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## **REMARKS OF**

# COMMISSIONER ROSEMONDE PIERRE-LOUIS

## MAYOR'S OFFICE TO COMBAT DOMESTIC VIOLENCE

BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON PUBLIC HOUSING

"Evaluation of the Victim of Domestic Violence Need-Based Preference Category and Support and Services for Victims of Domestic Violence in NYCHA Developments"

October 14, 2014

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Good morning Chairperson Torres and members of the City Council Committee on Public Housing. I am Rosemonde Pierre-Louis, Commissioner of the Mayor's Office to Combat Domestic Violence (OCDV). Thank you for the opportunity to speak with you today about the Mayor's Action Plan (MAP) for Neighborhood Safety, a coordinated plan to make New York City's neighborhoods and housing developments safer by reducing violent crime and fear, building stronger neighborhoods, and holding ourselves accountable. Our office is participating in this new initiative by launching a New York City Housing Authority Domestic Violence Response Team (NYCHA DVRT) in the fifteen housing developments<sup>1</sup> that account for almost 20% of all violent crimes in NYCHA.

Domestic violence in New York City is pervasive. Last year alone, the New York City Police Department (NYPD) responded to 284,660<sup>2</sup> domestic incident reports (DIRs) citywide – which is almost 779 reports every day. Remember, those are only the number of reports that were filed with the police and we know that many victims do not seek assistance from law enforcement. In fact, of the 62 domestic violence related homicides last year, 75% had no contact with the police prior to their murder.

<sup>&</sup>lt;sup>1</sup> The fifteen identified NYCHA developments include: Red Hook, Tompkins, Bushwick, Van Dyke, Ingersoll, Brownsville, Boulevard, Castle Hill, Patterson, Butler, Wagner, Polo Grounds, St. Nicholas, Queensbridge, and Stapleton. This list includes 7 developments in Brooklyn, 3 in both the Bronx and Manhattan and 1 in both Queens and Staten Island.

<sup>&</sup>lt;sup>2</sup> Broken down by borough, in 2013, there were 81,768 DIRs in the Bronx, 91,362 in Brooklyn 39,893 in Manhattan, 56,730 in Queens and 14,907 in Staten Island.

The New York City Family Justice Centers (FJCs), operated by my office and currently located in the Bronx, Brooklyn, Manhattan, and Queens, provide comprehensive multi-agency services for victims of intimate partner violence, elder abuse and sex trafficking in one location. Each Center is colocated with the local District Attorney's Office and has NYPD Domestic Violence Prevention Officers (DVPOs) on-site, in addition to staff from over 35 community organization partners who offer counseling services for adults and children, civil legal assistance, immigration assistance, economic empowerment and supportive services. The FJCs are walk-in Centers that provide free and confidential services regardless of the client's language, income, immigration status, gender identity or sexual orientation. A fifth Family Justice Center is expected to open in Staten Island in 2015, making the NYC Centers the largest network of FJCs in the country. In 2013, there were almost 45,000 client visits to the NYC Family Justice Centers. This year, we have already exceeded 41,500 visits and expect to reach at least 52,000 visits by the end of 2014.

In order to effectively respond to the incidence of domestic violence in the City, OCDV has recently focused largely on outreach to raise awareness about domestic violence and connect victims with services at the FJCs and with community and government partners Citywide. Since

February 1, 2014, OCDV staff has participated in over 665 outreach events, a 400% increase from the same period last year, and has distributed over 163,000 pieces of outreach material. Regular outreach efforts have occurred at transit hubs, business districts, beauty salons and grocery stores. In addition, by the end of 2014, OCDV staff will have presented at every Community Board and Police Precinct Community Council Meeting in NYC. Awareness is the greatest tool we have to combat domestic violence and it is a chief priority of OCDV and is the cornerstone of the NYCHA DVRT initiative.

The incidence of domestic violence in NYCHA developments is staggering. In 2014, 32.6% (1,238 of 3,802) of major felony crimes that occurred in NYCHA were domestic violence related. So far this year, 54% of all felony assaults and 41% of all rapes that occurred in NYCHA developments were domestic violence related. Overall, 70% of the crime increase in NYCHA over the last three years can be contributed to domestic violence related incidents.

The NYCHA DVRT initiative is a homicide prevention program that will focus specifically on early intervention and engagement, raising awareness about domestic violence and directly linking victims to appropriate services. OCDV has hired a team of eight new staff members

who will be assigned solely to efforts within NYCHA. The team will consist of Community Liaisons, DVRT Specialists, and a High Risk Service Coordinator. Working together as a cohesive unit they will provide information about resources and rapid response to meet the service and safety needs of domestic violence victims in public housing.

The Community Liaisons will focus on raising awareness about domestic violence by coordinating extensive public education campaigns in NYCHA and the surrounding communities, conducting high visibility outreach at subway stations, parks, playgrounds and busy intersections, and building relationships and partnering with the local community, religious institutions, elected officials, police precincts, medical providers, and other key stakeholders. In addition, the Community Liaisons will actively engage with NYCHA residents who disclose they are victims of domestic violence and will connect those residents directly with a DVRT Specialist for further assessment and services.

This model of a focused outreach plan has proved successful in the past. Following the murder of Deisy Garcia and her two toddler daughters in Queens earlier this year, OCDV conducted targeted outreach in the Jamaica community immediately after her death and subsequently saw a

40% increase in client visits from that neighborhood to the Queens Family Justice Center over a three month period.

Although the NYCHA DVRT program has not yet officially launched, OCDV has already started the training piece of the initiative. To date, we have trained over 400 NYCHA staff, including building management, supervisors, operations managers and supervisors, building maintenance, applications, family services and customer services. We are scheduled to train a total of almost 700 NYCHA staff by the end of October.

The DVRT Specialists will be housed at the FJCs and their caseload will be comprised solely of clients from the 15 identified NYCHA developments. They will provide case management services for these NYCHA clients including crisis intervention, advocacy, risk assessment and safety planning. As needed, the DVRT Specialists will refer the NYCHA clients for other legal, counseling or supportive services available at the FJCs. The DVRT Specialist will be the client's direct point of contact at the FJC and will oversee all services the clients are receiving. In the past two months, prior to the launch of the initiative, only 2% of the new clients receiving services at the FJCs reported living in NYCHA developments. We expect this number will increase significantly once the outreach by the Community Liaisons at NYCHA commences.

In addition to working directly with NYCHA clients at the FJCs, the NYCHA DVRT program also includes a High Risk Service Coordinator operating out of OCDV headquarters who will work with all clients who are identified by Community Liaisons, DVRT Specialists, or community or City agency partners as high risk for escalating abuse, serious physical injury or death. The High Risk Service Coordinator will collaborate directly with DVRT Specialists, City agencies and other community partners to create individualized action plans for identified high risk clients to quickly meet their service and safety needs. The High Risk Service Coordinator will also work closely with identified contact persons at key City agencies to ensure that there is effective interagency communication and collaboration for all high risk clients to ensure their safety and that they receive a rapid response to obtain all eligible City services.

The NYCHA DVRT program hinges on prevention and early intervention to decrease the risk of escalating or further abuse. A critical piece of prevention is educating our youth about healthy relationships. We know that approximately 72% of 8<sup>th</sup> and 9<sup>th</sup> graders are "dating".<sup>3</sup> Regrettably, abusive behavior is often normalized for young people making it difficult for them to recognize abusive behaviors as problematic and

<sup>&</sup>lt;sup>3</sup> Foshee VA, Linder GF, Bauman KE, et al. The Safe Dates Project: theoretical basis, evaluation design, and selected baseline findings. American Journal of Preventive Medicine 1996;12(2):39-47; see also Dating Abuse Statistics available at: www.loveisrespect.org/pdf/Dating\_Abuse\_Statistics.pdf.

unlikely for them to report abusive relationships. In fact, over 1 in 10 high school students (almost 3 students per classroom) reported being physically abused by their boyfriend or girlfriend.<sup>4</sup> Yet, only 33% of teens ever told anyone about the abuse<sup>5</sup> and 81% of parents believe teen dating violence is either not an issue or admit that they don't know if it is an issue<sup>6</sup>.

In 2005, OCDV launched a Healthy Relationship Training Academy (Academy) to provide interactive workshops on dating violence and cyber abuse for adolescents, young adults, parents and service providers. The workshops are facilitated by Peer Educators, ranging in age from 17-25, and a Senior Trainer, age 29, who encourage discussion and critical thinking about these challenging topics. Since its inception the Academy has conducted over 2,030 workshops, approximately 25 per month, reaching over 39,600 young people.

In order to ensure that young residents in public housing have the tools they need to develop healthy relationships, OCDV's Academy, has partnered with the Department of Youth and Community Development

healthpsi.nyc.gov/SASStoredProcess/guest?\_PROGRAM=%2FEpiQuery%2Fyrbs%2Fyrbs&strat1=none& strat2=none&qtype=univar&year=2011&var=dateft2

<sup>&</sup>lt;sup>4</sup> See NYC Youth Risk Behavior Survey (YRBS) 2011, New York City Department of Health and Mental Hygiene available at: https://a816-

<sup>&</sup>lt;sup>5</sup> Liz Claiborne Inc., Conducted by Teenage Research Unlimited, (February 2005); see also Dating Abuse Statistics available at: www.loveisrespect.org/pdf/Dating\_Abuse\_Statistics.pdf.

<sup>&</sup>lt;sup>6</sup> "Women's Health," June/July 2004, Family Violence Prevention Fund and Advocates for Youth, *available at:* http://www.med.umich. edu/whp/newsletters/summer04/p03-dating.html.; see also Dating Abuse Statistics *available at:* www.loveisrespect.org/pdf/Dating\_Abuse\_Statistics.pdf.

(DYCD) and NYCHA to provide on-site workshops for youth at the DYCDrun and NYCHA-run community centers in NYCHA developments. To date, over the past few weeks the Academy has held 6 workshops with 105 participants and is in the process of scheduling many additional workshops in NYCHA developments.

In closing, the NYCHA DVRT program is a multi-pronged approach to ensure that NYCHA residents are aware of the dynamics of an abusive relationship, know what resources are available and are able to easily access them, and understand that they have the right to be free of violence in their homes.

We look forward to launching the NYCHA DVRT program in its entirety in the coming weeks and continuing to work with our City and community partners and with the Council on our shared goal of raising awareness about domestic violence throughout New York City. Thank you for the opportunity to testify, and we look forward to answering any questions you may have.

TESTIMONY FROM NYCHA VICE PRESIDENT OF OPERATIONS BRIAN CLARKE EVALUATION OF THE VICTIM OF DOMESTIC VIOLENCE NEED-BASED PREFERENCE CATEGORY AND SUPPORT AND SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE IN NYCHA DEVELOPMENTS COMMITTEE ON PUBLIC HOUSING TUESDAY, OCTOBER 14, 2014 – 10:00 AM COUNCIL CHAMBERS, CITY HALL, NEW YORK, NY

Chairman Ritchie Torres, members of the Committee on Public Housing, and other distinguished members of the City Council: good morning. Thank you for the opportunity to discuss the support and services that the New York City Housing Authority (NYCHA) provides to victims of domestic violence as well as the priority they are given for admissions and transfers. I am Brian Clarke, Vice President of Operations. Joining me today is Nora Reissig, the Director of NYCHA's Family Services Department. We are also joined by the Mayor's Office to Combat Domestic Violence (MOCDV) Commissioner Rosemonde Pierre-Louis, who will also be giving remarks, and Cecile Noel from the New York City Human Resources Administration (HRA), who will be available for questions.

This is an important issue for the Authority, as well as for the Council, and it's especially relevant today considering that October is "National Domestic Violence Awareness Month." According to recent statistics from the NYPD, 14 percent of all domestic violence-related major felonies in the City occur in NYCHA developments, and about one-third of major felony crimes occurring in NYCHA developments are related to domestic violence. But we believe that everyone deserves to feel safe in their homes. And we know that access to safe, affordable housing is a critical resource for domestic violence survivors and their families – stable, permanent housing helps them flee the abuse and live violence-free.

#### Support and Services for Victims of Domestic Violence

First, I'd like to describe our multi-faceted approach to assisting victims of domestic violence at NYCHA developments, which involves several programs and policies. Central to NYCHA's efforts to help affected residents is our Family

Services Department of about 150 staff, including 30 professionally trained and certified social workers, who advocate every day for residents in need. As part of its domestic violence outreach, Family Services receives referrals from NYCHA staff, residents, the NYPD and other City agencies, District Attorney's Offices, community-based organizations, and elected officials. Then they conduct a home visit and will do an assessment, safety planning, and crisis counseling, making any necessary referrals to our Emergency Transfer Program and/or a community-based provider or City agency. Each referral is handled on a case-by-case basis, according to individual needs.

The Emergency Transfer Program enables residents and their families suffering from domestic violence to relocate confidentially to a development in another area. NYCHA staff will help residents get the needed documentation for a transfer, and will identify other transfer and support options if a resident does not meet the criteria for a transfer or chooses to not relocate. Since 2011, 1,145 residents have transferred to a safe, new home, including 224 this year so far.

The experience of Ms. P is just one of the many success stories. Before her transfer, she suffered more than 10 years of physical, verbal, and emotional abuse at the hands of her husband, the father of their two children. He put a gun to her head and threatened to kill her; locked her in a closet; held her hostage in their apartment; beat her in front of their children; and abandoned her in another country without a passport. She went to a shelter to escape the abuse. But thanks to an emergency transfer and assistance such as counseling, Ms. P is now living a violence-free life. She advocates for other women suffering from domestic violence and still keeps in touch with Family Services Department staff. Her children are doing well too, after getting connected to therapy and recreational, job training, and employment opportunities – one of them is now a journalist.

Mayor de Blasio has tasked City agencies with working collaboratively to address the affordable housing needs of the City's most vulnerable, including victims of domestic violence. I'm pleased to say that NYCHA already has an excellent track

record of coordinating critical services with other agencies. We refer households that are transferring due to domestic violence to HRA's Domestic Violence Aftercare Program. The program helps with pre-relocation moving logistics and expenses; provides safety planning and counseling; offers post-relocation counseling for the family; helps them adjust to life in a new community; and advocates for any needed services at the new location.

Another valuable and especially effective collaboration with HRA is the Domestic Violence Intervention, Education, and Prevention Program, known as DVIEP. Case Managers partner with Domestic Violence Police Officers, who are located in the NYPD Housing Bureau precincts. This team does outreach to every NYCHA household where domestic violence is reported, letting the victims know they are not alone, and provides crisis counseling, safety assessments, and service referrals. Case Managers raise awareness about domestic violence by regularly presenting to Resident Associations, NYCHA staff, police officers, and community members and by distributing information at NYCHA Family Days.

This year, NYCHA launched a renewed partnership with MOCDV to share information and coordinate assistance to the community. MOCDV set up NYCHA Domestic Violence Response Teams to conduct outreach at the 15 housing developments included in the Mayor's Action Plan for Neighborhood Safety.

We also partner with MOCDV to provide ongoing training for NYCHA staff on identifying domestic violence at our developments. About 600 staff will be trained this year, including Property Management staff, who are in touch with residents every day. We also train staff at our community centers, Customer Contact Center, Applications and Tenancy Administration Department, Office of Resident Economic Empowerment and Sustainability, Office of Resident Engagement, and Family Services Department. We make sure that our domestic violence training reaches multiple levels of staff so that they all can identify domestic violence, speak with victims so they feel supported not judged, and connect victims to services. Thanks to the knowledge they've gained about

domestic violence, NYCHA staff refer more than 200 residents in need of assistance to the Family Services Department each year. Our expectation is that these trainings tailored to NYCHA will go a long way in promoting residents' safety and well-being. Just last week, after attending training, a Property Manager at one of our developments identified a victim abused by her husband. With subsequent outreach, she accepted a referral to the Family Justice Center, and others. She now has the support she needs for any next steps.

Domestic violence is often viewed in terms of long-time couples. But studies show that it also impacts young people in new relationships, seniors, and other intimate partners. To help focus on youth, some community centers at our developments host the NYC Healthy Relationship Training Academy as part of a multi-agency effort. The Academy's workshops teach teenagers and young adults about dating violence and healthy relationships at this pivotal time when they are forming their first relationships. Parents can also participate. So far, there have been six sessions in the Bronx and Brooklyn, reaching 105 youth, and six more are scheduled for later this month.

On October 18, NYCHA will host our 13<sup>th</sup> Domestic Violence Conference and Resource Fair, and hundreds of residents are expected to attend. The conference, at Hostos Community College in the Bronx, will feature an impressive array of speakers and domestic violence experts such as MOCDV Commissioner Rosemonde Pierre-Louis. Participating organizations include the Bronx Family Justice Center; the Queens Family Justice Center; Children of Domestic Violence; and The Lesbian, Gay, Bisexual & Transgender Community Center. It also features Ted Bunch, co-founder of A CALL TO MEN, who is known internationally for his work to end violence against women by promoting a loving and respectful notion of manhood. We're getting the word out about this conference through social and traditional media. We're reaching out to men in particular so that Bunch's message about healthy manhood will inspire men to become part of the solution. As domestic violence is on everyone's minds, HRA and MOCDV are co-sponsoring the conference, and we're organizing it in

coordination with resident leaders, the NYPD, the District Attorney's Offices, community-based organizations and advocates, and service providers.

The federal Violence Against Women Act, known as VAWA, also provides support to our residents. The law protects authorized household members who are abuse victims from being evicted based on the violence in their homes. And it enables NYCHA to evict an abusive household member while preserving the tenancy of the remaining family members. VAWA also protects applicants from being denied housing simply because they are victims of domestic violence.

It should be noted that as part of our commitment to providing equal opportunity for all residents and applicants, we provide language assistance services, such as interpretation and translation, for domestic violence victims with limited English proficiency.

NYCHA's concern for this pressing issue is not just as a landlord, but also as an employer. NYCHA's "Domestic Violence in the Workplace" policy and procedure was implemented in 2011 to increase awareness of domestic violence among all 11,000 employees – about 25 percent of whom are also residents – and to increase supportive workplace responses to it.

#### Admissions and Transfer Priority for Victims of Domestic Violence

At a time when affordable housing is desperately needed but in short supply, it is not surprising that there are nearly 290,000 families on our waitlist and the apartment turnover rate is only 3 percent. We strive to serve as many people in need as possible, especially the most vulnerable. Last year, we provided apartments to 286 victims of domestic violence. And in 2014, we've housed 346 domestic violence victims as of October 9, already exceeding last year's numbers. So, together with the emergency transfers, we've assisted 570 domestic violence victims so far this year.

Victims of domestic violence on the waitlist are currently, and have always been, assigned one of the highest priorities to receive an apartment. Domestic violence victims are assigned "need-based one," or N-1, priority. Domestic violence victims also receive one of the highest priorities for transfers. These categories are part of the computerized Tenant Selection and Assignment Plan, a fair, federally mandated system that equitably matches apartments with those who need them. Details about how this system works are described on our website.

As part of our efforts to increase efficiency and transparency, NYCHA improved the process for receiving and reviewing applicants' requests for domestic violence victim priority. It's important for the public to better understand this process and see the actual numbers. That's why we also post the number of applicants who are certified N-1. That data, updated every quarter, is broken down by emergency priority number and requested borough and apartment size.

#### **Domestic Violence Certification and Verification Policy Changes**

NYCHA is further revising its policies to continue to provide real-world solutions to the problem of domestic violence. Earlier this month, Chair Shola Olatoye and other NYCHA leadership met with domestic violence advocates and MOCDV to get their ideas on how we can continue to improve our policies and programs. One such policy change underway is an expansion of the specific types of crimes that qualify as a domestic violence offense, with the list growing to about 80 from 21. A single instance of any of these crimes will qualify as a domestic violence offense.

We are also expanding the types of medical documentation that will assist domestic violence victims get priority for admissions and transfers. We are working closely with the Health and Hospitals Corporation and the Greater New York Hospital Association to make this happen.

#### Conclusion

Domestic violence is a pervasive crime that destroys families and harms the communities we care so much about. As we all know, it has dominated the headlines recently. Although it's tragic for the people affected, this has raised awareness of the complexities of the problem. Hopefully, together as a society, we can reduce this violence in our communities, through data, education, and prevention. Fortunately, NYCHA residents who are impacted by domestic violence have the resources they need to get help and move on; our supportive services and admissions and transfer policies are designed to help victims go from crisis to stability.

Thank you for your continued support. Following Commissioner Pierre-Louis' testimony, we will be happy to answer any questions you may have.

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moving victims of violence from crisis to confidence

## **Testimony of Cindy Colter**

## Vice President, Domestic Violence Shelter Program

## Safe Horizon, Inc.

New York City Council

**Committee on Public Housing** 

Hon. Ritchie Torres, Chair

Tuesday, September 14, 2014

City Hall

#### Introduction

Thank you Council Member Torres and members of the Committee for the opportunity to testify before you today. My name is Cindy Colter, and I am Vice President of Safe Horizon's Domestic Violence Shelter Program. Safe Horizon is the nation's leading victim assistance organization and New York City's largest provider of services to victims of domestic violence, sexual assault, child abuse and human trafficking. We commend the City Council for taking an in-depth look at how the New York City Housing Authority (NYCHA) responds to victims of domestic violence and their families, and hope that together we can move towards a more responsive system that adequately recognizes the critical safety needs of New Yorkers fleeing violence and abuse.

#### **Background**

Safe Horizon operates eight domestic violence shelters throughout the five boroughs of New York City, with a total of 725 shelter beds. Last year we provided a safe, healing environment for approximately 2,500 adults and children fleeing immediate danger. Our shelter staff utilize a client-centered practice approach to victimization and we work collaboratively with our residents to develop individualized safety plans that reduce the risk of continued violence and help lead to safety and stability.

However, State regulations only allow a 90 day length of stay in domestic violence shelters, with the possibility – though not the certainty -- of extensions for another 90 days in extenuating circumstances. For residents of domestic violence shelter providers throughout the city, this leaves a fairly short window to apply for and obtain safe, affordable housing.

Our clients tell us every day that access to housing is of paramount importance in their ability to obtain long-term safety for themselves and their children. Absent this essential element, many of our clients face stark choices between homelessness and a return to unsafe and potentially lethal living arrangements. We are deeply gratified that the de Blasio Administration has rolled out a pilot housing subsidy for domestic violence survivors and their families, and look forward to continued investment in these subsidies in the years ahead. But prompt access to public housing is also an essential component to promoting ongoing safety, and we would like to draw the Committee's attention to our belief that all shelter residents – regardless of which city agency administers the program – should qualify equally for this priority status when applying for public housing.

First, however, we do want to state that Safe Horizon greatly appreciates NYCHA's recent change in policy that creates more flexible criteria for residents of domestic violence shelters to qualify for N-1 NYCHA priority status. We also appreciate that NYCHA recognizes that victims who make the decision to flee their home and go into a domestic violence shelter are often faced with a high level of risk even though they did not file a report or obtain an order of protection. This is a strong step in the right direction. As an agency we hope to see this flexibility expanded to better meet the needs of <u>all</u> domestic violence victims in NYC and not just those that enter the shelter system.

Nonetheless, we are deeply concerned with the proposal to create unequal tiers for homeless New Yorkers – a higher one for residents of DHS shelters and a lower one for residents of domestic violence shelters. To help illustrate the delays that domestic violence shelter residents can and often do face in trying to obtain public housing, I would like to share a story of client of ours named Ms. Biddle (not her real name) who spent nearly two years in her pursuit of NYCHA housing.

Ms. Biddle entered a Safe Horizon domestic violence shelter with her 8 year old child after her husband violently assaulted her leaving a gash in her head that required prompt medical attention. Prior to entering the shelter Ms. Biddle was employed and lived for eight years with her husband. When the abuse continued to mount, Ms. Biddle felt she had no choice but to enter a domestic violence shelter. This entailed removing her children from their school and moving to an unfamiliar borough – all in an effort to protect herself and her family. Compiling documentation of much of the abuse that had taken place over the years, Ms, Biddle worked with a Safe Horizon housing specialist to apply as domestic violence priority for the New York City Housing Authority. Two months later, NYCHA requested additional information regarding her history of abuse. At this point, Ms. Biddle had just 30 days left on her shelter stay.

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Meanwhile, Ms. Biddle sought new employment, enrolled her child in a new school, took her husband to court to obtain child support, and sought counseling to address the trauma she experienced over years of abuse. In short, she did everything possible to re-make the life she once knew.

But Ms. Biddle was racing against the clock. She sought and was granted an extension to her shelter stay by the City, only to learn that NYCHA denied her application for housing. She quickly sought assistance from an attorney in Safe Horizon's Domestic Violence Law Project, who appealed NYCHA's decision and a fair hearing date was sent for the following month. With no time left in emergency shelter, Safe Horizon staff advocated for her to move into a Tier II domestic violence shelter with a longer length of stay. Her Safe Horizon attorney accompanied her to the fair hearing, and NYCHA's decision was overturned, meaning her application was found to be in order.

Months went by as Ms. Biddle waited for NYCHA to find her an apartment in a safe borough. Meanwhile she found a new job, enrolled her kids in new school, and sought and obtained an order of protection to help ensure the safety of herself and her family. Every few weeks she called NYCHA and asked if an apartment had opened up, and every time she was told that one would be available soon. Once again, Ms. Biddle was racing against the clock. The Tier II shelter indicated that they would not be able to keep her and her family indefinitely, and that she would likely have to enter a DHS shelter if she did not move into housing soon. Ms. Biddle eventually left the Tier II and moved into a DHS shelter, and two months later, NYCHA informed her that her apartment was ready and she moved in shortly thereafter. From beginning to end, Ms. Biddle – who had all the necessary documentation of her abuse – waited nearly two years to obtain NYCHA housing.

By creating two classes of homelessness in the city's shelter system we are asking victims of domestic violence to further impoverish themselves in order to obtain housing. As mentioned above, residents of domestic violence emergency shelters face strict time limits on

their residency that residents of general homeless shelters do not face, causing them to make very difficult choices to keep themselves and their children safe. The current situation is already challenging, to say the least. Because of the limited number of vacant apartments, the overwhelming number of New Yorkers applying for public housing, and the documentation needed to qualify for priority status , just 1% of our residents in FY13 were able to access NYCHA housing before the end of their stay in our domestic violence shelters While the change of required documentation will increase the percentage of residents eligible for public housing, the N-1 status will create a wait time that is far longer than they are permitted to stay. Furthermore, the locations of DHS-contracted homeless shelters are not confidential, the system itself is at or near full capacity and most shelters are generally not equipped to support survivors of domestic violence regarding ongoing safety concerns or the healing process. These are stark numbers and speak to the urgent need to create <u>more</u> housing options, not greater competition among needy populations. We urge the Administration and NYCHA to assign the N-0 priority status to residents of all shelters regardless of which City agency administers them.

Thank you, and I would be happy to answer any questions you may have.



## new destiny housing

#### Testimony of New Destiny Housing Corporation New York City Council's Committee on Public Housing

#### Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category and Support and Services for Victims of Domestic Violence in NYCHA Developments

Good morning, my name is Catherine Trapani, HousingLink Director at New Destiny Housing Corporation. Thank you for calling this hearing and offering me the opportunity to testify.

New Destiny Housing is a nonprofit organization dedicated to the long term safety and stability of survivors of domestic violence and others at risk of homelessness. We own and manage affordable housing throughout the City of New York and operate programs designed to help survivors of domestic violence find and maintain safe, stable housing. We understand the challenges associated with providing housing to low income New Yorkers and applaud NYCHA for its efforts to maintain the largest portfolio of public housing in the country despite very real economic challenges.

At New Destiny, reflected in the faces of our tenants every day, we see the transformative power an affordable home of one's own can have on victims of abuse. Safe housing is a lifeline, an essential tool victims must have access to if they are ever to be able to escape abuse.

The deep, permanent affordability of NYCHA's housing stock often provides the only housing option available to low-income families. It also often represents the only hope a survivor of domestic violence has of being able to live and raise her children in a home without violence.

Unfortunately, access to NYCHA housing for domestic violence victims is extremely limited. This is partly due to public housing's low vacancy rate. But, it is also attributable to NYCHA's own policies that make it difficult, and often impossible, for the neediest victims to access public housing.

NYCHA has a needs based priority system allowing certain qualified applicants expedited placement in available housing units. The highest such priority is known as N-0, or "city referred" and is currently being used to expedite placement of homeless families in vacant NYCHA Public Housing units. At first glance, this sounds like common sense good policy-- those without homes should have the first chance at receiving one through NYCHA. However, the execution of this policy is flawed. Unlike in the past, this "homeless" priority is exclusively available to residents of Department of Homeless Services shelters and therefore excludes victims of domestic violence residing in HRA's confidential network of domestic violence shelters.

We are concerned about this exclusion which seems to create a two-tiered, and unequal, system for dealing with homeless families. We would like more clarity around the recently restored N-0 policy for

DHS shelter residents. Is it one-time only or will it be implemented again in the future? And, what was the rationale for excluding HRA domestic violence shelter residents?

We have been told that the N-0 priority for DHS residents will apply only to 750 units of public housing and that, after that, DV priority N-1 applicants would be first in line. However, the N-1 domestic violence priority is not a substitute for N-0. The N-1 priority is intended to provide safe NYCHA housing to low-income victims of domestic violence who are most at risk – whether they are using shelter or not. The N-0 priority has historically been available to homeless families using shelter, regardless of the agency administering the shelter.

# Homeless domestic violence survivors should not be denied access to the homeless priority just because they are in a homeless shelter system not administered by DHS.

Still, the N-1 priority is an important tool for survivors, particularly those not residing in shelters, who need to access NYCHA housing for their safety. That's why we were pleased to learn that NYCHA is considering broadening the criteria used to obtain N-1 priority. One change has already been implemented; victims of domestic violence using the Human Resources Administration's specialized domestic violence shelter system will now be eligible for the N-1 domestic violence priority under a new process based on a NoVA or shelter assessment instead of the stringent criminal justice based documents previously required. This is something advocates have requested for many years, knowing that may survivors using shelter do not and sometimes, for their own safety, should not, involve the police or criminal justice system. So, the change in policy is a welcome one.

While the changes to the N-1 priority criteria for survivors in shelter are laudable and recognize that many of the victims most in danger have never had contact with the criminal justice system, we feel strongly that this new policy should not be limited to users of HRA shelters. It should be applied to all domestic violence survivors who need the N-1 priority – those using shelter as well as the many victims who do not use shelter but may be connected to nonresidential services in the community and who need access to affordable housing to ensure their long term safety.

The current criteria for DV victims living outside of the HRA shelter system to receive DV priority still relies almost exclusively on documentation of the abuse by the NYPD and court systems. The criteria are stringent and confusing. The HousingLink HelpLine, operated by New Destiny, receives dozens of calls from social service professionals and survivors desperate for information on how to move their NYCHA applications forward. The sad truth is that despite the danger faced by these victims, many do not have sufficient documents to obtain priority for NYCHA housing. As a result, they remain at extremely high risk for continued abuse, homelessness and even death.

In fact, according to the Office to Combat Domestic Violence, about 75% of last year's family related homicide victims had no prior police contact. Clearly, contact with NYPD is not an appropriate indicator of risk.

Therefore, we urge NYCHA to adopt a universal policy of accepting comprehensive risk assessments by trained domestic violence service providers instead of criminal justice documentation to qualify for the N-1 priority for NYCHA housing.

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That said, NYCHA cannot address the housing needs of domestic violence survivors alone. Our city is investing significant resources towards outreach to domestic violence victims and rightly so. Domestic violence has been the leading cause of murder for women in our city for several years. But, if we truly hope to encourage victims to leave their abusers to reduce risk then we owe it to them to devote similar resources to ensure that they have a safe place to go when they do leave.

NYCHA can and should continue to prioritize housing for victims of domestic violence and must reevaluate the use and structure of their priority system such that those most at risk have meaningful access to safe, affordable homes. In addition, our City, State and Federal governments must do all that they can to make sure that NYCHA has sufficient resources to provide quality housing to low-income New Yorkers and ensure that NYCHA residents have access to appropriate supports so their communities may thrive. Together, we can make our city's response to domestic violence more comprehensive and supportive of the needs of victims throughout our City.

I thank you for this opportunity to testify and welcome any questions you may have.



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#### Committee on Public Housing: Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category and Support and Services for Victims of Domestic violence October 14, 2014

Dear Hon. Melissa Mark-Viverito, Hon. City Council members,

On behalf of CONNECT's staff I would like to thank you all for the opportunity to testify today and share our thoughts on the important issue domestic violence within public housing communities in New York City. In addition, would like to commend you for recognizing domestic violence as an equal form of community violence.

Domestic violence historically has been treated as a "private family matter." The truth is that it affects us all – directly, indirectly, publicly and privately. Consider the following:

- Intimate partner violence is the leading cause of murder of women in New York City; In 2012, 68% of female murder victims were killed during an Intimate Partner Violence incident
- If the woman is being abused, in 30%-60% of cases so are the children in the household
- It is a major cause of homelessness At least 1/3 of the families using New York City's family shelter system are homeless due to domestic violence. (SOURCE: NYC Consolidated Plan 2010)
- Witnessing domestic violence is the single best predictor of juvenile delinquency and adult criminality.
- Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults. Females are more likely to be abused.
- The Centers for Disease Control estimate that domestic abuse costs the U.S. economy almost \$6 billion per year in direct health care costs to treat victims.

Domestic violence (DV) is a major public health, public safety and social justice issue in New York City. The NYPD responds to over 700 incidents of domestic violence a day, and is currently the leading cause of murder for women in New York City.

There are numerous statistics related to DV and Public housing that can be cited to justify the need for more effective and efficient programs. I would like to discuss a violence prevention pilot project that our Community Empowerment Program will implement in one public housing development in each of the five boroughs, that goes beyond the numbers and into the real stories of residents of public housing. The use of the residents experience and agency in this project will gain their participation and involvement from the ground up, building realistic and effective prevention and intervention responses that can interrupt, too often deadly violence. We believe that this project, with partnerships with public housing residents & staff, city council and community based organizations like CONENCT and its partners, can transform violent cultures of violence into communities of peace in public housing.

#### REAL STORIES

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The project is entitled, "*The Real Stories,"* because CONNECT plans to ask public housing residents, both individually and in groups, to share their perspectives, experiences and concerns about interpersonal violence within their housing development and neighborhood (domestic violence, intimate partner violence, child abuse, sexual assault, gang-related and gun violence, elder abuse). We know that crime in communities of color is on the rise, and that the root causes of violence include domestic violence and untreated emotional and psychological trauma. In discussions with residents, we will explore the attitudes and responses to abusers, survivors and bystanders, and how to develop practical and safe strategies of prevention and effective intervention. We also want to discuss the high correlation between children who witness violence at home, and then who become involved in gang, gun and other forms of community violence.

CONNECT's Community Empowerment Programs are designed to help women, men and youth gain a deeper awareness of the ways the intimate violence shapes their lives. Over the years, we have learned that when people have the opportunity to be part of safe spaces where they can name and challenge the thinking and behavior that condone violence, they are able to more freely explore how violence is sustained in their particular community. Hearing directly from tenants about how violence impacts their lives is the critical first step to putting effective strategies in place, based on how they can participate in change.

CONNECT offers these spaces of collective empowerment, education and healing in a variety of ways and in a variety of locations throughout New York City -- women's circles, men's roundtables, faith roundtables and community dialogues as well as our community-faith-and school-based educational workshops and forums, seminars, as well as in depth courses offered by our CONNECT Training Institute. Our legal advocacy program and helpline is a crucial resource for community members (including undocumented members) that need help with navigating legal systems and developing safety plans.

The timing for this citywide initiative is ideal. Owing to the high-profile National Football League incidents of domestic violence and child abuse, involving star players, family violence is a topic of national debate, and everyone has an opinion. While we deeply regret the circumstances, this does provide a rare platform to encourage people to open up about violence in their own lives, and how it impacts their homes, schools and communities. We're beginning to scale up the project over the next few weeks.

For the pilot, we will take a multi-pronged approach to get *the real stories*. First, we will enlist the support of the Resident Association (or Tenant Council) for the pilot, and we will provide the association members with on-site CONNECT-facilitated workshops on identifying, understanding and responding to interpersonal violence. Next, we will schedule a series of community dialogues (i.e. men's roundtable, women's circle, youth groups) on violence in the housing development, and what they think is and is not working in terms of services, support networks and tools. We would like to videotape some of the interviews to capture the stories beyond the "statistics."

Once we have the results from the five boroughs, we will use this information to develop and expand the project to find effective ways to reach public housing developments next year. This is an opportune time to create safe families and peaceful communities within public housing.

Thank you for your time and attention today and I would be happy to answer any questions you may have.

-Quentin Walcott, Co-Executive Director, CONNECT 212.683.0015 x225, gwalcott@connectnyc.org



### Testimony of Legal Services NYC

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on

Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category

Presented before:

The New York City Council Committee on Public Housing

Presented by:

Beth Baltimore Senior Staff Attorney Legal Services NYC – Bronx

October 14, 2014

Legal Services NYC 40 Worth Street, Suite 606, New York, NY 10013 Phone: 646-442-3600 Fax: 646-442-3601 www.LegalServicesNYC.org Raun J. Rasmussen, Executive Director Michael D. Young, Board Chair Good Afternoon. My name is Beth Baltimore and I am a Senior Staff Attorney at Legal Services NYC-Bronx, a constituent corporation of Legal Services New York City, the nation's largest civil legal services provider. For over four decades, our office has represented the civil legal services needs of low-income and elderly families and individuals, many of whom have experienced domestic violence, in one of the poorest urban neighborhoods in the country.

Domestic violence and sexual violence are disproportionately high in the Bronx with 26% of all reported rapes, 20% of family-related homicides and 23% of calls to domestic hotlines occurring in a borough that represents only 16% of New York City's population. The decision to leave one's abuser is not one that is made lightly, especially for people who are financially dependent upon their batterers. In addition to the risks of incurring further violence, leaving often means uprooting one's children, abandoning one's community and support system, and enduring financial instability and homelessness. Because so many of our clients who have experienced violence are in dire need of safe affordable housing, they are greatly affected by NYCHA's policies and practices. We appreciate the opportunity to testify before the City Council's Committee on Public Housing to address the impact of NYCHA's policies and practices on our clients.

I am going to first tell you briefly about some important recent reforms in how NYCHA administers the Victim of Domestic Violence priority for public housing and after that I will highlight some ways NYCHA could further improve access for survivors of domestic violence to this essential resource.

#### J.C. v. Rhea: Lawsuit that Sought Changes to the Processing of NYCHA's Victim of Domestic Violence Priority Applications

In March 2013, our office filed a case against NYCHA in federal court here in Manhattan called *J.C. v. Rhea* which we brought on behalf of ten survivors of domestic violence who had applied for NYCHA public housing and requested the Victim of Domestic Violence (VDV) priority status. The

lawsuit grew out of the reports of many advocates that the priority application process was not working for their clients. Advocates and applicants reported lengthy periods of uncertainty and insecurity during the priority processing period, and were being denied the priority when they clearly had met its criteria. The plaintiffs in *J.C.* had had their applications for the VDV priority denied, delayed or never properly adjudicated. The lawsuit sought proper treatment of plaintiffs' individual priority applications and reforms to the VDV priority system which led to the delays and denials plaintiffs experienced.

One of our plaintiffs, V.O., suffered from a long history of domestic violence. She was subjected to years of physical and verbal abuse. Even after she separated from her abusive partner and obtained a final order of protection, he continued to harass her. Ms. O was forced to leave her home when her abuser threated to show up at her home and punch her in the face. Fearing for her safety and the safety of her young son, she fled from her apartment and entered a domestic violence shelter.

Ms. O and her young son timed out of the domestic violence shelter before they could find affordable housing. They moved from the domestic violence shelter to a homeless shelter and returned to a domestic violence shelter, when her abuser threatened her, in violation of her order of protection. Ms. O applied for VDV priority status while she was in the shelter system but experienced numerous delays and multiple denials of her repeated requests for the priority. Ms. O never received a response to her initial requests and was told that there was no record of her application in the system on two separate occasions. When she first received a letter denying her request for VDV priority, NYCHA did not provide specific information about what was missing from her request. Ms. O requested a hearing to challenge her denial, but never received a response. When our case was filed, she had been waiting nearly eighteen months since she first submitted her NYCHA application. Her request for VDV priority was finally granted as part of our settlement.

#### J.C. v. Rhea Settlement

We are extremely grateful that NYCHA was willing to work with us to come to a just settlement that incorporated numerous systemic changes to how it administers the VDV priority. Briefly, they are:

#### 1. Clear Notices Regarding Required Documents and NYCHA's Determinations

In the past, many applicants were unaware why their request for VDV priority was denied so did not submit the additional or correct information needed to qualify for the priority. Because the current system is time limited (incidents must have occurred within one or two years of the request for the priority), qualifying applicants who were denied the priority were often no longer eligible if they attempted to apply in the future. Now, when NYCHA determines that an applicant has submitted insufficient or illegible supporting documentation for the priority, NYCHA will send a VDV document review form that provides detailed information about the deficiencies NYCHA has identified in the supporting documentation and invite the applicant to submit additional documentation.

#### 2. Review Process

When NYCHA denies a request for VDV priority, it will send a VDV denial notice along with a VDV document review form. Together, they will explain the reason(s) for the denial and inform the applicant of his or her right to seek review of the denial.

The VDV review process will give the applicant an opportunity to describe in writing why he or she thinks NYCHA's decision to deny the request for VDV priority was incorrect, and to submit additional documents in support of his or her request of the priority. The reviewer will be a person who is knowledgeable about NYCHA's VDV priority requirements, and will not be the same person who reviewed the original application, unless assigning a different person to review the application is "impracticable." NYCHA must send written notice of the outcome of the review within thirty days of submission of the request for review. If the applicant is still not approved for the priority, the decision will state the reasons why the priority request was not approved.

#### 3. Transparency Regarding NYCHA's Waiting List and Zip Code Exclusions

Applicants requesting VDV priority must choose a borough rather than a specific development. Based on where the domestic violence occurred, applicants are excluded from certain zip codes, some of which may be in their borough of choice. NYCHA now posts the zip code exclusions (zip codes in which it will not place a VDV priority applicant due to their proximity to the incidents of abuse) and waiting list information regarding applicants certified with N0 and N1 (VDV) priorities, broken down by priority, borough and apartment size, which is updated on a quarterly basis. Knowing the zip code exclusions in their borough of choice, the number of people with N0 and N1 on the waiting list in specific boroughs, and the oldest certification date created a much more transparent system that allows applicants to make more informed choices when selecting a borough.

#### Change in Documentation Requirements for Residents of HRA Domestic Violence Shelters

Since our litigation, NYCHA has made another very positive change in how it handles applications for the VDV priority. Residents of domestic violence shelter can now have shelter staff submit applications through HRA with a copy of the shelter assessment (NoVA assessment form) to qualify for VDV status. However, although this is a more meaningful process, it serves only a small segment of the survivor population – those currently living in a domestic violence shelter. There are only about 2,000 domestic violence shelter beds in New York City and the shelters are almost always at capacity, making it extremely difficult to find an available bed and inaccessible to many survivors in need of safe emergency housing.

#### Additional Reforms that Could Improve Domestic Violence Victims' Access to Public Housing

While the recent systemic changes to NYCHA's current system of processing VDV priority status applications has improved the process for applicants, even more changes are necessary to best serve survivors of domestic violence and their families. Currently, except for individuals living in domestic violence shelters, to qualify for the DV priority applicants must show two incidents of domestic violence documented by things like police reports or orders of protection, or one incident if the incident qualifies as a "serious felony" in NYCHA's view. A grant of VDV priority should be based on a comprehensive risk assessment, not solely reliant on criminal justice based on documentation that may be unsafe to obtain and has no demonstrated link to risk. It is dangerous for access to safe and

affordable housing to be predicated on filing a police report or entering into litigation with an abuser. Many survivors of domestic violence choose not to report because their abusers have threatened to cause greater harm or even death if law enforcement or the courts are involved. All domestic violence survivors should be given a chance to attain VDV priority status regardless of whether they are living in a domestic violence shelter to avoid drawing a line between populations that are not materially different.

If the VDV priority system is not overhauled immediately to rely on comprehensive risk assessment rather than criminal justice based documentation, certain changes could be made to the current requirements. First, NYCHA considers nineteen penal offenses to be "serious felonies." The list of so-called serious felonies is arbitrary. For example, it creates distinctions between victims of rape, designating someone who is a victim of rape in the first degree (but not second or third degree) as a victim of a serious felony. NYCHA also designates aggravated sexual abuse in the first and second degrees as felonies, but fails to consider the similar felonies of course of sexual conduct against a child in the first and second degrees serious.

Second, many people feel unsafe reporting crimes to the police or cooperating with a prosecution once their abuser is arrested. They may feel safer reporting the crimes in Family Court by filing a family offense petition to obtain an order of protection. NYCHA does not allow people who report felonies in Family Court in furtherance of an order of protection to qualify for the waiver of the requirement that they document a second incident.

Third, NYCHA currently requires applicants to submit a detailed and current advocacy letter to qualify for VDV priority, which prejudices some applicants. Applicants who do not have access to advocates familiar with the VDV application process are often harmed by the need for this letter when their applications are denied because the letter lacks certain details or is not well written. It is unclear why an applicant whose domestic violence history is clearly established should also have to have an advocate who is willing and able to write one of these letters in order to qualify.

#### **Conclusion**

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Further changes to the VDV priority system are necessary means to recognize the needs and experiences of domestic violence survivors and their families. NYCHA could make changes to their current system to ensure that they are not arbitrarily denying the VDV priority to survivors of domestic violence who are in need of stable and affording housing. The Council's oversight is critical to ensuring that the changes NYCHA has already made and any new policies are implemented in a humane and lawful manner.

Again, we very much appreciate the committee's interest in this important issue and thank you for the opportunity to testify today.

Residential Providers VIOLENCE  $\bigcirc$ OMESTI L O ALITION O

## Member

ORGANIZATIONS:

African American Planning Commission

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Violence Intervention Program

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#### TESTIMONY

#### Committee on Public Housing on Tuesday, October 14, 2014.

Good Morning, thank you for the opportunity to testify. My name is Judith Kahan and I am the CEO of the Center Against Domestic Violence and Co-Chair of the NYC Coalition of Domestic Violence Residential Service Providers. We are deeply concerned by NYCHA's decision to omit HRA domestic violence shelter residents from the N-0 Priority designation for a public housing admissions preference. In the past, in addition to the N-1 domestic violence priority, domestic violence shelter residents have been given access to the N-0 homeless priority.

Families using HRA DV shelters have made themselves homeless in trying to protect themselves and their children. These families are homeless because it is unsafe for them to return to their homes. They are just as homeless as those residing in DHS shelters with an important difference: Domestic Violence survivors are not permitted to stay in shelter beyond 180 days. If they have not located appropriate housing during that time, they frequently must enter the DHS homeless shelter system. We have been informed that even after these families time out of the domestic violence shelter system and enter the homeless shelter system they will still not be permitted to access the N-0 priority. This punishes families who have made the difficult decision to leave abusive relationships. There is no justifiable reason why these families should be made to wait in line behind other homeless families simply because they chose to seek refuge in a shelter system designed to meet their safety and service needs. The N-0 priority should be available to all homeless persons, regardless of which system they are forced to temporarily call home.

The NYCHA N-0 priority is especially important because it is literally the only viable housing option for many victims of domestic violence. Families with a head of household struggling to maintain employment will rarely be able to afford New York City rents without the assistance of a subsidy. Of the new LINC subsidies, providers have been informed that, contrary to written materials, the only one available to those residing in domestic violence shelters is the LINC III subsidy. This subsidy is only funded for a period of one year, and requires that families have an active public assistance case.

The failure to include meaningful access to housing for HRA shelter residents will create a positive incentive to choose the DHS shelter system for fear that entering DV shelter will mean certain long term homelessness. This choice would result in families not receiving specialized counseling, legal advocacy, and other services designed to meet the needs of victims of domestic violence.

With regard to the N-1 priority, recent changes made to documentation

requirements are a beginning, but are not sufficient. On July 18, 2014 it was announced that persons living in HRA domestic violence shelters can qualify for N-1 Priority Status if their shelter worker completes a NoVA assessment form in lieu of the otherwise stringent criminal justice based documentation currently required by NYCHA. It is meaningless if this change is only applied to survivors living in shelters who will take a back seat to those in the DHS shelter system receiving an N-0 priority. As I have already stated, awarding N-0 priority to all persons in shelter is the only fair way to implement a homeless priority.

However, for those survivors who choose not to access shelter because they have a safe place to stay on a temporary basis, the N-1 priority has not been, but *should* be amended to allow the use of the NoVA risk assessment tool to establish priority eligibility. We and many of our colleagues have long lamented the reliance on criminal justice documentation to establish risk and appropriateness for priority designation even though there is no established link between prior police or court contact and elevated risk of abuse. In fact, according to the most recent NYC Domestic Violence Fatality Review, only a quarter of the families in which familyrelated homicides occurred during the year prior to the homicide had any contact with the NYPD. Recognizing that service providers in the domestic violence field can conduct competent risk assessments to determine eligibility for the N-1 priority is an important step that would allow survivors who are most at risk of continued abuse and eventual homelessness, but who can safely stay out of shelter, to access housing.

Public housing is an important resource for families struggling to maintain their independence. We believe that all survivors of abuse should have a reasonable opportunity to attain a pathway to permanent housing and the safety it provides. Unfortunately, the current priority status does not allow for this.



## Identifying and Preventing Elder Abuse In New York City Housing Authority Apartment Buildings

Submitted to:

The New York City Council Committee on Public Housing Chair: Ritchie Torres City Hall Committee Room New York, New York

October 14, 2014

Presented by:

Joy Solomon, Esq. Director & Managing Attorney The Harry and Jeanette Weinberg Center for Elder Abuse Prevention at The Hebrew Home at Riverdale Contact: Joy.Solomon@hebrewhome.org Tel. (718) 581 - 1272



The Harry and Jeanette Weinberg

CENTER FOR ELDER ABUSE PREVENTION AT THE HEBREW HOME AT RIVERDALE
## Testimony Before The New York City Council Committee on Public Housing

October 14, 2014

Joy Solomon, Esq., Director and Managing Attorney The Weinberg Center for Elder Abuse Prevention at

## The Hebrew Home At Riverdale

Chairman Torres and Members of the Committee on Public Housing, I am Joy Solomon, Director and Managing Attorney of The Harry and Jeanette Weinberg Center for Elder Abuse Prevention at The Hebrew Home At Riverdale. The Weinberg Center is the nation's first elder abuse shelter, and the only elder abuse shelter in New York City. We appreciate the opportunity to be here and present testimony regarding the epidemic of elder abuse in New York City and its impact on older residents in New York City Housing Authority (NYCHA) apartment buildings.

The Weinberg Center is a comprehensive prevention and intervention program for victims of elder abuse living in all five boroughs of New York City, and was established in 2005. To date, the Weinberg Center has provided over 57,000 days of shelter for victims of acute elder abuse from across every racial, ethnic and financial background.

What is elder abuse?

Elder abuse is an action or lack of appropriate actions, which causes harm, risk of harm, or distress to an individual 60 years or older and occurs:

a) Within any relationship where there is an expectation of trust; or

b) When the targeted act is directed towards an elder person by virtue of age or disabilities.

Elder abuse can be intentional or unintentional, can take various forms, and includes but is not limited to emotional, physical, sexual or financial abuse, neglect and abandonment.

The Weinberg Center has created a holistic service model that provides elder abuse victims with a safe and secure environment, a full range of medical, psychological, therapeutic and social services and a uniquely tailored legal action plan. Located within the Hebrew Home at Riverdale's renowned long-term care facility, the multi-disciplinary Weinberg Center team works with Hebrew Home professionals to determine optimal placement, security and services for clients based on each individual's specific needs. Social workers are trained to meet the complex emotional needs and provide the substantial psychological support and counseling required by victims of elder abuse. The legal team plans and executes all legal action required in furtherance of each client's care plan, including proceedings related to obtaining restraining orders, guardianships and orders of protection, as well as assistance with financial planning, housing, negotiation and prosecution of abusers. This opportunity to receive comprehensive coordinated care creates a unique opportunity for victims to recover dignity, access justice and create healing in their own lives.

The Weinberg Center provides a sanctuary for victims of elder abuse with the goal of helping them safely return to their own homes or to secure alternate housing. Homecare and support services are provided to ensure successful transitions.

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For the past 10 years, we have been working closely with a variety of New York City agencies to battle the epidemic of elder abuse in New York City. These agencies include the District Attorneys' Offices, Adult Protective Services, Family Justice Centers, Safe Horizon, NYPD, the NYC Department for the Aging, as well as many other non-profit advocacy agencies such as the New York City Elder Abuse Center and the Brookdale Center on Healthy Aging at Hunter College. In addition, and relevant to issues regarding housing, the Weinberg Center has been engaged in an innovative and far reaching project with Local 32BJ to train doormen at apartment buildings to recognize and intervene in cases of elder abuse. The Weinberg Center has also partnered with The Robin Hood Foundation to engage in a unique screening process for low income residents of New York City who are participating in the Medicaid managed long term care program. The Weinberg Center has trained thousands of law enforcement personnel, medical professionals and paraprofessionals, lawyers, judges, Meals-on-Wheels delivery personnel and doormen.

According to the most current study: "Under the Radar: New York State Elder Abuse Prevalence Study," (May, 2011), for every case of elder abuse which is reported, 24 cases go unreported. The study found that 141 out of 1,000 older New Yorkers have experienced an elder abuse event since turning age 60. Based upon these statistics, and other studies, one can estimate that of the 75,000 older adults living in NYCHA buildings, anywhere from 5,000 to 7,500 tenants may be victims of elder abuse. Such victims are often isolated and hidden from public view. Every recent study shows rapid increases in the number of older New Yorkers and the number is expected to increase 50% by 2030. This population has the highest levels of poverty (17%) across all racial and ethnic groups. The situation is even more dramatic in New York's public housing:

- Residents aged 65 and older are the fastest-growing age group among NYCHA's resident populations;
- b) Older adults represent 15% of all NYCHA residents and are projected to increase to 20% by 2030;
- c) In 2010, 36% of NYCHA assaults were domestic with the rate jumping to 54% last year (there is no data on incidences of elder abuse);

As dire as these statistics are, one individual case dramatizes and represents

the impact elder abuse may have on thousands of older adults living in NYCHA

buildings:

79 year old Mrs. S has lived in a NYCHA apartment since 1974. Her 23 year old grandson, Johnnie, moved into her 14th floor apartment 3 years ago, unemployed and broke. Though Mrs. S was relatively healthy despite diabetes and heart disease, Johnnie's arrival changed that. Johnnie stole money from Mrs. S, often forcing her to choose between medication and food. Johnnie used and sold drugs in the apartment, frequently bringing friends and buyers in at all hours. Johnnie screamed at Mrs. S, threatening to harm her or her beloved cat if she complained. Johnnie damaged personal property of Mrs. S. Though not extremely valuable, those were links for Mrs. S to happier times. Over time, depression began creeping in atop the other chronic diseases. As the abuse and threats of abuse increased and persisted over time, the constant stress and anxiety caused Mrs. S' health to deteriorate. Her doctor recommended additional medication and tried to get Mrs. S to gain back some of the weight she was rapidly losing. Mrs. S, whose vision was also being negatively affected by the worsening diabetes, tripped over some of Johnnie's belongings and though she did not break a hip, required the use of a cane for mobility. Fearful of falling again, Mrs. S rarely left the apartment and though she had been a regular at the community center, could not muster up the energy to go anymore. On occasion, Johnnie would take her cane, hiding it, reminding her of the power and control he had over her. The doctor, the housing manager, the pharmacist, the community center director, the friends - no one identified her as an elder abuse victim or inquired about the possibility of elder abuse. She did not want to make any reports, fearful she would lose her housing due to

Johnnie's criminal conduct in her apartment. Afraid of going through the system that would send her grandson to jail and not help with his drug problem, or worse, make a report, not have it taken seriously and be in greater risk of harm, Mrs. S chose to tolerate the abuse as best she could.

The Weinberg Center is grateful that the New York City Council and

Administration are pursuing efforts to intervene in cases of elder abuse in NYCHA

facilities. The Weinberg Center respectfully recommends that NYCHA consider the

following steps to intervene in actual or suspected cases of elder abuse:

- All law enforcement personnel responding to domestic violence cases should be trained to recognize the signs and symptoms of elder abuse and provided with a list of resources to refer victims;
- b) When law enforcement personnel respond to a domestic violence call, they must be trained to be aware of any and all family members living in the household, not just children. When an older adult is living in a household where domestic violence is occurring, the older adult is at risk of collateral abuse;
- c) NYCHA staff, local tenant leaders and staff of community centers and meal programs located within NYCHA buildings, should be trained to recognize elder abuse among its tenants;
- d) Older adults residing in NYCHA buildings should be provided with educational information regarding how to protect themselves from abuse and exploitation.
- e) It is critical that older tenants are reassured that making a report of elder abuse, especially where criminal conduct is causing such abuse, will not result in the older adult losing their apartment.
- f) The Weinberg Center is willing and able to lead, assist and /or provide support to these initiatives.

Thank you for your attention and interest. I am pleased to answer any questions.



## **Testimony by The Legal Aid Society**

## Before the Committee on Public Housing Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category and Support and Services for Victims of Domestic Violence in NYCHA Developments

#### October 14, 2014

## Introduction

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The Legal Aid Society (the Society) is the oldest and largest provider of legal assistance to low income families and individuals in the United States. Operating from 26 locations in New York City with a full-time staff of more than 1,800, the Society handles more than 300,000 individual cases and legal matters each year. The Society operates three major practices: the Civil Practice, which improves the lives of low-income New Yorkers by helping families and individuals obtain and maintain the basic necessities of life - housing, health care, food, and subsistence income or self-sufficiency; the Criminal Practice, which serves as the primary provider of indigent defense services in New York City; and the Juvenile Rights Practice, which represents virtually all of the children who appear in Family Court as victims of abuse or neglect or as young people facing charges of misconduct.

The Civil Practice focuses on enhancing family stability and security through a network of neighborhood offices and city-wide special projects in all five boroughs of New York City. The Civil Practice helps vulnerable families and individuals with these legal problems: housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law for low-income workers; consumer law; education law; community development opportunities to help clients move out of poverty; and reentry and reintegration matters for clients returning to the community from correctional facilities. Typically, clients seek assistance from the Civil Practice after exhausting all other avenues for assistance. The Society's Civil Practice is the safety net when all other safety nets fail. During the past year, our Civil Practice completed work on more than 43,000 individual cases and legal matters, benefiting more than 114,000 low-income children and adults, with an additional two million low-income New Yorkers benefiting from our law reform and class action litigation.

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The Society is counsel on numerous class-action cases concerning the rights of public housing residents and Section 8 tenants. We appreciate the opportunity to testify today and the leadership of Chair Richie Torres.

#### New York's Historic Homelessness Crisis

More than 54,000 New Yorkers, including 23,000 children and 13,000 families, sleep each night in NYC's shelter system. At least a quarter of these families are domestic violence victims. Yet for the past nine years, as a result of the policies of the former City administration, no homeless families were admitted to NYCHA. The only way to solve the homeless problem in New York City is to provide access to permanent housing at affordable rents. Public housing is one of the few options, given the shortage of Section 8 vouchers.

## NYCHA's Allocation of Vacant Public Housing Apartments

In 2013, there were 7,260 vacancies in NYCHA's public housing stock. Of those, 2,939 of such vacancies were allocated to transfers; 2,483 were allocated to households on the "Working-Family" preference waitlist; and 1,838 apartments were allocated to households on the "Needs-Based" preference waitlist. As can be seen from these numbers, NYCHA continues to

prioritize thousands of apartments for households with "Working-Family" priority who have no demonstrated housing needs, including hundreds of families whose annual income exceeds \$40,000.

Currently, victims of domestic violence and intimidated witnesses have N-1 priority under NYCHA's "Need Based Preference." To qualify for the domestic violence priority, an applicant for public housing must provide documentation that includes proof of two incidents of physical violence or threat of physical violence by the same perpetrator in a 24 month period. There is a limited exception to the need to prove repeated violence only where an applicant can demonstrate that he/she has been the victim of a serious felony, such as assault or rape.

NYCHA reports that in 2013, only 250 apartments were allocated to domestic violence survivors under the N-1 priority, 50 of whom came from homeless shelters. This was less than 6% of all available apartments. The New York City Emergency Domestic Violence Shelter System limits the number of days a survivor may stay in shelter to a maximum of 135 days. For survivors of domestic violence, these time limits, together with a lack of access to NYCHA's public housing resources has meant a perpetual cycle in-and-out of shelter; unstable housing stints; and also an increase in the number of survivors returning to their abusers.

Earlier this year, NYCHA announced its plans to re-instate its policy to give homeless families in New York City Department of Homeless Services ("DHS") shelters the highest priority for public housing apartments— and upgraded the Need-Based priority for DHS referred homeless families from N-4 to N-0. Those in the N-0 category are offered apartments before those in N-1. NYCHA also committed to allocate 500 public housing apartments in 2014 to homeless families with N-0 priority, with a commitment to admit 750 homeless families a year over for the next three years. This is far fewer than the number allocated under Mayor Rudolph

Giuliani's administration. The current proposal will not be sufficient to reduce the shelter census.

Moreover, victims of domestic violence do not have a high transfer priority. As a result only a small percentage of domestic violence survivors in NYCHA are able to get transferes.

My client illustrates the issue with NYCHA's policies. I will call her Ms. Jane for the purposes of this testimony. Ms. Jane is a mom of three children. Her oldest is serving our country in the army. The remaining are in junior high school and high school. Ms. Jane is an immigrant and a survivor of domestic violence. She entered the shelter system in 2008 after she fled from her long time abuser of 10 years. She had to get an order of protection against him and could not remain in the Bronx for fear of running into him. This meant the children had to change schools. Ms. Jane came to Queens and was fortunate to receive an Advantage housing subsidy voucher after being in the shelter for two years. I met Ms. Jane when I worked as a housing attorney at the Society when the landlord sought to evict her after the first year of her participation in the program even though the program specifically entitled Ms. Jane to a second year in the apartment.

We were successful in dismissing this holdover proceeding. However, the second year was barely over when Ms. Jane was back in court on a non-payment proceeding because the landlord, who lived on the first floor of the house, stopped receiving payments from New York City. This time, it was because the program was terminated for lack of funds, and Ms. Jane could not afford to pay the required \$1050 per month. Ms. Jane worked for the Board of Education but at the time, her husband had filed a false claim against her, which was still being prosecuted. When Ms. Jane was finally cleared of all charges, the Board still did not call her regularly for work as she was per diem.

With no ability to pay the rent after the Advantage program was defunded, Ms. Jane was eventually evicted and, having no affordable housing available, Ms. Jane was forced to return to shelter. Ms. Jane applied for NYCHA housing at that time but found an apartment without getting a response from NYCHA. Since then, Ms. Jane and her children have continued to cycle in and out of the shelter system. Ms. Jane was encouraged to re-apply for NYCHA housing. However, NYCHA agents have told Ms. Jane that she is no longer a DV priority even though she remains certified as DV by HRA because the order of protection has expired. Yet, Ms. Jane remains terrified of running into her husband in the Bronx when she returns to PATH for processing. Losing the last apartment was particularly challenging because her military daughter had been helping her with the rent. The landlord brought a nonpayment proceeding when Ms. Jane had trouble paying the rent, and Ms. Jane applied for a one shot deal but was denied because she was unable to get a letter of support from her military daughter who is overseas. HRA found past and current checks insufficient without the letter of support. As a result, Ms. Jane lost the apartment and returned to shelter., NYCHA has yet to provide Ms. Jane with an apartment.

The lack of affordable permanent housing in New York City is well documented. The Mayor's Office to Combat Domestic Violence reports that in 2013 there 2,228 domestic violence emergency shelter beds citywide, a 45% increase since 2002.<sup>1</sup> NYCHA has reported accepting only 250 new domestic violence survivors into NYCHA apartments and only 50 families were from homeless shelters. This has meant longer stays in homeless shelters; unstable housing stints; perpetual cycles in and out of emergency homeless shelters for low-income persons. For domestic violence survivors, this has also meant an increase in the number of survivors returning to their abusers. The problem is not unique to New York. Since 2010, a national survey of 738

<sup>&</sup>lt;sup>1</sup> http://www.nyc.gov/html/ocdv/downloads/pdf/Statistics\_Annual\_Fact\_Sheet\_2013.pdf

domestic violence shelters conducted by Mary Kay shows that 78% of domestic violence shelters (nearly eight out of ten) nationwide reported an increase in women seeking assistance from abuse and 95% reported that people are staying longer in shelter.

The New York City Emergency Domestic Violence Shelter System limits the number of days a survivor may stay to a maximum of 135 days. Some shelters are able to allow longer stays in the shelter by funding those stays through other grants when the state's requirement expires. According to the New Destiny Housing Corporation, the longest length of stay in an emergency shelter in 2011 was 486 days. New Destiny Housing Corporation also found that residents in transitional (Tier II) shelter housing increased their stay in 2011 after the Advantage program ended in comparison with 2010.<sup>2</sup> This meant there were less spots available for survivors when they timed out of the emergency shelter system.

## **Recommendations:**

- Allocate at least 2,500 public housing apartments each year to homeless families.
- Eliminate the "working family" preference, which does not require a demonstrated need for housing. This will ensure that NYCHA apartments are allocated to households who have a demonstrated need for housing.
- Restore priority for people in homeless and domestic violence shelters to the "N-zero" priority code, the top priority, and ensure that the NYC Department of Homeless Services and the Human Resources Administration can make referrals to the "N-zero" priority.
- Change the qualifying factors for those seeking a domestic violence priority so that a person does not have to prove *repeated* abuse at the hands of an abuser and accept proof of residency in a domestic violence shelter as proof itself of domestic violence.

<sup>&</sup>lt;sup>2</sup> http://www.newdestinyhousing.org/userfiles/file/FULL%20REPORT%20-%20Out%20in%20the%20Cold%20-%20New%20Destiny%20Housing%20-%20October%202012.pdf

• Give domestic violence victims already living in public housing top transfer priority code "T-zero."

## CONCLUSION

Since public housing is a scarce, affordable resource for low-income New Yorkers, it

should be allocated to households who have a demonstrated need for housing: the homeless,

victims of domestic violence, those living in substandard housing, or those low-income

households paying more than 50% of their income for rent. Thank you again for the opportunity

to testify today.

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Respectfully Submitted:

Seymour W. James, Jr., Attorney in Chief Adriene Holder, Attorney in Charge, Civil Practice Judith Goldiner, Attorney in Charge, Law Reform Unit Lucy Newman, of Counsel Johan Byssainthe, of Counsel The Legal Aid Society 199 Water Street, 3rd Floor New York, New York 10038



October 14, 2014

Ted McCourtney Director, Sarah Burke House Sanctuary for Families Secretary, NYC Coalition of DV Residential Providers

> Testimony to the City Council Committee on Public Housing

Good morning.

Thank you for the opportunity to address you today. My name is Ted McCourtney. I work for Sanctuary for Families as the Director of Sarah Burke House, a transitional domestic violence shelter in the Bronx. Sanctuary for Families is a nonprofit agency dedicated exclusively to serving domestic violence and sex trafficking victims and their children. I am also a member of the steering committee of the New York City Coalition of Domestic Violence Residential Providers, a coalition that includes all of the organizations providing domestic violence shelter in New York City.

I am here today because I am concerned about clients in the domestic violence shelter system being assigned a lower priority for accessing NYCHA housing than clients in the DHS shelter system.

Admirably, New York City devotes considerable resources to supporting a robust domestic violence shelter network. We encourage women to escape dangerous relationships. We offer them safe, confidential shelter, where they and their

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children have access to extensive clinical services. The families that enter our shelters make tremendous progress toward stability and self-sufficiency during their time with us. However, much of this stability comes undone if there are not safe housing options available to them at the end of their shelter stay. Without viable housing assistance, at the conclusion of their shelter stay, our clients often face an impossible decision - become homeless again or return to a dangerous situation. This is no way to treat the women who have made the courageous decision leave their abuser.

This summer, the eligibility requirements for the NYCHA domestic violence priority were broadened – a very welcomed development. During my twelve years working in domestic violence shelters in New York City, I have often observed that the clients who have experienced the most severe abuse do not necessarily possess the court documents that were previously required to access the domestic violence priority. As a result, less than 25% of our clients qualified. With the new, expanded eligibility requirements, many more of our clients, who are clearly victims of domestic violence, do qualify for the priority, and it is my hope that the expanded criteria will remain in place in future years. However, in order to be effective, the domestic violence priority must be designated as an N0 priority – the same priority clients in DHS shelters receive. The DV priority will be of little use to our clients if they are slotted behind the thousands of families in the DHS system.

Clients in domestic violence shelters are homeless, and they are homeless because it is unsafe for them to remain in their homes. They are every bit as homeless as clients in the DHS system, but with an added risk factor, as well as a time-limited stay in shelter. There is no justifiable reason for clients in the DV shelter system to have a lower priority when it comes to accessing public housing.

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In previous years, when the NYCHA homeless priority was in place, clients in the domestic violence shelter system had access to this priority, equal to clients in the DHS system. When this was the case, and when other housing supports, such as Section 8 and the Advantage program, were available to our clients, Sarah Burke House regularly placed over 100 families each year in to safe, permanent housing. In 2013, without these housing supports, we were only able to place 18 families into permanent housing. Well-considered housing programs have a tremendous effect on the families that enter the domestic violence shelter system. Allowing these families to have fair access to public housing would play a key role in helping them transition to stable, violence-free lives.

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Ted McCourtney Director, Sarah Burke House Sanctuary for Families PO Box 1783 Bronx, NY 10451

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EMERGENCY SHELTER Family Project Qudsia Chaudhry, MSW Testimony City Council Committee on Public Housing October 14, 2014

Good Morning. My name is Erin Feely-Nahem. I am the Executive Director of Food First Family Project, Inc., a non-profit agency incorporated in 1993 to provide supportive services and emergency shelter to domestic violence survivors. I am also the Co-Chair of the NYC Coalition of Domestic Violence Residential Providers' Housing Committee.

On July 24, 2014 I testified at the NYCHA Town Hall meeting, expressing surprise and concern regarding the amendment to the Agency's 2014 Annual Plan, which limited access to the N-O homeless priority preference to DHS referred clients, omitting HRA domestic violence shelter residents.

Historically, NYCHA has not discriminated against HRA domestic violence shelter residents, allowing clients within both systems to qualify for their "homeless" priority. The amendment to the NYCHA 2014 Annual Plan, adopted in July 2014, along with the Agency's 2015 Annual Plan, scheduled for submission on October 18<sup>th</sup>2014, places HRA domestic violence shelter residents' long term safety behind the immediate housing needs of DHS shelter residents, as well as behind those DHS families who are on the NYCHA Working Family Wait list.

Changes made to documentation requirements for the N-1 Priority, announced on July 18, 2014 are not enough to address this inequity. The move to a domestic violence expert administered risk assessment tool to award priority status is a positive development, but should be utilized for all survivors, inside and outside of the shelter system. Historically, HRA shelter residents were able to qualify for both priority preferences, N-0 and N-1, placing them at the top of the list.

On July 31, 2014 HRA submitted 631 applications to NYCHA, all eligible for the N-1 Priority preference. To date, none of these applications have even been coded, much less interviewed. During this same period, starting in July, DHS has referred and placed over 730 of their "homeless" residents into NYCHA apartments.

We have witnessed the housing options available to domestic violence survivors within our shelter system shrink over the years. Without access to a decent housing subsidy, or a viable priority like N-O for public housing, our residents will be unable

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James Auta, Ph.D Charlene Enette Raja G. Ogrirala, MD Ph.D Nzengha Waseme, Esq. Alfred Thompson, CPA to find permanent housing during their shelter stay, employed or not, facing continued risk of serious abuse.

Awarding N-O priority to all persons in shelter, whether it is within the HRA Shelter system or the DHS shelter system is the only fair way to implement a homeless priority.

We call upon the City Council to encourage NYCHA to codify these changes in their Annual Plan to ensure that all homeless persons have meaningful access to housing and that all survivors of abuse have a reasonable chance to attain a pathway to permanent housing and the safety it provides.

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## EMERGENCY SHELTER

Family Project Qudsia Chaudhry, MSW GOOD EVENING, MY NAME IS THERESA, I AM A MEMBER OF VOICES OF WOMEN ORGANIZING PROJECT, ALSO KNOWN AS VOW. I AM ALSO CHAIR OF THEIR HOUSING JUSTICE CAMPIAGN. VOW IS AN ORGANIZATION THAT WORKS TO IMPROVE THE SYSTEMS AND SERVICES THAT VICTIMS AND SURVIVORS OF DOMESTIC VIOLENCE AND THEIR CHILDREN TURN TO FOR SAFETY AND JUSTICE. WE ARE CALLING ON NYCHA TO SPEED UP THE APPLICATION PROCESS <u>SO WOMEN AND CHILDREN ARE NOT BEING</u> SHUFFLED FROM SYSTEM TO SYSTEM WHILE WAITING ON THEIR PERMANENT HOUSING. VICTIMS OF DOMESTIC VIOLENCE HAVE AN IMMEDIATE NEED FOR SAFETY!

WHEN TRYING TO LEAVE THEIR ABUSIVE RELATIONSHIP VICTIMS OF DV ARE FACED WITH A BIG DECISION TO LEAVE ALL THEY HAVE KNOWN. ONCE A SURVIVOR STEPS INTO A SHELTER THE CLOCK BEGINS TO TICK BETWEEN THEIR SHELTER TIME AND NYCHA HOUSING. THERE CONTINUES TO BE A SERIOUS DISCONNECT IN TIMING BETWEEN THE MAXIMUM STAY ALLOWED IN DOMESTIC VIOLENCE SHELTERS AND THE NYCHA APPLICATION PROCESS. MANY OF THESE FAMILIES ARE THEN FORCED TO EITHER START OVER AGAIN IN THE CITY'S HOMELESS SYSTEM OR RETURN

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TO THEIR BATTERER OUT OF DESPERATION, RISKING FURTHER ABUSE AND EVEN DEATH.

VOW CALLS UPON NYCHA TO ACCEPT A WIDER RANGE OF DOCUMENTS, AS PROOF OF DOMESTIC VIOLENCE PRIORITY HOUSING ELIGIBILITY. VOW BELIEVES THE FOLLOWING RECOMMENDATIONS SHOULD BE ADDED IN THE ELIGIBILITY CRITERIA:

- (1)A LETTER FROM A DOMESTIC VIOLENCE SHELTER ACKNOWLEDGING THAT THE RESIDENT QUALIFIES FOR ADMITTANCE AND IS IN DANGER BECAUSE OF DOMESTIC VIOLENCE. SHELTERS HAVE A THOROUGH SCREENING PROCESS.
- (2)CURRENTLY THE CRITERIA STATES THERE NEEDS TO BE TWO SEPARATE INCIDENCES IN ORDER TO BE ELIGIBLE FOR HOUSING. THIS CREATES LOOPHOLES FOR WOMEN WHO ARE IN DANGER BUT ONLY HAVE ONE INCIDENT. THESE WOMEN END UP HOMELESS AND REMAIN IN DANGER.

SAFE AND AFFORDABLE HOUSING IS A BASIC HUMAN RIGHT! THE FACT IS THERE ARE THOUSANDS OF WOMEN AND CHILDREN THAT ARE IN DOMESTIC VIOLENCE SHELTERS, BUT LETS NOT FORGET THERE ARE ALSO SURVIVORS IN HOMELESS SHELTERS. ON RECORD, THERE ARE ABOUT 9,300 FAMILIES IN NYC IN HOMELESS SHELTERS, WHEN ASKED WHY WERE THEY HOMELESS? DOMESTIC VIOLENCE WAS ONE OF THE TOP REASONS THEY GAVE. THERE NEEDS TO BE A CHANGE. WE NO

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LONGER CAN REMAIN SILENT WHILE WOMEN AND CHILDREN ARE BEING VICTIMIZED BY THEIR PARTNERS AND THEN RE-VICTIMIZED BY A SYSTEM

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WE ENCOURAGE YOU TO LEARN MORE ABOUT THE CYCLES OF DOMESTIC VIOLENCE. IT IS A BASIC HUMAN RIGHT AND PUBLIC SAFETY NEED TO LIVE FREE OF VIOLENCE. AFFORDABLE HOUSING IS A PRIMARY NEED FOR VICTIMS. WE ARE HAPPY TO SEE THAT SUBSIDY PROGRAMS ARE BEING IMPLEMENTED LIKE LINC III. WE LOOK FORWARD TO MORE ASSISTANCE TO HELP THOSE MOST VULNERABLE. THANK YOU.



## Testimony by Jae Young Kim, Esq. Urban Resource Institute Domestic Violence Legal Education and Advocacy Program (LEAP)

## Committee on Public Housing, October 14, 2014

Good morning and thank you for the opportunity to testify today. My name is Jae Young Kim and I am the Supervising Attorney at the Domestic Violence Legal Education and Advocacy Program at the Urban Resource Institute. The Urban Resource Institute's mission is to provide quality, compassionate and innovative client-centered services to vulnerable NYC individuals and families to empower them to lead the safest and fullest lives possible. URI is the second largest provider of domestic violence shelter services in New York City – with a total of 438 beds in its four domestic violence shelters located in Brooklyn and Manhattan. Each year, URI provides a physical sanctuary, counseling, case management, legal services, job training, and other supportive programs to approximately 1,400 adults and children to help them recover from trauma and abuse.

I am deeply concerned by NYCHA's decision to exclude domestic violence shelter residents from the N-0 Priority designation for a public housing admissions preference. Safe and affordable housing is the top concern of domestic violence victims. Domestic violence shelters provide safe temporary housing for those who are fleeing for their safety, along with access to many services that provide them with the support to overcome the barriers to independence and lives free of violence. However, victims are aware that they are only able to stay 180 days at emergency domestic violence shelters and worry about their uncertain future.

Economic abuse is very much part of the cycle of violence that domestic violence victims face, particularly in New York City, where the cost of living is so high. Victims often stay in an abusive relationship because they are unable to pay their rent without the income of their abuser contributes. Access to public housing is therefore crucial. Some victims have in fact returned to their abusers, even after entering domestic violence shelters, because they know that there is no chance of obtaining safe, affordable and permanent housing.

For example, I had one client, Mary, who had been in an abusive relationship with her husband for 10 years. She experienced serious physical, emotional, psychological and financial abuse at the hands of the abuser. In the beginning, the abuser monitored her whereabouts and limited her contact with others. When she was pregnant with her son James in 2009, the abuse escalated and became physical. During the worst incident, the abuser threw a hot plate of food at her and strangled her. Eventually, in 2012, she entered into a domestic violence shelter and got an order of protection against the abuser. However, from 2012 until 2014, Mary returned to the abuser 4-5 times, in part because she had no other housing option.

In 2014, Mary called the domestic violence hotline because although she was staying with a friend, she was afraid the abuser would find her if she stayed there too long. When she first came to our shelter, she was hopeful that she would be able to find an apartment and full time employment. She had been unable to work consistently in the past because the abuser would not care for their child or



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accused her of sleeping with her co-workers, causing her to quit her jobs. Now that she was able to work, she knew that was one important step to finding her own place to live. However, Mary found the search for an apartment in New York was difficult. She had submitted an application to NYCHA, but knew she would have to wait on a very long list. She looked at listings for private apartments as well, but could not find an apartment she could afford for herself and her two children.

As Mary was reaching the end of her stay, she disclosed that she was thinking of going back to the abuser. She felt the stress of moving around was affecting the well-being of her children. She did not want to go to PATH and go to a DHS homeless shelter, if it did not lead to safe, affordable and permanent housing.

I believe if Mary had been able to receive N-0 priority for public housing, she would not have considered returning to the abuser. Please seriously consider increasing housing options for victims of domestic violence so they do not feel forced to make the difficult decision to return to a dangerous environment.



## Testimony by New York Legal Assistance Group (NYLAG) Before the New York City Council, Committee on Public Housing:

## <u>Oversight – Evaluation of the Victim of Domestic Violence Need-Based Preference Category and</u> <u>Support and Services for Victims of Domestic Violence</u> in NYCHA Developments

#### October 14, 2014

Chair Ritchie Torres, Council Members, and staff, thank you for the opportunity to submit testimony regarding the New York City Housing Authority's (hereinafter "NYCHA") policies and rules relating to victims of domestic violence. The New York Legal Assistance Group is a nonprofit civil legal services office dedicated to providing free legal services to low-income New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure or eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBT community, as well as others in need of free legal services. NYLAG's Matrimonial and Family Law Unit prioritizes its services for victims of domestic violence.

We are very excited about and would like to commend both the Council's and NYCHA's willingness to hear from domestic violence advocates about ways to improve services within NYCHA. NYCHA's current rules and regulations regarding domestic violence are complex and vary depending on whether someone is applying for housing, seeking a transfer to another development, or is seeking a Section 8 transfer.

It is well known that addressing domestic violence involves a coordinated community response. The increase in domestic violence reports in NYCHA developments needs to be addressed not only by NYCHA itself, but by putting mechanisms in place that allow for a coordinated strategy with NYPD, District Attorney's offices, civil legal service providers, advocates and social service providers. Additionally, discussions surrounding domestic violence and housing need to be viewed in context, and with the understanding that some of the problems faced by domestic violence victims/survivors are connected to other issues at NYCHA, such as who has the right to a lease, general security issues, relations with police, or treatment of tenants by NYCHA staff. Therefore, revisions to NYCHA policies should be made with the input from domestic violence advocates, who can shed light on some of the dynamics complicating these issues. For these reasons, NYCHA has reached out and NYLAG appreciated the invitation to NYCHA's recent roundtable on this subject and hopes to continue participating in those meetings.

We would like to emphasize the need for flexibility when assisting domestic violence victims because each situation, including the dangers faced by the victim, the proof of violence available, and the level of fear experienced, is different. Accordingly, more credence should be given to the victim's own assessment of the level of danger they face in order to account for these differences. Further, reliance on proof from the criminal justice system is misguided and antithetical to the nature and dynamics of domestic violence – for many, particularly immigrant, persons of color and LGBT victims, it remains a private matter. According to the NYC Fatality Review Commission, the victim had no prior contact with the criminal justice system in the majority of DV fatalities in NYC.

For example, NYCHA's current policy requiring victims to show at least two incidents of violence within one year before being eligible for a transfer is misguided. Recently, one of NYLAG's clients received an emergency DV housing transfer to another borough. Her abuser found her, broke in to the apartment several times and continues to threaten her, such that she needs yet another transfer. She is encountering difficulties because she lacks proof of incidents of violence, which included destruction of

her car and breaking and into her home, because she never saw her abuser commit these acts. She was unable to demonstrate to the police that it was her abuser who broke in so the reports do not identify him as the perpetrator and no arrest has been made. Her abuser was previously convicted of manslaughter and although his propensity for violence certainly puts her at risk, it is not considered under current regulations.

A comprehensive individual risk assessment made by designated, qualified domestic violence service providers would be a more accurate and comprehensive solution to prioritizing DV cases for housing.

In the meantime, we urge NYCHA to expand the list of crimes that allow for a DV priority to be assigned to a housing or transfer application to include such categories as aggravated harassment, harassment and criminal mischief. Over the last decade the NYS Legislature has expanded the Penal Code to include several new crimes, including Stalking. The Legislature also amended Article Eight of the Family Court Act to include additional family offenses including criminal mischief, sex crimes and aggravated harassment. NYCHA needs to update its rules consistent with these amendments and expand the list of crimes included to qualify for priority. Most domestic violence is considered misdemeanor level crime – the pattern of abuse used to control a victim doesn't always rise to the level of a felony. Harassment may sound benign but it encompasses much of the behavior abusers use to control their victim – it includes striking, shoving and kicking or threatening to do so. In New York State, unless the victim suffers impairment of a physical condition or substantial pain the crime doesn't rise to an assault, thus harassment is a frequent charge in DV cases. Property damage and telephone contact are other tools abusers rely on to control their victim. When an abuser cuts up a victim's clothing, smashes their cell phone and calls repeatedly at work until the victim loses a job -- all common behaviors--they can be charged with criminal mischief or aggravated harassment. All these domestic violence crimes need to be added to the list for priority as well.

Additionally, the experiences of lesbian, gay, bisexual, and transgender (LGBT) survivors of domestic violence, or intimate partner violence, is all too often over looked. Statistics show that LGBT people experience domestic violence at the same rate as their heterosexual counterparts<sup>1</sup>. Despite the similar rates of abuse, LGBT victims and survivors of domestic and intimate partner violence face discrimination when seeking out assistance. Many authorities, ranging from the police to court personnel, lack knowledge about how domestic violence impacts LGBT people. As a result, LGBT individuals are frequently turned away by the police when trying to file a police report alleging domestic violence. For example, one of NYLAG's clients shared a NYCHA apartment with her partner (they were not married, but both were NYCHA tenants of record). On one occasion, the abuser threw herself on top of our client and beat her and broke her ankle. The police were called, but as is often the case, the abuser spoke to the police first and accused the victim of being the perpetrator. Presumably because they were a same sex couple, the police made no arrest even though our client was severely injured and it was clear who the aggressor was regardless of gender. Our client wanted to leave the apartment for her own NYCHA apartment, but NYCHA presented her with two difficult options: the first was to surrender her NYCHA tenancy and then apply for NYCHA DV priority, or remain in the apartment and request a transfer. The client was reluctant to give up her apartment because if she was not approved for DV priority, she risked homelessness. If she chose to remain in the apartment and request a transfer, she was told this might take a long time and she did not feel safe continuing to reside in the apartment while awaiting a transfer.

In sum, NYLAG suggests the following:

- 1. giving more credence to the victim's fear;
- 2. developing a coordinated community response;
- 3. designating certain agencies to conduct risk assessments in lieu of requiring police contact;

<sup>&</sup>lt;sup>1</sup> One out of four to one out of three same-sex relationships has experienced domestic. <u>See http://cdn.americanprogress.org/wp-content/uploads/2012/12/domestic\_violence.pdf</u>. <u>See also violence. http://www.rohrbaughassociates.net/pdfs/same\_sex.pdf</u>.

- 4. expanding the list of qualifying crimes;
- 5. reducing the requirement of two incidents;
- modifying the one year bar on reapplying for a transfer if a transfer is not effectuated properly the first time;
- reassessing the current zip code exclusion policy for DV transfers and housing applications to either be a smaller exclusionary zone or to allow for exceptions based on the assessment of individual situations;
- 8. obtaining additional security cameras in all the developments;
- appointing a DV Liaison at NYCHA whom advocates can contact directly and/or assigning a NYCHA DV staff person in all developments;
- making NYCHA's rules and procedures available online so advocates know how to advise their clients;
- 11. more training and resources are needed to ensure that all victims of domestic violence, including immigrant and LGBT victims, can safely access help and resources, including the urgent need to seek for housing within NYCHA.

We would welcome the opportunity to further discuss or comment on these matters in the future.

Thank you for the opportunity to submit testimony on this critical subject.

Respectfully submitted,

Kim Susser, Director, Matrimonial & Family Law Unit Kamilla Sjödin, Associate Director, Housing Law

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с С	Date: <u>10/(4/_14</u> (PLEASE PRINT)
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ddress: The	Leechid Sxiety 1
represent: 195	Water Street NY, NY
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	THE COUNCIL THE CITY OF NEW YORK
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	I intend to appear and speak on Int. No Res. No in favor in opposition
	Date: (PLEASE PRINT) Name: Judith Goldiner Johan Byssa Address: 199000005 I represent: Legal And Sailby
	Address:
	THE COUNCIL
	THE CITY OF NEW YORK
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	Date: 40/14/14/
	(PLEASE PRINT) Name: Brian Clauthe VP of Operations - NYCHA
	Address: * Nora Reissig Director - NYCHA'S Famil
	1 represent: Services Department
	Address:
	THE COUNCIL
	THE CITY OF NEW YORK
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	I intend to appear and speak on Int. No Res. No
	in favor in opposition
	Date: <u>10/14/14</u> (PLEASE PRINT)
-	Name: Rosemonde Pierre- Louis NYIIIA
	Address:
	I represent: Commitsioner, Mayor's Office to Combat
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THE COUNCIL THE CITY OF NEW YORK
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☐ in favor ☐ in opposition Date: <u>/0/14/14</u>
Name: (ecile Noe)
Address: Human Resources Administration
I represent:
Address:
THE COUNCIL THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No Res. No in favor in opposition
Date: (PLEASE PRINT) Name: BREAN CLAPEC Address:
I represent:
Address :
THE COUNCIL THE CITY OF NEW YORK
Appearance Card
I intend to appear and speak on Int. No Res. No
☐ in favor ☐ in opposition
(PLEASE PRINT) Name: Sharleng Prwell Address: 3405 Grates Prace Apt. IF Bx NY
I represent: VOW (Voices of Women) 10961
Address:
Please complete this card and return to the Sergeant-at-Arms

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Appearance Card	]
I intend to appear and speak on Int. No Res. No in favor in opposition	J   -
Date: Date: <u>Name:</u> Ted M. Converge Address: <u>PD Box 1785 Brown</u> , NY 10451 I represent: <u>Semilier</u> Families	-
I represent: Jandhary the translites	-
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Name: Maria Torres (Call with Judith Kaham) Address: P.O. BOX OLEONS, BHUM, M.T.	
I represent: $(HD)$	6
Address:	
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I intend to appear and speak on Int. No Res. No in favor in opposition Date: 10 14 14 -	
Name: Haylin Potoy	
Address:	
I represent: DU SURVIVOR IN Shelter	
Address:	