing policy
10 on.

11 CHAIRPERSON PALMA: And I just want
12 to be clear. I'm not saying that they're going to
13 solve our issue. I know that. I'm not, you know,
14 I'm not asking you that because I'm, you know,
15 living in this world where I believe that you talk
16 to NYCHA and you're going to get rid of 41,000
17 homeless people that are in our shelters. I know.
18 But I believe that there may be enough resources
19 to accommodate a good portion of the people that
20 we're seeing coming through our shelter system.
21 And I want to know that those options are being
22 considered to be able to house permanently some of
23 the folks that we see.

24 COMMISSIONER DIAMOND: We had a
25 very strong policy that was \$150 million

1 investment in the success of housing homeless
2 families that was fought very strongly and
3 ultimately killed by the legislature. We think
4 that that was a tremendous loss for people in
5 shelter because it represented a real opportunity
6 to help people leave the shelter system and
7 maintain themselves in the community.

8 It's unfortunate that that was
9 fought by the advocates, that's \$150 million that
10 will not come back to be invested in homeless
11 families because of their difficult financial
12 resources.

13 CHAIRPERSON PALMA: I have to say
14 that, you know, and I've told you think and I've
15 said this publicly and I've said this to the
16 advocates, while I wasn't a strong advocate for
17 Advantage, I believe that it was something that we
18 had in place that was helping people. And so I
19 supported, you know, the Advantage program. And I
20 always reached out to see how we could make it
21 better because I believe it was something we had
22 in place.

23 But I also know from going up to
24 Albany during our preliminary budget, when the
25

1
2 preliminary budget came out, and when we got wind
3 that the Advantage program was going to be
4 discontinued, one of the reasons the Cuomo
5 Administration was citing was the cities need to
6 be using the Federal housing resources. And
7 therefore they weren't going to be giving us, you
8 know, any more money for sort of the rental
9 assistance unless we were serious about using
10 those Federal housing resources.

11 And so while I was displeased and,
12 you know, that the Advantage program was
13 discontinued and I don't think that the Cuomo
14 Administration should have done that, I believe
15 they should have just pushed harder to make sure
16 that the City is doing what they need to do when
17 it comes to using the Federal housing resource
18 options that we do have in place.

19 COMMISSIONER DIAMOND: Well I do,
20 and I did not include you in the group that fought
21 very hard against the \$150 million that could have
22 helped homeless households tremendously. I know
23 you were supportive. You had concerns. I
24 certainly respect that. But you certainly were
25 supportive of continuing the program in some form.

1 I do not believe those Federal
2 housing options are realistic in terms of being
3 able to provide an alternative. As I've said
4 before, Section 8 has not taken an application in
5 nearly 2 years. There's a 7-year waiting list for
6 NYCHA housing. Both of those programs have
7 waiting lists in excess of 125,000 households.
8 Those are not investments that you can count on to
9 be able to help those in shelter. It's just not
10 sufficient. It is not enough.

12 The Federal government, I wish,
13 would invest more money in housing. I think that
14 would be the right decision for the Federal
15 government to make. We certainly need more
16 affordable housing. But until they do we have to
17 be realistic about the resources available. And
18 Section 8 is not a realistic alternative.

19 CHAIRPERSON PALMA: Can I ask a
20 question? 'Cause I know that we had this
21 discussion in regards to the question I'm going to
22 ask. We sat in your office and we raised the
23 issue of the Federal housing resource option for
24 some people. And has the Department of Homeless
25 Services conducted the sort of cross-reference to

1
2 see how many people who may come to our door are
3 on those waiting lists, on the NYCHA 7-year
4 waiting list or on a waiting list for Section 8
5 vouchers?

6 And so when they come into the
7 intake center it we're cross-referencing, if
8 they're on those lists then what are we doing to
9 make sure that that's an option for them? That
10 they don't have to go into our shelter system but
11 they can actually, you know, you have a spot in
12 the, you know, a conversation with NYCHA, they're
13 on the list. They don't need to be in shelter.
14 They can actually be in one of your apartments.

15 COMMISSIONER DIAMOND: Well again,
16 it would depend where they are on the waiting
17 list. How long they've been waiting and some of
18 the priorities for the people above them. And I
19 don't know that we've ever looked at that
20 specifically. But we certainly encourage people
21 who are in shelter who need housing to apply for
22 whatever resources are available.

23 And those could include public
24 housing and they could include Section 8. As I
25 said before unfortunately there's a very long

COMMISSIONER DIAMOND: Well we are still awaiting approval on the \$15 million so the State may--

CHAIRPERSON PALMA: [Interposing]
Approval to use it?

COMMISSIONER DIAMOND: We've made an application to the State for a number of uses which I can describe. We're waiting for their approval. So I don't know exactly what they would approve or what requirements they may make on the money.

Because the Advantage program has continued far beyond what we believe should have given the fact that we haven't received any State or Federal funding in over six months, the City has incurred a bill of over \$90 million to pay for the Advantage program. So we are using some of the \$15 million to help reduce what is a very significant budget issue for the City.

We have allocated some money to invest in shelters, to invest in additional employment programs, to help those in shelter to help on a domestic violence housing programs to help those in domestic violence shelter. Again

1
2 it's a little difficult for me to say definitively
3 where the money will go 'cause we haven't received
4 State approval.

5 CHAIRPERSON PALMA: So we haven't
6 received State approval but we're using it to
7 plug?

8 COMMISSIONER DIAMOND: We're not
9 using any of it now. We would like to use it
10 because the \$90 million that the City has paid for
11 Advantage because there's been no State or Federal
12 support is an unfunded mandate that we are under.
13 So we would like to use some of it, whether the
14 State will approve it or whether there will be a
15 change is a different issue. But that's how we
16 have applied to the State to use it.

17 CHAIRPERSON PALMA: To use it to
18 plug the \$90 million or--?

19 COMMISSIONER DIAMOND:
20 [Interposing] For a small portion of the \$90
21 million that the City has already spent on the
22 Advantage program since the withdrawal--

23 CHAIRPERSON PALMA: [Interposing]
24 And the City hasn't--and in your request and in
25 awaiting approval we didn't ask if we could use it

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2 time does DHS staff spend with those individuals
3 through the intake process?

4 MR. NASHAK: Our current--you mean
5 on an individual basis?

6 COUNCIL MEMBER LEVIN: Mm-hmm.

7 MR. NASHAK: Current intake
8 probably takes somewhere around 45 minutes.

9 COUNCIL MEMBER LEVIN: Okay. So
10 maybe you can kind of average it a little bit less
11 than an hour, so that it's roughly, let's say,
12 1,600 hours spent with the intake process by DHS
13 staff per month, roughly.

14 MR. NASHAK: Some applicants take
15 longer than others but yes.

16 COUNCIL MEMBER LEVIN: Right.
17 Average. How much time would be required per
18 applicant, how much of DHS's staff time under
19 these proposed rules?

20 MR. NASHAK: I need to answer your
21 question in a slightly complicated way because
22 it's going to be, the situation is going to be
23 somewhat different. We anticipate that the
24 initial interview, that would be the equivalent of
25 the intake interview at this point, would

probably, you know, take about two hours maybe. But we will also have, under this procedure, the ability to put someone into what we call, colloquially, the conditional placement.

So we don't necessarily have to complete the investigation the day they walk in. And so someone can be conditionally placed, have their immediate need for temporary housing met, while we're conducting the evaluation. So it's a little bit of apples to oranges. But the initial application interview will probably be in the 2-hour range.

COUNCIL MEMBER LEVIN: Two hours
but then there's the whole staff investigation.

MR. NASHAK: That's right.

COUNCIL MEMBER LEVIN: That has not
up to this point existed.

MR. NASHAK: Correct.

COUNCIL MEMBER LEVIN: So that's significant. Have you costed that out? What's the additional cost of implementation of this policy? You say that it's going to save \$4 million.

MR. NASHAK: Mm-hmm.

COUNCIL MEMBER LEVIN: But what is the initial cost, what's the cost in additional staff time?

MR. NASHAK: So just to be clear. We don't know that it's going to save \$4 million--

COUNCIL MEMBER LEVIN:
[Interposing] That's what you judged.

MR. NASHAK: --we put a benchmark on that number, that's kind of a little bit of an estimate, you know--

COUNCIL MEMBER LEVIN:
[Interposing] Sure. It's what you think it might be.

MR. NASHAK: --not very much of an estimate so it's not a projected savings necessarily. But the cost, we brought on 23 additional staff people. They came onboard October 3rd. They've been in a training and orientation process since then. And the total cost of that 23 staff is, I'm going to be ballpark but close, \$2 million.

COUNCIL MEMBER LEVIN: \$2 million?

MR. NASHAK: Mm-hmm.

COUNCIL MEMBER LEVIN: So you're

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COUNCIL MEMBER LEVIN: Okay.

MR. NASHAK: We didn't translate that back to say, okay, now we have to, you know, find 240 people ineligible. We just are making some rough projections based on what we think we might achieve. This is not a target. It's a kind of a guesstimate.

COUNCIL MEMBER LEVIN: Got it.
Thank you very much. Thank you Madam Chair.

CHAIRPERSON PALMA: Thank you. And Commissioner, is it possible for the Committee to get a copy of what was sent to the State in terms of the \$15 million, the proposal?

COMMISSIONER DIAMOND: Yes.

CHAIRPERSON PALMA: Thank you. And I just, I want to thank you for your testimony and I think, you know, we came in. I think we're still--I'm in disagreement with how this policy is going to further help place people. I hope that we could rethink this policy. I believe that, again, you know, the folks that are coming to the DHS system are folks that are in real, desperate need, and, you know, have just reached their end of the rope and, you know, are not looking for a

handout but are looking for an opportunity to lift themselves out of poverty.

And I think as a City we need to make sure that we're doing everything we can to help these folks lift themselves out of poverty and become part of our community in a real way. Because, you know, once they're able to sustain yourself, you usually stay there. You don't give up, you know, the comforts of a home or the comforts of a job to go back into poverty.

And I would dare say that for many of these homeless families and individuals, once having gone through the system, that's always in the back of their mind, so you work extra hard, extra hard, to make sure that you don't find yourself in the same situation that took you to that place again. And so, you know, I know, I know that when we know better we do better. And I believe that the City can definitely do better. And I look forward to making sure that we're protecting people in a real way. Thank you.

COMMISSIONER DIAMOND: Thank you.

CHAIRPERSON PALMA: Our next panel, Patrick Markee from Coalition for the Homeless,

Judith Goldiner from Legal Aid, Chris Parque from Homeless Services United or as I like to call them Human Service United; and Michael Polenberg from Safe Horizon.

[Pause]

SERGEANT AT ARMS: Ladies and gentlemen, if you have any copies of your statements, bring them up when you come up to testify.

[Pause, witnesses getting settled]

CHAIRPERSON PALMA: You guys can begin, you know how this works.

MR. PATRICK MARKEE: Okay. My name is Patrick Markee. I'm the Senior Policy Analyst at Coalition for the Homeless. And we appreciate the opportunity to present this testimony. We've submitted joint written testimony from ourselves and The Legal Aid Society. Judith Goldiner and I will summarize the testimony. And then also I wanted to respond to a couple of the just amazing assertions that were just made by the City officials.

We are so grateful to the Council for holding this hearing, especially on an

1
2 emergency basis, given just how blindsided all of
3 us were by this radical change in the City's
4 approach to providing shelter to homeless adults
5 that was, you know, that many of us found out
6 about, as you said, from watching the Channel 4
7 news or were informed about it in sort of the dead
8 of night last Thursday night.

9 So it's no way to make public
10 policy particularly of this kind of epochal change
11 to just sort of blindside the City Council, the
12 City's legislature, advocates and service
13 providers working on the frontlines, homeless
14 people themselves, people at risk of homelessness.
15 That's just no way to do public policy.

16 We released a report today using
17 newly released City data that shows that there are
18 now a historic level of homelessness in New York
19 City. More than 41,000 New Yorkers are bedding
20 down in the municipal shelter system each night
21 now. That includes an all-time record nearly
22 17,000 children. We've seen just since May alone
23 a 5% increase in the total shelter population, a
24 10% increase in the number of homeless children in
25 the City shelter system.

1
2 It's clear that the City's approach
3 to this problem has failed. And it's in many ways
4 because of the reasons you identified, the City's
5 failure to use the proven housing-based solutions
6 to this problem that we know exist, to use the
7 available, and they are available, Federal housing
8 resources that we have in this City to tackle this
9 problem. There's just no knowing where it's going
10 to go from now. 41,000, you know, this month,
11 when are we going to get 45,000, 50,000? And when
12 this Mayor took office, let's keep in mind, there
13 were 31,000 people at night in shelters. So we've
14 seen a 33% increase in that population since the
15 Mayor took office.

16 The City's only response to this
17 crisis seems to be to just close the front door of
18 the shelter system to some very vulnerable people.
19 And it's worth considering how radical a change
20 that is given what's happened in the last 30
21 years. 30 years ago this past August the City
22 entered into a consent decree in the landmark case
23 Callahan v. Kerry and established a legal right to
24 shelter. And in that consent decree they said
25 that they would provide shelter to homeless adults

1
2 who meet the need standard for public assistance
3 or who are homeless by reason of physical, mental
4 or social dysfunction.

5 That simple elegant statement that
6 has been the bedrock for providing emergency
7 shelter from the elements to vulnerable New
8 Yorkers for 30 years was crafted with very much
9 care, with thoughtfulness by City and State
10 officials, by attorneys, by advocates for the
11 homeless because it was recognized that for this
12 vulnerable class of individuals you do not want to
13 have bureaucratic barriers to access to emergency
14 shelter. You do not want to have high thresholds
15 that would block people in desperate need of
16 shelter from the elements from getting help.

17 And let's remember what the stakes
18 are. People who are homeless on the streets of
19 this City, in the winter months but not only in
20 the winter months, can suffer injuries, can suffer
21 death from frostbite, from hypothermia, from other
22 cold-related injuries. People die on the streets
23 of the City. People died on the streets of this
24 City in enormous numbers before the consent decree
25 was put in place. And it has saved countless

lives over the last 30 years.

It's shocking then to hear the Commissioner say that they are now planning to implement a policy that they estimate will deny shelter, will deem ineligible for shelter, 1 out of 10 homeless single men and women who come in applying for shelter at the City's intake center. 10%. We heard him say it. It's really shocking to think about. That is thousands of people each year who will be effectively denied shelter, turned away, in a policy that is really designed to restrict access to shelter.

And let's keep in mind, this is not a policy, as City officials have said, that is designed to determine where there are other housing options. And I think the testimony today, the questioning from Council Member Levin in particular, Council Member Williams, Chair Palma, fully fleshed out exactly how crazy really this policy is in that respect and how it's designed not to determine whether there is actually available housing, not to determine whether there's suitable housing, but instead, simply to give the City mechanisms for denying shelter to

1 vulnerable people.

2
3 And I'm going to give you some
4 specific examples that are from the City's written
5 policy which, you know, it shared with folks just
6 late last week. Under this policy, the City could
7 deny shelter, could deem a person ineligible for
8 shelter, even when a family member with whom the
9 person lived in the past verbally and in writing
10 says that the person can no longer live with them.
11 That is what Council Member Levin sort of fleshed
12 out in his questioning.

13 Even when an outreach worker or a
14 police officer brings that individual to shelter
15 but the City claims that that person is not
16 cooperating with the investigation, they would be
17 denied shelter. Even when the homeless person is
18 unable to provide a complete 1-year housing
19 history as it required in this procedure, how does
20 a person who's been sleeping on the street say
21 where they've been sleeping between March 6th and
22 March 17th? We don't know where they were
23 sleeping. They can't provide that. They could be
24 denied shelter.

25 Even when the homeless person

1 attempts to document his or her 1-year housing
2 history but friends or relatives with whom they
3 stayed refuse to cooperate with the City, that
4 person could be denied shelter. Even when the
5 homeless person who may suffer from a mental or
6 physical impairment fails to undergo an
7 evaluation, perhaps because they're in denial
8 about their impairment, perhaps they refused to
9 recognize that they've got a condition, that
10 refusal to cooperate with the evaluation would
11 result in their being denied for non-cooperation.
12

13 And even when DHS makes a mistake
14 in determining that person's eligibility and then
15 they come back to reapply for shelter, the City
16 would require that the only grounds in which they
17 can reapply is if they can present new facts.
18 Well what if the only fact they have to show is
19 that a mistake was made the first time? Then they
20 cannot reapply for shelter and they would be
21 turned away.

22 It is at its heart a dangerous
23 policy that fails to comply with, as I described
24 earlier, the simple, elegant language of the
25 consent decree that would provide shelter to

1
2 individuals homeless by reason of physical, mental
3 or social dysfunction. It was also alarming in
4 fact that the Commissioner in his written
5 testimony never once referred to the consent
6 decree, never once referred to this 30-year old
7 court order that is the bedrock of the shelter
8 system for homeless adults.

9 In closing I would just say that it
10 is also incredibly alarming and incredibly
11 dangerous that this policy is being proposed to be
12 implemented just as winter is approaching. The
13 coldest months of the year when we could see, as I
14 said, thousands of people turned away from shelter
15 to the streets. And it's important to recognize,
16 as I said, the stakes. People die. People suffer
17 injuries when they're denied shelter and sent out
18 into the elements.

19 Robert Callahan, the lead plaintiff
20 in the lawsuit itself, died on the streets of the
21 City a year before the consent decree was signed.
22 And many of us hoped that he would be the last
23 victim of an era without a bedrock right to
24 shelter. We hope we can work with the Council to
25 do everything in our power to fight this policy

and to keep it from being implemented.

CHAIRPERSON PALMA: Do you want to say something?

COUNCIL MEMBER LEVIN: Can I just, Mr. Markee, just a quick statement. In my District in Greenpoint, there are a number of individuals that are under the standards that Commissioner Diamond laid out, not deemed homeless because they are chronic alcoholics and are CPIs, chronic public inebriates, who sleep a fair amount of the winter in the parks in Greenpoint, underneath the BQE. Technically they have families. And technically DHS does not count them as homeless. And last year, how many, 2, 3 died of hypothermia in the park. So just want to put that on the record. Thank you.

MS. JUDITH GOLDINER: Judith Goldiner, I'm the Attorney in Charge of the Civil Practices Law Reform Unit of The Legal Aid Society. I was really horrified by what the Commissioner said on so many different levels. But let me just start with not only did he not mention Callahan but he took the position that if he deems you not to be homeless then Callahan

1
2 doesn't apply which is really turning the whole
3 standard on its head.

4 It's saying the City can just
5 decide that the consent decree doesn't apply if
6 they decide that you're not homeless. And that's
7 exactly what the consent decree was not intended
8 to do. As a result, tomorrow, we intend to file a
9 lawsuit against the City to enjoin this policy.
10 We would appreciate whatever help the Council can
11 give us in that effort including expressing to the
12 State of New York how this policy should not be
13 approved by the State. And if the State has
14 approved it, that they should take away that
15 approval.

16 And whatever assistance the Council
17 can give us in our lawsuit we would appreciate
18 that as well because the idea that we're going to
19 let the Department of Homeless Services turn away
20 1 out of every 10 people to potentially die on the
21 street is really not acceptable. Whatever
22 questions you have, we're available for that.

23 MR. MICHAEL POLENBERG: Hi, thank
24 you so much. I'm Michael Polenberg, Vice
25 President of Government Affairs for Safe Horizon.

1
2 Thanks so much for holding this hearing so
3 quickly.

4 I'll sum up the main concerns that
5 we have as a victim service agency. And this is
6 for single adults who apply to the DV shelter
7 system, for single adults who time out of the DV
8 shelter system, and for homeless youth. These are
9 all populations that we serve.

10 As you know we operate 3 24-hour
11 hotlines for victims of domestic violence, rape,
12 sexual assault, and other crimes. We also are the
13 largest provider of domestic violence residences
14 in the City. We have more than 700 beds available
15 throughout the 5 Boroughs. So from that
16 perspective we know that roughly 37% of the nearly
17 150,000 calls that we get each year on our hotline
18 are from single adults looking for beds in the DV
19 system. And we know because we operate in part
20 many of the beds. The configuration of domestic
21 violence shelter beds are overwhelmingly geared
22 towards families. It's the most typical
23 applicant.

24 So it's hard for single adults to
25 get into the DV shelter system as anybody who's

1
2 ever tried could tell you. And one of the options
3 that people have is to go to DHS until a DV bed
4 opens up in the HRA-funded DV shelter system. The
5 procedure that the City is looking to implement,
6 you know, we read through it, and they say that
7 somebody who applies in the single adult shelter
8 system and who identifies as a victim of domestic
9 violence will be referred to HRA's no violence
10 again unit known as NOVA, where the individual
11 will be able to speak to a trained domestic
12 violence counselor.

13 But unlike the PATH, as you know,
14 Center up on the Bronx, the single adult intake
15 shelters don't have onsite NOVA units. So what
16 does this mean practically for the person who
17 comes in and identifies as a victim of domestic
18 violence? Will they be sent to the Bronx? Will
19 they be transported to the Bronx? Will they be
20 told to make their own way to the Bronx?

21 Will the NOVA unit be able to
22 accommodate this, what will undoubtedly be a large
23 increase in volume of people who are now applying?
24 Can we be absolutely certain that no action will
25 be taken by DHS staff to verify one's homelessness

until the screening takes place?

The procedure is silent on these issues and we're very, very concerned for what this will mean. We're also concerned for those who time out of the DV system. You get 90 days in a domestic violence shelter system. You can get at times a 45-day extension. So 135 days for single adults who make it into the DV system, it's very rare to get an extension. 90 days is the much more typical time of stay.

So again, in fact one of our colleagues found looking in 2001 of a sample of 1,100 households that 32% went to DHS after leaving the HRA system. And single adults it was about 25%. Unless there's been a new incident of domestic violence, one cannot reenter the DV System. So what will DHS tell these folks? Will calls be made to their last residence where the batterer lives? Will the batterer say sure she can come back? You know, these are really frightening questions and things that can have, you know, horrific impacts for our clients.

The final point is on runaway
homeless youth. You guys helped fund our street

1
2 work program serving shelters and drop-in center
3 and our outreach program for homeless youth. The
4 kids that we see, most of them are old enough to
5 go to the Department of Homeless Services'
6 shelters, they're 18 or over. But many choose not
7 to. They'll go and find any other option they
8 can. And they go to DHS really as a last resort
9 for any number of reasons which are in the
10 testimony.

11 For homeless young people this
12 process is going to be particularly troubling.
13 You have to go over your housing history. We have
14 kids who had a bed for the night because they
15 slept with somebody in order to get that bed. Or
16 they were at home where a family member was
17 abusing them. These are not viable housing
18 options.

19 And frankly it's going to be
20 difficult as it already is for our clients to
21 speak openly and honestly about these things with
22 a DHS employee or whoever is going to be doing
23 this process who is sort of geared towards finding
24 flaws or finding weaknesses in the applicant's
25 arguments or their information. Our kids are

1 suffering from anxiety disorders, from depression.
2 They have suicidal ideations and you're putting
3 them through this system, grilling them on every
4 spot that they've spent the night including places
5 where they spent the night doing things that none
6 of us would want our own kids to do.
7

8 We fear that this, you know, in a
9 system that we're already trying to get homeless
10 kids to come into Safe Horizon, to come to
11 Covenant House, come to our colleagues, we're
12 afraid that this will have the exact opposite
13 reaction.

14 Your statement and that of Speaker
15 Quinn that our charge is to find ways to help
16 these people, not to send them into the streets
17 with nowhere to turn for help, we couldn't agree
18 with you more. And I'd be happy to answer any
19 questions.

20 MS. CHRIS PARQUE: Hi, good
21 afternoon. My name is Chris Parque and I'm the
22 Executive Director of Homeless Services United,
23 the not-for-profit coalition that represents the
24 homeless services contracted by the City of New
25 York. So that includes some of the youth

1
2 providers, certainly some of our folks also deal
3 with the domestic violence issues. And we know
4 that some of those folks end up in our system as
5 well as the DHS contracted providers.

6 First of all I want to thank
7 Speaker Quinn and Chair Palma and the rest of the
8 City Council Members for the opportunity to
9 testify and also their quick, very quick, response
10 to taking action on this issue and trying to get
11 as much information hopefully to stop this policy
12 from being implemented.

13 This policy is an action that
14 reverses 30 years of established policies at the
15 front door that have clearly established New York
16 as a national leader of shelter provision for its
17 vulnerable citizens. If enacted the burden of
18 proof will fall upon the applicant, thus leaving
19 the final decision in the hands of government
20 workers whose mission it is to, in effect,
21 restrict access to vulnerable people who are
22 really in need for services.

23 And we talked earlier at the press
24 conference that it is an act of bravery to go to
25 the point of knocking on the door for the shelter

1
2 system. It's not a calculated thing that people
3 do. They come because they're desperate and it's
4 important and I've testified, every time I stand
5 before the Council, I testify that we need a
6 diverse solution to match the diversity of the
7 population that we're serving. We need as many
8 doors open as possible to welcome those folks in.

9 And I wanted to, I'll deviate a
10 little bit from my testimony, I just wanted to
11 address one point that's been made is that there's
12 been a distinction between the number of people
13 coming into the system who are from the street as
14 though the perception is that they may be more
15 worthy or more easily identifiable as homeless.

16 Anybody who comes knocking on the
17 door is in a crisis or in desperation. We must
18 make it as easy as possible for them to come in.
19 And just because someone has not yet landed on the
20 street, we must welcome them in. And in fact
21 frequently it's easier to--we may be able to,
22 through our assessments, shelter and good case
23 management and case assessment find alternative
24 services whether it be, you know, getting on track
25 for sobriety or addressing other issues, mental

1 health issues, but the sooner we can address those
2 issues the better it is for the client, the better
3 it is for the City. And if you want to be frank
4 it's actually purely cheaper, too, the sooner you
5 help people address issues.
6

7 So if we're concerned about who has
8 the right, is there a better population, anybody
9 who presents at the door should have that right to
10 shelter. And no matter what point they are in
11 their episode of homelessness, whether or not
12 they've landed on the street, they're bouncing
13 around. And we do know that the sooner we can
14 begin working with them, the easier it is to begin
15 putting--helping them put their lives on track and
16 wrapping services around them.

17 We believe that this policy is
18 misguided and will be detrimental for single
19 homeless adults. For many years the street
20 homeless adults refused to enter the shelter
21 system because of fear of being assaulted or
22 languishing in overcrowded or dirty shelters.
23 Since the City has contracted out most of its
24 shelter provision to the nonprofit sector, most of
25 these concerns no longer exist.

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2 system. DHS and the shelter system really serves
3 as the catchall for the final place for people to
4 go. And again it's not a choice. It's not a
5 choice that anybody would like to make. And we,
6 you know, again we stand strongly by our services.
7 We think that we can do, always, you know, we can
8 do better as a City and we think this policy is
9 going to stand in the way of doing better.

10 And in fact prior to the downturn
11 in the economy we actually saw our numbers going
12 down in the adult shelter population due to really
13 strong, smart work. We brought the numbers down
14 on chronic homeless through creative means.
15 Unfortunately because of the downturn in the
16 economy we're seeing numbers going up.

17 And unfortunately we're very
18 concerned about the numbers going up for women, in
19 particular single adult women, and the implication
20 for that and also the violence that they encounter
21 by being on the streets. So that if they're
22 turned away at the front door, what is the
23 implication on their lives and the safety issues?
24 Not just to mention being out in the weather but
25 also the physical and sexual assaults that those

women will face on the street. And in particular also our older population of the street homeless.

Studies clearly show that people suffering from mental illness and substance abuse are much more over-represented among the homeless than the general population. Since the City, State and Federal government lack a coherent and coordinated mental health and housing policy, these vulnerable populations end up in the homeless service system. And again I'm referring to this lack of coordination that we see in the City but also in the State and Federal programs.

Properly assessing for mental illness is tricky and if the first line of questioning is solely based on somebody's eligibility criteria, being seriously mentally ill, and many of these folks will not be able to prove that or not in a position as my colleagues testified, how do you prove that?

And also we as a society have been stigmatizing people who are mentally ill. So must we further stigmatize people to get the services they need? There are plenty of people who are housed who have mental illness and we don't

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2 working.

3 And we must appeal to both the
4 State and the City to work together to address
5 this real dearth of available options, housing
6 options, for homeless New Yorkers and also low
7 income and poor working New Yorkers.

8 DHS with its powerful nonprofit
9 partners have done an excellent job in the last
10 five years of lowering the street homeless
11 population. The way that we did that was really
12 focusing on specific populations. What we'd like
13 to see is rather than taking this one-size-fits-
14 all approach to things, we'd love to see a more
15 broad approach taken to disaggregating the
16 population of who is homeless and why they're
17 homeless and developing, again, real solutions to
18 why people got here.

19 But we can't do that if they're out
20 on the street. We can't do that if we don't know
21 who we're serving. We can't do that if we don't
22 know who those people are. And the only way we
23 can do that is if we begin working with them and
24 giving them the opportunities and the services
25 that they need and that they have a right to,

1
2 frankly.

3 This policy change would negatively
4 affect all the positive work that we've seen in
5 the past around what we've been having in the
6 shelter system, some of the gains we've made prior
7 to the downturn in the economy, and also the
8 efforts we've made around the chronic population
9 and the efforts we made to really connect with
10 people that the shelter is a place where they can
11 come in. It is a scary place because it's a
12 change in your life but it's a place that can
13 begin your first step to stability.

14 This kind of policy will undo all
15 of the good efforts of both my providers and all
16 the other providers represented here. It will
17 create this lack of faith in the system and
18 further stigmatize the homeless if we make it more
19 difficult for them to come in.

20 If the goal of this policy is truly
21 about identifying housing options or housing
22 solutions, then I would call upon the City to do
23 some evaluation and some research and work with
24 advocates, work with providers, and also work with
25 the Council, to share information and to take it

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14 So we call on DHS to capitalize on
15 the amount of education institutions that can help
16 them do real research and evaluation and to
17 develop, again, real solutions, and to look at
18 what solutions the City has been involved in in
19 the last few years, what's going on around
20 nationally, and what can we develop that will
21 really maintain people in housing for the long
22 term, not the short term.

Of course we know, you know, part of that has to do with making Federal resources available. But there must be other opportunities

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14 MR. MARKEE: Well our waiting room
15 which sometimes it feels like it's standing room
16 only, these days, I can't even imagine what it's
17 going to look like. But just to answer your
18 question and I'm glad you brought this up, this
19 sort of notion that there are, you know, lawyers
20 and advocates out there who would represent these
21 folks in these various appeals proceedings, it's
22 just simply not true.

The resources are absolutely insufficient. I mean they were insufficient, you know, several years ago before some of the budget

1 cutbacks that we've been seeing from every level
2 of government in recent years.

3 It's not even a question that
4 that's a real possibility. And I think I just
5 want to also kind of get at some thing I think the
6 Speaker had an amazing line of questioning for the
7 Commissioner about this claim that 98% of these
8 hearings are somehow upheld. Let's keep in mind
9 that only a fraction of families right now who are
10 going to apply for shelter get deemed ineligible
11 actually go and avail themselves of the so-called
12 Fair Hearing process.

13 Let's also remember that almost
14 none of them have lawyers or advocates to
15 represent them. Let's remember that it's not
16 before a judge, it's before a State bureaucrat who
17 is essentially upholding the same kind of unfair
18 system that the City has already put in place.
19 But let's remember that there is very clear
20 evidence, and this came out again in the
21 questioning, that, you know, many families who
22 ultimately do make it through the gauntlet and are
23 deemed eligible for shelter had to apply on
24 multiple occasions in order to get there. So this
25

1
2 number, 99%, is simply not representative of what
3 we really see.

4 We represent, you know, we work
5 with a lot of those families. We don't have the
6 resources to represent them at Fair Hearings. I'm
7 not sure what would happen if you had to add on
8 top of that a population of single individuals,
9 many of them sleeping on the streets at that
10 moment when you're working with them, to try and
11 negotiate that Fair Hearing process. And I'll
12 leave it to Judith and others to say..

13 MS. GOLDINER: Let me also say that
14 the process, the other problem with the Fair
15 Hearing process, is there is nothing called aid to
16 continue. So while you're appealing, while you're
17 waiting for, first, a Fair Hearing to be
18 scheduled, and second, for a Fair Hearing
19 decision, you are out on the street. And that
20 makes it not a meaningful remedy for most people.
21 I mean if you could appeal and be sheltered during
22 that time, that would be different, but they have
23 such a club to hold over people.

24 The other thing that I didn't
25 respond to but I should have on my first point is

1
2 that the Commissioner said there's a 7-year wait
3 for public housing. And I just correct that which
4 is if you have, if you are referred by the
5 Department of Homeless Services for the top
6 priority that still exists under the NYCHA plan
7 you would move into public housing between 6
8 months to a year.

9 What the Commissioner didn't say is
10 he doesn't want anyone to have that priority. And
11 so therefore you could wait forever to get into
12 public housing. But if you were referred by the
13 Department of Homeless Services you would move
14 into public housing between 6 months and a year.

15 CHAIRPERSON PALMA: Thank you.
16 Judith, in the policy that DHS wants to implement,
17 there's a section, and I believe I mentioned this
18 in my opening statement, on page 5, the section
19 where it says the THA applicant's choice of
20 vacating a housing option voluntarily prior to
21 eviction, and in parenthesis, (examples, return
22 their keys) will not necessarily preclude this
23 address from being considered a viable housing
24 option. If the housing is still available the
25 applicant will be expected to retrieve the

1
2 previously submitted keys from the landlord and
3 reside at that address until the event of a formal
4 eviction actually has occurred.

5 And I just, as the representative
6 that goes to court with many of these clients, how
7 many of your clients have been in this position?
8 And the landlord has willingly given the keys back
9 to them prior to them getting HRA to either pay
10 back rent or?

11 MS. GOLDINER: I mean that's never
12 going to happen. The landlord has no obligation
13 to give you back the keys if you ever gave them.
14 And that, I think, is a situation that really
15 very, very rarely happens in the first place.
16 Like, you know, if maybe some tenants may move out
17 when they get the notice of eviction.

18 Some tenants move out because the
19 landlord tells them I'm going to evict you and
20 they don't understand that there's a process that
21 the landlord has to go through. Landlords don't
22 necessarily tell you that. I have clients call me
23 every day that say my landlord is evicting me so I
24 have to get out. And I say, well, do you have a
25 Marshal's Notice? And they'll say, no, I got a

1 letter from the landlord and it says I have to be
2 out by this date.

3 And I said well but the landlord
4 has to take you to court. But people don't know
5 that. People don't talk to lawyers. There are so
6 few of us for people to get through to. And it
7 takes really an exceptional person to get through
8 to an attorney or get one of us to represent you.
9 We turn away 9 people for every 1 person we're
10 able to help. I mean it's a really devastating
11 statistics.

12 And so the idea that people
13 necessarily know what their rights are, people
14 know that they can go back, or that people are
15 vacating housing that's really available to them
16 is also crazy. I mean we have seen people sent
17 back to illegal attics. Like on Staten Island
18 we've had, you know, we've had clients die in
19 these attics because there's no way to get out in
20 a fire.

21 And yet these are the places that
22 DHS is saying you can go back to. Or basements
23 with no means of egress. Again DHS says you can
24 go back to them. They're not legal places for
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people to live.

CHAIRPERSON PALMA: Thank you.

Michael, I know that you raised the issue of domestic violence and rightfully so. And I, you know, would hate to think that a person would be, you know, sent back to their abuser. But in terms of how the City views or places someone within their domestic violence shelters, they don't disclose that information to any family members.

Usually, you know, anyone who may know this person don't know where they're living. So I would think that this policy wouldn't call for someone's, you know, mother-in-law, her home being a viable option. Because that's now how it functions now, correct?

MR. POLENBERG: Right. To get into the DV system, and I want to make sure I'm following your questioning right, somebody typically calls our hot line and an assessment is done and a referral is made if a bed is available, depending on the family size, depending on what Borough is the safe Borough and so on and so forth.

When that person times out, which

1 happens, and the person applies to DHS, right now,
2 they would apply, they'd say this is where I was,
3 no, don't have a place to go. The question now is
4 what's going to be the, you know, the process
5 through which somebody goes through. Are calls,
6 you know, well where were you before you went to
7 the DV shelter. Well I was living with my
8 batterer. Is there another place you can go?
9 Yeah, and the risk that you're putting that
10 victim, you know, what if I call your mother?
11 Well the mother may have a relationship with the
12 batterer--
13

14 CHAIRPERSON PALMA: [Interposing]

15 Right and that's--

16 MR. POLENBERG: --and the mother
17 says of course she can go back. I don't know why
18 she left--

19 CHAIRPERSON PALMA: [Interposing]

20 Right.

21 MR. POLENBERG: --she shouldn't
22 have left. He's a nice guy. What do you think
23 DHS is going to do in that instance? Accept her
24 application for shelter or say your own mother
25 says you can go back to this place. I don't think

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that's the situation we want to put folks in.

CHAIRPERSON PALMA: Mm-hmm. Okay.
Thank you. Thank you always for being a partner
and getting, you know, the information that we
need. And we look forward to continuing to work
with you in making sure that, you know, these
policies are responsible.

Our next panel, Karen, I'm sorry,
Jorgensen, yes. Kendall B. Jakerin [phonetic].
Jackerin? Nancy Downing and Terry Grace.

[Pause]

CHAIRPERSON PALMA: And Megan
Crow-Rothstein submitted testimony for the record.
And we will make sure it gets entered into our
record.

[Pause]

CHAIRPERSON PALMA: Push the button
and introduce yourself and continue to speak.

MS. KAREN JORGENSEN: Okay. My
name is Karen Jorgensen. I've been the Director
of the Valley Lodge Shelter for 23.5 years. We
are part of the New York City shelter system and
we serve 92 men and women, 50 years of age and
over who suffer from mental and physical

1 disabilities. And thank you very much for holding
2 this hearing today because I am deeply shocked
3 that DHS is instituting or trying to institute an
4 eligibility requirement.
5

6 I've read the new procedures and
7 I'm definitely afraid because many of the people
8 at my shelter would have had great difficulty
9 establishing eligibility if these procedures had
10 been in place when they were admitted. And I'm
11 going to quote from one of the requirements. It
12 says "applicants who do not comply with the
13 application process will be found ineligible based
14 on non-cooperation unless the reason for non-
15 cooperation is mental or physical impairment as
16 assessed by a qualified mental health or medical
17 professional".

18 A history of non-cooperation is
19 often one of the reasons people are homeless in
20 the first place. They do not trust others. They
21 don't want to sign their name to permission forms.
22 And they're not going to want to admit to a
23 history of mental illness. Others have already
24 spoken about this. In fact people will go out of
25 their way to minimize histories of disability.

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I recently interviewed a woman from an assessment shelter who said she'd been evicted from a Housing Authority apartment in the Valley Lodge Neighborhood but she had no ID, all of it was stolen. She said that her eviction papers were stolen. And she refused to sign a permission form so that I could talk to the Housing Authority to find out what happened because I wanted to see if we could do something for her. She stated that she'd been spending the night in the subways until eventually entering the system. But I'm concerned that if the current procedures were implemented,

1
2 this lady might have been denied shelter for non-
3 cooperation.

4 I'm also concerned as others have
5 mentioned that these procedures fail to mention
6 any special provisions for periods of severe
7 weather conditions. There is a Code Blue for
8 severe cold weather and there's a Code Red for
9 severe hot weather. And no where in these
10 regulations do they specify anything to do with
11 the Code Blue and the Code Red.

12 But now I'd like to talk about
13 something else which this Committee has been
14 involved in and that is the difference between
15 placement and diversion. In 2010 the Department
16 of Homeless Services began to implement a much
17 needed addition to the rules of the City of New
18 York, a Chapter entitled Single Adult Permanent
19 Housing Referral Criteria.

20 This change would not have occurred
21 without the work of this Committee. Under the new
22 regulation, shelters are denied credit for making
23 placements to sub-standard facilities. That is
24 facilities found to be on certain lists,
25 maintained by the Fire Department, Buildings

1
2 Department, HPD, and the New York State Department
3 of Health.

4 Many of these now-prohibited
5 referral sources were unlicensed residences, known
6 as three-quarter houses that had come to the
7 attention of the City and State because of serious
8 health and safety violations. I am afraid that
9 under these new eligibility procedures there will
10 be nothing to stop unscrupulous operators from
11 opening new as yet unknown three-quarter houses
12 and making their availability known to DHS
13 resulting in people seeking shelter being
14 diverted, not placed, but being diverted to
15 facilities that are substandard.

16 And as I've mentioned the City
17 Council and in particular the General Welfare
18 Committee played a major role in getting the rules
19 changed to bar placements to substandard housing.
20 So I urge the members of the Committee to be aware
21 of this threat to the progress that has been made.

22 Now there was some allegation that
23 the proposed change was not being established
24 because of a cost-cutting measure but I echo those
25 who have asked that the Committee should view the

1
2 budget for the implementation of these procedures
3 which would appear to require quite a number of
4 additional investigators and licensed social
5 workers.

6 Interestingly enough as a shelter
7 director I have not been informed officially by
8 DHS about the new eligibility procedure which is
9 supposed to start Monday. I've not been told how
10 these new rules will relate to our shelter which
11 is not an assessment shelter.

12 Another issue I'd like to bring up
13 is in the past when DHS has implemented new
14 procedures, there have been special mandatory
15 training sessions for staff as well as explanatory
16 materials. This has certainly been the case for
17 the new CARES computerized information system for
18 the adult and family shelter system. CARES is
19 replacing a system used for over 25 years in adult
20 shelters. The latest information I have received
21 from DHS is that CARES will be going live in mid-
22 November at intake sites.

23 So the decision to require an
24 eligibility determination for single shelter
25 clients is a momentous one and to inaugurate this

1
2 change at the same time as the CARES system is
3 being introduced and as winter approaches does not
4 make sense. So that is my statement. And I thank
5 you for the opportunity to make it.

6 CHAIRPERSON PALMA: Next speaker.

7 MS. KENDALL JACKMAN: Good
8 afternoon. My name is Kendall Jackman. I am a
9 member and Housing Campaign Leader with Picture
10 the Homeless. And I am a shelter resident. When
11 I came down today I didn't plan on speaking but
12 when I came through the door, something said I
13 needed to speak.

14 I listened to Seth Diamond and my
15 brain is still trying to catch its breath because
16 he learned his script very well and he stayed to
17 it as usual. Your immediate issue today is to
18 make sure the madness they're trying to implement
19 on Monday doesn't go through.

20 As somebody who lives in the
21 madness, I saw what Patrick and the other panel
22 were talking about. There are women in my shelter
23 who are DV. They are placed wherever DHS decides
24 to place them. One young lady is living four
25 blocks from her abuser. And he knows she's there.

1 We have MICA patients in my
2 building and I'm supposed to be living in a
3 working shelter. One person was referred to a
4 shelter. She came back two days later and said I
5 don't like it there. When we make her mad she
6 locks herself in the bathroom and when she comes
7 out she has painted the bathroom with her feces or
8 she's thrown it out the window or she's thrown
9 urine.
10

11 I say all this to say that the
12 system is broken as it is now. What they're
13 trying to implement is taking a hammer to an
14 already broken system and making the pieces
15 smaller where they hope to make it harder to put
16 it back together again.

17 But what needs to be done since the
18 homeless population is the new cash cow, the
19 nonprofits running the system need to be examined.
20 There are women in my shelter who are on fixed
21 incomes who could be housed who are sitting there.

22 Chairman Palma, your office knows
23 me. I've been walking with this cane since last
24 June. The case managers in my facility, most of
25 them are housing specialists who were turned into

1
2 case managers. I have to give two of them credit.
3 They've learned quickly and they've been very
4 helpful. But it took somebody, one of these
5 women, over a year to say the Coalition for the
6 Homeless has a program that can help you. So now
7 I'm working with the Coalition for the Homeless
8 trying to get my Social Security to get out of the
9 system.

10 We have children who are there
11 because they don't like the rules their mothers
12 have. DHS and most of the providers are not
13 providing the services we need. And once you get
14 this piece taken care of you really need to go
15 back and look at what's being done because we're
16 sitting and we're waiting.

17 When you said that NYCHA, if a
18 referral from DHS could get you into NYCHA, we're
19 told it doesn't work. And it doesn't happen. But
20 you have people who can be moved out of the system
21 into permanent housing and not warehoused. And as
22 you know Picture the Homeless is trying to work on
23 finding more affordable housing for us.

24 But until then there are those who
25 can be moved and can be comfortable and not living

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2 in a situation where you don't know if the woman
3 next to you is going to wake up in the middle of
4 the night and start beating on you because she's
5 having a flashback or because she needs to be in a
6 MICA shelter or she needs to be committed because
7 her family are the ones who brought her to the
8 system 'cause they can't deal with her anymore,
9 like one of the women in my building.

10 Hopefully what he wants to
11 implement Monday won't go through. But once
12 that's taken care of, a look at the system overall
13 and what the providers are not doing for us needs
14 to happen. Thank you.

15 CHAIRPERSON PALMA: Thank you
16 Kendall.

17 MS. NANCY DOWNING: Good afternoon.
18 My name is Nancy Downing. I'm the Director of
19 Advocacy for Covenant House, New York. We are the
20 largest privately funded runaway and homeless
21 youth shelter in the United States. In the City
22 of New York on a nightly basis we house about 155
23 young people in our crisis shelter and another 150
24 in our transitional living program.

25 The crisis shelter much like the DV

1
2 shelter is a time-limited shelter. The runaway
3 and homeless youth laws require that a youth
4 cannot stay in a runaway and homeless youth
5 shelter for more than 30 days. If they are going
6 to be there for more than 30 days, we can get a
7 30-day extension but only with the permission of
8 the Youth Bureau.

9 So it's a very limited time that we
10 have to work with these youth. The stays in our
11 transitional living program have gone from an
12 average of 7 months to an average of now 12 months
13 because there is no place for these young people
14 to go once they leave the transitional living
15 program.

16 What we've seen with the Department
17 of Homeless Services shelter system, we're very
18 familiar with PATH, because many young women are
19 referred from PATH to our shelter. This year
20 alone over 300 young women have been referred by
21 PATH to Covenant House for shelter. And in the
22 City's single shelter system although we don't
23 keep as good of a record in terms of the numbers
24 that have been referred, the numbers are
25 increasing and the year to date is at least 135

1
2 young people have been referred. And I'm talking
3 about youth who are between the ages of 18 and 21,
4 not under the age of 18.

5 So we're already receiving a number
6 of youth being referred by the Department of
7 Homeless Services to our private shelter. We do
8 get some City funding--

9 CHAIRPERSON PALMA: [Interposing]
10 I'm sorry Nancy, let me ask.

11 MS. DOWNING: Mm-hmm.

12 CHAIRPERSON PALMA: So they, the
13 youth that you're referring to, 18 to 21, have
14 gone to the PATH center.

15 MS. DOWNING: Yes.

16 CHAIRPERSON PALMA: Have been
17 found?

18 MS. DOWNING: Some have been found
19 ineligible but the greater majority--

20 CHAIRPERSON PALMA: [Interposing]
21 Are referred to?

22 MS. DOWNING: --have been diverted.

23 CHAIRPERSON PALMA: Diverted to--?

24 MS. DOWNING: [Interposing] To
25 Covenant House.

CHAIRPERSON PALMA: With no connection to any other services, just go to Covenant House--

MS. DOWNING: [Interposing] That's correct.

CHAIRPERSON PALMA: --they should be able to help you.

MS. DOWNING: Yes.

CHAIRPERSON PALMA: And in 30 days, you're supposed to make sure that, you know, you're connecting these youth to services--

MS. DOWNING: [Interposing] Yes.

CHAIRPERSON PALMA: --and finding them a permanent place to live.

MS. DOWNING: That's right.

CHAIRPERSON PALMA: All right.

MS. DOWNING: So I just want to tell you like the last 2 months alone, in September we had 402 inquiries that we were not able to provide beds for. In October we had 413 inquiries that we were not able to respond to by providing a bed for. So we're already turning away from our shelter hundreds of young people each night.

So it's not simply that they have to provide documentation of the housing that they've been in but if they have been sleeping on

1 the streets, which many of our youth have been
2 doing, they have to provide documentation of that
3 as well. For young people who developmentally
4 are, you know, are still developing as adults,
5 they don't have the resources to be able to go out
6 and get that kind of documentation. So it's very
7 difficult. If they're struggling with family
8 members, family members won't cooperate and
9 provide that documentation.
10

11 They indicated, the Department of
12 Homeless Services indicated that they worked with
13 NYCHA in terms of getting forms so that these
14 young people can stay in an apartment. But what
15 if the occupier of the apartment doesn't want them
16 there? So NYCHA and DHS is going to make that
17 agreement? And that doesn't seem to make sense.

18 In addition to which, our
19 experience has been that NYCHA, everybody knows
20 that if you're not the primary tenant or a tenant
21 listed on the lease, that you can't stay in NYCHA
22 housing. But when a youth will go get a letter
23 from NYCHA which simply says who the primary
24 tenant is and who the tenants are and they're not
25 listed as a tenant there, that's not sufficient

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2 evidence. They have been told that NYCHA has not
3 said that they cannot live there. Well we all
4 know they can't but you have to get a letter from
5 NYCHA which NYCHA will not provide because they're
6 not the tenant.

7 So it leaves them in this sort of
8 Catch-22. So I guess my point is there are
9 already significant problems out there for
10 particularly the young people to overcome. Folks
11 who are homeless who have mental health issues to
12 overcome in terms of getting shelter services. So
13 we're just putting additional barriers in the way.
14 So I really ask and beg the City Council to please
15 help us not to let this go through. It would be
16 very devastating.

17 MS. TERRY GRACE: Good afternoon.
18 Thanks for having this hearing and for welcoming
19 us here. My name is Terry Grace. I am a member
20 of St. James Episcopal Church on the Upper East
21 Side. I'm on the Social Concerns Commission of
22 the Episcopal Diocese of New York. And I am on
23 the Shelter Committee for the shelter that my
24 church shares with Madison Avenue Presbyterian
25 Church. It's a 12-bed shelter for single,

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homeless men.

And for 6 months at the beginning of 2011 and 2010 we also ran what I call a street shelter where people came directly from the street outreach teams into another shelter that was just right next door for 12 men who were--and I think at one point we may have even had some women who came right from the outreach teams in.

But that was a professionally run shelter and we had to raise our own money for it 'cause DHS wouldn't fund it in the second year. And then our shelter is volunteer-run. It was surprising for me to hear Commissioner Diamond say, well, all these intake processes and the stricter eligibility requirements, I was wondering what was going to happen to the drop-in centers in this mix 'cause no one mentioned them except George Nashak when he was asked about the strict intake requirements for the regular intake centers.

And he said but of course we have outreach teams out there doing, you know, doing their things and bringing people right in off the street and we have the drop-in center system

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2 that's combined with the faith congregation
3 shelters. But there was nothing more said about
4 that.

5 And I'm wondering the faith
6 shelters are volunteer staffed for the most part
7 so we need the people who have more coping skills
8 usually and no mental illnesses, hopefully, and
9 people who are on their medications, and hopefully
10 haven't been drinking that day and haven't been up
11 on drugs that day. There was no discussion of
12 that. And I think if this whole thing applies to
13 our system as well on Monday, we've got a lot of
14 work to do over the weekend.

15 I'm a member of the Steering
16 Committee of the Emergency Shelter Network which
17 is a 62-shelter network of the faith-based
18 shelters, mostly volunteer staffed. We're
19 citywide. We take only homeless single adults,
20 mostly men, some shelters have women also. Some
21 are co-ed, most are single sex shelters, either
22 men or women. And I think that we're up to like
23 450 beds in the winter season which is when most
24 shelters are on line.

25 Why are we trying to prevent people

1
2 from seeking services that will bring wholeness
3 and dignity to their lives? Where they can get up
4 and at 'em and have stability. We've actually had
5 people come through our shelters who have stayed
6 with us for three or four months and then they
7 have been able to get their life together with the
8 help of their drop-in center case management staff
9 and go out and get a job. And some are now coming
10 back and saying we'd like to volunteer at the
11 shelter to say thank you.

12 If these people are terrified and
13 treated as, basically what I heard, treated as
14 criminals, they're demonized for not being able to
15 tally everywhere they've been in the last year and
16 it's like you're guilty before you're innocent,
17 who's going to go? They're all going to stay
18 under the bush in the park, the steps of our
19 churches, the steps of our school buildings.

20 That's where they're going to go.
21 There are a lot of those folks there now. Because
22 they're terrified and if we're going to put the
23 word out, it's going to be tough, you may never
24 see a house again. They're going to find other
25 ways and I hate to say what the young people do in

order to get money for a bed. It's not good.

About three years ago I was sitting here at this table and we were talking about the closure of more doors. The four drop-in centers were closed and we were sitting here three years ago talking about this. So this is a progressive system under this Administration to reduce access for the poorest of the poor New Yorkers to get some kind of assistance. We've got 311 out there but that doesn't help someone get housing.

And here we are back again: more doors closing, more services hard to get. All of our faiths in our system call us not to do this, to treat people with dignity, with the love that God wants us all to have. Thank you very much.

CHAIRPERSON PALMA: Thank you. Thank you for your testimony. Our next panel, Andy, mm-hmm, my friend Andy. Cassandra Agredo, yeah? William Boone. And Patrick Cooper.

[Pause]

CHAIRPERSON PALMA: So we're missing, I guess, two. Cassandra, right? And William? Patrick. And we're missing William Boone and Andy Logan. They left. Okay. So. You

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can start.

MS. CASSANDRA AGREDO: good
afternoon Madam Chair and my name is Cassandra
Agredo. I am a licensed social worker, a term
that we heard a lot today. I'm the Director of
Xavier Mission which is the outreach programs of
the Church of St. Francis Xavier. And I'm also a
member of the Steering Committee of the Emergency
Shelter Network, the faith-based network of the
City. Thank you for holding this hearing. I also
apologize for not having written testimony but I
will get that to you as soon as possible.

I just have a few very brief
observations to make. A lot of it has already
been said. But as somebody who works not only on
the larger level with the Steering Committee of
the Emergency Shelter Network but also with our
own shelter and soup kitchen and food pantry and a
clothing room and life skills training program, we
see a lot of these policies, what happens to it on
the ground level.

My concerns about this proposal,
initially, the level of subjectivity at every
level of this plan. First off the intake worker

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2 who is identifying a possible mental or physical
3 disability. As some of my colleagues have said,
4 those issues are not always apparent.

5 And there is a little bit of
6 confusion, does a social worker, is that person
7 the first person who sees these people? It didn't
8 seem like it in the plan although I think that's
9 what George Nashak said at some point. But it
10 seems like the intake worker is supposed to
11 identify if this person has a mental disability.
12 A lot of people who have mental disabilities come
13 off as belligerent and uncommunicative and
14 difficult. And so that might be overlooked. It's
15 very subjective.

16 The veracity of the applicant and
17 the primary tenant. What does that mean? It's
18 subjective. It's completely up to the worker who
19 is doing this. There is no policy for what
20 constitutes someone's veracity. Valid reason for
21 not having proper documentation, what are valid
22 reasons? None of this was spelled out. Again,
23 it's subjective. Imminent threats to health or
24 safety, all of this language that's in here, there
25 is no concrete, hard and fast rules for

1
2 implementing this. And that can be very dangerous
3 especially when you're working with people who are
4 overworked and overburdened as it is and as we
5 know there are problems already with relationships
6 between intake worker and applicant.

7 A second concern that I have is the
8 very, very paradoxical nature of this entire
9 document. They put the onus on the applicant. It
10 specifically says the onus is on the applicant to
11 prove they don't have housing. Many of my
12 colleagues have pointed out that how can you prove
13 some of these things. And then it goes on to say
14 if you can prove it with a written statement from
15 your primary tenant, they still don't believe you.
16 And they still want more. It doesn't make any
17 sense at all.

18 We want people to be self-
19 sufficient and empowered to help themselves,
20 that's the point of everyone who is in this
21 business. It's supposed to be the point of DHS.
22 They'll say it themselves. But then we don't give
23 people the benefit of the doubt about whether they
24 in fact can determine themselves that they need
25 shelter. So right away that's taking away any

empowerment that we are attempting to give them.

Being in the shelter as you stated before, Councilmen, can be the quickest way to permanent housing situations through what's supposed to be priority. So keeping people in temporary housing situations is only extending their homelessness and also increasing the length of time they're going to be homeless and maybe increasing the number of times they're going to come back again and again and again.

Is that actually going to save money if people keep coming back? And the intake process is now 2 hours instead of 45 minutes. Over time, that seems like it will actually be more expensive. And there will be more time spent on people who have to keep trying to reenter the system to get what they need.

Again we want people to be self-sufficient but we expect them to spend down their savings until they are penniless in order to receive services. There was a \$2,000 threshold. So ensuring that, you know, if they do get an apartment they'll have no money for a security deposit. They'll have no money for home needs

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2 once they get housing or anything else that they
3 might have been, you know, saving that money for
4 and needing that money for. You have to be
5 actually at the bottom of the bottom of the bottom
6 in order to get services if you're lucky.

7 It goes with a continuous attitude
8 towards those who are in need that's been
9 displayed by this Administration. We fingerprint
10 people who need food stamps to expose fraud. And
11 now in the same way we're going to search them for
12 unreported assets to expose what? A couple of
13 thousand dollars, a couple hundred dollars? Or
14 are we looking for millionaires who are looking
15 for free housing and just trying to bilk the
16 system? It's really geared to keep people down
17 who are already down.

18 And then I just want to remark a
19 little bit on what Terry just touched on. It was
20 very interesting to hear George Nashak kind of
21 extol the faith-based shelter system when for the
22 last three years we've been show little to no
23 support by DHS. Shelters have been closed. Drop-
24 in centers have been closed. If it's really a
25 problem for them to continue to provide shelter

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2 for so many people, we should be the first avenue
3 that they're turning to. We have beds. We have
4 the ability to open more beds.

5 Right now our beds are not full.
6 We have vacancies which is ridiculous. And we've
7 been told by DHS that there is not a mechanism at
8 the City shelters for diverting people to us. So
9 many people go into the City shelter and don't
10 know that the faith-based shelter system exists.
11 And when the intake happens and they are found to
12 be eligible for our shelters, they're not diverted
13 to our shelters which would take some of the
14 burden off of the City shelter system.

15 On the flip side when people do
16 find out that we exist, if they already have a HA
17 number and have been recent clients of the City
18 shelter system, it is very, very difficult for
19 them to switch to the faith-based shelter system.
20 They have to go through a whole rigmarole in order
21 to do that. So we are a completely underused
22 resource, one that could be very helpful in this
23 particular situation. And we just--utilize us.
24 Thank you.

25 CHAIRPERSON PALMA: Thank you. I'm

1
2 sorry, besides Patrick, I know the young lady is
3 filling out a card. Did you get to fill out?

4 MS. ANDY LOGAN: Andy Logan.

5 CHAIRPERSON PALMA: Oh, Andy, okay.
6 Sorry Andy. I'm sorry Andy. Yeah. Sorry. Okay.

7 [Pause]

8 MS. ANDREA LOGAN: Okay. Thank
9 you. My name is Andrea Logan and I just heard
10 about the meeting earlier today so unfortunately I
11 didn't have an opportunity to properly prepare all
12 of the issues that I would like to address. I
13 just want to say right off the bat I am a homeless
14 woman. My son and I have lived in the homeless
15 shelter system for over five years. I do have
16 extensive documented disabilities and other issues
17 as the result of a stroke. I have been trying
18 very, very hard for a very long time to pound the
19 pavement and try to make the system work for us.

20 We have been transferred to maybe 6
21 or 8 different shelters over that period of time.
22 I can speak to issues such as the involuntary
23 transfer hearing. Seth Diamond, I just want to
24 say this, it's my opinion, I think the man is a
25 liar. I think that he has purposely misled the

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2 City Council. I believe that he has intentionally
3 misstated statistics. I think that he has studied
4 that very famous book How to Lie with Statistics.
5 I think it's a disgrace.

6 And if I can tell you some of the
7 things he said, for example, that when you are
8 having a hearing if you can't have your attorney
9 present all you have to do is request an
10 adjournment. This is not the case. I had an
11 involuntary transfer hearing coming up because a
12 few months ago, six months ago, having been in the
13 shelter for five years, I went to the Human Rights
14 Commission and I said the Advantage vouchers are
15 discriminatory.

16 If you have a child, a family of
17 two, gets a voucher for \$1,070. And if your child
18 is over the age of 12 and of the opposite sex, age
19 and sex being classifications for protection,
20 females being 98% of heads of household, also a
21 disparate class which would be protected, that
22 they do not give you an additional budget. But if
23 your child is of the opposite sex and over the age
24 of 12 you are forced in order to meet the
25 requirements of the Advantage voucher to seek an

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additional bedroom for your child.

Well you're handicapped. You now have to find a much larger apartment than someone with a child of the same sex. So I had discussions regarding bringing a class action lawsuit against the City on behalf of all the women who were in these positions. And shortly thereafter, it doesn't matter, the vouchers were discontinued in any event.

But we had, my son was put into foster care. I haven't seen him in six months because I said we've been in shelter for too long, the vouchers are discriminatory, and I want a meaningful housing voucher that will comply with all of our disability needs which are well and extensively documented. And you are spending our budget letter just for the City alone was \$4,670 a month to live in a room that was about the size of our old walk-in kitchen in our co-op apartment.

We lived like animals. I cannot, I have thousands of photographs that I would love to share with the City Council regarding the inside of these shelters. For them to sort of make this allegation that people can't wait to get into the

1
2 shelter and therefore we should make it as
3 difficult as possible is really just beyond
4 belief.

5 The civil and constitutional and
6 human rights violations that are literally part of
7 the written policy, not just the unwritten
8 policies that DHS implements on a daily basis, I
9 really think and I would love to encourage the
10 City Council and I could go on here but I don't
11 really want to, I just want to say that I wish
12 some sort of agency which has judicial oversight
13 review powers can be created, not unlike the Human
14 Rights Commission, not unlike the Civilian
15 Complaint Review Board, because DHS, ACS and HRA
16 have way too much power and they answer to no one.

17 They are arrogant and they get away
18 with things that are truly atrocities. And it's
19 disgraceful. And it has to stop somewhere. And
20 we need to rethink this plan. And with the
21 billions and billions of dollars that taxpayers
22 are paying, pouring into this hole, homelessness
23 is a big business, huge business. Our storage
24 locker fees alone that HRA pays for the five years
25 was \$3,000-something a month, together with the

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2 City's money of \$4,670. And that doesn't include
3 the State and the Federal money that all those
4 taxpayers are being ramrodded with.

5 And I'm not saying that homeless
6 people don't deserve the assistance, what I'm
7 saying is that these contracts are out of control.
8 And the money is being mismanaged and misspent.
9 And there is no oversight. We have filed so many
10 Freedom of Information requests from ACS, DHS, and
11 HRA, and every single time they refuse to comply
12 with the FOIL requests. We actually had to go
13 into Supreme Court, I cannot tell you how many
14 times, to get them to comply. It's shocking. And
15 they refuse to release statistics.

16 And the games that I saw here today
17 that I was listening to, I mean it's embarrassing.
18 I mean they have no shame. It's an embarrassment.
19 And as a homeless woman whose son is now taken
20 away from me because allegedly I failed to secure
21 housing... a 2-bedroom apartment, where, on which
22 planet, for \$1,070? Really?

23 And DHS, and I'm facing a double
24 knee replacement. I was assaulted in the first
25 shelter. My spine was fractured in three places,

1
2 jaw broken, knee shattered, et cetera, et cetera.
3 They're trying to show us apartments that have
4 dividers in the middle of the living room. They
5 call that a 2-bedroom. There is no living room.
6 You have a kitchen and it's a 5th floor walkup.

7 Now when they took my son into
8 foster care and then wanted to transfer me to an
9 evaluation center to enter the single women's
10 shelter system, I made, you have 30 days, they
11 give you a 30-day notice that if you fail to
12 constitute a family you will automatically have to
13 leave the family shelter. So they took my son
14 away. Perfect. Now they can get rid of me.
15 Okay. At that time when I was served with those
16 documents I made a request for reasonable
17 accommodations--

18 CHAIRPERSON PALMA: [Interposing]
19 So Andy let me ask.

20 MS. LOGAN: Sure.

21 CHAIRPERSON PALMA: You were
22 reported to ACS by DHS?

23 MS. LOGAN: Correct.

24 CHAIRPERSON PALMA: DHS called ACS
25 and said--

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2 MS. LOGAN: [Interposing] Well
3 that's the only way they can get you an Advantage
4 housing voucher.

5 CHAIRPERSON PALMA: --you failed to
6 comply by getting appropriate housing.

7 MS. LOGAN: Right. And therefore
8 my son was being harmed because he had been in
9 shelter for too long.

10 CHAIRPERSON PALMA: Okay.

11 MS. LOGAN: So I requested a
12 reasonable accommodation to enter the single
13 shelter thing because they said we will send you
14 to an evaluation center. And I said that is
15 duplicitous. We've already been in the system for
16 five years. My disabilities are extensively and
17 well documented. It is, you know, unreasonable
18 that you should put me into one of these
19 evaluation centers.

20 I did go to the evaluation centers
21 both in Brooklyn and in the Bronx. And I
22 interviewed. They wouldn't allow me into the
23 system. As soon as they head my name they were
24 like had police come and escort me off the
25 premises because I said the Supreme Court judge

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1 is Patrick Cooper. I didn't really plan in
2 speaking today but as I came in, I'm a shelter
3 resident, I'm a product of DHS. And there's a
4 couple of things I'd like to touch on today.
5

6 One of the things I'd like to touch
7 on, there's a lot of DHS policies that are going
8 into effect. And the people that are affected are
9 the last people to know. All right. Like this
10 particular policy that DHS is trying to implement
11 which I think is crazy.

12 I mean why wasn't people that are
13 subject to this made aware that there's going to
14 be a hearing on the facts, you know? I'm like
15 there's three shelter witnesses. I know Kendall.
16 We're both members of Picture the Homeless. I
17 don't know this woman here but she's in the same
18 predicament as me, a product of DHS. I mean I
19 only found out because I associate and I work for
20 Picture the Homeless.

21 All right. What I do presently,
22 I'm an outreach worker for Picture the Homeless
23 and I see a lot. And one of the things I try to
24 do being a product of DHS and being an outreach
25 worker, I try to integrate people that need help

1
2 into the system. But I'm not as big as some of
3 these big agencies so I'm a small guy. And I
4 think I do a noble thing by knowing the system and
5 teaching people how to navigate it and how to get
6 into it as quickly as possible and try to get
7 services that they need.

8 All right. One of the issues that
9 I want to go into is like she like took the
10 thought out of my mouth when she said they put her
11 son in foster care. I think what this present
12 thing that they're doing, that's a perfect
13 example. You don't want to stay with your family.
14 And now they're going to say, well, now you're not
15 taking care of your kids. All right. You and
16 your kids are riding the subways, what's going to
17 happen? Now you went from being homeless and not
18 having a job to losing your children. You know,
19 ACS comes in and empowers that.

20 Fair Hearing, I've been there, done
21 that. But not only DHS level but the problem with
22 Fair Hearing is you go to Fair Hearing and you
23 win. You're victorious. And they say, okay, but
24 compliance. All right. After you win you don't
25 get automatic compliance even if you're right.

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1 think that this--I'm not a real articulate speaker
2 but I can just--

3 CHAIRPERSON PALMA: [Interposing]
4 You've done just fine. I understand everything
5 you're saying.
6

7 MR. COOPER: I can tell you this
8 from the work I do now and the work I'm down at
9 Occupy Wall Street trying to provide service
10 there, that's new for me. It's a big community.
11 As far as what I know about this Commissioner
12 Diamond and as far as DHS system as a whole, DHS
13 system, I'm not saying all their policies are bad
14 but this policy they're trying to implement, we've
15 got--like somebody said, we've got Code Red and
16 Code Blue.

17 We're getting ready to go on a Code
18 Blue season. So if you're going to deny somebody,
19 you know, based on eligibilities that--I just want
20 to say this. All right?

21 I don't want to knock the social
22 work community, all right, but his famous line was
23 I have licensed social workers, I have licensed
24 social workers. I work with social workers every
25 day, especially down at Occupy Wall Street. But

1
2 even though you're a licensed social worker, you
3 could make a mistake. All right?

4 And once you make a mistake or you
5 have licensed social workers that have
6 personalities, you know, they get mad at an
7 individual and with the stroke of a pen,
8 [laughing], you could get the wrong violation.
9 No, nothing--

10 [Crosstalk, laughter off mic]

11 MR. COOPER: --you know, and I've
12 been in system where I've seen this. You know you
13 have professional people but they're not always
14 working on a professional basis. You know? You
15 say the wrong thing, all right, I'll fix you.
16 Ineligible based on whatever they decide that they
17 want to write.

18 And like I've said, I've seen this
19 time and time. And they've been in DHS. I've
20 been in and out. All right. My thing is I want
21 to strive to get out of this. That's why I
22 started at the bottom. Okay. I picked up a
23 little job until I'm able to get a full-time job.
24 It's not that easy. But then again I'm in the
25 system that says, you know what, you have to get

1 welfare in order to stay. DHS says this.

2 I don't want welfare. Because
3 welfare is a pain in the neck and I've got to go
4 through a lot of hoops. I mean I can work. I've
5 got no problem working. You know, I go out and I
6 still interview for jobs but the fact is for them
7 to tell me that I have to do this in order to
8 qualify. Certain one of their policies are
9 ridiculous and to me this is the most ridiculous
10 policy I've ever heard. And I ask the Council to
11 do everything they can to change this policy.
12 Thank you very much.

13 CHAIRPERSON PALMA: Thank you
14 Patrick.

15 MS. VERONICA TORRADO: Hi my name
16 is Veronica Torrado [phonetic]. I'm representing
17 Picture the Homeless. I am a staff person doing
18 Leadership Development Coordination for our
19 membership. And today I want to thank you all for
20 having this hearing. It's extremely important
21 that the community's voices are heard because this
22 policy cannot be passed. It will like devastate
23 our communities, our City, our families, and
24 friends.
25

1
2 I want to share my story and
3 experience of being in the shelter system because
4 I feel like it is an example in itself that the
5 shelter system does not resolve any issues, in
6 fact, makes people's lives worse. My family was
7 evicted in 2005 from our Red Hook home. And we
8 lived with members of our family and friends for a
9 while and then it just wasn't enough. And we had
10 to leave. So we went to the shelter system.

11 And the first shelter we went to
12 was in the Bronx on 183rd and 3rd and it was a
13 decent place. We all had like our separate
14 bedrooms for the most part and it was clean. But
15 because my mother had an issue with my uncle who
16 had cancer we switched shelters.

17 When we switched shelters to
18 Brooklyn, we, it was kind of like a juxtaposition
19 from like this really great like image of what a
20 shelter could be to the worst possible place you
21 could be. And the building was a complex that
22 took up at last half of the block, a gated
23 facility, almost like a prison. And you had to
24 walk in and sign in each time you would come in.

25 As a youth, my issue is a little

1
2 different than others because I needed a parent to
3 come sign me in. Now if my mom is in the hospital
4 taking care of her issues, where am I supposed to
5 go when I come home from school or I'm done with
6 internships or work? Right?

7 I'm left to be out in the street.

8 And for a majority of the time in the shelter
9 system that's exactly what I experienced. Being
10 out in the street or having to, what other folks
11 are talking about, is be involved with people that
12 you don't want to be involved with, just to have a
13 place to stay, especially in the cold weather.

14 And now this shelter, none of us
15 had our own space. We literally like lived in
16 each part of the apartment. So my brother lived
17 in the kitchen/dining room. The kitchen was right
18 across from the bathroom, literally like two steps
19 away. And then right, like, three more steps over
20 you're in another bedroom, so to speak. And
21 again, this like really closed white space with
22 bars surrounding you.

23 One of the worst shelters that my
24 family was in is what they call I think like the
25 Last Step Program where if you're in the shelter

1
2 system for too long they put you in a place that's
3 even worse than any other place that you went to.
4 Auburn Shelters which is close to Brooklyn
5 Hospital.

6 My experience there only lasted
7 about maybe 30 minutes because we immediately
8 left. And Auburn Shelters, you walk in and you're
9 immediately greeted by NYPD and a security
10 station. You have to put your stuff through the
11 security station. And when we walked in the
12 police officer said, you know, fill out this card
13 and just put your contact information and we're
14 going to need to take a picture of you with a
15 Polaroid camera. And my mother asked, you know,
16 well why do we have to take a picture? And she
17 said well God forbid anything happens to you and
18 we need to identify your body. We need this
19 picture.

20 It was, you know, automatically in
21 my head I'm like well how bad is it here? And
22 this is ridiculous. Afterwards we met with a case
23 worker, got everything filled out, and when we
24 went up to the place where we would be staying,
25 the floor smelled extremely like ammonia. It was

1
2 in no way living conditions for anybody. My
3 mother ended up having an asthma attack with all
4 the, you know, things that she was probably
5 thinking could happen in this shelter, ended up
6 having a panic attack as well and we left right
7 away.

8 And that was the day before my
9 birthday so you could imagine how interesting my
10 birthday must have been. But it's just to say
11 that the shelter is in now way a place for anybody
12 to live.

13 And any renovations that they're
14 doing to these buildings do not speak to how the
15 treatment of folks who are in the shelter, does
16 not speak to the shelters that aren't being
17 renovated, that are in the worst conditions
18 possible so that people can leave the shelter
19 'cause they don't want you there anymore.

20 And similar to what you were saying
21 is that when you're going to look for apartments
22 with your case worker, they're trying to put you
23 in the worst possible position. And you're not in
24 the shelter to keep moving around because you're
25 trying to find stability. If the places that

1
2 they're showing you are not places that you can
3 live there permanently, nobody's going to sit
4 around and let it just happen. The place that my
5 mom was referred to was similar to what you were
6 saying, it wasn't a space for enough of the people
7 in the family. And we refused to do that which is
8 why we got put in Auburn Shelters.

9 But I just want to say that if
10 anything we should be trying to get folks who are
11 homeless housing in these vacant properties that
12 are all over the City. On top of that, the
13 shelter system is a way for folks to immediately
14 get served. And we can't be denying folks that
15 space to find stability 'cause they're already in
16 one of the hardest positions ever to lose
17 everything. Thank you.

18 CHAIRPERSON PALMA: Thank you
19 Veronica. Thank you. I want to just thank
20 everyone who came to testify. And your testimony
21 is definitely appreciated. And I guess from the
22 hearing, you know the position of the City Council
23 in terms of DHS's new policy.

24 And we hope to continue to work
25 with DHS to come to terms with what really we need


1
2 to do to make sure that people are not turned away
3 into shelter and put out into the streets. With
4 that, I will conclude today's hearing.

5 Oh, before I conclude, I just want
6 to really thank the staff for quickly turning
7 around this hearing. I mean this is a 3-day work
8 week and this Committee will have tomorrow, three
9 hearing so they've been working really, really
10 hard and I just wanted to mention that Liz,
11 Jennifer, Molly, we dragged you back in to the
12 chair but I really appreciate all the work that
13 everyone has done around this particular hearing
14 but also in general. So with that I conclude
15 today's hearing. Thank you.

16 [Gavel banging]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in dark ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____November 16, 2011_____