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**The Council of the City of New York**

**BRIEFING PAPER OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON GENERAL WELFARE**

**Honorable Stephen Levin, Chair**

**Oversight: An Examination of the Department of Homeless Services 90-day Review**

**April 21, 2016**

**Introduction**

On April 21, 2016, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing titled, “Oversight: An Examination of the Department of Homeless Services 90-day Review.” Representatives from the Department of Homeless Services (DHS), the Human Resources Administration (HRA), advocates for the homeless, and other concerned members of the community are expected to testify. The hearing will examine the structural and substantive reforms of New York City’s homeless programs as a result of Mayor Bill de Blasio Administration’s comprehensive review of the system. The review resulted in new procedural reforms and 46 substantive reforms broken out into four areas: (1) prevention; (2) street homelessness; (3) shelter; and (4) rehousing.

## **Background**

### ***The Homelessness Crisis***

New York City continues to face record levels of homelessness. Data from DHS shows that for the night of April 14, 2016, there were a total of 57,937 individuals in the shelter system, including 39,934 individuals in families with children, 4,809 individuals in adult families, and 13,194 single adults.<sup>1</sup> The United States Department of Housing and Urban Development (HUD), which provides an annual point-in-time estimate of homelessness nationwide,<sup>2</sup> reported in January 2014 (its most recent report) that while the number of people living on the streets and in shelters across the country decreased during that time, the homeless population in New York City grew in almost every category including individuals, families, and the chronically homeless.<sup>3</sup> As indicated in the chart below, the average length of stay in a shelter has increased for all populations over the last several years.<sup>4</sup>

Average Length of Stay In Shelter (in days)		
	Fiscal Year 2011	Fiscal Year 2015
Single Adults	250	329
Adult Families	349	534
Families With Children	258	430

Source: FY 2015 Mayor's Management Report

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<sup>1</sup> Department of Homeless Services, Daily Report: 4/15/16 (Data from Thursday, April 14, 2016), *available at* <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf> (hereinafter DHS Daily Report).

<sup>2</sup> See U.S. Dept. of Housing & Urban Development, Part 1-Point-in-Time Estimates of Homelessness, The 2014 Annual Homeless Assessment Report to Congress, (Oct. 2014) *available at* <https://www.hudexchange.info/resources/documents/2014-AHAR-Part1.pdfv> .

<sup>3</sup> *Id.*

<sup>4</sup> Mayor's Management Report, Fiscal Year 2015, (Sept. 2015) *available at* [http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2015/2015\\_mmr.pdf](http://www1.nyc.gov/assets/operations/downloads/pdf/mmr2015/2015_mmr.pdf) (hereinafter FY 15 MMR).

## *The DHS system*

New York City operates under a unique legal mandate which requires a “right to shelter.” In 1979, the *Callahan v. Carey* lawsuit brought on behalf of all homeless men in New York City, argued that the New York State Constitution, which states that “the aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions...,” created a right to shelter.<sup>5</sup> The litigation was ultimately settled by a consent decree, which required shelter to be provided to all homeless men who met the need standard for welfare or who were homeless “by reason of physical, mental, or social dysfunction.”<sup>6</sup> In 1982, the case *Eldredge v. Koch* held that the *Callahan* consent decree also applied to homeless women.<sup>7</sup> In 2008, after decades of lawsuits, the City agreed to a settlement in the *Boston v. City of New York* case,<sup>8</sup> creating a legal right to shelter for families with children.<sup>9</sup>

In order to meet its legal mandate, the DHS shelter system includes 256 homeless shelters.<sup>10</sup> DHS operates separate shelter systems for single adults,<sup>11</sup> families with children<sup>12</sup> and adult families.<sup>13</sup> While the majority of shelters are operated by not-for-profit providers under

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<sup>5</sup> Coalition for the Homeless, *The Callahan Legacy: Callahan v. Carey and the Legal Right to Shelter*, available at <http://www.coalitionforthehomeless.org/our-programs/advocacy/legal-victories/the-callahan-legacy-callahan-v-carey-and-the-legal-right-to-shelter>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Families with children, however, must go through an eligibility determination, which single adults do not.

<sup>10</sup> LL 19 of 1999 Transitional Inventory Report for 2015 (Oct. 2015)(report on file with Committee staff)(hereinafter LL 19 Report).

<sup>11</sup> DHS considers a single adult to be any man or woman over the age of 18 who seeks shelter independently, without being accompanied by other adults or minors. See <http://www1.nyc.gov/site/dhs/shelter/singleadults/single-adults.page>.

<sup>12</sup> DHS considers families with children to be the following households: families with children younger than 21 years of age, pregnant women and families with a pregnant woman. See <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page>.

<sup>13</sup> DHS considers an adult family to be any family without minor children, including the following household compositions: applicants who are a legally married couple and present a valid original marriage certificate; or applicants who are a domestic partners couple and present a valid original domestic partnership certificate; or adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another; and two or more adults who can provide birth certificates to prove a

contract with DHS,<sup>14</sup> the agency also enters into non-contractual arrangements with private landlords and commercial hotels in order to meet its legal obligation.<sup>15</sup> According to DHS, the system typically operates with a nightly vacancy rate of less than one percent.<sup>16</sup>

After being found eligible for shelter, families with children may be placed in a Tier II facility, a hotel, or a cluster site. According to New York State law, a Tier II facility “provides shelter and services to 10 or more homeless families including, at a minimum, private rooms, access to three nutritional meals a day, supervision, assessment services, permanent housing preparation services, recreational services, information and referral services, health services, and child-care services.”<sup>17</sup> The New York City Administrative Code prohibits the use of Tier I shelters (which do not have private units), and further requires that Tier II shelters provide a bathroom, a refrigerator and cooking facilities and an adequate sleeping area within each unit within the shelter.<sup>18</sup> According to the 2015 annual DHS Shelter Inventory report (Inventory report), there are 95 Tier II facilities for families with a capacity to shelter 7,408 families.<sup>19</sup>

Families with children are also placed in hotels and in cluster site facilities, which are apartments within private buildings where homeless families and lease-holding tenants reside.<sup>20</sup> As of the latest Inventory report, there are 49 hotels housing homeless families with children with a capacity of 2,214 units, and 17 cluster sites with a capacity of 3,317 units.<sup>21</sup>

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parent and child or sibling family relationship or share a "caretaking" (emotionally or physically supportive) relationship. See <http://www1.nyc.gov/site/dhs/shelter/families/adult-families.page>.

<sup>14</sup> 10 shelters are operated directly by DHS. LL 19 report, supra note 10.

<sup>15</sup> Id.

<sup>16</sup> Testimony of the Dept. of Homeless Services before the Committees on General Welfare and Education, Oversight: “DOE’s Support for Students who are Homeless or in Temporary Housing” (Feb. 4, 2016).

<sup>17</sup> 18 N.Y.C.R.R. § 900.2(2).

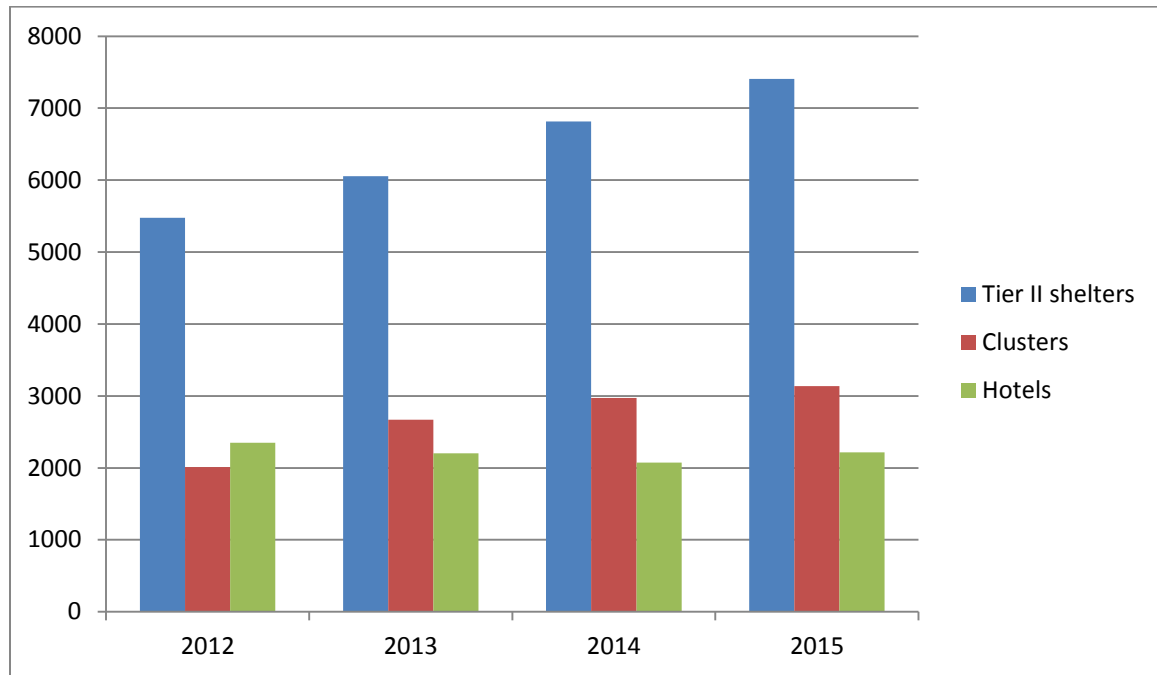
<sup>18</sup> N.Y.C. Admin Code. § 21-124 (b)(1).

<sup>19</sup> LL 19 report, supra note 10.

<sup>20</sup> Testimony of Seth Diamond, Commissioner, Department of Homeless Services, hearing of the New York City Council General Welfare Committee, (June 10, 2010), p. 19.

<sup>21</sup> LL 19 report, supra note 10.

## Shelter capacity for families with children: 2012-2015



Source – DHS Local Law 19 Transitional Inventory Report

Adult families without children under the age of 21 are placed in either a Tier II facility, or what DHS classifies in its reporting data as Non-Tier II facilities, which are primarily hotels. According to the Inventory Report, there are eight Tier II facilities for adult families with a capacity of 974 units and 14 Non-Tier II facilities with a capacity of 805 units.<sup>22</sup>

Single adults in the shelter system are primarily divided by gender,<sup>23</sup> and each system includes assessment shelters, general shelters and program shelters.<sup>24</sup> According to the Inventory report, for single men, there are 4 assessment shelters with a capacity for 1,736 adults, 11 general shelters with a capacity of 1,546 people, and 27 program shelters with a capacity of 4,474 people.<sup>25</sup> For single women, there are 2 assessment shelters with a capacity of 429, and 5 general

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<sup>22</sup> Id.

<sup>23</sup> There are 4 co-ed shelters with a capacity for 268 single adults. Id.

<sup>24</sup> Id.

<sup>25</sup> Id.

shelters with a capacity of 815 and 20 program shelters with a capacity of 1,990.<sup>26</sup> Overall, the system can accommodate 7,756 single men and 3,234 single women.<sup>27</sup>

### ***HRA's Current Role***

HRA is the main social services agency in the City and provides a variety of services, including public assistance, employment services, child support services, adult protective services, emergency assistance, etc.<sup>28</sup> HRA operates two emergency shelter systems, separate from DHS; emergency shelters for HIV/AIDS Services Administration (HASA) clients and shelters for domestic violence survivors.<sup>29</sup> HRA also provides some homelessness prevention services, including managing approximately \$62 million in anti-eviction legal services and \$16 million for the array of rental assistance subsidies including LINC, FEPS, and HOME TBRA.<sup>30</sup>

### ***History of DHS***

Prior to 1993, homeless services were provided by HRA as part of its delivery of social services. In March of 1990, then Council Speaker Peter F. Vallone appointed a “Legislative Advisory Commission on The Homeless” to begin to formulate a response to the homelessness crisis.<sup>31</sup> In September 1991, Mayor David Dinkins also appointed a Commission on the Homeless, headed by Andrew Cuomo, known as the “Cuomo Commission,” to review the City’s existing policies and make recommendations on policies and programs for the homeless.<sup>32</sup> The Cuomo Commission found that since the late 1970s, the homeless population had “changed dramatically” to include young women with children and young men. The report attributed this

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<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> NYC Human Resources Administration, Our Services, available at <http://www1.nyc.gov/site/hra/help/i-need-help.page>.

<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> The Council, Report of the Human Services Division, Committee on General Welfare, Proposed Int. No. 682-A (June 13, 1993)(hereinafter June 1993 General Welfare Report).

<sup>32</sup> Id.

growth of the population to the “deinstitutionalization of mental patients from the State system, coupled with a burgeoning epidemic of substance abuse, along with the gentrification of SRO residences.”<sup>33</sup> The Cuomo Commission’s major recommendations included: creating a three-phase system of reception, transitional housing and services tailored to an individual’s or family’s needs; moving toward a “not-for-profitized” system by transferring services from shelters to community-based not-for-profit organizations; creating a new rental assistance program to enable homeless families to move to permanent housing; allowing “doubled-up” families to receive the full state rental allowance by family, and not by residence; developing more supportive housing and finally creating a separate entity responsible for implementing the City’s homelessness policy.<sup>34</sup>

In response to the Cuomo Commission report, in 1992, Mayor Dinkins issued Executive Order Number 42 creating the Mayor’s Office for Homeless Facilities and Service Development to oversee the establishment of a new City agency for the homeless.<sup>35</sup> In 1993, at the request of the Mayor, the Council enacted Local Law 51 of 1993 which codified DHS as an agency in the City Charter.<sup>36</sup> At the time of the legislation, there were almost 6,000 families with 9,700 children, and 7,500 individuals residing in transitional housing.<sup>37</sup> Local Law 51 added a new Chapter 24-A to the City Charter that created DHS and tasked it with the following:

1. be responsible for transitional housing and services provided by the city for homeless families and individuals, including fostering the involvement of both the for-profit and not-for-profit communities;
2. plan and implement a redesign of the shelter system;
3. participate in planning housing for homeless families and individuals;

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<sup>33</sup> Id.

<sup>34</sup> Report of the New York City Commission on the Homeless, David N. Dinkins, Mayor & Andrew M. Cuomo, Chairman, *The Way Home, A New Direction in Social Policy* (Feb. 21, 1992) (report on file with Committee staff).

<sup>35</sup> Local Law 51 of 1993, Legislative declaration of intent.

<sup>36</sup> Id.

<sup>37</sup> Id.

4. develop programs to improve the access of homeless families and individuals to existing housing;
5. maintain, repair and rehabilitate transitional housing;
6. monitor and evaluate the performance of contract providers; and
7. participate in the development and operation of outreach programs to identify and assist families and individuals who are homeless and in the development of prevention programs to assist families and individuals who are in imminent danger of becoming homeless.<sup>38</sup>

Among other substantive requirements, Local Law 51 required the creation of a board to advise DHS on the “provision of facilities and services for homeless families and individuals,” and an interagency coordinating council “to maximize cooperation in homeless assistance efforts that cross departmental jurisdictional boundaries.”<sup>39</sup>

Despite the creation of the new agency, Local Law 51 of 1993 included an enactment clause that would cause the provisions creating the agency to expire on July 1, 1995.<sup>40</sup> In 1995,<sup>41</sup> the Council adopted Local Law 75 of 1995 which, among other things, extended Chapter 24-A of the Charter until July 1, 1998, when it would “devolve upon the department of social services.”<sup>42</sup> In May of 1998, the Council approved Int. No. 317-A in order to establish DHS as a permanent agency; the legislation also removed any future repeal of the Charter provision establishing DHS.<sup>43</sup> However, in July of 1998, then Mayor Rudy Giuliani vetoed the legislation and the Council did not override that veto.<sup>44</sup> In order to “prevent any disruption of services,”

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<sup>38</sup> June 1993 General Welfare Report, *supra* note 31.

<sup>39</sup> *Id.*

<sup>40</sup> Local Law 51 of 1993, Section 14.

<sup>41</sup> The Council also adopted Local Law 61 of 1995 which served only to extend Local Law 51 of 1993 retroactively from June 8, 1993 to September 6, 1995. Local Law 75 of 1995 applied retroactively beginning on September 6, 1995.

<sup>42</sup> Local Law 75 of 1995, Section 4.

<sup>43</sup> Int. No. 317-A (May 21, 1998).

<sup>44</sup> New York City Council, History, Int. No. 317 1998-A.



Mayor Giuliani issued Executive Order Number 42 which established DHS as a unit within the Department of Social Services.<sup>45</sup>

In response, the Council enacted Local Law 57 of 1998 which codified the Mayor's proposed structure of including DHS as a unit within HRA, and not a separate Charter-mandated agency.<sup>46</sup> The legislation also included substantive reforms, including capping the single adult shelter census at no more than 200 individuals and, in response to families sleeping on benches and the floor of the Emergency Assistance Unit (EAU) intake facility, required at a minimum, the facility to provide each "family with a private, self-contained, lockable sleeping room in which each family member is provide with a bed, or a crib where appropriate."<sup>47</sup> At a hearing of the General Welfare Committee considering the legislation, then-chair Council Member DiBrienza stated that, "[i]t was my original and the majority of the Committee's original preference to codify the agency as a free-standing agency. . ."<sup>48</sup> However, Council Member DiBrienza acknowledged on the record that he was in support of the legislation because he was more concerned with the substantive reforms, including the 200-bed rule.<sup>49</sup> The legislation was vetoed by Mayor Giuliani on December 7, 1998, but ultimately overridden by the Council ten days later on December 17, 1998.<sup>50</sup>

Less than one year later, the Council adopted Local Law 19 of 1999 which reinstated the original structure of the 1993 Local Law and codified DHS again as an agency in the City Charter.<sup>51</sup> The legislation also removed the requirement of individual rooms for families at intake, and instead required a 24-hour intake facility and that families seeking placement after 10

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<sup>45</sup> The City of New York, Office of the Mayor, Executive Order No. 42 (July 7, 1998) [http://www.nyc.gov/html/records/pdf/executive\\_orders/1998EO042.PDF](http://www.nyc.gov/html/records/pdf/executive_orders/1998EO042.PDF).

<sup>46</sup> Local Law 57 of 1998.

<sup>47</sup> Id.

<sup>48</sup> City Council of New York, Hearing of Committee on General Welfare (Oct. 30, 1998), p. 26-27.

<sup>49</sup> Id.

<sup>50</sup> New York City Council, History, Local Law 57 of 1998.

<sup>51</sup> Local Law 19, supra note 10.

at night to be provided with transportation to temporary placement for the night, and additionally grandfathered-in seven shelters, exempting them from the 200-person census cap for single adult shelters.<sup>52</sup> The legislation was signed into law by the Mayor on May 18, 1999. There have been no legislative changes to the agency's structure since 1999.

### **The 90-Day Review**

In December 2015, the Administration announced that they would be conducting a review of DHS and the City's homeless programs, and issue recommendations by early 2016 regarding the structure of the agency, and ways to address the growing homelessness crisis.<sup>53</sup> The review was to specifically examine for improvement and modernization areas including "how contracting with non-profits is performed in the agencies; the sharing of functions across agencies; the coordination of client service delivery, and program development efforts."<sup>54</sup> On April 11, 2016, the Administration announced the results of its review which included both structural changes to DHS and 46 substantive reforms.<sup>55</sup>

### ***Process***

During the 90-day review process, City Hall, HRA, DHS and the Mayor's Office of Operations, supported by outside consultant PwC, conducted a review to "asses the strengths and challenges of the current system, and identify how to deliver services more effectively and improve client outcomes."<sup>56</sup> During the process, over 400 people were interviewed, including City staff, providers, local and national advocates, external partners, former DHS commissioners,

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<sup>52</sup> Id.

<sup>53</sup> NYC Office of the Mayor, Press Release, City Announces Comprehensive Review of Homeless Service Agencies and Programs (Dec. 14, 2015) *available at* <http://www1.nyc.gov/office-of-the-mayor/news/939-15/city-comprehensive-review-homeless-service-agencies-programs>.

<sup>54</sup> Id.

<sup>55</sup> Review of Homeless Services Agencies and Programs (April 11, 2016) *available at* <http://www1.nyc.gov/assets/home/downloads/pdf/reports/2016/90-day-homeless-services-review.pdf> (hereinafter 90-Day Review).

<sup>56</sup> Id.

providers of services, and over 80 DHS clients who met directly with Commissioner Steve Banks.<sup>57</sup> More than 700 DHS staff and 630 clients were surveyed, with 34% of clients and 27% of staff citing rehousing programs and processes as the most critical issue.<sup>58</sup> A national review of best practices, with additional input from HUD, was also conducted.<sup>59</sup> The process culminated in both reforms to the structure of DHS and HRA, and substantive reforms.

### ***Structural Reforms***

The review considered three models of how to structure the City agencies that oversee homelessness: keeping DHS and HRA as two separate agencies; combining parts of the two agencies; and merging both agencies. The Administration's review concluded that "the best means of quickly improving homeless services, while avoiding unnecessary bureaucratic details involved in a merger, is to create an integrated management structure with shared administrative services."<sup>60</sup> The review established a structure where both DHS and HRA will report to the Social Services/Human Resources Administration Commissioner, which will continue to be HRA Commissioner Banks.<sup>61</sup> Commissioner Banks will appoint a chief homeless services administrator for DHS and a chief social services administrator for HRA,<sup>62</sup> both of which are yet to be appointed.

Prevention and rehousing efforts will be integrated within HRA operations under the new chief social services administrator, which the Administration states will allow for more "seamless and effective client services."<sup>63</sup> HRA will continue to oversee rehousing efforts, including the administration of the various rental assistance subsidies, and the City's main

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<sup>57</sup> Id.

<sup>58</sup> Id.

<sup>59</sup> Id.

<sup>60</sup> Id.

<sup>61</sup> Id.

<sup>62</sup> Id.

<sup>63</sup> Id.

prevention program, Homebase, will move from DHS to HRA.<sup>64</sup> DHS will continue to oversee intake, shelter system management and oversight, shelter provider support, and street outreach efforts.<sup>65</sup> Additionally, back office functions, including counsel, contracts, IT, program accountability, audits, communications, external affairs, HR, finance, performance management, research, policy and planning will be merged and shared by the two agencies, in order to “allow DHS to have a clear and concrete focus.”<sup>66</sup> This merging is expected to save \$38 million in city tax levy funding.<sup>67</sup> The City will also create an “Interagency Homelessness Accountability Council,” which is to be led by the Deputy Mayor for Health and Human Services, and include a wide range of City agencies.<sup>68</sup>

The Administration’s review did not include any recommendations to legislate changes to the structure of DHS or HRA in the City Charter.

### ***Substantive Reforms***

#### **I. Prevention**

New York City’s homeless prevention programs help move families and individuals out of shelter and stay in their homes, serving over 107,000 individuals with prevention services, and 10,000 households with legal services to remain in their homes.<sup>69</sup> The City has taken measures to help prevent individuals and families from becoming homeless through programs like Homebase, and substantially increasing the funding for anti-eviction legal services.

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<sup>64</sup> Id.

<sup>65</sup> Id.

<sup>66</sup> Id.

<sup>67</sup> Id.

<sup>68</sup> The following agencies will be part of the Council: Operations, Law Dept., DoITT, OMB, DCAS, MOCS, HRA/DHS, ACS, DOHMH, DYCD, DFTA, DOC, DOP, H+H, HPD, MOCJ, NYCHA, FDNY, DOB, and DOE. Id.

<sup>69</sup> Press Release, “MAYOR DE BLASIO ANNOUNCES OVER 30,000 NEW YORKERS EXITED OR AVOIDED SHELTER AND MOVED TO PERMANENT HOUSING THROUGH CITY’S NEWLY CREATED RENTAL ASSISTANCE PROGRAMS,” (March 8, 2016) available at <http://www1.nyc.gov/assets/dhs/downloads/pdf/press-releases/rental-assistance-programs-press-release.pdf> (hereinafter March 8, 2016 Press Release).

## *Homebase*

DHS' Homebase program is designed to assist families and individuals who are homeless or at imminent risk for becoming homeless to develop a plan for long-term housing stability.<sup>70</sup> In 2014, the Administration increased funding for Homebase and increased the number of locations from 14 to 23.<sup>71</sup> Since 2014, HomeBase has served 107,381 people with a variety of support services.<sup>72</sup> For Fiscal Year 2016, Homebase's budget is \$40.6 million. Homebase offers the following:<sup>73</sup>

- Services to prevent eviction
- Assistance obtaining public benefits
- Emergency rental assistance
- Education and job placement assistance
- Financial counseling and money management
- Help relocating
- Short-term financial assistance

## *HRA's Free Legal Representation to Prevent Eviction*

HRA funds Anti-Eviction Legal Services in the housing courts and in community offices across the City, and provides comprehensive, flexible and individualized legal and related services to help ensure that low-income households avoid becoming homeless. The City's tenant legal services programs have served 10,000 households.<sup>74</sup> Services may include:<sup>75</sup>

- Representation in housing court
- Negotiations with landlords and/or other advocacy assistance
- Inquiries into whether a tenant's rent level is correct, whether there are conditions that require repair and whether these constitute defenses to a proceeding
- Preparation and filing of required agency and court papers

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<sup>70</sup> H.E.L.P., Homebase, <http://www.helpusa.org/homebase/> (last accessed April 18, 2016).

<sup>71</sup> Testimony of Commissioner Gilbert Taylor before the Committee on General Welfare, "Oversight: Homelessness and the Implementation of the Living in Communities (LINC) Program," (Jan. 2015).

<sup>72</sup> March 8, 2016 Press Release, *supra* note 69.

<sup>73</sup> Department of Homeless Services, Homebase, <http://www1.nyc.gov/site/dhs/prevention/homebase.page>.

<sup>74</sup> March 8, 2016 Press Release, *supra* note 69.

<sup>75</sup> *Supra* note 73.

The Administration acknowledges that preventing homelessness before it occurs is critical to reducing the number of families and individuals living in shelter, and is cost-effective. The proposed reforms refocus the system to place greater emphasis on the role of prevention services, expanding the tools and resources available to those in need and pro-actively identifying and serving those who are most at-risk of becoming homeless.<sup>76</sup> The 90-day review calls for the following prevention reforms:<sup>77</sup>

- Move Homebase program management from DHS to HRA: Management of the Homebase program will be moved to HRA, which already runs a number of homeless prevention programs and services. Integrating all prevention services under one agency will reduce inefficiencies and allow for more seamless and effective client services.
- Expand Homebase staffing and services: HRA staff at Homebase offices will provide expanded on-site processing and triage for HRA benefits, including public assistance and rental assistance. Homebase staff will also expand their case management services to include landlord and family mediation, educational advancement, employment, and financial literacy services.
- Expand the scope of Homebase as the first point of entry for those at risk of homelessness: The City will develop an intake model that builds on Homebase to focus greater attention on the role of communities in supporting families at risk of becoming homeless. Families seeking homeless prevention or shelter services will obtain these services within their borough, rather than through the City's centralized intake center in the Bronx.
- Use data analytics to proactively target prevention services for at-risk clients: HRA will use client data collected by the agencies to proactively identify and target prevention services for New Yorkers who are most at risk of becoming homeless, such as families who are at risk of having their public assistance case closed administratively or reapplying for shelter.
- Target outreach to doubled-up families with school-aged children: HRA will work with DOE to identify and proactively target prevention services for students of families living in doubled-up situations who are reported as homeless under the McKinney-Vento Act.

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<sup>76</sup> Press Release, "Mayor de Blasio: Comprehensive Homeless Services Plan Increases Focus on Prevention & Rehousing," (Apr. 11, 2016) available at <http://www1.nyc.gov/office-of-the-mayor/news/344-16/mayor-de-blasio-comprehensive-homeless-services-plan-increases-focus-prevention-rehousing#/0>.

<sup>77</sup> 90 Day Review, *supra* note 55.

- Deploy additional HRA prevention staff to single adult and adult family intake sites: The City will increase the HRA Diversion staff presence at these intake sites to expand services for clients.
- Target services and rental assistance for youth in DYCD shelters: Eligibility criteria for the City's rental assistance programs will be expanded to include youth living in DYCD youth shelters at risk of entering DHS shelters.
- Target services and rental assistance for clients with mental health needs cycling between jail and homelessness: City rental assistance will be strategically targeted to "identified at-risk" clients with mental health needs cycling between Rikers Island and DHS shelters.
- Create two new City/State Task Forces to increase homelessness prevention: The City is proposing that the State participate in two new City-State task forces, one that will develop and implement alternatives to avert discharges from State prisons to DHS shelters, and one that will work to implement community-based programs to eliminate the need for DHS mental health shelters. These two client groups account for a large proportion of the census for the City's single adult shelters.

## II. Street Homelessness

According to the 2015 annual point-in-time estimate, the HOPE Count, there are an estimated 3,182 unsheltered individuals in the City, which represents a 5% decrease from 2014.<sup>78</sup> However, according to advocates, the HOPE Count significantly undercounts the population and is not an accurate reflection of the actual unsheltered homeless population.<sup>79</sup> There is no definitive estimate of the unsheltered homeless population in the City.

The unsheltered homeless population is often reluctant to receive services in traditional shelter settings. DHS utilizes 24/7 street outreach teams to encourage unsheltered individuals to

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<sup>78</sup> NYC Dept. of Homeless Services, 2015 HOPE Count, *available at* <http://www.nyc.gov/html/dhs/html/communications/hope-2015-results.shtml>.

<sup>79</sup> Pursuant to HUD regulations, the DHS point-in-time count must be conducted in the last 10 calendar days of January. HUD guidance states that it must be done at this time in order to get a "more precise count of people who are unable or unwilling to access emergency shelter or other crisis response assistance." Due to the severe weather in January and the inherent difficulties with counting this population, advocates have stated that the HOPE count does not provide an accurate reflection of the actual number of unsheltered individuals. *See* Coalition for the Homeless, "No Way to Count Homeless New Yorkers," (Feb. 28, 2013) *available at* <http://www.coalitionforthehomeless.org/no-way-to-count-homeless-new-yorkers/>.

access shelter.<sup>80</sup> These teams work with clients they have existing relationships with and respond to 311 calls regarding homeless individuals.<sup>81</sup> According to the Fiscal Year 2015 Mayor's Management Report (FY 15 MMR), street outreach teams placed 1,101 chronically homeless individuals into temporary or permanent housing, up from 562 in Fiscal Year 2014.<sup>82</sup> On April 14, 2016, DHS outreach teams made contact with 297 individuals and placed 3 individuals into shelter.<sup>83</sup> According to the FY 15 MMR, the outreach teams have a 100% response rate from 311 calls.<sup>84</sup>

In addition to the traditional shelter system, DHS also contracts with agencies to operate “safe havens” and “drop-in centers” which are low-threshold facilities intended for the street homeless population. Safe havens have fewer restrictions, including no curfew, to appeal to those who will not access traditional shelters. They also typically offer showers, meals, laundry facilities and social services, including counseling. Drop-in centers are open 24 hours, and typically offer hot meals, showers, medical help, and a place to sleep.<sup>85</sup> According to the DHS Daily Report, on April 14, 2016, 697 individuals utilized a safe haven bed, 539 clients were served by drop-in centers, and the overnight drop-in center census was 211 individuals.<sup>86</sup> DHS funding for outreach services totals \$24.5 million for Fiscal Year 2016.

Over the past year, public perception and media reports have indicated that the unsheltered homeless population has increased; however, the only available data on this

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<sup>80</sup> NYC Dept. of Homeless Services, Street Outreach, *available at* <http://www1.nyc.gov/site/dhs/outreach/street-outreach.page>.

<sup>81</sup> *Id.*

<sup>82</sup> FY 15 MMR, *supra* note 4.

<sup>83</sup> DHS Daily Report, *supra* note 1.

<sup>84</sup> FY 15 MMR, *supra* note 4.

<sup>85</sup> There are two drop-in centers in Manhattan, one in Brooklyn, one in the Bronx and one on Staten Island. NYC Dept. of Homeless Services, Drop-in Centers *available at* [http://www1.nyc.gov/assets/dhs/downloads/pdf/intake\\_drop\\_in\\_centers.pdf](http://www1.nyc.gov/assets/dhs/downloads/pdf/intake_drop_in_centers.pdf).

<sup>86</sup> DHS Daily Report, *supra* note 1. Note that the Daily Census for April 14, 2016 indicates that the date for the number of drop-in center clients served and overnight census is incomplete.



population is the annual HOPE Count. At a December 2015 hearing of the General Welfare Committee, former DHS Commissioner Gilbert Taylor acknowledged that street homelessness has gone up, but could not provide exact figures.<sup>87</sup>

To address the unique issues face by the unsheltered homeless population, in December 2015, Mayor de Blasio announced the launch of the NYC HOME-STAT program “to better and more quickly respond to the street homelessness problem.”<sup>88</sup> HOME-STAT adds three new elements to existing homeless prevention efforts:<sup>89</sup>

- (1) The Mayor’s Office of Operations (Operations) is launching an effort to “conduct a proactive daily canvass of every block from Canal Street to 145<sup>th</sup> Street,” which will involve 60 field and analytic staff.
- (2) Operations will create HOME-STAT dashboards including a daily public dashboard that maps service requests and data form the outreach teams and the police department.
- (3) The City will conduct quarterly nighttime counts.<sup>90</sup>

Additionally, street outreach teams will be expanded from 175 to approximately 312 individuals, the NYPD will redeploy 40 officers to its 70-officer Homeless Outreach Unit to respond to calls regarding encampments, large “hot spots,” and individuals experiencing emotional disturbances or displaying erratic behavior, and a citywide case management system will be created.<sup>91</sup> HOME-STAT was expected to be fully operations by March 2016. DHS will use existing funding to support this program.

As part of the 90-day review, two recommendations were issued with regard to the unsheltered homeless population:<sup>92</sup>

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<sup>87</sup> Testimony of Gilbert Taylor, DHS Commissioner, before the Committee on General Welfare, Oversight: Addressing the Homelessness Crisis (Dec. 9, 2105).

<sup>88</sup> Office of the Mayor, Mayor de Blasio Announces Home-Stat At ABNY Breakfast, (Dec. 17, 2015) *available at* <http://www1.nyc.gov/office-of-the-mayor/news/946-15/mayor-de-blasio-home-stat-abny-breakfast>.

<sup>89</sup> Id.

<sup>90</sup> Id.

<sup>91</sup> Id.

<sup>92</sup> 90 Day Review, supra note 55.

- Fully launch HOME-STAT to address street homelessness.
- Enhance tools for outreach teams to bring people in from the streets. This includes increasing the number of safe haven beds and drop in centers, and the plan to develop 15,000 units of support housing.

### **III. Shelter**

#### *Shelter Conditions*

At the request of Mayor de Blasio, the New York City Department of Investigation (DOI) inspected 25 DHS family shelters. In March 2015, DOI released a report that revealed extremely poor shelter conditions.<sup>93</sup> The report stated that, “these shelters, which provide housing for approximately 2,000 of the City’s nearly 12,000 homeless families, exposed residents to serious health and safety violations such as extensive vermin infestations, blocked or obstructed means of egress, non-working smoke and carbon monoxide detectors, and improper and/or missing Certificates of Occupancy. In addition, DOI’s investigation found there was a lack of social service programs offered for homeless families at some of these locations.”<sup>94</sup> As a result of the inspection, 621 building, housing and fire safety violations were issued.<sup>95</sup> DOI also gave several recommendations to improve the operational oversight and management of the City’s family homeless shelters.<sup>96</sup>

DOI inspected five cluster sites, nine hotels, and 11 Tier II family shelters.<sup>97</sup> DOI found the cluster sites to be the worst maintained, the most poorly monitored, and provided the least adequate social services to families.<sup>98</sup> The cluster sites were issued 223 building and fire

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<sup>93</sup> The City of New York Department of Investigation (Release #08-2015), “DOI INVESTIGATION OF 25 CITY-RUN HOMELESS SHELTERS FOR FAMILIES FINDS SERIOUS DEFICIENCIES,” (Mar. 12, 2015) *available at* [http://www.nyc.gov/html/doi/downloads/pdf/2015/mar15/pr08dhs\\_31215.pdf](http://www.nyc.gov/html/doi/downloads/pdf/2015/mar15/pr08dhs_31215.pdf), (hereinafter DOI Report).

<sup>94</sup> Id.

<sup>95</sup> Id.

<sup>96</sup> Id.

<sup>97</sup> Id.

<sup>98</sup> Id.

violations for serious risks such as obstructed passageways, locked exits, defective window guards, and the presence of roaches, rats and mice.<sup>99</sup> For the hotels, DOI found that a reoccurring complaint was the infestation of rats and mice, despite monthly and sometimes weekly extermination.<sup>100</sup> The hotels had a total of 168 building and fire violations.<sup>101</sup> For the Tier II shelters, DOI found these facilities to be the best maintained and provided the most social services of the 3 shelter types, however, 7 of the 11 Tier II sites inspected had either an improper Certificate of Occupancy or none at all.<sup>102</sup> In total, the 11 shelters were issued 230 building and fire violations.<sup>103</sup>

In December 2015, Comptroller Scott Stringer released an audit report of 101 apartments at eight randomly selected DHS family shelters. The audit found that “DHS does not have sufficient controls to ensure that units within the shelter facilities are adequately maintained, that the needs of homeless families are assessed in a timely manner, or that the families receive appropriate services, including those designed to assist them to transition to permanent housing.”<sup>104</sup> Further, the report revealed that the majority of the inspected apartments had one or more conditions that raised health and safety concerns, including rodent and roach infestation, peeling paint, water damage, and mold on bathroom ceilings.<sup>105</sup> The inspections identified a total of 323 conditions related to 88 of the 101 apartments inspected.<sup>106</sup>

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<sup>99</sup> Id.

<sup>100</sup> Id.

<sup>101</sup> Id.

<sup>102</sup> Id.

<sup>103</sup> Id.

<sup>104</sup> The Office of the Comptroller, “Audit Report on the Controls of the Department of Homeless Services Over the Shelter Placement and the Provision of Services to Families with Children,” Executive Summary, (Dec. 18, 2015), available at [http://comptroller.nyc.gov/reports/audit/?r=12-18-15\\_MG14-088A](http://comptroller.nyc.gov/reports/audit/?r=12-18-15_MG14-088A).

<sup>105</sup> Id.

<sup>106</sup> Id.

### *Shelter Repair Squad and Scorecard*

As previously mentioned, DOI issued a report on conditions of 25 shelters, and called for the creation of an inter-agency task force.<sup>107</sup> In May 2015, two months after the release of the DOI report, the City created the Shelter Repair Squad, an interagency team comprised of DHS, the Fire Department (FDNY), Department of Buildings (DOB), Housing Preservation and Development (HPD), and Department of Health and Mental Hygiene (DOHMH).<sup>108</sup> Each agency has assigned teams to the Shelter Repair Squad for both inspection and repair.<sup>109</sup> Mayor de Blasio announced that the City would deploy over a hundred workers from multiple City agencies to over 500 buildings that operate as homeless shelters to begin immediately addressing building, fire and other code violations that may impact the health and safety of residents.<sup>110</sup> The work of the Shelter Repair Squad was extended include all City shelters, including family and adult shelters and clusters run by external providers.<sup>111</sup> Since the implementation of the Shelter Repair Squad, a total of 12,934 violations were cleared in 2015.<sup>112</sup>

In January 2016, the Mayor announced the creation of the Shelter Repair Squad 2.0, which expands upon the existing HPD inspections of DHS shelters and new repairs.<sup>113</sup> The shelter repair efforts were bolstered by increased participation from HPD for the duration of the 90-day review.<sup>114</sup> Further, the Shelter Repair Squad 2.0 program would continue with teams

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<sup>107</sup> DOI Report, *supra* note 91.

<sup>108</sup> Press Release, “MAYOR DE BLASIO LAUNCHES SHELTER REPAIR SQUAD TO ADDRESS URGENT HEALTH AND SAFETY CONDITIONS IN CITY SHELTERS,” (May 11, 2015) *available at* <http://www1.nyc.gov/assets/dhs/downloads/pdf/press-releases/Shelter-Repair-Squad.pdf>

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> Press Release, “Mayor Bill de Blasio Announces City and Shelter Providers Fixed More Than 12,000 Violations,” (Mar. 9, 2016) *available at* <http://www1.nyc.gov/office-of-the-mayor/news/237-16/mayor-bill-de-blasio-city-shelter-providers-fixed-more-12-000-violations> (hereinafter March 9, 2016 Press Release).

<sup>113</sup> Press Release, “As Part of Homeless Services Restructuring, Mayor de Blasio Expands Effort to Improve Shelter Conditions,” (Jan. 6, 2016), *available at* <http://www1.nyc.gov/office-of-the-mayor/news/018-16/as-of-homeless-services-restructuring-mayor-de-blasio-expands-effort-improve-shelter>

<sup>114</sup> *Id.*

from HPD, HRA and DHS focused on clearing conditions in non-cluster shelters.<sup>115</sup> Within two months of the implementation of the Shelter Repair Squad 2.0, (January - March 2016), 12,026 violations have been repaired, which is almost as many violations fixed (12,934) in all of 2015.<sup>116</sup> Furthermore, there would be inspections twice a year of all sites used to house homeless individuals and families.<sup>117</sup> In February 2016, the Mayor announced the creation of a Shelter Repair Scorecard to publicly report on the conditions of homeless shelters and track progress in addressing sub-standard conditions.<sup>118</sup> Data from the Scorecard shows that increased inspections have found more violations than in previous years, and that City and shelter providers have cleared more than 26,000 violations over the last two years.<sup>119</sup>

In addition, as part of improving shelter conditions, the City plans to phase out cluster sites and create a new housing model.<sup>120</sup> As many of the units as possible will be converted back to low-rent housing.<sup>121</sup> The cluster shelter units will either be converted to permanent housing or residents will move to another shelter by December 31, 2018.<sup>122</sup> The new model for shelters is based on a concept called Gateway Housing, which is similar to HPD's HomeStretch program that includes affordable permanent housing, shelter units and community space in the same building.<sup>123</sup> The Gateway Housing model also includes services for homeless families that have

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<sup>115</sup> Press Release, "Mayor Bill de Blasio Announces City Aggressively Inspecting and Fixing Homeless Shelter Conditions," (Feb. 1, 2016) *available at* <http://www1.nyc.gov/office-of-the-mayor/news/120-16/mayor-bill-de-blasio-city-aggressively-inspecting-fixing-homeless-shelter-conditions> (hereinafter Feb. 1, 2016 Press Release).

<sup>116</sup> March 9, 2016 Press Release, *supra* note 112.

<sup>117</sup> *Id.*

<sup>118</sup> Feb. 1, 2016 Press Release, *supra* note 115.

<sup>119</sup> *Id.*

<sup>120</sup> Press Release, "Mayor de Blasio Announces Three-Year Plan to Permanently End Use of Clusters as Homeless Shelters," (Jan. 4, 2016) *available at* <http://www1.nyc.gov/office-of-the-mayor/news/005-16/mayor-de-blasio-three-year-plan-permanently-end-use-clusters-homeless-shelters>

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

been proven to work and are tailored to the needs of individuals and families, rather than a one-size-fits-all model.<sup>124</sup>

The 90-day review calls for the following reforms with regard to shelter conditions:<sup>125</sup>

- Increase coordination among inspectors: To avoid duplication of effort, the City will establish a semi-annual multi-agency inspection process that includes all City agencies that have inspection responsibilities.
- Phasing out the use of cluster shelters.
- Assessing the potential conversion of existing shelters to permanent housing: Where feasible, the City will partially convert current shelter sites into permanent housing using new shelter models like Gateway Housing and Homestretch, which include affordable permanent housing, shelter units, and community space at the same location.
- Phasing out use of commercial hotels: As the cluster takedown, the shelter conversion process, and the enhanced shelter move out efforts proceed, the City will prioritize ending reliance on renting blocks of rooms in commercial hotels as shelter.
- Implementing a capital repair program: The City will implement a program to systematically review and fix capital needs at shelters.
- Expand Shelter Repair Squad 2.0 Operations.

### *Shelter Safety and Security*

In the past year, there have been several news reports of violence occurring in the shelter system, including single adult shelters and hotels. For instance, in April 2015, the director of a men's homeless shelter in the Bronx was shot and killed by a former resident near the shelter.<sup>126</sup> This incident has focused attention on the safety of shelter employees and prompted City officials to review security measures at the homeless shelters.<sup>127</sup> However, there were also high-profile reports of violence among shelter residents. In January 2016, a mentally ill resident at a

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<sup>124</sup> *Id.*

<sup>125</sup> 90 Day Review, *supra* note 55.

<sup>126</sup> Baker, Al, "Former Resident Kills Director of Bronx Homeless Shelter, Police Say," The New York Times, (April 28, 2015), available at <http://www.nytimes.com/2015/04/29/nyregion/former-resident-kills-director-of-bronx-homeless-shelter-police-say.html>.

<sup>127</sup> *Id.*

men's shelter in East Harlem fatally stabbed his roommate.<sup>128</sup> In February 2016, a man stabbed his girlfriend and her three children at the Ramada Inn in Staten Island, which was being used to accommodate DHS shelter residents.<sup>129</sup> The mother and two of the children did not survive.<sup>130</sup> Most recently, in April 2016, a man was murdered at the Bellevue Men's shelter in Manhattan.<sup>131</sup>

During the 90-day review process, the Mayor announced on March 15, 2016, that new measures have been taken to reduce violence in homeless shelters, which include reforms to critical incident reporting, NYPD re-training of DHS staff, and implementing new domestic violence services for shelter residents.<sup>132</sup> The Administration stated that it has instituted new, more comprehensive and accurate reporting of critical incidents in shelters, and for the first time violent incidents will be reported separately.<sup>133</sup> For many years, DHS reported "critical incidents" in the Mayor's Management Report, which included some but not all violent incidents.<sup>134</sup> In addition, data was not systematically collected to identify problems. DHS mainly focused on incidents involving death or life threatening injury and individual staff exercised discretion to report individual incidents on a case-by-case basis.<sup>135</sup>

Further, critical incident definitions were unclear and inconsistently reported across divisions. Overly broad categories limited the agency's ability to identify trends and quantify

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<sup>128</sup> Hu, Winne, "Mentally Disturbed Man Killed Teacher at Harlem Shelter, Police Say," The New York Times, (Jan. 28, 2016), available at [http://www.nytimes.com/2016/01/29/nyregion/suspect-flees-after-fatally-stabbing-roommate-at-harlem-shelter-police-say.html?\\_r=0](http://www.nytimes.com/2016/01/29/nyregion/suspect-flees-after-fatally-stabbing-roommate-at-harlem-shelter-police-say.html?_r=0).

<sup>129</sup> Pervaiz Shallwani and Henrick Karoliszyn, "Mother, Two Daughters Stabbed to Death at Staten Island Hotel," The Wall Street Journal, (Feb. 10, 2016), available at <http://www.wsj.com/articles/four-stabbed-at-staten-island-hotel-1455122169>.

<sup>130</sup> *Id.*

<sup>131</sup> ROCCO PARASCANDOLA, GRAHAM RAYMAN, "Cops nab man suspected of homeless shelter murder and slashing a cab driver," New York Daily News (April 18, 2016) available at <http://www.nydailynews.com/new-york/nyc-crime/cops-nab-man-suspected-homeless-shelter-murder-article-1.2605639>.

<sup>132</sup> Press Release, "DE BLASIO ADMINISTRATION ANNOUNCES NEW MEASURES TO IMPROVE SAFETY IN HOMELESS SHELTERS," (March 15, 2016) available at <http://www1.nyc.gov/assets/dhs/downloads/pdf/press-releases/new-measures-safety-shelters-press-release.pdf>.

<sup>133</sup> Testimony of Steven Banks, Commissioner of HRA/DHS, before the New York City Council General Welfare Committee FY 2017 Preliminary Budget Hearing on March 15, 2016 (hereinafter FY 17 Prelim. Budget hearing)

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

specific types of incidents. These categories included both violent and non-violent incidents within the same category, thus limiting the ability to quantify the volume of violent incidents.<sup>136</sup> New reporting categories have been created and applied retroactively to all 2015 incidents reported to DHS. Under the old definitions, there were 620 critical incidents.<sup>137</sup> The new analysis found 1,687 critical incidents, of which 826 were categorized as violent.<sup>138</sup> The Administration is implementing reforms to ensure that all critical incidents, especially violent incidents, are appropriately categorized and that there is appropriate follow-up.<sup>139</sup>

The NYPD will re-train all DHS security staff and a NYPD management team will be placed at DHS to develop an action plan to upgrade security at all shelters.<sup>140</sup> Currently, all non-cluster shelters have some level of security provided by either DHS peace officers or by private security guards.<sup>141</sup> As part of the 90-day review, security has already been increased at mental health shelters and at commercial hotels.<sup>142</sup>

The City is restoring a domestic violence program for family shelters that was cut in 2010.<sup>143</sup> The new analysis of critical incident data found that violence within families is the most common violent incident in family shelters. Domestic violence comprised 60% of the violent incidents in shelters having families with children, and 80% in adult family shelters.<sup>144</sup> HRA's NoVA (No Violence Again) Out-stationed Domestic Violence Services will be expanded to DHS Tier II family shelters to provide families with access to domestic violence services.<sup>145</sup>

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<sup>136</sup> Id.

<sup>137</sup> Id.

<sup>138</sup> Id.

<sup>139</sup> Id.

<sup>140</sup> Id.

<sup>141</sup> Id.

<sup>142</sup> Id.

<sup>143</sup> Id.

<sup>144</sup> Id.

<sup>145</sup> Id.



Trained staff from HRA will go to a number of Tier II shelters to provide these services.<sup>146</sup> Existing social services staff in Tier II shelters will participate in enhanced training that will provide them with the tools to identify and refer families and individuals to the NoVA team, a Family Justice Center or other community-based domestic violence providers.<sup>147</sup> Families experiencing unhealthy relationships and conflict will be offered conflict resolution/mediation services. The Mayor's Office to Combat Domestic Violence (OCDV) will commit the resources necessary to implement system-wide training for DHS staff.<sup>148</sup> A senior DHS official will be in charge of coordinating the delivery of domestic violence services.<sup>149</sup>

The Administration has indicated that it is committed to providing decent living conditions and high-quality social services to every family and individual living in shelter. These reforms address immediate concerns around shelter security and building conditions and include long-term strategies for sustaining these reforms into the future.<sup>150</sup> These reforms also address pressing social service needs, targeting services to specific high-risk populations and giving clients opportunities to enhance their income-building capacity by developing a career pathway while in shelter.<sup>151</sup>

The 90-day review calls for the following shelter reforms with regard to safety:<sup>152</sup>

- Increase safety in shelters through an NYPD management review and retraining program.
- Enhanced domestic violence services in DHS shelters: HRA's NoVA (No Violence Again) out-stationed Domestic Violence Services will be expanded to DHS Tier II family shelters to provide families with access to domestic violence services. Trained staff from HRA will go to designated Tier II shelters to provide these services. Existing social

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<sup>146</sup> Id.

<sup>147</sup> Id.

<sup>148</sup> Id.

<sup>149</sup> Id.

<sup>150</sup> Press Release, "Mayor de Blasio: Comprehensive Homeless Services Plan Increases Focus on Prevention & Rehousing," (Apr. 11, 2016) available at <http://www1.nyc.gov/office-of-the-mayor/news/344-16/mayor-de-blasio-comprehensive-homeless-services-plan-increases-focus-prevention-rehousing#/0>

<sup>151</sup> Id.

<sup>152</sup> 90 Day Review, supra note 55.

services staff in Tier II shelters will participate in enhanced training that will provide them with the tools to identify and refer families and individuals to the NoVA team, a NYC Family Justice Center, or other community-based domestic violence providers.

- Implement a more extensive reporting system for critical incidents that occur in shelters.

### *Shelters for Special Populations: Runaway and Homeless Youth & Domestic Violence Survivors*

#### **Youth**

DYCD is primarily responsible for providing services and shelter for runaway and homeless youth.<sup>153</sup> DYCD's RHY continuum includes street outreach services, drop-in centers, crisis shelters, and transitional independent living (TIL) programs.<sup>154</sup> For homeless youth in the City seeking shelter, there are only 337 certified residential beds for runaway and homeless youth, although that number is increased from 247 in the Fiscal Year 2013.<sup>155</sup> These 337 beds include both crisis shelters and TIL facilities. Crisis shelters are the entry-point for the DYCD's RHY system and offer emergency shelter for runaway and homeless youth up to the age of 21.<sup>156</sup> Crisis shelters are short-term residential programs that provide emergency shelter and crisis intervention services aimed at reuniting youth with their families or, if family reunification is not possible, arranging appropriate transitional and long-term placements.<sup>157</sup> After visiting a crisis shelter, a young person may receive a referral to a transitional TIL facility which provides support and shelter to homeless youth between the ages of 16 and 21.<sup>158</sup> Youth may stay in a TIL facility for 18 months.<sup>159</sup> TIL facilities offer educational programs, vocational training, job

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<sup>153</sup> NYC Dept. of Youth & Community Development, Runaway Homeless Youth, <http://www.nyc.gov/html/dycd/html/runaway/runaway.shtml> (last accessed April 18, 2016).

<sup>154</sup> *Id.*

<sup>155</sup> FY 15 MMR, *supra* note 4.

<sup>156</sup> NYC Dept. of Youth & Community Development, Crisis Shelters, <http://www.nyc.gov/html/dycd/html/runaway/crisis.shtml> (last accessed April 18, 2016).

<sup>157</sup> *Id.*

<sup>158</sup> NYC Department of Youth & Community Development, Transitional Independent Living, <http://www.nyc.gov/html/dycd/html/runaway/independent.shtml> (last accessed April 18, 2016).

<sup>159</sup> *Id.*

placement assistance, counseling, and basic life skills training. In Fiscal Year 2015, crisis shelters served 2,193 youth and TIL facilities served 361 youth.<sup>160</sup>

For young people aged 18 and older who age or time out of a DYCD RHY crisis shelter or a TIL facility, or could not access these facilities because they were at capacity,<sup>161</sup> they may enter the DHS shelter system. If the young person is pregnant or a custodial parent, he or she will enter the DHS shelter system as a family with children<sup>162</sup> and must go to the Prevention Assistance and Temporary Housing (PATH) center in the Bronx for intake and an eligibility determination. Those entering as a single individual must go to one of the three intake centers for single adults.

Although homeless youth can also access the DHS system, many advocates report that young people feel unsafe going to the DHS single adult system and will instead remain on the streets.<sup>163</sup> A study by Covenant House and Fordham University found that among runaway and homeless youth surveyed who reported engaging in commercial sexual activity, 48% indicated that a lack of a safe place to sleep was their main reason for entry into commercial sex.<sup>164</sup>

With regard to homeless youth and the DYCD system, the 90-day review includes the following two recommendations:<sup>165</sup>

- Streamline access to DYCD shelter for homeless youth. Staff will be deployed to DHS intake facilities to offer youth beds in the DYCD.

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<sup>160</sup> FY 15 MMR, *supra* note 4.

<sup>161</sup> In FY 15, crisis shelters and TIL facilities were at 99% and 96% capacity, respectively. *Id.*

<sup>162</sup> For young people in the DYCD RHY system, Covenant House has a program specifically for pregnant young people and young people with children.

<sup>163</sup> See Navvaro, Mireya, “Housing Homeless Youth Poses Challenges for Mayor de Blasio, The New York Times (March 27, 2105) available at <http://www.nytimes.com/2015/03/28/nyregion/housing-homeless-youth-poses-challenge-for-mayor-de-blasio.html>; Stewart, Nikita, “Homeless Young People of New York, Overlooked and Underserved,” The New York Times (Feb. 5, 2016) available at <http://www.nytimes.com/2016/02/06/nyregion/young-and-homeless-in-new-york-overlooked-and-underserved.html>.

<sup>164</sup> Homelessness, Survival Sex and Human Trafficking: As Experienced by the Youth of Covenant House (May 2013) available at <https://www.covenanthouse.org/sites/default/files/attachments/Covenant-House-trafficking-study.pdf>.

<sup>165</sup> 90 Day Review, *supra* note 55.

- Triple the number of DYCD RHY shelter capacity. One-hundred additional beds will be added each year for the following three years, bringing the total system capacity to 750 by FY 2019.<sup>166</sup>

### **Domestic Violence Survivors**

For survivors of domestic violence who require shelter, HRA oversees the City's system of emergency domestic violence shelters. HRA's Office of Domestic Violence (ODV) connects clients with emergency shelter and supportive services.<sup>167</sup> Under New York State law, local social services districts, such as New York City, must provide temporary emergency shelter to survivors of domestic violence, but State law also limits stays in these shelters to a total of 180 consecutive days.<sup>168</sup> In FY 2015, on average, there were 768 families served in the domestic violence shelter system each day and the system has 2,228 emergency beds.<sup>169</sup>

In addition to families served each day in HRA's domestic violence shelters, many victims reside in the Department of Homeless Services (DHS) shelter system. According to DHS, approximately 30 percent of shelter residents have been affected by domestic violence. After the 180-day time limit on HRA's domestic violence shelters expires, there are limited options for victims that require additional shelter and have not been able to relocate into permanent housing. HRA's ODV oversees and provides client referrals for eight transitional housing programs; however this is a limited resource. As a result, many domestic violence survivors will seek shelter with DHS. According to DHS, approximately 50-75 individuals a month enter the DHS system after timing out of a HRA domestic violence shelter. Additionally, many survivors must reside in the DHS shelter system due to the limited availability in the HRA

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<sup>166</sup> 90 Day Review, *supra* note 55.

<sup>167</sup> NYC Human Resources Administration, Domestic Violence Support, *available at* [http://www.nyc.gov/html/hra/html/services/domestic\\_violence.shtml](http://www.nyc.gov/html/hra/html/services/domestic_violence.shtml) (last visited April 18, 2016).

<sup>168</sup> N.Y. Soc. Serv. § 459-b. Emergency shelter is limited to 90 days, with the possibility of two 45 day extensions for residents who continue to need emergency shelter.

<sup>169</sup> FY 15 MMR, *supra* note 4.

shelter system. In FY 2015, 48.5% of eligible families seeking shelter at PATH entered HRA's domestic violence shelters, down from 80.8% of eligible families in FY 2013.<sup>170</sup>

The review includes a reform to this system by expanding the domestic violence shelter system. Three-hundred emergency beds and 400 Tier II units will be added to the system.<sup>171</sup> The increase in Tier II units will almost triple HRA's current capacity to 643 units in total. The 300 emergency shelter beds will support single survivors of domestic violence, including single pregnant women and women with very young children.

#### *Additional Shelter Reforms*

Other recommended shelter reforms include the following:<sup>172</sup>

- Rationalizing shelter provider rates: The City is evaluating payments to shelter providers to ensure they are sufficient to fund maintenance and services, and is assessing the capital needs of shelters which have not been adequately supported for many year.
- Address ADA compliance in shelters: The City will hire a consultant to evaluate ADA accessibility in the DHS shelter system and formulate a compliance plan.
- Expanding the scope of HRA's ADA coordinator to cover the shelter system: HRA's ADA Coordinator will coordinate and oversee ADA compliance and initiatives in the shelter system. The Coordinator will also develop and implement staff training and address client complaints.
- Promote career pathways for shelter residents: The City will implement new programs to help shelter residents move forward on a career pathway. Adult literacy and high school equivalency programming will be implemented at all shelters for residents who need additional supports in these areas. The City will also implement a training and employment program at select shelters for residents to learn trades by providing system-wide shelter maintenance services in private shelters.
- Targeting services for emerging new trends in the single adult population (persons 50 or older and 18 to 24).
- Targeting services for families to move away from a one size fits all approach: The City will develop initiatives that focus on the varying needs of homeless families. The City will work with providers to develop shelter models in which placements may be

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<sup>170</sup> Id.

<sup>171</sup> 90 Day Review, supra note 55.

<sup>172</sup> Id.

differentiated based on the family's readiness to be rapidly rehoused; families who are assessed to likely have a shorter stay in shelter may be placed in different programs than families with higher needs and a likely longer length of stay.

- Eliminate the requirement for school-age children to be present at PATH for multiple appointments: School-age children will no longer be required to be present with their families for multiple appointments in the shelter application process.
- Align access procedures for adult families with procedures for families with children: The City will modify the intake process and improve capacity planning to avoid long waits and/or transporting clients in the middle of the night as a result of the delay in identifying available shelter placements.
- Provide increased notice prior to non-emergency transfers: In non-emergency situations, clients will be given more notice that they are being transferred to another shelter.
- Increasing transportation resources to reduce placement waiting time: The City will be deploying additional transportation resources to address this problem.
- Deploy social workers to accompany families found ineligible who are returning to a community resource to provide on-the-spot assistance: This will enhance client services and address problems related to repeated reapplications.
- Expand the shelter conditions complaint process through HRA's Infoline: The hotline's current purpose is to address conditions complaints. HRA will expand this to include complaints on all shelter services, including shelter conditions.
- Communicate more information to clients through flyers, posters and other media: Better information for clients will enhance access to services, including employment and housing assistance.

#### **IV. Re-housing**

In order to combat the growing homelessness crisis, the de Blasio Administration has taken several steps to reverse policies of the Bloomberg Administration and move homeless individuals and families into permanent housing through various programs including, the Living In Communities (LINC) Rental Subsidies program, City Family Eviction Prevention Subsidy (CityFEPS) program, Special Exit and Prevention Supplement (SEPS) program, and the Tenant Based Rental Assistance (TBRA) to be described in further detail.

## LINC

Beginning in 2014, the current Administration rolled out six rental assistance programs collectively referred to as the Living in Communities (LINC). LINC was created to help move families out of shelter and into stable housing. Each LINC program is targeted towards a specific subset of the homeless population living in shelter. LINC is offered to eligible individuals and families in the DHS or HRA shelter systems. The LINC programs include:

- **LINC I** helps families in shelter who are working full-time, but are unable to afford stable housing on their own to relocate from the shelter system.<sup>173</sup>
- **LINC II** helps families who have had two or more prior stays in DHS or HRA shelters of 30 days or more, with at least one stay within the last five years of the beginning of the current shelter stay.<sup>174</sup>
- **LINC III** is geared toward families affected by domestic violence.<sup>175</sup> To qualify for LINC III, a member of the household must have been certified as a survivor of domestic violence, and be eligible for or have an active or single issue public assistance case.<sup>176</sup>
- **LINC IV** is targeted to single adults and adult families in DHS shelters, safe haven beds, or drop in centers that are, or include, an adult over the age of 60 or someone with a disability who are unable to afford stable housing.<sup>177</sup> Priority for LINC IV is given to individuals and families who have had the longest length of stay in shelter and to the oldest or medically frail adults.<sup>178</sup>
- **LINC V** is available to single adults and adult families in DHS shelters, safe havens, and drop in centers who are working but unable to afford housing.<sup>179</sup> LINC V is available for up to five years, and additional years on a case by case basis if the individual continues to be employed.<sup>180</sup> Like all other LINC programs, individuals and families are prioritized

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<sup>173</sup> Human Resources Administration, Dept. of Homeless Services, LINC I Rental Assistance Program for Clients in Shelter, available at <https://www1.nyc.gov/html/dhs/downloads/pdf/LINC/2015/FEB/LINC-I-ClientFactSheet.pdf>

<sup>174</sup> Human Resources Administration, Dept. of Homeless Services, LINC II Rental Assistance Program for Clients in Shelter, available at <http://www.nyc.gov/html/dhs/downloads/pdf/LINC/2015/FEB/LINC-II-ClientFactSheet.pdf>

<sup>175</sup> Human Resources Administration, Dept. of Homeless Services, LINC III Rental Assistance Program for Clients in Shelter, available at <http://www.nyc.gov/html/dhs/downloads/pdf/LINC/2015/FEB/LINC-III-ClientFactSheet.pdf>

<sup>176</sup> *Id.*

<sup>177</sup> Human Resources Administration, Dept. of Homeless Services, LINC IV Rental Assistance Program for Clients in Shelter, available at <http://www.nyc.gov/html/dhs/downloads/pdf/LINC/LINC-IV-Client-Fact-Sheet.pdf>

<sup>178</sup> *Id.*; 68 R.C.N.Y. 8 (Required Findings Pursuant to New York City Charter Section 1043(i)(1)).

<sup>179</sup> Human Resources Administration, Dept. of Homeless Services, LINC V Rental Assistance Program for Clients in Shelter, available at <http://www.nyc.gov/html/dhs/downloads/pdf/LINC/LINC-V-Client-Fact-Sheet-01022015.pdf>.

<sup>180</sup> *Id.*

based on their length of stay in shelter, and additionally adults who are working the most hours will be prioritized for LINC V.<sup>181</sup>

- **LINC VI** helps families with children move out of shelter and reunify with host families consisting of friends or relatives (“host families”). The program can help families move from temporary, emergency shelter back to the community as quickly as possible by offering monthly rental assistance payments to stabilize families in housing, living with a host family, for one year, with an annual review to determine renewal.<sup>182</sup>

### *CityFEPS*

The CityFEPS rent supplement program can help eligible families with children at risk of entry to shelter and those already in shelter to secure permanent housing.<sup>183</sup> CityFEPS is modelled on the State FEPS program.<sup>184</sup> While the original FEPS program specifically targeted families to help keep them in rental housing, CityFEPS is aimed at serving both families at risk of becoming homeless through eviction proceedings and families already in shelter.<sup>185</sup>

### *SEPS*

The SEPS program can help eligible individual adults and adult families (families without children) at risk of entry to shelter and those already in shelter to secure permanent housing.<sup>186</sup> After the first year of the program, the household may receive up to four one-year renewals of SEPS rent supplements, and additional one-year renewals indefinitely.<sup>187</sup>

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<sup>181</sup> *Id.*; 68 R.C.N.Y. 8 (Required Findings Pursuant to New York City Charter Section 1043(i)(1)).

<sup>182</sup> Human Resources Administration, Dept. of Homeless Services, LINC VI Rental Assistance Program for Clients, available at <https://www1.nyc.gov/html/dhs/downloads/pdf/LINC/2015/MAR/LINC-VI-Client-Fact-Sheet.pdf>

<sup>183</sup> Human Resources Administration, The CITYFEPS Rent Supplement Program Fact Sheet available at <http://www1.nyc.gov/assets/hra/downloads/pdf/news/headlines/CITYFEPSFactSheet.pdf>

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> Department of Homeless Services, SEPS, available at <http://www1.nyc.gov/site/dhs/permanency/seps.page>.

<sup>187</sup> *Id.*



## *TBRA*

HUD has allocated \$20 million to the City as part of its HOME grant for a Tenant Based Rental Assistance (TBRA) program.<sup>188</sup> TBRA is run by HRA under the oversight of the NYC Department of Housing Preservation and Development (HPD).<sup>189</sup> The TBRA program can serve about 1,200 families and pregnant women currently living in DHS or HRA domestic violence shelters or chronically street homeless individuals.<sup>190</sup> Individuals or at least one member of the family must be receiving some form of Social Security benefits to qualify.<sup>191</sup>

## *NYCHA Priority for Homeless Families and Section 8*

In June of 2014, the de Blasio Administration announced a plan to move 750 families out of shelters and into New York City Housing Authority (NYCHA) apartments; NYCHA's board approved the plan on July 24, 2014.<sup>192</sup> NYCHA has more than 178,000 apartments in 334 developments citywide and approximately 5,000 apartments become available each year.<sup>193</sup> As of November 2015, 262,000 families are on the waiting list for a NYCHA apartment.<sup>194</sup> By October, all 750 families had moved in, and the Administration continued to place homeless families in NYCHA beyond the initial 750 units. During calendar year 2015, NYCHA provided housing to 1,550 homeless families during calendar year 2015 and will provide 1,500 homeless families with public housing units each year from 2016 to 2025.<sup>195</sup> Despite the increase from the

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<sup>188</sup> Testimony of Steven Banks, HRA Commissioner, before the New York City Council Finance and General Welfare Committees FY 2016 Executive Budget Hearing on May 19, 2015.

<sup>189</sup> Department of Homeless Services, available at <http://www.nyc.gov/html/dhs/downloads/pdf/HOME-TBRA-Fact-Sheet-English.pdf>

<sup>190</sup> *Id.*

<sup>191</sup> *Id.*

<sup>192</sup> Howard Saul, Michael, "More Homeless Get Public Housing in New York City, but Shelter Population on Rise," The Wall Street Journal, (Nov. 24, 2014) available at <http://www.wsj.com/articles/more-homeless-get-public-housing-in-new-york-city-but-shelter-population-on-rise-1416853510>.

<sup>193</sup> *Id.*

<sup>194</sup> NYC Social Indicators Report (April 2016), p. 79 available at <http://www1.nyc.gov/assets/operations/downloads/pdf/Social-Indicators-Report-April-2016.pdf>.

<sup>195</sup> Fiscal Year 2016 Preliminary Mayor's Management Report, NYCHA (Feb. 2016) available at <http://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2016/nycha.pdf>.

initial 750, advocates have been calling for the Administration to further increase this set-aside to at least 2,500 units annually for homeless individuals and families.<sup>196</sup>

#### *Move-outs*

The total number of move-outs for each subsidy program is as follows:<sup>197</sup>

	<b>FY 15/16 Move-Outs as of Feb. 2016 – Households</b>	<b>Target Move-Outs</b>	<b>% Achieved</b>
LINC I	951	1,101	86%
LINC II	540	950	57%
LINC III	520	1,900	27%
LINC IV	1,295	1,100	117%
LINC V	807	1,000	80%
LINC VI	51	1,000	5%
CITY FEPS	1,422	N/A	N/A
SEPS	147	N/A	N/A
TBRA	15	N/A	N/A

The Administration has recognized that finding safe and affordable housing is essential to addressing homelessness.<sup>198</sup> Coordinating rehousing resources in the City under one management structure, making the rental assistance program easier to navigate, enhancing aftercare services, and enforcing housing discrimination laws will improve shelter move outs and housing stability.<sup>199</sup> The 90-day review calls for the following rehousing reforms:<sup>200</sup>

- Continue to utilize NYCHA placements to address homelessness: As provided in the City budget, within the needs-based NYCHA placements that are available during the year, the City will continue to place 1,500 DHS families on the NYCHA waiting list as well as 300 domestic violence survivors in HRA and DHS shelters and on the NYCHA waiting list into vacancies that arise.

<sup>196</sup> Ending Homelessness, How Mayor de Blasio and Governor Cuomo Can Do It, Homes for Every New Yorker (April 2015) available at <http://www.coalitionforthehomeless.org/wp-content/uploads/2015/04/HomesForEveryNYerReport04072015.pdf>.

<sup>197</sup> FY 17 Prelim. Budget Hearing, *supra* 133.

<sup>198</sup> Press Release, “Mayor de Blasio: Comprehensive Homeless Services Plan Increases Focus on Prevention & Rehousing,” (Apr. 11, 2016) available at <http://www1.nyc.gov/office-of-the-mayor/news/344-16/mayor-de-blasio-comprehensive-homeless-services-plan-increases-focus-prevention-rehousing#/0>

<sup>199</sup> “REVIEW OF HOMELESS SERVICE AGENCIES AND PROGRAMS,” Executive Summary (Apr. 11, 2016) available at <http://www1.nyc.gov/assets/home/downloads/pdf/reports/2016/90-day-homeless-services-review.pdf>

<sup>200</sup> *Id.*

- Consolidate and streamline the LINC, SEPS and CityFEPS rental assistance programs: The City will consolidate and streamline the operations of its rental assistance programs to enhance shelter move outs.

Other recommended rehousing reforms include:<sup>201</sup>

- Move Rehousing program management from DHS to HRA: Modeled on the veterans move out effort, HRA will develop a centralized reporting structure to promote move outs.
- Streamline the HPD housing placement process: The City will establish a streamlined process to connect homeless clients to HPD-financed units that are available and appropriate for their needs.
- Increase enforcement of source of income discrimination law: The City will train and dedicate HRA staff to conduct testing to identify potential discriminatory practices and take enforcement action to supplement the efforts of the City Human Rights Commission.
- Implement a more effective aftercare program: Using the critical time intervention<sup>202</sup> as a model, the City will enhance aftercare services for rehoused clients.
- Provide assistance to obtain federal disability benefits: The City will dedicate services to focus on enrolling shelter residents on SSI/SSD to increase income and promote rehousing.
- Incorporate Continuum of Care<sup>203</sup> strategic planning into homeless strategy development and establish a leadership reporting structure: Drawing on the model in other jurisdictions, the City will enhance the role of the Continuum of Care in the policy and planning process. As part of this initiative, the City will explore ways to further coordinate access and assess need for those experiencing homelessness following the HUD approach.
- Provide clear and concise information and written materials to clients about available assistance and programs: HRA and DHS will create and distribute more effective informational materials for clients in the community and in shelters.
- Call on the State to: (a) permit use of Medicaid funds for apartment search and shelter relocation services for homeless clients with disabilities; and (b) approve HRA's

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<sup>201</sup> 90 Day Review, *supra* note 55.

<sup>202</sup> Critical Time intervention is an evidence-based model that seeks to prevent homelessness with several mental illness leaving shelters, jails, hospitals and other institutions. *See* Coalition for Evidence Based Policy *available at* <http://evidencebasedprograms.org/1366-2/critical-time-intervention-top-tier>.

<sup>203</sup> A Continuum of Care (CoC) is a regional or local planning body that coordinates housing and services for homeless families. HUD requires communities to submit a single application for McKinney-Vento Homeless Assistance Grants through the CoCs. *See* National Alliance to End Homelessness, What is a Continuum of Care? *available at* <http://www.endhomelessness.org/library/entry/fact-sheet-what-is-a-continuum-of-care>.

requested FEPS plan modifications: These policy changes will enhance both rehousing and prevention efforts.

## **Conclusion**

The de Blasio Administration estimates that without the programs it has already put in place, today the shelter census would have reached more than 71,000 individuals.<sup>204</sup> The reforms proposed as part of the 90-day review are intended to “further build on the initiatives to prevent and alleviate homelessness.”<sup>205</sup> At today’s hearing, the Committee expects to hear more about the proposed reforms including why the Administration believes the new integrated system between DHS and HRA will be successful and how the proposed reforms will affect the shelter census.

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<sup>204</sup> 90 Day Review, supra note 55.

<sup>205</sup> Id.