

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GENERAL WELFARE

-----X

June 24, 2009  
Start: 1:36pm  
Recess: 4:07pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
BILL DE BLASIO  
Chairperson

COUNCIL MEMBERS:  
Gale A. Brewer  
Julissa Ferreras  
Helen D. Foster  
Jessica S. Lappin  
Annabel Palma  
Thomas White, Jr.

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

Fran Winter  
First deputy Commissioner  
Department of Homeless Services

Seth Diamond  
Executive Deputy Commissioner  
Human Resources Administration

Patrick Markee  
Senior Policy Analyst  
Coalition for the Homeless

Jane Bock  
Staff Attorney  
Legal Aid Society

Amanda Moretti  
Staff Attorney  
Legal Aid Society

Christy Parque  
Executive Director  
Homeless Services United

Piper Hoffman  
Director of Advocacy  
Partnership for the Homeless

Sophia Bryant  
Member  
Picture the Homeless

Susan Wieler  
Senior Policy Associate  
Citizens Committee for Children

Deirdre Byrne  
Director of Policy  
Children's Health Fund

CHAIRPERSON DE BLASIO: [gavel]

This hearing of the General Welfare Committee is now called to order. Like to thank my colleagues who are here, Council Members Annabel Palma, Jessica Lappin, Julissa Ferreras, and Gale Brewer. Thank you so much, everyone, for being here. Like to thank all the staff who helped to put together this hearing today, including Molly Murphy, Migna Taveras, Crystal Coston, and our new intern, Cara Krueger. Thank you very much. And I want to give a brief overview before we turn to the Administration's testimony. Yesterday was the fifth anniversary of Mayor Bloomberg's pledge to reduce New York City homelessness by two-thirds over five years. And yet sadly we have record numbers of families in shelter at this moment. So we've gone, unfortunately, in exactly the wrong direction. We're here today to examine new and troubling policies issued by the Department of Homeless Services related to homeless families with children, and we're concerned that these policies will drive up street homelessness and other social dislocation, specifically the income contribution requirement, ICR, that families with

1 children pay for the cost of shelter. And I want  
2 to note that Speaker Quinn and I have introduced  
3 Resolution 2002, that support State legislation  
4 that would eliminate this requirement, that  
5 families with children pay the cost for shelter.  
6 And secondly, we're going to look at standards  
7 describing when families with children can be  
8 evicted from shelter, standards that we believe  
9 are too flexible and can lead to, again, families  
10 ending up on the street. Now, on May 1<sup>st</sup> of this  
11 year, the City rolled out the ill-advised income  
12 contribution requirements, again ICR. It's clear  
13 that families will and already have lost out under  
14 this new policy. Homeless families need to keep  
15 as much money in their pockets as possible,  
16 looking forward to the day when they can actually  
17 move out of shelter and into permanent housing.  
18 That should be our goal. But this ICR policy in  
19 fact works against that goal. This policy means  
20 that homeless families will have to decide between  
21 purchasing the necessities versus paying for  
22 shelter. Their exit to permanent housing may be  
23 delayed if they have no savings to put towards the  
24 cost of housing. And shelter providers have to  
25

1  
2 become bill collectors instead of case managers,  
3 which fundamentally changes their relationship to  
4 the people they're serving. In addition, families  
5 face serious consequences if they don't pay, most  
6 notably ejection from shelter. Will the children  
7 in those families end up in foster care if the  
8 street is their only option? That's a serious  
9 question we have to ask ourselves. Remember,  
10 we're talking about families being ejected from  
11 shelter in the middle of the worst economic crisis  
12 since the Great Depression. Now on May 21<sup>st</sup>, the  
13 State of New York suspended the policy based on  
14 problems with how families were notified. Now,  
15 DHS has to reimburse money to families who were  
16 already, who had already paid the money, causing  
17 further confusion and strife. DHS has said the  
18 State is requiring that this policy be  
19 implemented; however, New York City, we all know,  
20 has very, very unique circumstances, different  
21 than anywhere else in the State. Over 80 percent  
22 of the State's homeless families are in New York  
23 City. That's according to federal figures from  
24 the U.S. Department of Housing and Urban  
25 Development. And the costs of living and of

1 housing in New York City are much higher than the  
2 rest of the State. So, we obviously need to be  
3 treated differently. According to the National  
4 Coalition for the Homeless, some of the most  
5 prevalent causes of homelessness are eroding work  
6 opportunities, increased cost of living, low stock  
7 of affordable housing units, poverty, and the  
8 declining value of public assistance. It seems  
9 clear that in this economic climate, the City's  
10 policy places more of a burden on an already  
11 vulnerable population. And all of those  
12 unfortunate trends I just mentioned are affecting  
13 the poor of our city right now. If we want, if we  
14 really want to successfully move people from  
15 shelter, into permanent housing, shouldn't the  
16 City be lobbying the State to exempt the City from  
17 this ICR requirement? I'm pleased that  
18 Assemblyman Keith Wright and Senator Daniel  
19 Squadron introduced legislation to change the  
20 State law that mandates this requirement. And  
21 again, Speaker Quinn and I have introduced  
22 Resolution 2002 that supports the legislation, and  
23 we're hoping, and we're praying that this  
24 legislation in Albany could be acted on  
25

1  
2 immediately. In fact, Assemblyman Wright's bill  
3 was passed this Monday, this past Monday, in  
4 Albany, in the Assembly. And so the Assembly is  
5 recognizing the urgency of the problem and has  
6 done something about it, and we're hoping that  
7 despite the situation in the Senate, that this  
8 will be one of the issues they take up in the  
9 coming days. And we need the City to urgently and  
10 intensely support the elimination of this  
11 requirement in Albany, and be a part of that  
12 solution, and play an active role. Now the  
13 second issue we're here to talk about is the  
14 manner in which families can be sanctioned and  
15 evicted from shelter. DHS has asked the State for  
16 permission to approve its proposed procedure under  
17 which families with children, again, can be  
18 sanctioned and evicted. We are concerned about  
19 this procedure, as it's currently written, because  
20 it allows evictions based on subjective and  
21 unreasonable factors, such as not being--and this  
22 again is from the policy proposal--tenants not  
23 being properly dressed, not keeping a shelter unit  
24 "clean and orderly," or bringing more than two  
25 bags of belongings into the shelter. Now these

1  
2 are all, in the scheme of things, small factors,  
3 and yet under this policy they could be the basis  
4 for a family being evicted from shelter. In  
5 addition, the procedures for families with  
6 children differs from the one for single adults  
7 and adult families without children, in  
8 significant ways. Under the new policy, families  
9 with children who have a public assistance case  
10 and are on sanction status, are subject to  
11 eviction. This is a huge problem, since many  
12 recipients are sanctioned due to bureaucratic  
13 error and no fault of their own. For years, this  
14 Committee has heard from public assistance  
15 recipients who were erroneously sanctioned, so we  
16 know just how big a problem that is in and of  
17 itself. Now, families who do not comply with the  
18 income contribution requirement, are also subject  
19 to eviction. Does this mean that we will face  
20 larger numbers of street homeless, something that  
21 all of us who lived through those years in New  
22 York City know we must do everything we can to  
23 avoid. And will children be forced into foster  
24 care as a result, which will split families apart  
25 and create an additional burden for the

1 Administration for Children's Services? Another  
2 critical factor we should mention is the pressure  
3 that shelter providers now face since DHS is  
4 modifying their contracts at the same time, under  
5 the "graduated payment system" for family  
6 shelters. DHS proposes to incentivize permanent  
7 housing placements for families in shelter by  
8 revising the payment structure for providers.  
9 Providers will receive a ten percent bonus if they  
10 place families within six months, and a 20 percent  
11 penalty for families who remain in the shelter  
12 longer than six months. How realistic is this  
13 when according to DHS's figures from May of this  
14 year, the average length of stay in shelter is  
15 approximately nine months for a family, and again  
16 these families are faced with all of the negative  
17 economic factors that we mentioned earlier. This  
18 new payment structure raises serious fears that  
19 DHS's standards for ejection will be used  
20 liberally to the detriment of families. As we've  
21 said before, the Mayor and the Administration are  
22 failing at reaching his stated goal of reducing  
23 homelessness by two-thirds by 2009, by this year.  
24 These policies, these new policies, are not the  
25

1  
2 way to reduce the numbers of homeless in New York  
3 City. We need to focus on successful strategies  
4 rather than punitive ones. And that's what we  
5 want to talk about today in this hearing. And  
6 now, we're going to introduce and welcome the  
7 first panel. Fran Winter, First deputy  
8 Commissioner, at DHS, and Seth Diamond, a longtime  
9 guest on the show, HRA Executive Deputy  
10 Commissioner, who is available to answer questions  
11 if needed. We welcome you both, and Fran we  
12 welcome your testimony.

13                   FRAN WINTER: Thank you. Good  
14 afternoon, Chairman De Blasio, and members of the  
15 General Welfare Committee. My name is Fran Winter  
16 and I'm the First Deputy Commissioner of the New  
17 York City Department of Homeless Services. I'm  
18 here today to talk about the continuing  
19 transformation of our family shelter system during  
20 the Bloomberg Administration. During these tough  
21 economic times, we have see an increase in the  
22 number of families applying for temporary shelter.  
23 However, we are transforming the family shelter  
24 system, putting in place a foundation that assists  
25 every family that crosses our threshold. This

1 system also ensures that each and every family is  
2 treated with the dignity and respect they deserve.  
3 Today, each family's application for shelter is  
4 processed quickly at our Family Intake Center, and  
5 no one, adult or child, spends the night sleeping  
6 on the floor. Prior to this transformation,  
7 families were often forced to wait 20 plus hours  
8 over multiple days, for their applications to be  
9 processed, and children often slept on benches or  
10 on the floor. Today, each family moves through  
11 the intake process efficiently over the course of  
12 six to eight hours during one business day. I  
13 would like to take this opportunity to share with  
14 you the results of DHS efforts to assist homeless  
15 families, and families at risk of becoming  
16 homeless. More than 200,000 individuals have  
17 moved into permanent housing under the Bloomberg  
18 Administration. With regard to the family shelter  
19 population specifically, I'm pleased to report  
20 that in 2008, DHS helped a total of 7,065 families  
21 with children, move into permanent housing. This  
22 represents a 27 percent increase over the number  
23 of families with children we assisted in moving  
24 out of shelter in 2007. Our Advantage New York  
25

1  
2 rental assistance program is the most generous and  
3 effective local rental assistance program in the  
4 country, with one lease being signed every 20  
5 minutes of the business day. Advantage offers not  
6 only housing, but also employment services, which  
7 means that clients are not only moving into a home  
8 of their own, but working and on a path to self-  
9 sufficiency. Over 60 percent more families are  
10 moving out on a weekly basis with Advantage, as  
11 compared with Section VIII IRP. We are moving  
12 individuals into homes of their own in record  
13 numbers. At the same time, our citywide homeless  
14 prevention efforts are doing more to keep  
15 individuals from ever having to enter shelter in  
16 the first place. For calendar year 2008, DHS, in  
17 collaboration with HRA, diverted a record number  
18 of at-risk individuals from having to enter  
19 shelter. We diverted 5,358 families, which is an  
20 80 percent increase over 2007, and more than two  
21 previous years combined. DHS remains committed to  
22 assisting each and every vulnerable New Yorker and  
23 we will continue to do so in a flexible system  
24 that is ready to address the City's need, no  
25 matter what it may be. I know the Council is

1 interested in hearing about two specific policies,  
2 the State's Income Contribution Policy and our  
3 Client Rights and Responsibilities policy. As  
4 Committee members are likely aware, the State's  
5 Income Contribution Policy is currently suspended  
6 after brief implementation in New York City. We  
7 are now engaged in discussions with the State in  
8 an effort to come to an agreement on a sensible  
9 program. Our client rights and responsibilities  
10 policy is currently under State review. Neither  
11 policy is actually in use in our family shelters  
12 at this time. It is important to remember that  
13 these two are just a series, are two of a just a  
14 series of policies and programs that make up our  
15 completely transformed family shelter system.  
16 Each and every one of these policies is a line  
17 towards the compassionate and right goal of  
18 helping families and their children by minimizing  
19 the time they need to stay in temporary shelter in  
20 the first place, and then assisting them with  
21 remaining stably housed in the community. We  
22 recognize that each family who comes into our  
23 shelter system has both rights and  
24 responsibilities to themselves and to the other  
25

1 families living in our shelters. And we take  
2 these rights and responsibilities very seriously.  
3 And we ask them to work in partnership with us and  
4 our social service providers to take the necessary  
5 steps to return quickly to their own homes in the  
6 community. DHS and our providers also have mutual  
7 responsibilities to assist our clients in reaching  
8 the ultimate goal of moving back and living stably  
9 housed in the community. The income contribution  
10 policy that is currently in use across the State  
11 was first mandated by State regulations in 1997.  
12 Since the regulations were enacted, DHS has been  
13 actively engaged in a dialogue with New York  
14 State, with our concerns about the policy. These  
15 concerns have included insufficient clarity as to  
16 how the contribution amounts for each family are  
17 to be calculated, as well as the impact that the  
18 policy would have on the City's efforts to achieve  
19 what it has always been our foremost goal, to move  
20 our clients into safe and stable permanent  
21 housing. While DHS had delayed implementing the  
22 policy pending the outcome of our conversations  
23 with the State, the State began an audit to  
24 evaluate the City's compliance with the policy.  
25

1  
2 In February 2007, OTDA determined that we were not  
3 in compliance and consequently imposed a penalty  
4 against the City of more than \$2.4 million. While  
5 OTDA rejected the City's appeal of the penalty,  
6 they did grant our request to refrain from  
7 imposing any additional penalties, pending  
8 implementation of the necessary infrastructure for  
9 the correct budgeting and income collection  
10 procedures, as required by State law. When this  
11 process was completed at the end of April 2009,  
12 DHS was compelled to begin implementing the policy  
13 in the family shelter system. Technical issues  
14 arose with the calculation amounts and notices for  
15 families who received public assistance and reside  
16 in shelter. Due to these issues, the State  
17 suspended the program on May 21<sup>st</sup> in all family  
18 shelters in New York City, until the  
19 administrative issues were resolved. Currently,  
20 the City and State are engaged in productive  
21 dialogue, with the goal of putting in place a  
22 system that is both fair and transparent to  
23 clients. We are working to ensure that any  
24 calculation for the client contribution would not  
25 put an undue burden upon the clients, that notices

1  
2 to clients are easy to understand, and that due  
3 process rights are readily accessible. DHS has  
4 informed the State that we will not implement a  
5 program that does not meet these basic principles.  
6 We are committed to getting this policy right, and  
7 we will take the time necessary to further develop  
8 the policy, and roll it out thoughtfully, so that  
9 we do get it right. As I discussed earlier, as  
10 part of our continual efforts to ensure the best  
11 outcomes for each and every family who enters our  
12 temporary family shelter system, DHS created a  
13 client rights and responsibilities policy. This  
14 procedure begins with rights. From the day a  
15 client enters our shelter, they can see their  
16 rights spelled out clearly in one place. They  
17 will know they have the right to safe and decent  
18 shelter, and also that they have certain  
19 responsibilities. In addition, they will know  
20 they have a series of due process and appeal  
21 rights available to them. Creating uniform  
22 expectations at the outset helps all of us--  
23 clients, staff, providers, and our community  
24 partners--to focus on our shared goal of helping  
25 families move from shelter back into homes of

1 their own, as quickly as possible. This policy is  
2 currently under state review. We would be happy  
3 to come back and speak about the policy before  
4 this Committee again once it is approved for  
5 implementation by the State. However, to help put  
6 things into context, I would like to give you  
7 information about a similar policy we have  
8 currently used with great success for our clients  
9 in our single adult shelter system. DHS has  
10 implemented client responsibility in the single  
11 adult shelter system for approximately four-and-a-  
12 half years. Out of the over 79,000 individuals  
13 who've come through the adult shelter system,  
14 between January 1<sup>st</sup> 2005 through June 14<sup>th</sup> 2009, DHS  
15 has only had to discontinue shelter for 15  
16 individuals. Given these numbers, it is clear  
17 that this is a tool that we have only used as a  
18 last resort and on rare occasion. The impact of  
19 this policy is quite different from what had, was  
20 predicted by naysayers who said it would force  
21 thousands of people back to the street and may  
22 discourage people from seeking help in the first  
23 place. In fact, we have nearly 47 percent fewer  
24 individuals living on the streets today than we  
25

1  
2 did when this policy was first introduced. Most  
3 clients, in both the single adult and family  
4 systems, do what they need to do to help  
5 themselves find permanent housing in the  
6 community. Clients want to move back home, and so  
7 we have every reason to believe that this will be  
8 a tool we rarely need to use in the family shelter  
9 system. Despite all of this, there are some  
10 clients who need more support to move to homes of  
11 their own, and unfortunately as in the case of the  
12 adult shelter system, there may be that rare  
13 client who unreasonably refuses to abide by the  
14 policies necessary to help themselves find housing  
15 and to ensure the safety of other individuals in  
16 our shelter system. I'm not saying that someone  
17 who refuses a series of apartments will  
18 necessarily have their shelter discontinued, but a  
19 client who repeatedly stays in their room and  
20 refuses to see any apartments at all, may put  
21 themselves on that path. Do I hope that we don't  
22 have to sanction even one client in the family  
23 shelter system? Yes. Can I say with certainty  
24 that we won't ever have to sanction a client in  
25 that system? Of course not. However, what I can

1  
2 say with certainty, is that our goal is to create  
3 a system that has sufficient checks and balances  
4 so that we minimize the risks of mistakes in the  
5 process. These checks and balances put much  
6 greater accountability on DHS, as well as on our  
7 providers, to make sure we are doing everything we  
8 can to help clients move back into homes of their  
9 own. The adult shelter system currently uses  
10 these multiple checks and balances. DHS must  
11 comply with a process for determining whether  
12 clients have met, have not met their  
13 responsibilities, and have their shelter  
14 discontinued. This process has built-in levels of  
15 review, including a right to a state fair hearing,  
16 to ensure against erroneous determinations. We  
17 intend to use a similar system of checks and  
18 balances in the family shelter system, and we have  
19 every reason to believe that we will achieve  
20 similar success for our clients as a result. We  
21 have taken great strides to transform our family  
22 shelter system, and we remain committed to our  
23 work. Today, our system is one that meets the  
24 immediate needs of families and children who need  
25 temporary housing when they have fallen on hard

1  
2 times. But more importantly, it has the necessary  
3 supports in place to help them move back to homes  
4 of their own, as quickly as possible. I will  
5 answer your questions at this time, thank you.

6 CHAIRPERSON DE BLASIO: Thank you,  
7 Commissioner. Commissioner, I appreciate your  
8 work, but I'm kind of astounded by the defense of  
9 this policy. I think sometimes the simplest thing  
10 to do is to think about what the people of this  
11 City would feel if they heard a new policy  
12 explained to them, and what their instincts would  
13 be, and I think what you'd hear very clearly is  
14 outrage at the notion that we're going to charge  
15 rent to people who are in crisis and had to seek  
16 shelter. I think here's the fundamental problem,  
17 and I understand some of the logic of your  
18 testimony, but I can't understand the underlying  
19 principle here. It's a horrible economic crisis,  
20 more and more people are being dislocated, no one  
21 likes to go into shelter, they're going there  
22 because of a crisis, and as you acknowledged, it  
23 more and more means families with children, often  
24 a single mother with a child, or multiple child,  
25 seeking shelter, which is a very painful

1  
2 experience to begin with. So no one's doing it  
3 lightly, and they get there and then they're being  
4 told they're, they have to pay rent. And to me  
5 it's like something out of Charles Dickens novel.  
6 It's the notion that the government is saying to  
7 someone poor and in distress, "Come into our  
8 shelter, now you have pay." It sounds heartless,  
9 it sounds unproductive, it sounds absolutely  
10 insensitive to what that poor family's going  
11 through. And if you then said, "Well, you know,  
12 we don't love the policy, the State's making us do  
13 it," I don't understand how this City has dealt  
14 with the State on this issue. I have seen the  
15 City of New York defend its interests in Albany  
16 with great energy on a whole range of issues, I've  
17 seen a fleet of mayoral employees and lobbyists  
18 employed on the mayoral control of education  
19 issue. There's been no lack of energy applied in  
20 Albany by the Mayor and his staff on protecting  
21 their version of mayoral control of education.  
22 But when it comes to stopping a law that would  
23 force us to charge rent to people in crisis in  
24 shelter, I don't think any finger's been lifted  
25 here. I don't see any evidence of any real effort

1  
2 to support the legislation by Assemblyman Wright  
3 and Senator Squadron. I don't see any real effort  
4 to have tried to find a different approach to this  
5 bill. Obviously, this whole concept was so ill  
6 considered that when the City did try to apply it,  
7 it was called off within weeks because it was such  
8 a ineffective policy and a unwieldy one. So, I  
9 respect you, but I absolutely have to tell you, I  
10 don't find the reasoning accurate and appropriate,  
11 and I don't know how on earth you could come here  
12 and say the City didn't want to do this, we had to  
13 do it when the City didn't try and stop it.

14 FRAN WINTER: I think as I made  
15 clear in my testimony, and I'm sure you recognize,  
16 the policy as I understand it is based on State  
17 law and regulation, that became effective over ten  
18 years ago. And for a long period of time, the  
19 State and the City were in discussions about how  
20 to apply it in New York City. The State at some  
21 point, two years ago or so, said, "No, it needs to  
22 be applied now," and then we spent some time  
23 working out what we thought would be a good  
24 system, a fair system, to do so. Obviously, there  
25 were implementation problems, and it was

1  
2 immediately suspended. I'm hopeful that we can  
3 work together to come up with a fair policy. And  
4 I think--the City's position is that we should  
5 pursue that line. At this time, there really, we  
6 don't think there is a need for State legislation  
7 to prohibit us. We think we can work out a fair  
8 program, we have definitely learned some lessons  
9 from the past rollout. I think you're, we want to  
10 be sensitive to everybody's concerns. We don't  
11 want to overburden families who are homeless in  
12 our system. We don't want to overburden shelter  
13 providers who serve a variety of interests for us,  
14 and in fact our, have been recently, had a budget  
15 cut. We recognize all of that. But we do think  
16 we can start over and come up together with HRA  
17 with a fair program, and that we should try it.

18 CHAIRPERSON DE BLASIO: I'm failing  
19 to understand your logic. You're saying now that  
20 for a decade, the City had a problem with this  
21 policy, and thought it was going to create a  
22 problem for the City and for the people in  
23 shelter, and the shelter providers across the  
24 board. The City was all too happy to see this  
25 delayed in any number of manners, and to find ways

1  
2 to stave off the day when they're actually have to  
3 implement the policy. And the Mayor's been in  
4 office now for eight years, there was ample  
5 opportunity to go to Albany, remembering, not to  
6 introduce politics into this, but that until  
7 recently he had very close allies who were the  
8 majority of the State Senate, when the Republicans  
9 held that chamber. I don't doubt for a moment  
10 they would've accommodated him. Obviously the  
11 Assembly on an ideological level would have  
12 accommodated him. It makes no sense to me that  
13 you're effectively saying, "We thought it was a  
14 bad idea all along, and then we ran out of  
15 options, but we did nothing to try and change it,"  
16 when in fact you had the ability to change it.  
17 You could've applied the City's strength in Albany  
18 to get the law changed, and members of the  
19 Assembly and Senate were working on their own to  
20 try and get the law changed. So something doesn't  
21 follow here. When, you remember when this all  
22 came to light, and there was issues of DHS  
23 personnel trying to put the best spin on this  
24 policy? It's hard for us to understand, do you  
25 believe in this policy or do you not believe in

1  
2 it? Because if you don't believe in it, which it  
3 seems, your actions suggest you don't, why didn't  
4 you try and stop it? It's had a real impact on  
5 people. You've already taken people's money to be  
6 in shelter. And that's bad to begin with, so this  
7 is not just theory, this actually has started to  
8 happen, I just don't understand why the  
9 Administration didn't try and stop it, and  
10 bluntly, despite some of your efforts that I  
11 appreciate, it does parallel a bigger lack of  
12 reality about how you approached the two-thirds  
13 goal. I don't think there was ever a coherent  
14 strategy to reach that two-thirds goal, and it  
15 doesn't surprise me that we've gotten effectively  
16 nowhere. So, which is it? Did you think this was  
17 a bad State law that should be changed? Or did  
18 you think it was a good State law?

19           FRAN WINTER: I think we now  
20 believe we can work together to create a fair  
21 program. And I, and I'm optimistic, I think we  
22 are optimistic that we can do so. We do want to  
23 pursue this program. We think that for the  
24 clients who are receiving the public assistance  
25 benefit of shelter, who have income, a certain

1  
2 amount, a reasonable amount, can be contributed to  
3 the cost of their shelter. The devil may be in  
4 the details on this program, and I think we've  
5 seen that so far, so we need to take our time and  
6 work out a reasonable program. And then we'd like  
7 to implement it.

8 CHAIRPERSON DE BLASIO: I'm going  
9 to do two more questions, 'cause my colleagues  
10 have questions, and I want to turn to them. The--  
11 I asked you a question, I'd really, and I've  
12 worked with you and I think you're a person of  
13 integrity, but it really helps when people answer  
14 the question. For most of a decade, the City of  
15 New York obviously tried not to implement this  
16 law. Pretty consistently, pretty conscientiously.  
17 Then there was the audit, and then the pressure  
18 built, and then you, in fits and starts started to  
19 implement the law, when all along you could've  
20 actually tried to change the law. So, does the  
21 City think the current law, forcing these resident  
22 contributions, is a good law or a bad law, 'cause  
23 if you think it's a bad law, you could do  
24 something about it. So which is it?

25 FRAN WINTER: We're going to pursue

1

2

and hope to implement a reasonable program.

3

4

CHAIRPERSON DE BLASIO: But what do you think on the law itself.

5

6

7

8

9

10

FRAN WINTER: I think if there, if think if it was, if it results in a reasonable program with reasonable contribution amounts, in a fair and transparent calculation, that's clear to the clients, with all of their appeal rights, then I--we believe we should have such a program.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRPERSON DE BLASIO: Okay. I think that's a huge mistake. I would, and I appreciate you finally giving me an answer. If the City of New York just hadn't gotten its act together to stop a law that was hurting its citizens, I would feel bad about the inefficiency and ineffectiveness, but at least we would have common ground philosophically. I can't have common ground with that, this law hurts New York City disproportionately, it hurts people in need. And you saw, as you started to implement this law, it's a bad construct to begin with. So, I would ask you to reconsider and join us in trying to strike this down. If we want to find a way to ensure accountability, which is something everyone

1  
2 would agree with, there are better ways to do it.  
3 But I want to take you to the second point, which  
4 is you seem to be ignoring the fact that if people  
5 in shelter have given away some of the few  
6 resources they have, that undermines their  
7 capacity to move forward out of shelter. How can  
8 they move forward if you've taken away some of  
9 their resources? They didn't come into shelter  
10 with a lot of resources to begin with, so how does  
11 that help the ultimate goal of getting them back  
12 to independence?

13                   FRAN WINTER: If there is a  
14 reasonable program, and by that I'm going to  
15 repeat myself, but with a reasonable contribution  
16 amount, we don't think that that hinders their  
17 ability to move out. We offer the advantage  
18 rental assistance program, for most of our  
19 clients, is the way they exit. That rental  
20 assistance program pays really, pays for their  
21 rent for the first three months up front. With  
22 HRA and Seth can explain this better, there's an  
23 allowance given to purchase furniture, and for the  
24 cost of the moving from shelter to their new home.  
25 So, yes, it might be better if they had more money

1  
2 in their pocket when they left. We really do not  
3 believe a reasonable contribution requirement will  
4 cause anyone to delay their exit.

5 CHAIRPERSON DE BLASIO:

6 Commissioner, I respect you, but that's downright  
7 Orwellian. How on earth--we're in the middle of,  
8 literally, the President of the United States says  
9 it, the greatest economic crisis since the Great  
10 Depression. He's not making it up, we're about to  
11 go to double digit employment, we're at nine  
12 percent employment in New York City today, there  
13 is no one in this City who believes we're not  
14 going to double digit unemployment, soon. The  
15 cost of everything went up rapidly during this  
16 decade. We're in a fundamental economic crisis,  
17 and families are hand-to-mouth. Families that  
18 consider themselves middle class are living hand-  
19 to-mouth, paycheck-to-paycheck right now.  
20 Everyone is struggling and you say we can take  
21 some of their money and it won't make a  
22 difference. Poor people need every dollar they  
23 can get their hands on, just to get by at this  
24 point, and then you're talking about someone  
25 leaving shelter, trying to establish themselves

1  
2 again. I'm glad you give them three months rent,  
3 but how the hell are they going to find a job and  
4 the resources to keep going? So, you take some of  
5 the few resources they have and you think it won't  
6 have an impact?

7           FRAN WINTER: Most of the families  
8 who leave under our Advantage program, we have  
9 multiple components to Advantage, one of them is  
10 work advantage. Many of those families are in  
11 fact already working before they leave shelter.  
12 And they are well established in their work. And  
13 we've budgeted--the whole idea of the income  
14 contribution program is to budget their expenses,  
15 so that it's not an unreasonable burden, what  
16 they're being asked to contribute to the cost of  
17 their shelter. So in fact they should have enough  
18 money to move out. As you know, we really do  
19 believe that the highest and best outcome for  
20 families are to return to the community, and we  
21 don't see this as becoming a barrier to their  
22 leaving the shelter.

23           CHAIRPERSON DE BLASIO: I think the  
24 notion that anyone who's working, and I'm sure  
25 many of the people we're talking about are working

1  
2 at the very bottom of the wage scale, so they're  
3 not very secure economically to begin with. But  
4 I'm sure you're reading the same newspapers I am.  
5 People are losing their jobs right and left, so  
6 there is no such thing as economic security right  
7 now. And if you've just come out of homelessness,  
8 and the City has helped you not to have any  
9 savings, the job you have today could be gone a  
10 week from now. So, again, I understand sort of  
11 intellectually what you're saying. I think it  
12 doesn't pay any attention to what's happening on  
13 the ground in our communities, and how desperate  
14 people are. And I would think we'd want to keep  
15 every possible dollar in people's hands, and not  
16 disadvantage them when we're trying to get them to  
17 independence. But let me let my colleagues now  
18 ask some questions. Council Member Brewer.

19 COUNCIL MEMBER BREWER: Thank you  
20 very much. My first question is in this material  
21 that we received, on the some topic of the code of  
22 conduct, I don't know if this is the one that's  
23 the final, but it says "Statement of Client Rights  
24 and Client Code of Conduct." And it says number  
25 seven, "While in shelter, your rights include the

1

2 right to manage your own finances." Doesn't that  
3 contradict a little bit about the notion that you  
4 have to give money for rent?

5

FRAN WINTER: I can tell you,  
6 Council member, both of the things you're  
7 discussing, that language, as well as the  
8 contribution requirement, they're both contained  
9 in State regulations. And the State would say  
10 that they're not inconsistent. The client, upon  
11 coming into the shelter, the client doesn't give  
12 over control of their finances, it's still up to  
13 them to manage it. In addition to that, it's like  
14 living where you have to make a rent contribution,  
15 you have to pay a part of it, you know, that's  
16 been budgeted toward the cost of your shelter.

17

COUNCIL MEMBER BREWER: Okay. I  
18 mean, I assume that the legislation passes in  
19 Albany, and then I assume that, so I'm not worried  
20 about this, it's like, with all due respect, it's  
21 so insane that I think it doesn't pass the smell  
22 test and it'll go away. But in the interim, I  
23 assume two things, one, did you have to pay the  
24 whole \$2.4 million? And number two, have people's  
25 rent that they did hand over been returned?

1  
2           FRAN WINTER: The \$2.4 million was  
3 taken as a disallowance, so it was withheld from  
4 us, yes. And as to the--

5           COUNCIL MEMBER BREWER: We could  
6 get that back, though, right?

7           FRAN WINTER: If the State permits  
8 us to.

9           COUNCIL MEMBER BREWER: Would you  
10 like some help in that?

11          FRAN WINTER: We have been asking  
12 for it to be returned, yes, not to be disallowed.

13          COUNCIL MEMBER BREWER: Okay, we  
14 will, we'll work with you on that. Go ahead.

15          FRAN WINTER: I think everyone  
16 would appreciate that.

17          COUNCIL MEMBER BREWER: Mhm.

18          FRAN WINTER: As to the second  
19 question about the clients, when the income  
20 contribution program was suspended, all payments  
21 were to be refunded. If the clients have any  
22 issues around whether the money was refunded, they  
23 are being instructed to ask for a fair hearing,  
24 and to have a State ALJ look over that issue and  
25 make an appropriate ruling.

1  
2 COUNCIL MEMBER BREWER: Okay. So,  
3 I assume that that'll work out, I'm not so worried  
4 about it. The other question I have is, just in  
5 terms of families in general, a lot of the tier  
6 twos have been contacting me, 'cause they're  
7 really nervous about policies of the timing. So  
8 this is back to the, I guess "code of conduct."  
9 Because six months isn't a lot, nine months is  
10 what's needed; even things like schools, like if  
11 you're in a school, and you have small children, I  
12 don't know how you can kind of move in the middle  
13 of the school year. So this, I mean, I just think  
14 we have to think a little bit more. The clients  
15 don't want, I mean the tier twos don't want to  
16 have to move families until they're ready to move,  
17 nine months--we were at a much higher level, we  
18 went to nine months some years ago. I remember  
19 this whole discussion about how long can families  
20 stay in tier twos? But I'm just wondering, how  
21 are you thinking about that timeframe? And then  
22 the other issue that they're also worried about,  
23 is there's, maybe you could help to explain to me  
24 this payment structure. You know, that you get,  
25 you get penalized basically, if that family's not

1  
2 out at a certain time period. But it doesn't make  
3 sense to me, maybe the family's not ready. That's  
4 question number two. The third is, how many  
5 families are in tier twos, coming in, and how many  
6 are in hotels? Because god knows we want folks in  
7 tier twos, in my opinion, and not in the private  
8 hotels.

9 FRAN WINTER: I hope I can remember  
10 your questions.

11 COUNCIL MEMBER BREWER: It's all  
12 right here from the tier twos. Go ahead.

13 FRAN WINTER: I guess, let me start  
14 with the question about the graduated payment  
15 system. So, that graduated payment system, where  
16 it's still subject to State approval, the plan is  
17 that it would begin in January. And what that  
18 means is that for the first six months of families  
19 in a shelter, the payment would be an additional  
20 ten percent of the per diem, every day. After six  
21 months, the payment would drop to minus 20 percent  
22 of the per diem, each day.

23 COUNCIL MEMBER BREWER: Now, just  
24 stop and, okay go ahead, I'm sorry.

25 FRAN WINTER: That, yes. No, go

1

2

ahead.

3

COUNCIL MEMBER BREWER: Why--

4

doesn't, in other words, a family should be out in

5

six months, that's the best scenario for the tier

6

two.

7

FRAN WINTER: No, no Councilman,

8

let me--

9

COUNCIL MEMBER BREWER: - -

10

FRAN WINTER: --let me reframe that

11

then. What that means is that at the end of nine

12

months, the shelter has broken even on the

13

payment, nine months, not six months, 'cause for

14

the first six months it's up ten percent to the

15

last; after that it's down 20. The way we looked

16

at this, and the way this was arrived at, was that

17

after nine months, then the shelter starts to have

18

a loss. The average length of stay should be nine

19

months. And frankly, it's just about there now.

20

So, if all things being equal, if you have an

21

average length of stay for families at nine

22

months, they move out after nine months, there's

23

no penalty to it.

24

COUNCIL MEMBER BREWER: But why

25

can't you keep the additional amount for the whole

1

2 nine months. Why do you have to, between six and  
3 nine months, why is there a change in payment?

4

5

6

FRAN WINTER: Because for the first  
six months, we're overpaying, if you will, the  
additional ten percent.

7

8

COUNCIL MEMBER BREWER: Why aren't  
the shelters happy?

9

10

11

12

13

14

15

FRAN WINTER: I don't know, I think  
that it's, frankly it's a change and I think any  
change is a little scary. I think the goal here  
is that, there's nothing magical about a nine  
month length of stay or a twelve month length of  
stay, or frankly a six month length of stay. We  
would all agree, as soon as the family's ready--

16

17

COUNCIL MEMBER BREWER: Yeah, but  
you want to make--

18

19

FRAN WINTER: --as soon as they  
find housing, they should leave.

20

21

22

23

24

COUNCIL MEMBER BREWER: I know, but  
you want to make sure that the family is ready.  
And you don't want to penalize the shelter that  
knows that the family isn't ready, in a certain  
period of time. Some families are--

25

FRAN WINTER: Well, when we say

1  
2 that average six--what we're looking for, as an  
3 average length of stay is nine months, that  
4 recognizes some families will leave in six months,  
5 and there's frankly going to be a bit of an  
6 overpayment to the tier twos at that point.

7 COUNCIL MEMBER BREWER: That's  
8 okay, too.

9 FRAN WINTER: That's fine, because  
10 we also recognize some families will stay a little  
11 longer than nine months. And that overpayment for  
12 the six month family will really help them on the  
13 longer stayer.

14 COUNCIL MEMBER BREWER: What's the  
15 payment structure now? How is it changing from X  
16 to Y?

17 FRAN WINTER: Right now it's, every  
18 day is, we'll call it 100 percent for purposes of  
19 this conversation. And what we're really trying  
20 to do is move to a more performance based payment  
21 structure. We do performance based payments with  
22 our outreach providers to great success; and  
23 frankly to our home based providers, to great  
24 success, too. Those are two of our most  
25 noteworthy programs, and they have a very large

1  
2 piece of their payment, which is performance  
3 based. What we're trying to do here with a  
4 graduated payment system is exactly that, to say  
5 we'd like to pay for outcomes, we think nine  
6 months is a reasonable average length of stay for  
7 all families. We don't think that's too soon, and  
8 frankly many families will leave before that. But  
9 we do think--

10 COUNCIL MEMBER BREWER: I mean, I--  
11 this whole - - , the tier twos that I know work  
12 with families and small children, and they do need  
13 nine months, and they need to get paid for it. Do  
14 you have a advisory board, I know you do, of some  
15 of these tier twos?

16 FRAN WINTER: Yes. What--

17 COUNCIL MEMBER BREWER: And what do  
18 they think of this policy?

19 FRAN WINTER: I think they're a  
20 little nervous, but I think they understand that  
21 nine months may very well be a reasonable period  
22 of time. Let me also just say this. We  
23 anticipate starting this program in January. Over  
24 the summer, we will begin to create what we're  
25 calling "shadow reports," for the tier twos, for

1  
2 all shelter facilities, to let them see how their  
3 payment would look should this new process take  
4 place. So we will have many months of experience  
5 looking at the payment impact, working with an  
6 advisory group of shelter providers, to see just  
7 what the impact is.

8 COUNCIL MEMBER BREWER: And what  
9 about units that are vacant? In other words,  
10 right now, aren't they able, this whole, I mean,  
11 just so you know, when Roger was here, I had this,  
12 I spent hours with him on this topic. And now  
13 like I'm back in the same place. So, what is the  
14 story with, you know, vacancies? How do they get  
15 treated? In your scenario, is it any different  
16 that what it is now?

17 FRAN WINTER: This--It's  
18 complicated, as you well know.

19 COUNCIL MEMBER BREWER: - -

20 FRAN WINTER: Let me try to explain  
21 it as best I can.

22 COUNCIL MEMBER BREWER: - - and I,  
23 you know, 'cause what happens is, without the tier  
24 twos, you just don't have the necessary ability to  
25 get families back on their feet. You've got to

1

2

have the tier twos healthy and robust.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

FRAN WINTER: Yes. We consider the tier twos our primary partners, and frankly we understand how critical they are to helping serving our homeless families, and helping them move to, back to the community.

COUNCIL MEMBER BREWER: Alright, so could you try to explain the--

FRAN WINTER: Yes.

COUNCIL MEMBER BREWER: -- occupied/vacancy situation a little bit.

FRAN WINTER: Under our new plan, the graduated payment system that we hope to effect in January, if there's an empty unit there's no payment for it. It's really a per capita payment, per family in the unit payment. And we have promised, and we're going to work very closely with the tier twos, to manage our capacity, to make sure they are as fully utilized as possible. Our goal is that we don't have excess capacity, that we use all of our capacity.

COUNCIL MEMBER BREWER: In 2003, when Roger and I spent hundreds of hours on this, there were many vacancies. How are you going to

1

2

prevent that? Just by managing better?

3

4

5

FRAN WINTER: We're going to--Well frankly, right now, we're operating at a razor thin margin.

6

7

COUNCIL MEMBER BREWER: The New York Times said that today.

8

9

10

11

12

13

14

FRAN WINTER: Yeah, I mean, we really, and I think we're trying to manage as efficiently as we can, our capacity. And if the summer, if this summer's any indication from last summer, we'll have an increases in demand, and we certainly will have enough, unfortunately, enough families to fill our capacity.

15

16

17

18

19

COUNCIL MEMBER BREWER: The other question, 'cause I know other people want to ask, is the issue of hotels versus tier twos. How many families are in tier twos, and how many families, tonight, are in hotels?

20

21

22

23

24

25

FRAN WINTER: It's, generally speaking, we have, I can tell you how many families we have. It's about a third of the families are in tier twos, and a third of the families are in hotels, and a third of the families are in clusters. We have just over 8,000

1

2 families right now, families with children in  
3 shelter.

4

COUNCIL MEMBER BREWER: Alright.

5

And then for, Seth, what's the story, it says in  
6 your testimony, or in DHS's testimony, that  
7 everybody gets employment help. What does that  
8 mean? Is that HRA's employment help?

9

FRAN WINTER: Yes.

10

SETH DIAMOND: Yeah, primarily us.

11

COUNCIL MEMBER BREWER: What does

12

that mean?

13

SETH DIAMOND: Well, people who are

14

in the shelter are generally on public assistance,

15

so they're able to take up, have the opportunity

16

to take advantage of the full range of employment

17

services that are offered to people on public

18

assistance. Back to work, We Care, Begin, other

19

employment services.

20

COUNCIL MEMBER BREWER: And you

21

think, what's the average time that people need to

22

get from one of your programs into permanent

23

employment?

24

SETH DIAMOND: Well, I don't, I

25

don't know the average time. I do know that the

1  
2 Center that houses people who are in shelter, the  
3 East River Center, is one of the, it's actually  
4 our highest performing employment center in the  
5 City. It has more people gaining employment when,  
6 than any other job center in the City. So, we've  
7 been able to work very successfully with people in  
8 shelter to gain employment.

9 COUNCIL MEMBER BREWER: Okay. And  
10 then just finally, the issue of prevention. I  
11 know that we've been talking about this for eight  
12 years. What is the, how are you changing the way  
13 you prevent? New York Times article had two  
14 individuals today, who are challenging folks,  
15 sounded like. One was in a studio, one was  
16 overcrowded. How, what did one, what could they  
17 do to help themselves end up not in the shelter?  
18 What are we doing to help them not end in the  
19 shelter? As you know, I spend a lot of time  
20 keeping people in their homes, screaming and  
21 yelling at everybody at HRA, and DHS, and anybody  
22 else I can find. And I'm always successful. So,  
23 but I don't, I'm not, you know, I can't do it with  
24 everybody. So, what is the way in which you go  
25 about keeping people in their homes? What's new

1

2

on the preservation front?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

FRAN WINTER: Well, as you know, we

have our home base offices citywide now, I think

we have eight providers, and we have multiple

offices throughout the City. So, our best

recommendation, and in fact when people call

through on one, or call the agency for help, we

recommend that they go to Home Base first. Home

Base has a full range of rental assistance and

case management supports, and they serve people in

the community beautifully. Unfortunately, people

still come to shelter, or still come and apply for

shelter first, frequently before they've even gone

to Home Base.

COUNCIL MEMBER BREWER: None of

know really Home Base, just so you understand

that.

FRAN WINTER: Home Base is our

citywide prevention effort.

COUNCIL MEMBER BREWER: Okay.

FRAN WINTER: It's run by our

providers in the community. And they have

storefronts throughout the City.

COUNCIL MEMBER BREWER: I'm telling

1  
2 you, as clearly and as articulately as I can,  
3 they're not in our face, they're not known,  
4 they're not household words, and they're not  
5 making enough of a fuss.

6 FRAN WINTER: Okay, so--

7 COUNCIL MEMBER BREWER: Okay. And  
8 so, if you think that Home Base is going to keep  
9 people in their homes, somebody needs to make it  
10 much clearer what they do, all the time, just like  
11 311 makes it clear advertising for other things,  
12 Home Base has to be clear. I have never heard the  
13 word Home Base in my office.

14 FRAN WINTER: So I, I will take  
15 that to heart and--

16 COUNCIL MEMBER BREWER: So  
17 certainly others do, but I'm just saying it's not  
18 enough.

19 COUNCIL MEMBER PALMA: I just  
20 wanted to add that I happen to have a Home Base  
21 storefront in my district, and we've been  
22 collaborating to do street fairs, to make sure  
23 that the community know that they're there. So, I  
24 think it may be, Ms. Winter, from the agency that  
25 all the Home Base programs should be operating in

1  
2 that way. I know that the staff at the Home Base  
3 program in my district came and met with me, and  
4 so we are working together. So maybe that should  
5 be happening across the City.

6 COUNCIL MEMBER BREWER: Okay, I  
7 appreciate that, thank you very much, Council  
8 Member Palma. But I do think that needs to be  
9 clearer. And 'causes what, I don't understand why  
10 we're not doing more preservation. It makes  
11 sense, if we're doing it right, nobody needs to be  
12 evicted.

13 FRAN WINTER: Yes, and I, I take  
14 your words to heart, we'll make sure we publicize  
15 it better. The other thing is we also have a  
16 couple of new programs at some of the housing  
17 courts, called Housing Help, where we pair  
18 together essentially a legal aid attorney with a  
19 social worker. So when families are coming in  
20 who've gotten eviction notices, essentially for  
21 nonpayment of rent, and they're assisted by the  
22 HRA staff at the court units--

23 COUNCIL MEMBER BREWER: Who are  
24 fabulous. Fabulous.

25 FRAN WINTER: They do a fabulous

1  
2 job of preventing evictions and keeping people  
3 stably housed. Again, probably, we could do more,  
4 and I think if the resources were there, we would.

5 COUNCIL MEMBER BREWER: And the  
6 federal government's going to help, I think, as I  
7 understand, with HRA and One Shots?

8 FRAN WINTER: That I'm unfamiliar  
9 with?

10 COUNCIL MEMBER BREWER: No? Are  
11 there, isn't there more money for One Shots in  
12 some of the federal stimulus money? No?

13 SETH DIAMOND: Not that I'm aware  
14 of, but we, you know, we do do, as you know, a big  
15 business in trying to ensure people can stay in  
16 their homes, through One Shots. We're trying to  
17 access other kinds of programs.

18 COUNCIL MEMBER BREWER: I can do it  
19 in my head.

20 SETH DIAMOND: Right, so, between  
21 the efforts that DHS has, plus the efforts in  
22 place at HRA, we do have a wide ranging City  
23 program that makes, as its first priority, to try  
24 and preserve people's homes.

25 COUNCIL MEMBER BREWER: Okay, thank

1

2 you.

3

COUNCIL MEMBER PALMA: Thank you.

4

Ms. Winters, I want--I hope that, I hope and pray,

5

being someone who has experienced being homeless,

6

and not finding a way, or people to help. I mean,

7

I was, I was unfortunate to be homeless with a

8

four year old son, and not get help from anywhere.

9

And try to find my own way. And I then got, you

10

know, that I am where I am today, because it helps

11

me understand better, you know, what needs to be

12

done to make sure that we keep families in their

13

homes and communities, and really help people

14

become self-sufficient. And so, that's why, this

15

policy really boggles my mind. I don't, I mean,

16

in your testimony it says that this policy has

17

been in place since 1997.

18

FRAN WINTER: The State law.

19

COUNCIL MEMBER PALMA: The State,

20

right, the State law, implemented this in, since

21

1997. And so, between--I want to understand what

22

happened between 1997 and now, that this was, you

23

know, what fell through the cracks, how did it

24

fall through the cracks, that we're now all of a

25

sudden saying we need to charge people rent, to--

1  
2                   FRAN WINTER: The State, when the,  
3 I think the law took effect, the State began to  
4 implement it throughout all of the counties of the  
5 State, and the income contribution requirement.  
6 And when they came to New York to start to  
7 implement it, we began a series of conversations  
8 with them, and explained to them, you know,  
9 administratively we'd have a lot of work to do,  
10 because frankly we're two separate agencies--HRA  
11 which makes the budgeting calculation, and the  
12 shelter system which would be responsible for  
13 collection of the contribution. And for a while  
14 then the State and the City would talk about how  
15 to do it, and we never really could resolve too  
16 many issues. And then in 2004, they notified us  
17 that they wanted to audit us for our  
18 noncompliance, and that's what resulted in the  
19 \$2.4 million disallowance. And they're  
20 essentially saying to the City, "It's time now  
21 that you do this, otherwise we'll keep taking a  
22 disallowance."

23                   COUNCIL MEMBER PALMA: And so--So,  
24 this contribution, that we're, we want to charge  
25 clients for being in the homeless shelter, what is

1

2

that contribution going to be used for?

3

4

FRAN WINTER: It actually goes to help pay the cost of running the shelter system.

5

The State would say to the City, because you can

6

collect X number of dollars based on this program,

7

we're not going to pay you X number of dollars.

8

And make that just go to make the system whole.

9

It funds the shelter.

10

COUNCIL MEMBER PALMA: So, who's

11

paying the cost now?

12

FRAN WINTER: Right now it's, it's

13

all government funded, it's a State and City and

14

federal government shared.

15

COUNCIL MEMBER PALMA: Okay. And

16

then, Council Member Brewer had asked about the

17

code of conduct. I'm curious to know why, why do

18

we need to have a uniform code of conduct, and not

19

let each shelter sort of come up with their own

20

policies?

21

FRAN WINTER: Actually, I think in,

22

I think frankly the code of conduct is probably

23

mostly already implemented in many places. DHS's

24

concern was that it was uneven, and that some

25

shelters had different codes of conduct. And we

1  
2 thought it would be best to have a consistent,  
3 uniform approach, so no matter what shelter, what  
4 facility you were placed in, the same rules  
5 applied.

6 COUNCIL MEMBER PALMA: Whether,  
7 whether you're single adult or a family.

8 FRAN WINTER: These, this code of  
9 conduct is only for families with children,  
10 whether they're in a tier two or a hotel. It was  
11 really an attempt to make uniform the expectations  
12 for the families coming into shelter. This is  
13 what it means to live in shelter, these are the  
14 rules. And frankly also for the providers, the  
15 tier twos and the hotels, to say, "This is what it  
16 should look like to run a shelter."

17 COUNCIL MEMBER PALMA: The income  
18 contribution that's expected for clients to pay,  
19 how much of their income, what are the, how is it  
20 calculated? What's the formula? How of the  
21 income are they expected to make in contribution?

22 SETH DIAMOND: Yeah, that is one of  
23 the complexities of, that we would want to  
24 address, as Ms. Winter said in her testimony, and  
25 it's a complicated and difficult to understand

1  
2 formula now, which tries to replicate the  
3 situation that someone would have if they were in  
4 private housing in the community. So that just  
5 like when somebody begins to work in the  
6 community, they're expected to make a contribution  
7 to their cost of housing, the shelter grant is  
8 reduced; similarly, when somebody gets a job and  
9 is in a shelter, they're expected to make a  
10 contribution. So it looks at, it takes their  
11 income first, disregards about half of it, and  
12 says that is for the client to keep. And then  
13 allows an additional amount based on their family  
14 size. That money is kept by the client, the  
15 remaining amount is the subject of the  
16 contribution. Again, it's not a easy formula; for  
17 people at certain levels of income it can impose a  
18 very heavy burden, we recognize, and so we want to  
19 address that. But the concept, we believe is  
20 sound, if you can have a reasonable contribution  
21 with a formula that is easy to understand, that  
22 people can be sure reflects accurately, and does  
23 not impose an undue burden on them.

24 COUNCIL MEMBER PALMA: So, right  
25 now if a family who's receiving public assistance

1  
2 is in the shelter system, they only get half, they  
3 only get half of the income that they receive from  
4 HRA?

5 FRAN WINTER: No, the, first of  
6 all, these are only for people who are working.  
7 Right? So, the grant amount is not what's at  
8 issue, this is how much of their earnings they  
9 would have to pay towards shelter, so that if  
10 somebody, to give you an example, if somebody is  
11 making, let's say \$1,000 a month in income, there  
12 are budgeting rules that say you can keep \$90 a  
13 month, and then half of the rest. Then in  
14 addition to keeping that amount, there is a  
15 varying amount based on family size.

16 COUNCIL MEMBER PALMA: Who keeps  
17 \$90?

18 SETH DIAMOND: The client, client,  
19 yes.

20 COUNCIL MEMBER PALMA: The client,  
21 out of the \$1,000 they earn.

22 SETH DIAMOND: \$90, plus half of  
23 the rest, plus an allocation for family size. So  
24 at the end of the calculation, somebody who's  
25 earning \$1,000 a month, would have to pay \$164 a

1  
2 month towards the cost of shelter. It's the same  
3 contribution that you would expect for somebody  
4 who was earning \$1,000 a month living in the  
5 community, how much they would be expected to pay  
6 towards the cost of their private housing. It's  
7 the, the formula is intended to leave people in a  
8 similar situation. As the income goes up, the  
9 formula does change, and we do have some concerns  
10 about, particularly about those. But again, you  
11 can see that there is some complexity to it. We  
12 want, as Ms. Winter said, a very easily understood  
13 formula that is clear to everybody, so that we  
14 don't have to go through a complex calculation to  
15 get it, but one that is certainly transparent to  
16 both shelter operators, to public officials, and  
17 to, of course, clients.

18 CHAIRPERSON DE BLASIO:

19 Commissioner, I'm going to jump in, and then we'll  
20 go back to Council Member Palma, and then to  
21 Council Member White. I've known you a long time,  
22 I'm really astounded at that logical jump you just  
23 made to the notion that paying whatever  
24 contribution, when you're living in the community,  
25 is in any way, shape or form, equivalent to paying

1  
2 a contribution when you already have been  
3 dislocated in a pretty, and said, almost tragic  
4 situation, and you end up in shelter. And the way  
5 back from shelter to a stable life in the  
6 community, and you guys are experts, that's not an  
7 easy way back. And it is hard under any  
8 circumstance. I think that's something we would  
9 all agree on, it is not easy to come out of  
10 shelter and get reestablished in a community. It  
11 is made exponentially harder by an intense  
12 economic crisis. So, I don't think you can  
13 parallel those two. I don't think you can say  
14 that if you're in a relatively stable situation,  
15 and we require some contribution as part of the  
16 support you get from your government, that that  
17 has any parallel to when you've already been  
18 dislocated, and may not get back out. This is the  
19 part of the discussion I think we're missing each  
20 other on. I don't think we sit around in this  
21 economic environment and think it's going to be  
22 easy for people to find their way back out, and  
23 stay back out of shelter, so that everything you  
24 take away from them really hurts that possibility.  
25 So I don't know how you can make that parallel.

1  
2                   SETH DIAMOND: Well, I think that,  
3 again, we want a formula that is fair. I don't  
4 think in the City, where people pay significant  
5 portions of their income towards their cost of  
6 shelter, that asking people to make a reasonable  
7 contribution, if they have earnings, and the  
8 ability to do so, is unfair.

9                   CHAIRPERSON DE BLASIO: It's fine  
10 if you want to keep 'em in shelter.

11                   SETH DIAMOND: But the same--

12                   CHAIRPERSON DE BLASIO: And that's  
13 what I don't get. Understand, you're working  
14 against your own strategy. If everything was  
15 equal, and someone could just waltz right out of  
16 shelter into a job, into housing, no problem, I'd  
17 say, "Hey, great, take a contribution." You know  
18 that's not the case, it's harder and harder. So  
19 how, I'm surprised on a level of what you're  
20 trying to achieve strategically, that you don't  
21 see why this is a problem.

22                   SETH DIAMOND: Well, first of all,  
23 just to be clear, this only applies of people have  
24 earnings. I think sometimes we may gloss over  
25 that. This is only for people who are working

1

2 already.

3

4

CHAIRPERSON DE BLASIO: Which are unstable in this environment, you agree.

5

6

7

SETH DIAMOND: I understand that, right. But to the extent that they would lose their job, they would have no contribution.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

CHAIRPERSON DE BLASIO: And they would have no savings 'cause you took it from them. So, again, why, if you know that we're in an unstable environment--I would've thought that the City's policy would be, in this economy, we don't want to make things harder on people; in fact, we want to try and give them some cushion because we know they well may lose that job. But we also want to make sure they don't stay in shelter longer than they have to. So we want to provide every opportunity for them to have a leg up in hope of getting out. And I'm just missing how you think it helps your long term goals to take this money from folks.

22

23

24

25

SETH DIAMOND: Well, even in this environment, the City has preserved the most generation local rent supplement in the country. We provide that, it provides a substantial rent

1 supplement for people to leave shelter, we provide  
2 help beyond that for people to exit if they need,  
3 as Ms. Winter was explaining, money to establish a  
4 home, to pay for moving expenses, to pay for  
5 security deposits, to pay for first month rental  
6 expenses, the kind of typical expenses that do  
7 hold people up sometimes, in moving to a new  
8 apartment. All those expenses including the rent  
9 when they exit, are fully paid, or nearly fully  
10 paid by the City. We believe that allows people  
11 to exit, and therefore asking them to make a  
12 contribution at a reasonable level. And I think  
13 we would certainly agree with you, or you  
14 wouldn't, maybe you don't agree that any  
15 contribution is fair. But that the contribution  
16 should be reasonable. But asking people to make a  
17 reasonable contribution leaves them, does not  
18 hinder their ability to leave shelter. Because  
19 the City pays the costs, all the costs associated  
20 with leaving shelter, including the rental costs  
21 once they've left shelter.

23 CHAIRPERSON DE BLASIO: For a  
24 limited period of time, and again like I really  
25 think we're living through two different economies

1  
2 here. I don't, I think you're acting like jobs  
3 are stable, you're acting like family income in  
4 general is stable, like there aren't all these  
5 other pulls on people's economic reality that are  
6 making it harder. You're acting like people have  
7 some cushion. They just don't. I guarantee you  
8 they don't. I guarantee you if it's a \$100 that  
9 they could've had in their bank account, or \$500  
10 more that was lost because of this policy, that  
11 can make the difference between staying in an  
12 apartment and not staying in an apartment, or  
13 having what you need for your child or not having  
14 it. That's how tight things are right now. A few  
15 hundred dollars means a lot to poor New Yorkers  
16 right now. So, if this were this sunny, rosy  
17 time, where there were jobs for everyone and  
18 plenty of affordable apartments available and all,  
19 maybe you'd have a point. But I literally think  
20 this policy is out of touch with what we're  
21 experiencing. I'm sorry to have interrupted.  
22 Back to Council Member Palma. Do you want to  
23 continue? And then Council Member White.

24 COUNCIL MEMBER PALMA: Well, I just  
25 have one last question. I'm interested in

1

2

knowing, then, how much to people on public

3

assistance have to contribute to the expected

4

contributions?

5

SETH DIAMOND: Well, the way the

6

current formula works, if you're eligible for a

7

cash grant, you do not have any requirement to

8

pay. The only people who have to pay, contribute

9

to the cost of shelter, are people who are making

10

too much money to be eligible for a cash grant.

11

They remain in shelter, and they have a need that

12

we pay for through the shelter system. But

13

they're ineligible for a cash grant. If you have

14

a cash grant, you do not have to contribute at all

15

towards the cost of shelter.

16

COUNCIL MEMBER PALMA: Because

17

that, that means then the City is making--

18

SETH DIAMOND: The City is making

19

full payment, and the cash, the contribution

20

requirement does not kick in when, even when you

21

start working, it does not kick in initially. It

22

kicks in over a certain level of income. But

23

again, all these kinds of things are going to be

24

reviewed. We would certainly not lower the

25

contribution amount, but the policy and the

1

2

amounts are things that are under serious discussion at this point in time.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER PALMA: With these changes that are going to be implemented, has there been a long term plan to actually help people then become, become self-sufficient and I say that, I mean, I want to know, is the City giving real thought to helping people save money, and--save money and budget themselves to be able to go, be integrated back into the community?

FRAN WINTER: Yes, under, with our rental assistance program, Advantage, clients actually right now, if they're working when they leave, they get work Advantage, it lasts for two years, they make a \$50 contribution from their earnings to the rent, but all, the rest of their rent is paid for. They work with Home Base in the community, to get any further supports they might need, whether it, loss of a job, an upgrade in skills, on an ongoing basis so that we really do hope that they leave, and that while they're out in the community, with the Advantage rental assistance, and even after Advantage ends, they become stable, working people in the community.

1  
2 We have another part of our Advantage rental  
3 assistance program for people who really can't  
4 work, what we call "fixed income Advantage,"  
5 people who leave with a disability, typically SSI.  
6 And there the goal is, we will pay the rent for  
7 one year, while we work with them to get a Section  
8 VIII voucher, 'cause we recognize they may have a  
9 long term disability, they have a long term need  
10 for rental assistance, and Section VIII may be for  
11 them the best thing, if that's what's needed. So,  
12 in that sense, I think we'd like to think we're  
13 looking ahead to that family's security. We have  
14 Home Base out there, the door's always open for  
15 anybody who's been in shelter, or who can avoid  
16 shelter, to come in and get the supports they  
17 need. But so far, our returns to shelter on  
18 Advantage are relatively small. We're not seeing  
19 a lot of people come back, Advantage seems to be  
20 working for them.

21 COUNCIL MEMBER PALMA: I'm really,  
22 you know, I started, when I first started my  
23 questioning, I expressed the experience that I  
24 went through, and you know, I'm, it's still of  
25 huge concern to me, that this is happening, and

1  
2 it's, you know, it's in such a fast track, I  
3 really, I really urge for the City, and for the  
4 State, to make sure that we have a long, well  
5 though out plan to doing this, that we don't need  
6 this to blow up in our face. I believe that, you  
7 know, we shouldn't be in the business on, we  
8 should be in the business of actually helping  
9 families stay in their homes, and getting people  
10 back on their feet, and not putting the, you know,  
11 keeping them at this vicious cycle. You know, we  
12 keep seeing 'em rotate through the homeless  
13 shelter system, and so I know that I'm committed  
14 to doing everything I can to make sure that New  
15 Yorkers remain in their homes and in communities.  
16 And that, you know, if we need to do this, that we  
17 take our time in doing so, and not just push  
18 through another program just, you know, to say  
19 that we are abiding yet by another law that is  
20 not, wasn't passed to actually help people.

21 CHAIRPERSON DE BLASIO: Thank you,  
22 Council Member. Council Member White.

23 COUNCIL MEMBER WHITE: Thank you  
24 very much. I must confess, I am totally confused.  
25 I really am. [off mic comments] The fact that it

1  
2 sounds to me, and I really wouldn't want to be in  
3 your shoes, it sounds to me that you have a policy  
4 that you have to implement, that you really don't  
5 believe in. And yet you're trying to make work.  
6 Don't answer. Okay? And--but we have a  
7 responsibility, too. And that is to make sense  
8 out of, you know, trying to get things that are  
9 due people, to work, if they can work. And I've  
10 looked over a number of the code of conduct rules:  
11 the independent living plan, the suitable housing,  
12 the client contribution requirements, the public  
13 assistance requirements. And they all seem not to  
14 connect but to disconnect, and have areas where  
15 it's not clearly defined for the recipients. Such  
16 as, does everyone get the code of conduct issues  
17 to them?

18                   FRAN WINTER: Yes, everyone will  
19 get the code of conduct issued to them, at their  
20 shelter facility. And actually they'd have to  
21 sign off that they received it. And there should  
22 be a discussion with somebody about what does it  
23 say, so that it's clear. No surprises.

24                   COUNCIL MEMBER WHITE: Well, this  
25 somebody is what I'm concerned with, who's the

1

2 somebody?

3

FRAN WINTER: It's shelter staff.

4

It really should be, you know, usually within, as

5

soon as they get to the shelter, and there sort of

6

done a small, a quick intake into that, into the

7

shelter, and then, you know, a little bit of a

8

longer intake with their caseworker.

9

COUNCIL MEMBER WHITE: Okay. The

10

consequences of the policy, how many families are

11

receiving temporary housing assistance, and how

12

many families could be affected by these

13

sanctions?

14

FRAN WINTER: Right now we have

15

just over 8,000 families with children in shelter,

16

receiving temporary housing assistance. How many

17

will be affected by the sanctions, I couldn't

18

guess, except to say when we looked at how we did

19

it with the single adults in shelter, over 79,000

20

single adults, and I think 15 had their shelter

21

discontinued. It's a relatively very low rate.

22

Our goal would be a similar low rate on the family

23

side. I mean, our goal frankly would be no family

24

would have their shelter discontinued. But it's a

25

tool we need to have, more than likely just to get

1  
2 the family's attention, to say, "Hey, something's  
3 not going well, you and your shelter provider are  
4 not helping to get you to permanency. And you're  
5 really going down a bad path here, stop. This is  
6 going to have some serious consequences. Let's  
7 stop, let's examine this, let's work out a better  
8 arrangement."

9 COUNCIL MEMBER WHITE: Good, I'm  
10 glad you said that. Okay? A family shows that  
11 they are not following a plan of action, to become  
12 independent and self-sufficient. And what they're  
13 hit with is, "You got to stop, you can't do this,  
14 because you're not going to get where you're  
15 supposed to go." So my question is, in a  
16 situation like that, what supportive services is  
17 offered to that family to help them get back on  
18 track, as opposed to just looking at the penalty,  
19 which would cause undo duress?

20 FRAN WINTER: All families have  
21 case managers in shelter, so that's the primary  
22 link to a service plan. What do they need?  
23 What's their individual circumstances like? Do  
24 they need help with employment? Do they need  
25 childcare help? Are they, do they know how to

1  
2 look for an apartment? Do they know how to go on  
3 an interview for a job or to actually go to talk  
4 to a broker about an apartment? The case manager  
5 really is the person who's responsible. If the  
6 case manager is saying the family seems  
7 unengagable, they usually go up the line, they  
8 have a supervisor, who somebody's a little more  
9 experienced in how to do case services. And  
10 that's the person who will then work with the  
11 families. We at DHS back at the downtown office,  
12 we will see these recommendations to discontinue  
13 shelter only after the shelter staff has exhausted  
14 their attempts to work with the family. Downtown,  
15 DHS staff will review the case record. If we  
16 don't see that the shelter provider has tried to  
17 work with the family, then we're going to step in  
18 make sure that shelter provider does work with the  
19 family. That's the best outcome, and that  
20 hopefully will be the most frequent outcome. So,  
21 what we've really tried to achieve with this set  
22 of responsibilities is that the provider knows  
23 they're there to work with the family. The family  
24 knows that the provider's there to help them, but  
25 they've got to cooperate. And we're sort of

1  
2 sitting back at the office wait--hoping that it  
3 works, and most times it does, we've had over  
4 8,000 families move out with Advantage. I mean,  
5 it's a very successful rental assistance program.  
6 So this is for the small number who, for whatever  
7 reason, aren't getting, the families aren't having  
8 their needs addressed. That's what it really  
9 says. And it's a way for us to say, "Hey, we need  
10 to really get everyone together in a room, talk  
11 serious about this, because, to the family,  
12 listen, your child's in shelter longer than you  
13 need to be, that's not a good outcome." We need  
14 to help you get past that. What is it we need?  
15 And then DHS staff will step in, if the shelter  
16 staff is really not up to it, or doing the right  
17 thing. Most of the time this works out well, and  
18 the shelters are very committed to their clients.  
19 I mean, I think everybody knows if you speak to  
20 the tier two operators, they care very much about  
21 their clients. But once in a while, the client  
22 really does not want to be reached.

23 COUNCIL MEMBER WHITE: Okay. Now,  
24 in terms of the individuals come in to my office  
25 from time to time, they want independent living,

1  
2 they want to move out of shelters, but they seem  
3 to complain about being inhibited by the service  
4 providers, because the service providers get paid  
5 for them being there. And you know, when you talk  
6 about giving assistance, you know, I'm not saying  
7 that all service providers are noncompliant and  
8 concerned and want to help people become  
9 independent, but their vacancy rate, also, impacts  
10 on their earnings. So, to what degree can you  
11 measure the effectiveness of a service provider  
12 assisting a family with the goals of--See, public  
13 assistance is supposed to be just that: to assist  
14 on a temporary basis for people to be able to move  
15 on to their lives, not a way of life. Okay? Now,  
16 I support public assistance. I don't support long  
17 term living on welfare, unless you have a  
18 disability and you can prove, be proven, and  
19 things of that nature. But it's supposed to  
20 assist. And there is a measurement on both ends,  
21 with the service provider, homeless services, how  
22 many people are in the system? How many people  
23 are out of the system? Are they the same people,  
24 okay, in '09 that was in '08? Have they moved on?  
25 I mean, it seems to be not a clear measurement

1  
2 unless we talk about how many people are in the  
3 system? How many people have moved out of the  
4 system? But how many people that have been in the  
5 system have returned to the system through  
6 failure, and we haven't helped them at all?

7           FRAN WINTER: Our rate of return  
8 from shelter, leaving shelter back to shelter, is  
9 relatively modest, it's about three percent a year  
10 who've left to come back. So, it's quite good,  
11 actually, and a lot of that now has to do with our  
12 Advantage rental assistance, and our Home Base  
13 offices, who really give stability to the family  
14 once they've left. In terms of the, of your  
15 concerns about the service provider, and yes,  
16 there's a continuum, some are better than others,  
17 and sometimes they don't mesh with an individual  
18 family. A couple of things I would say. One of  
19 them is at DHS we have an Office of Advocacy,  
20 where we encourage shelter clients to call us  
21 directly, when they're having issues at their  
22 shelter. So we can certainly give your office  
23 that number. 'Cause we definitely want to know in  
24 the, when the clients are saying their needs  
25 aren't being met at the shelter, that's a very

1  
2 important thing for us. We have our, we call them  
3 program analysts, who go out and visit the  
4 shelters, talk to the clients. We do a big  
5 checklist twice a year about what's going on at  
6 the shelter. We look to see how many of the  
7 shelter's clients are moving out. So we have some  
8 good measures of accountability, but that's not to  
9 say on every case, every family--satisfied. So we  
10 definitely want to know about that. Generally  
11 speaking, though, our length of stay in shelters  
12 is now just a little over nine months, meaning on  
13 average, a family coming into the family shelter,  
14 stays about nine months, in shelter, until they  
15 leave and to return to the community, and in, you  
16 know, independent living.

17 COUNCIL MEMBER WHITE: Okay. Now  
18 when we talk about the family, we're talking about  
19 a nuclear family, you know, the kids and everybody  
20 like that. I have a concern in terms of how does  
21 that fit into the educational needs of the  
22 children? For instance, who spend X amount of  
23 time in this location, registered in this  
24 particular school, and then an opportunity comes,  
25 and then they have to leave that location and move

1  
2 to the new location, because you've been very good  
3 at finding them a home, etc. And that is a big  
4 issue of trauma in a child's life, to be moved  
5 from one school to another school, meeting new  
6 friends, getting new teachers. And that concerns  
7 me because that doesn't seem to be addressed in  
8 this issue. Because I would think that if you had  
9 somebody in a tier two, and the individual was  
10 going to school, and you're paying the cost of  
11 moving, you're paying the cost of all those other  
12 things, that you would pay the cost of bus  
13 service, to have that child bussed to the school,  
14 that they've been attending, so you don't disrupt  
15 their education, at that particular time. Until a  
16 school year is over, and the family is stable, and  
17 then they can transfer over to a new educational  
18 institution. To me that would make sense, I don't  
19 know if you have that.

20                   FRAN WINTER: Well, we--I think we  
21 do recognize that it's traumatic for a family to  
22 enter shelter, particularly for a young child, and  
23 particularly when their school is at stake.  
24 Usually what we do when a family comes into  
25 intake, is we try to place the family in a shelter

1  
2 in the youngest child's school district, or at  
3 least borough. And the child--and the family  
4 actually has the right to say, "I want to have my  
5 child go to the old school," or if there is a new  
6 school in a new district, go to the new school.  
7 And frequently they'll wait it out until the end  
8 of the semester before they make a change, but we  
9 really try to place the family close to where they  
10 were in the community, to minimize the disruption  
11 to school for the youngest children. Also to  
12 minimize the other supports they might have had in  
13 their community. It's not always possible,  
14 sometimes, we have domestic violence issues and  
15 the family really can't be placed in a borough  
16 that they were used to. So there is definitely  
17 some disruption in school. We work with the  
18 Department of Education, and we have Department of  
19 Education liaisons specifically to address the  
20 needs of families and shelter, to make sure the  
21 schoolchildren can transfer easily, can register  
22 at the new school quickly. And we try to minimize  
23 the disruption in the school year. I don't know  
24 that I would agree if you're saying that we  
25 shouldn't have people moving out of shelter until

1  
2 the summer, because we don't want to disrupt them.  
3 That would seem to me to weigh between what it's  
4 like for a child who may have some stigma by being  
5 in a shelter, to wait for the end of the school  
6 year to move, in order to minimize the disruption.  
7 But we really do think as soon as the family is  
8 ready, and has found housing in the community,  
9 they are much better off moving, even if it means  
10 having to transfer schools.

11 COUNCIL MEMBER WHITE: Well, you  
12 know, I'm just dealing with the children now. I  
13 was not trying to say that they should wait till  
14 the end of the school year. What I was saying is,  
15 the money that you're taking from them, okay, that  
16 some of that money should be considered for  
17 educational needs, so that the child could have  
18 transportation to the school, even though it's not  
19 in the new location to the, to the former  
20 location, until that school year ends. And there  
21 doesn't seem to be any resources made available  
22 for that to happen. Now I'm just throwing that  
23 out as a suggestion to you, because you know, when  
24 you talk about disruption, and you talk about  
25 these rules and regulations in various shelters,

1  
2 you'll find a lot of it around the children.  
3 Children seem to be disruptive when they are  
4 uncomfortable, and they keep changing new friends  
5 and meeting new friends. So it causes a problem,  
6 not only with the children, but it brings in  
7 problems with the families in the surrounding  
8 areas because now they have to go out and defend  
9 their children against this child and that child.  
10 So, all I'm saying to you is, you know, that's why  
11 it doesn't make a lot of sense to me, with all  
12 this moving, it doesn't seem to be really fine  
13 tuned the way it should be. And it sounds to me  
14 like you're being penalized if you're working,  
15 because I heard you say, you know, when you  
16 determined that they're making "too much money."  
17 Now, I don't know what your definition of "too  
18 much money" is. Okay, that's like using the word  
19 "affordable," everybody throws the word  
20 affordable, but nobody can give me a bottom line,  
21 except if you tell me the community you're talking  
22 about. Because some condos a million dollars, so  
23 affordable would be, you know, if you just happen  
24 to make \$500,000 you'll be in the category of  
25 affordable. So, I need to know what "too much

1  
2 money" is. And I'm not quite, and I, I'm not  
3 quite sure you know what too much money is, and  
4 we're following a policy here, that we're really  
5 unclear on. We're giving money to people to  
6 assist them, and then we're taking it back. So  
7 we're not really giving them \$1,000. We're giving  
8 them \$800. And the cost of living in this city,  
9 forget about it, it is going up. And based on the  
10 prevailing wages of everyday people that don't  
11 have these problems, I'm saying that with all of  
12 the brain power and intelligence that we have, and  
13 even facing this economic downturn, we can come up  
14 with a better plan than that, an inclusive plan,  
15 that people will feel a part of, and participate  
16 in, so it can work. And I just feel that there's  
17 a policy coming down that's going to be imposed on  
18 people, rules and regulations that's going to be  
19 imposed on people, and they had no input  
20 whatsoever in determining those rules. Because I  
21 can't think of anybody that want to live somewhere  
22 where there's a lot of disruption, and chaos, and  
23 crime. No matter how much money you have or don't  
24 have, nobody wants that, and that's known as the  
25 quality of life, everybody wants a quality of

1  
2 life. So that's what, that's really my question,  
3 my statement, my answer, and I don't want, I can't  
4 put you on the spot because I know you can't  
5 answer it. But consider the educational piece.

6 CHAIRPERSON DE BLASIO: Thank you  
7 very much, Council Member. Okay, I've got a few  
8 wrap up question here. I want to start with just  
9 finishing the conversation on the contribution  
10 policy. If your efforts to come to what you  
11 believe is a fair outcome with the State, I'm not  
12 sure I would agree with that outcome, but let's  
13 just give you the theoretical here. If your  
14 efforts to come to an agreement with the State  
15 that you can live with on the contribution policy  
16 do not come to fruition, will the City then  
17 reconsider the legislative front in Albany and  
18 join us in trying to get legislation to end this  
19 requirement, so the City is not put at a  
20 disadvantage?

21 FRAN WINTER: I think at this time  
22 it's, we're optimistic that we will come to terms  
23 with the State with a reasonable program, and I  
24 don't think we can say any more than that.

25 CHAIRPERSON DE BLASIO: Alright,

1  
2 again I'm surprised by that answer earlier,  
3 because I again after most of a decade of the City  
4 obviously trying not to implement the State  
5 policy, I'm surprised that you're so optimistic  
6 you can find an outcome that you can live with.  
7 But we'll come back to that. I also want to  
8 emphasize, I think there's a very different  
9 feeling about anything where we take a  
10 contribution, put it in escrow, and give it right  
11 back, or match it, and I know some of your other  
12 efforts do that, versus any contribution  
13 requirement that does not get held and returned  
14 automatically. And I think that's an underlying  
15 point here to make. That people, I think, we are  
16 so concerned about people having resources to get  
17 out, that this is why I think the whole  
18 conversation revolves around the dislocation we  
19 cause people, when we don't keep those resources  
20 available to them on a regular basis. Let me turn  
21 you to the question of the ejection rules. Now,  
22 you say in your testimony that only 15 people have  
23 been ejected over the last couple years. Or I  
24 guess you're saying, officially, January '05  
25 through June '09, correct?

1

FRAN WINTER: Mhm. Yes.

2

3

4

5

6

7

8

9

10

11

12

CHAIRPERSON DE BLASIO: But the question is crucial to this, is how many people did you seek to eject? How many people had pre-ejection notices sent to them? 'Cause I think we need to get a sense of what the trend has been, and I would daresay in a less difficult time economically and that has a lot to do with this equation overall, but right now let me start with that. Do you know how many people were sent those pre-ejection notices?

13

14

15

16

17

18

19

20

21

22

23

24

FRAN WINTER: Actually, I don't. I will say this, though, the notices that are sent to begin the discontinuance process, there's a whole series of notices, but at the end, the final one may come, and at that point, there may be, continue to be further discussions. So, I don't have the number, but I do think, we view this as a progressive kind of process, and if we can engage the client at any point in that process, and avoid the discontinuance, and have the, help the family move out to permanent housing, or the individual, that's really the goal.

25

CHAIRPERSON DE BLASIO: Well, I

1  
2 mean, that's good to hear, but again, and I say  
3 this respectfully, I mean, the notion that these,  
4 this new definition, what would be allowable as a  
5 basis for ejection seems so broad, and you're not  
6 in a position today to give us an understanding of  
7 how many people there was an attempt to eject in  
8 the past, when bluntly I think the situation was  
9 more manageable than it is today. You've got a  
10 greater number of people in shelter, you've got a  
11 more difficult economy around you, you've got all  
12 sorts of pressures to try and keep moving people  
13 out of shelter, all happening at once. You've got  
14 the payment policy now coming into play, and  
15 you've got new standards for ejection. You know,  
16 it would be very, very helpful to understand what  
17 the history's been up to now, how many people the  
18 agency tried to eject, and what happened, and  
19 equally how many people got sanction notices, and  
20 contested them, and then won their cases. I mean,  
21 I think we need to see the big picture here of how  
22 many folks were in any danger of ejection, in less  
23 difficult, less pressing dynamics than we're  
24 facing today, to be able to extrapolate out how  
25 many people might be ejected in this new

1

2 situation. So can you get that to us quite soon?

3 FRAN WINTER: Yes, we will. Mmhm.

4 CHAIRPERSON DE BLASIO: Okay. Now,  
5 you know, a lot of what we've heard from DHS in  
6 your testimony today before is about  
7 accountability, which again I think we all would  
8 agree with the need for accountability, we'd all  
9 agree that if someone is purposely disruptive to  
10 their fellow residents, that that would be a  
11 concern for all of us. Anything about safety  
12 everyone would understand, but I think what you've  
13 talked about in the new proposed rules goes far  
14 beyond that, such as dress code, such as how much  
15 baggage people literally bring with them, how much  
16 physical baggage.

17 FRAN WINTER: Can I address the  
18 baggage?

19 CHAIRPERSON DE BLASIO: Just one,  
20 one quick point, then you can address it all. You  
21 know, the definition of keeping their area clean  
22 and orderly, which is subject very much to  
23 different interpretations by different people. I  
24 mean, it seems like a broadening of the  
25 definitions to a dangerous point, where many more

1  
2 people might be faced with ejection. It's not  
3 just about fundamental safety, or whether someone  
4 is being overtly and consistently disruptive.  
5 Those new concepts are much too broad in my  
6 opinion. So, please explain to us if this should  
7 be about safety, and sort of core needs, how these  
8 definitions keep getting broader and broader, and  
9 tell us why we shouldn't think there's a danger in  
10 that.

11           FRAN WINTER: The code of conduct,  
12 the rights and responsibilities, I think that  
13 you're looking at, the draft is still up at the  
14 state. The intent there was to make consistent at  
15 all sites a certain level of expectation. So, for  
16 instance, the baggage, I think, it may read very  
17 onerous, but what that really is about is many of  
18 our shelters don't have that much space to bring  
19 in stuff. If you, if the family, who's now  
20 homeless, has no other place to put their other  
21 belongings, furniture or large items, we will  
22 actually work with HRA and obtain a grant for  
23 storage. They just don't physically, can't bring  
24 it into the shelter, 'cause there's not enough  
25 space, if everyone were to do that. That's the

1

2 two bags. So, everybody gets a dresser for their  
3 belongings, typically a closet. If they have a  
4 lot of other belongings that we really can't hold  
5 them, but obviously we don't want them to be lost,  
6 we'll pay for storage for them. I think the  
7 cleanliness, too, is just about how everybody  
8 wants to be in a shelter that is maintained well,  
9 and that everybody participates in that, and has  
10 the same standards. I don't think we're talking  
11 about ever discontinuing shelter for somebody  
12 who's a messy homemaker.

13 CHAIRPERSON DE BLASIO: But again,  
14 you know, I'm sure that's not your personal  
15 intent--

16 FRAN WINTER: I don't think it's--

17 CHAIRPERSON DE BLASIO: But I, from  
18 what, from our read of this proposal, it could be  
19 interpreted that way, and you have to understand--

20 FRAN WINTER: Well--

21 CHAIRPERSON DE BLASIO: --you may  
22 personally resist the notion, because I'm sure you  
23 don't want to see people put out. But we're  
24 looking at the Mayor's goal for reducing  
25 homelessness not having been met. We're looking

1  
2 at more and more families going into shelter.  
3 We're looking at the effects of the contribution  
4 standard. You don't have to be paranoid to worry  
5 that all of these things point in the same  
6 direction, and again these new standards the  
7 providers are being held to, that all leads to  
8 people being pushed out. It may not be conscious,  
9 it may not be what you hope happens, but that  
10 there's a lot of pressures now towards pushing  
11 people out of shelter. If you have overly broad  
12 rules, who's to say they aren't going to be  
13 interpreted that way. So I don't know why you  
14 would have these rules connected to a policy that  
15 could lead to ejection from shelter.

16           FRAN WINTER: I think the code of  
17 conduct is a broad statement about how clients  
18 should act in shelter, both for safety purposes,  
19 and in recognition that shelter is temporary and  
20 an emergency benefit. And they need to start  
21 looking for housing as soon as possible. I think,  
22 respecting your oversight authority here, I think  
23 if you think that if we've only had shelter  
24 discontinued for 15 adults, we think that that's a  
25 way that we're going to really bring down the

1  
2 family census, that's, that can't be, I don't  
3 think anybody would look at that logically and  
4 think "This is a tool we're going to use to bring  
5 down the census." It's not. I think it's a tool  
6 we're going to use only when we need it as a last  
7 resort, and only for families who really cannot be  
8 reached in any other way. I think the code of  
9 conduct is not, it may seem as if they're very,  
10 either too broad or too specific, but they'll only  
11 result in a shelter discontinuance when it  
12 disrupts the orderly operation of the shelter.  
13 That's a pretty high standard, and granted it may  
14 sound subjective, and we have to be mindful of  
15 that. But DHS is not going to go around doing  
16 room checks to see who has a messy unit, and  
17 therefore should be starting to have their shelter  
18 discontinued, to start to go down that path. This  
19 is going to be based on the shelter's saying to  
20 DHS, "Listen, we can't work with this family,  
21 we've tried and tried, take a look at our case  
22 record, you'll see, we've tried. We're,  
23 essentially we've come to the end of a road with  
24 this family, and we think the only thing that can  
25 be done is actually to start the discontinuance

1

2 process."

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CHAIRPERSON DE BLASIO: Again, you're--I understand from your subjective point of view, why you think the past should lead us to feel reassured. And I'm telling you that part of oversight is also looking at the moment in history with an understanding that there are changes going on that all could connect. I'm not saying there's some vast conspiracy, I'm saying unfortunately they all end up pushing in the same direction. You could justify asking providers to respond to certain timelines and having incentives and penalties related to those timelines. You could talk about why you think a contribution approach makes sense, or broadening your rules for ejection make sense. But all that is happening simultaneously with more and more, at least certainly looking in the last year or two, more and more pressure on the shelter capacity from families. It's a lot of phenomena occurring at the same time. And from our point of view it's worrisome. And you can't simply say, "Well, they haven't chosen to eject a lot of people in the past, so we could just assume they won't in the

1  
2 future." That's why I want to get at the numbers.  
3 I want to know how many people you tried to eject  
4 in the past, and I want to know how all these  
5 pieces may come together and create a greater  
6 danger of families being ejected because that's  
7 what we don't want, I can guarantee that. We want  
8 to make sure that there are actually lots of  
9 safeguards in place, and we don't end up in a  
10 situation where more and more families are getting  
11 ejected. So, that's why you get a rather  
12 suspicious type of questioning, because oversight  
13 is supposed to involve being worried about trends  
14 that are developing. We don't need to debate it  
15 further, you understand where I'm going, and I  
16 think we want to get those numbers from you and  
17 then be in a position to follow up with you. Just  
18 very quickly, related point, folks who are in  
19 sanction status, according to HRA's figures from  
20 May, this year, nearly 30 percent of family  
21 assistance, engagable case load, either had a  
22 sanction in effect, or was in the sanction  
23 process. Again, the numbers from May I believe  
24 were 8,880 cases. Either had a sanction in effect  
25 or were in the sanction process. Again, under the

1  
2 new policies you're discussing with the State on  
3 ejection, should we not be concerned that a number  
4 of these individuals might be ejectable because  
5 they are somewhere in the sanction process?

6           FRAN WINTER: Our procedure is up  
7 at the State for review, as you know, so I can  
8 start to discuss it, but I have to preface it by  
9 saying, it's, the procedure's not been finalized  
10 and approved, so it could change again. But what  
11 we anticipate is that if HRA is sanctioning the  
12 client for a failure to act appropriately in  
13 public assistance, that does not go to the ability  
14 to stay in shelter. What goes to the ability to  
15 stay in shelter is the code of conduct that you've  
16 seen, it's the failure to look for housing, the  
17 failure to comply with the service plan. We are  
18 going to require that everybody who come into  
19 shelter apply for public assistance, 'cause  
20 frankly it helps us reimburse the cost of shelter,  
21 and it opens up a wide array of service, including  
22 the employment services that Mr. Diamond referred  
23 to before. So what we're looking for is people in  
24 shelter to open up a public assistance case, if  
25 they can, if they're going to be eligible, to keep

1  
2 open a case, to remain in good standing with HRA.  
3 But we were not, HRA has its own series of  
4 sanctions and consequences for public assistance  
5 that are unique to public assistance, cash  
6 benefits, and other benefits that don't apply to  
7 shelter.

8 CHAIRPERSON DE BLASIO: So are you  
9 saying that a family is in sanction status, or  
10 going through the process that there's no  
11 ramification, that has no ramification for whether  
12 they're allowed to stay in shelter or not?

13 FRAN WINTER: Currently, that is  
14 what's under discussion with the State, yes.

15 CHAIRPERSON DE BLASIO: Right, so  
16 in other words it, but let me make sure I  
17 understood the answer. You're saying that's  
18 what's under discussion with the State. If we are  
19 saying as a Committee, we're concerned that folks  
20 are in the sanction process or sanction status,  
21 might be subject to ejection because they are in  
22 that process somewhere, and we don't want to see  
23 people ejected except for the most extreme  
24 reasons, safety, etc. Are you saying that in fact  
25 people might get ejected simply because they are

1

2 in sanction status or in the sanction process?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

FRAN WINTER: At this time, I'm saying no, that is not our intention, to pass through the public assistance sanction to shelter. But I'm also saying the state has not finally approved our policy, so I can't speak to what it will ultimately look like.

CHAIRPERSON DE BLASIO: So we should continue to be concerned, in other words. Okay. That's how I interpret that. Lastly, since we're dealing with so many theoreticals and we're not dealing with the past numbers in terms of how many people you attempted to eject, and one thing or another, we can only talk very broadly about this. But we are concerned, obviously this is the same Committee that deals with children's welfare, that you have a situation here where families could be ejected. Let's just say for the sake of argument, it's in the hundreds. If you had hundreds of kids no longer able to stay in shelter, because of ejections, and by definition it's not clear what's going to happen to them next, economically, is there not a danger of ACS ending up having to be involved in those kids'

1  
2 lives, and some of those kids ending up in foster  
3 care? In other words, are we not, it may not be  
4 your intention at the outset, but do you not run  
5 the risk of greater family dislocation that leads  
6 to ACS involvement in those families?

7           FRAN WINTER: Again, our policy is  
8 up at the State, so it hasn't been approved, I  
9 can't speak to actually what it will look like  
10 when it's approved. We do share the concern that  
11 children not end up in foster care, who've had  
12 their shelter discontinued. I certainly don't  
13 think that's, again the goal of the discontinuance  
14 is just to say to the family, "You need to be  
15 doing what you should be doing to find  
16 permanency." However, there are laws on the books  
17 about when to call in a child abuse and neglect  
18 report, and our shelter providers are mandated  
19 reporters, and they'll have to make those  
20 decisions. I think everyone, everyone would agree  
21 that would be very unfortunate. And I think we  
22 would do everything we can to prevent that.

23           CHAIRPERSON DE BLASIO: And I  
24 believe you as an individual, and I believe a lot  
25 of the people who work for DHS would not want to

1  
2 see that happen. What I'm worried about is, it's  
3 a government of, you know, laws not people. So,  
4 if we come up with new policies that open the door  
5 to greater ejections, in a time of fundamental  
6 economic dislocation, the bottom line is families  
7 may have nowhere to go. It stands to reason in  
8 this economy that families may have nowhere to go.  
9 And then it would be the obligation of your  
10 workers if they saw a family on the streets to  
11 involve ACS. And then, you're again, you could  
12 literally this, possibly well-intentioned policy,  
13 could lead to kids ending up in foster care. So,  
14 I think, and I would urge you to go back and think  
15 about all this again, because I think there's a  
16 lot of unintended consequences that come from a  
17 more, from an intensified ejection strategy,  
18 especially on top of the other pieces we talked  
19 about earlier. The last thing we want, we have  
20 enough families getting dislocated for reasons  
21 that we as a City can't stop in time. The last  
22 thing we want to do is to contribute to that  
23 dislocation. And I think any policy that might  
24 lead to families having no place to go is the last  
25 thing we want to do. So I'd urge you to consider

1  
2 that concern. I want to thank you both for having  
3 been here, thank you for your testimony. And we  
4 know this is going to be an ongoing dialogue, we  
5 look forward to those numbers that we discussed in  
6 the near term, but we know as your discussions  
7 with the State continue, we'll look for updates,  
8 and we'll look to follow up with you. Thank you  
9 both very much.

10 FRAN WINTER: Thank you.

11 CHAIRPERSON DE BLASIO: Okay, I'd  
12 like to note that we have testimony that's going  
13 to be introduced into the record from the City  
14 Comptroller, Bill Thompson. And now our next  
15 testimony will come from Ellen Weyland-West, of  
16 Senator Daniel Squadron's office. [pause] Thank  
17 you for joining us.

18 ELLEN WEYLAND-WEST: Thank you.

19 And the Senator sends his regrets that he cannot  
20 be here today, so--

21 CHAIRPERSON DE BLASIO: I tell you,  
22 we all feel sympathy for what the Senator and all  
23 the other senators are going through, so--

24 ELLEN WEYLAND-WEST: He would much  
25 rather be down here.

1

2

CHAIRPERSON DE BLASIO: Yeah.

3

What'd he say, "Frankly, I'd rather be in

4

Philadelphia." What was that that--?

5

ELLEN WEYLAND-WEST: Almost

6

anywhere. This is his testimony, on behalf of

7

Daniel Squadron. "I'd like to thank the New York

8

City Council, the Speaker, and the Committee on

9

General Welfare for conducting a hearing on

10

Resolution 2002, calling on the New York State

11

Legislature to pass legislation such as S. 5065-

12

A/A.8353-D, which would amend the New York Social

13

Services Law to ensure that recipients of

14

temporary housing assistance do not have to pay

15

rent for that assistance. I'm the sponsor of S.

16

5605-A in the Senate, and Assembly Member Keith

17

Wright sponsors A. 8353-D, which passed the

18

Assembly on June 22<sup>nd</sup>. I introduced this bill in

19

response to the New York City Department of

20

Homeless Services' recent implementation of a 1995

21

State regulation, requiring shelter residents to

22

contribute a portion of their income to pay for

23

temporary housing assistance. DHS implemented the

24

regulation in early 2009, pursuant to a directive

25

issued by the New York State Office of temporary

1  
2 and disability assistance. Individuals and  
3 families who turn to the shelter system for  
4 temporary support generally do so because they are  
5 unable to pay rent, and do not have incomes. For  
6 individuals and families in temporary shelter who  
7 do earn some income, they are generally trying to  
8 save so that they can rent an apartment and work  
9 to become self-sufficient. This bill is intended  
10 to help individuals achieve this important goal.  
11 The bill would amend Section 131-a of the New York  
12 State Social Services Law to state, 'Not  
13 withstanding any other provision of law to the  
14 contrary, in any social service district  
15 containing a City having a population of one  
16 million or more, all earned and unearned income  
17 for applicants and recipients of temporary housing  
18 assistance shall be disregarded in determining  
19 eligibility for public assistance and temporary  
20 housing assistance, in lieu of the disregards  
21 otherwise provided for in this section. No  
22 recipient of temporary housing assistance shall be  
23 required to contribute the cost of temporary  
24 housing assistance.' S. 5605-A will eliminate the  
25 requirement that a recipient of temporary housing

1 assistance must contribute toward the cost of  
2 shelter, as a condition of receiving such  
3 assistance in New York City, enable a district to  
4 implement a savings plan for individuals residing  
5 in temporary housing, and enable temporary shelter  
6 recipients with earned income to use their income  
7 for critical expenses, such as childcare, as they  
8 work towards achieving self-sufficiency. This  
9 bill would undue the requirement that New York  
10 City seek a financial contribution from people in  
11 need of temporary housing, while protecting other  
12 important priorities. It would leave unchanged  
13 the requirement that an applicant for temporary  
14 housing assistance or public assistance  
15 demonstrate an immediate need for such assistance.  
16 And the bill will not affect the amount of cash  
17 assistance that a family or individual may receive  
18 through the public assistance program. At least  
19 20 other organizations have expressed their  
21 support for A.8353-D, S.5605-A, including  
22 advocates for children, I'm going to mispronounce  
23 this, Audre Lorde Project, Children's Health Fund,  
24 Citizen's Committee for Children of New York,  
25 Citywide Taskforce on Housing Court, Coalition for

1  
2 the Homeless, Community Service Society, Concourse  
3 House, Homeless Services United, Housing Works,  
4 Hunger Action Network of New York State,  
5 Information for Families, Interfaith Assembly on  
6 Homelessness and Housing, Legal Aid Society, New  
7 York Asian Women's Center, New York Provincial  
8 Society of Jesus, Office of Social Ministry,  
9 Queers for Economic Justice, Social Services  
10 Employees Union Local 371, Welfare Reform Network,  
11 West End Intergenerational Residence, and Women in  
12 Need. Thank you for the invitation to submit  
13 testimony today. Please do not hesitate to reach  
14 out to my office at (212) 298-5565 for further  
15 information."

16 CHAIRPERSON DE BLASIO: Thank you  
17 very much.

18 ELLEN WEYLAND-WEST: Thank you.

19 CHAIRPERSON DE BLASIO: And thank  
20 you for the good work the Senator's doing on this  
21 issue. And we hope the Senate gets its act  
22 together and passes this bill.

23 ELLEN WEYLAND-WEST: As do we.

24 CHAIRPERSON DE BLASIO: Thank you.  
25 Our next panel, Patrick Markee, Coalition for the

1

Homeless, and Jane Bock of the Legal Aid Society.

2

3

[pause] You know I love summarization, Patrick.

4

PATRICK MARKEE: Yes.

5

CHAIRPERSON DE BLASIO: I love

6

spontaneity. I just want to take a little poll of

7

the room. How many people in this room, get the

8

vote here, prefer spontaneous remarks to people

9

reading written testimony. How many in favor of

10

spontaneous? Spontaneous. See? Thank you, thank

11

you. I want to thank you [laughs] that's right.

12

See, this unites us all. That was today's focus

13

group, thank you. [laughs]

14

PATRICK MARKEE: Since the people

15

have spoken, I will--

16

CHAIRPERSON DE BLASIO: The people

17

have spoken.

18

PATRICK MARKEE: --I will summarize

19

my remarks.

20

CHAIRPERSON DE BLASIO: There you

21

go.

22

PATRICK MARKEE: We've submitted

23

written testimony, but again I will just highlight

24

a few issues.

25

CHAIRPERSON DE BLASIO: And just to

1  
2 say, I should do this every hearing, all written  
3 testimony is recorded in full in the record of the  
4 hearings. Thank you.

5 PATRICK MARKEE: Thank you. Again,  
6 my name is Patrick Markee, I'm the Senior Policy  
7 Analyst at Coalition for the Homeless. I would  
8 like to, certainly we testify in support of the  
9 Resolution, and appreciate Council Member De  
10 Blasio and the other Council Members and the  
11 Speaker for introducing the Resolution. Instead  
12 of talking about the ICR rules, though, the income  
13 contribution rules, I'd like to focus on the  
14 shelter rejection plan that the City has proposed  
15 to the State. But first I just have to comment on  
16 a couple of things that the City representative  
17 said.

18 CHAIRPERSON DE BLASIO: I would've  
19 been shocked if you didn't, this was some  
20 interesting testimony today.

21 PATRICK MARKEE: It was, I kind of  
22 was struck by Mr. Diamond's comments about family  
23 earning \$1,000 a month, and it seemed to miss sort  
24 of the elephant in the room, which is the family's  
25 earning \$1,000 a month, \$12,000 a year, impossible

1  
2 to afford rental housing in this City on that  
3 income. Given that the Rent Guidelines Board just  
4 last night voted to increase rents by as much as  
5 six percent after last year's incredibly large  
6 increases, on a million apartments in New York  
7 City. So I think it goes without saying that the,  
8 really the elephant in the room there is these are  
9 families, some of the poorest working families in  
10 New York City residing in shelter that are being  
11 asked to contribute some of their meager incomes  
12 for part of their shelter, and that's just kind of  
13 a phenomenal and phenomenally bad policy. The  
14 second thing I would like to comment on is Ms.  
15 Winter's comment that very few families who've  
16 received assistance under the Advantage programs,  
17 particularly the Work Advantage Program, have  
18 returned to shelter. Well, that's not very  
19 surprising, given that the first group of Work  
20 Advantage families are hitting the two year time  
21 limit, as we speak. The program was implemented  
22 or was introduced in May of 2007. Families  
23 receiving Work Advantage assistance are cut off  
24 after two years of--cut off of rent subsidy after  
25 two years. So it's in the coming summer months,

1  
2 in the coming year that we're going to begin to  
3 see hundreds, even thousands of families who  
4 received Work Advantage assistance who've been cut  
5 off of rental assistance, who are now going to be  
6 in need of help. And that's where the real test  
7 of that program is going to come in. The shelter  
8 rejection rules that the City's proposing to  
9 introduce have been very bad for homeless single  
10 adults for the four-and-a-half years that they've  
11 been in place. But they are going to be even  
12 worse for homeless families, for the following  
13 reasons. And let's keep in mind that these rules  
14 would require shelters to eject families from  
15 shelter for 30 days or more. It's an important  
16 thing to recognize, we're not just talking about a  
17 day or two, we're talking about 30 days or more.  
18 The reasons that the rules for families are going  
19 to be even worse are that, first of all, the  
20 income contribution requirement. If a family does  
21 not comply with that rule, if the City does begin  
22 to enforce it again, would be a reason a family  
23 could be ejected from shelter. Second, families  
24 with welfare sanctions, with public assistance  
25 sanctions, could also lose their shelter, as you

1  
2 commented. I was surprised that Ms. Winter said  
3 that the City's intention had not been for welfare  
4 sanctions to lead to loss of shelter, when that's  
5 exactly the plan they have submitted to the State.  
6 So that's a real concern. I would also note that  
7 one of the reasons in the State regulation that is  
8 behind this plan, that can lead to loss of shelter  
9 is when clients have not complied with an  
10 independent living plan, or a social service plan,  
11 on two or more occasions. In some of the cases of  
12 homeless single adults, the shelters have used  
13 noncompliance with public assistance requirements  
14 as a requirement as part of the independent living  
15 plan; in a sense sort of importing the welfare  
16 sanction to shelter sanction piece into the  
17 independent living plan sanction. And that's of  
18 real concern that that could happen with families,  
19 as well. But finally, two other reasons then that  
20 the plan for families are going to be worse. One  
21 is that, for homeless single adults, as the plan  
22 has been implemented over the last four-and-a-half  
23 years, because of the consent decree in Callahan  
24 [phonetic] v. Kerry, because of the court order,  
25 the City has had to provide shelter termination

1 notices to Coalition for the Homeless and the  
2 Legal Aid Society, at the same time that it has  
3 provided them to the clients. Meaning that our  
4 organizations have been able to work in tandem to  
5 provide legal representation for many of the  
6 individuals who are threatened with sanction, with  
7 ejection to the streets, and we've successfully  
8 been able to win some of those administrative  
9 hearings. But also to find housing for these  
10 individuals, and in many cases we've actually  
11 relocated these individuals to appropriate  
12 permanent housing, something that the shelters and  
13 that DHS had not done previously. There will not  
14 be an equivalent protection for families.

15 Homeless families will get these notices, and they  
16 may not know their rights, they may not know how  
17 to contact the Legal Aid Society or some other  
18 legal services organization, they may not know how  
19 to get help. And that's an important difference  
20 here. It's one of the reasons that the number of  
21 cases of homeless single adults who've been  
22 sanctioned has been relatively small, though I'll  
23 talk a little bit about that in a second. And  
24 then finally the real concern when we're talking  
25

1  
2 about families is children. And again, you know,  
3 the City representatives may say that it's not  
4 their intention to put children into foster care,  
5 but as part of the plan they submitted to the  
6 State, there are documents that include referrals  
7 for Child Welfare Services, and Child Protective  
8 Services, so it's clear that that's at least  
9 contemplated as an outcome for some of these  
10 families. And that's just something that we  
11 should all be very concerned about. I think  
12 there's another reason to be doubtful about the  
13 claims that City officials have made about this  
14 plan. And that's that past claims by City  
15 officials about the shelter ejection rules for  
16 homeless single adults have not turned out to be  
17 true. Back when the City was litigating the  
18 shelter rejection rules for homeless single  
19 adults, and while the case was before the  
20 appellate division, City officials repeatedly told  
21 news organizations that this is about shelter  
22 safety. The only people we're going to go after  
23 are the people engaged in violent or criminal  
24 behavior. After the appellate division ruled in  
25 that case, suddenly City officials were talking

1  
2 about, "Well, it's also going to be about social  
3 service plans and following social service rules,  
4 but don't worry, we won't eject people who are  
5 living with mental illness, people living with  
6 disabilities. Well, I can tell you from the  
7 experience of working with these clients, the  
8 majority of the homeless single adults who the  
9 City has sought to eject from shelter to the  
10 streets, it's been cases not involving issues of  
11 safety or issues of criminal or violent activity.  
12 The majority of them have been cases of people  
13 missing appointments, even in one case an  
14 individual who turned down a referral to an  
15 illegal boarding house, a three-quarter house, and  
16 was told that he could be ejected from shelter  
17 because he had done that. And in addition, the  
18 majority of the clients who the City has sought to  
19 eject from shelter to the streets, who have been  
20 evaluated, have been individuals living with  
21 mental illness. And in many cases, their mental  
22 illness had been diagnosed, and those records were  
23 in the shelter case file. So, the shelter and DHS  
24 were aware of the disability and of the mental  
25 illness, before they sought to eject that

1 individual. And the City has defended those cases  
2 in the administrative appeals, insisting that the  
3 client's mental illness was not the reason for  
4 their not complying with whatever rule the City is  
5 alleging that they have violated. And then the  
6 other claim that it'll be few clients, that this  
7 is only going to be a handful of people, and we  
8 heard Ms. Winter say that, "Well, let's keep in  
9 mind, while it's been a few dozen cases that have  
10 been brought to shelter termination notices being  
11 issued to those individuals," and again, remember  
12 that Coalition for the Homeless and the Legal Aid  
13 Society get those termination notices at the same  
14 time as the clients, so that has kept the number  
15 relatively small. Thousands of clients have been  
16 issued pre-ejection notices, and thousands of  
17 clients have been threatened with ejection from  
18 shelter. Many of them have been told if they  
19 don't take placements in illegal boarding houses  
20 and three-quarter houses, then they will be put  
21 out of shelter onto the street for 30 days for  
22 more, and that's the reason that so many homeless  
23 individuals have moved from shelter into illegal  
24 boarding houses. And so, as to the issue of could  
25

1  
2 this control shelter census, well I think that's  
3 absolutely true, because we have seen the homeless  
4 single adult census go down over the last few  
5 years that these rules have been in place, because  
6 so many adults have moved into illegal boarding  
7 houses. And finally, I just want to say a word  
8 about this week being the anniversary of the  
9 Mayor's five years homeless plan. You know, we  
10 read in the New York Times today about how the  
11 City is portraying these new rules as financial  
12 incentives, as they've used in other areas of  
13 policy. But it's very interesting to me that  
14 given we have a record number of homeless  
15 families, that the number of homeless families in  
16 New York City is now higher than when the Mayor  
17 released his plan five years ago, that the City is  
18 not talking about permanent housing. The City is  
19 not talking about affordable housing assistance  
20 which all of the research and evidence shows is  
21 the proven and successful way to reduce family  
22 homelessness. City of New York is distributing  
23 more than 12,00 federal Section VIII vouchers this  
24 year, renting more than 5,000 public housing  
25 apartments, but virtually none of them are going

1  
2 to homeless families in this City, the neediest  
3 families in the City. So, instead of--what we're  
4 getting instead from the Administration are rules  
5 to eject families from shelter and cuts and  
6 reductions in the payments to shelter providers  
7 who are already strapped. The Mayor when he  
8 announced his--

9 CHAIRPERSON DE BLASIO: I just  
10 want, help me out by summing up, though, 'cause  
11 we're--

12 PATRICK MARKEE: I'm just doing  
13 that now.

14 CHAIRPERSON DE BLASIO: Got a bunch  
15 of people coming. Thank you.

16 PATRICK MARKEE: The, you know,  
17 five years ago when the Mayor made his policy  
18 address announcing his homeless plan, he talked  
19 repeatedly about accountability. But I don't  
20 think we've seen much accountability, it's a plan  
21 that by every measure has failed. And yet we have  
22 yet to see an Administration official, or the  
23 Mayor himself, acknowledge that the plan is not  
24 working, and pledge to change course, and instead  
25 of embrace the proven solutions to homelessness

1  
2 that are out there. Thank you very much.

3 CHAIRPERSON DE BLASIO: Thank you  
4 and on that point, I appreciate that point  
5 especially in all these hearings where we've  
6 raised the obvious fact that the plan has not  
7 worked. I've been shocked by the lack of some  
8 basic admission that a mistake was, has been made,  
9 or that something hasn't worked as planned. It's  
10 rather troubling, but thank you very much - - .  
11 Go ahead.

12 JANE BOCK: Hi, I'm Jane Bock from  
13 the Legal Aid Society, and this is Amanda Moretti.  
14 We are here to talk about some of the experiences  
15 that our clients, homeless families with children,  
16 as well as homeless individuals, have faced as a  
17 result of the sanctions and the threatened  
18 sanctions. There's a total disconnect, I think,  
19 between what you just heard from the City's  
20 representatives and what our clients have  
21 experienced of these rules. Amanda is going to  
22 talk about the incredible harm that has been done  
23 on the single side, not only to the people who  
24 were actually sanctioned, but to the people who  
25 were threatened with sanction and deterred, many

1  
2 of these people with disabilities. But I'm going  
3 to focus on the City's very brief experience with  
4 the income contribution requirement, which is just  
5 one of the 30 reasons that the City will use to  
6 eject families from shelter, once they get  
7 approval from the State if they do. As Ms. Winter  
8 said, for more than a decade, the City and State  
9 negotiated, and developed, and put into place,  
10 this ICR program. It was done with great  
11 planning, with great thought, and still it was a  
12 total fiasco. Let's talk about noncompliance,  
13 let's talk about flouting the law, breaking rules.  
14 The New York Times said today that when ICR was  
15 implemented, it was with a dizzying series of  
16 errors, from both State and City agencies. The  
17 City did not withdraw this program voluntarily, it  
18 was withdrawn under threat of litigation by our  
19 office for so many violations of rules and laws.  
20 There were bad notices, there were no notices.  
21 There were incorrect calculations. There were  
22 notices issued without any basis for the  
23 calculations. Some families were required to pay  
24 more than what their actual income was. When the  
25 City talks about due process protections and

1  
2 layers of protections, many of these families were  
3 issues notices with improper fair hearing  
4 information on it. The State did not know how to  
5 process the fair hearing requests. There are  
6 still clients who are trying to sort out through  
7 fair hearings, with representation, the  
8 consequences of the bad income contribution  
9 implementation that occurred. If I could just  
10 tell you about two clients. One of our clients  
11 had never received a paycheck because she had just  
12 started working, and she was ordered to pay more  
13 than her projected monthly income. More than what  
14 she was even supposed to receive in the future,  
15 even though she never received a notice from HRA.  
16 When she refused to sign the payment agreement,  
17 when she came home from work one night, with her  
18 toddler, she was told that she could not leave the  
19 shelter, not even to take her daughter to school,  
20 until she met with the shelter staff and devised a  
21 payment plan. And when she was meeting with the  
22 staff, they changed the locks on her door, and  
23 told her that they would not give her the keys  
24 until she made her payments. Another shelter  
25 resident returned home and found that she was told

1  
2 that she, in writing, that she could not leave the  
3 shelter, even to go to work, until she, too,  
4 signed a payment plan. And the impact on these  
5 families was devastating, it was traumatic.

6 Children were threatened in the hallway with not  
7 having shelter that very night, until the security  
8 guards relented. Not giving their keys, but

9 letting them back in the rooms, but not allowed to  
10 leave the shelter the next day. This is the

11 distorting, destructive impact of rules which lead  
12 to, at the end, the threat of rejection or the

13 threat of foster care for these children, who

14 understand how serious this penalty could be, and

15 how much at risk they are. To have that threat

16 hanging over the entire 8,000 families with

17 children in the shelter system, when the City is

18 saying they are only going to eject 15 families,

19 it is--First of all, we are concerned that it will

20 be much more widespread. But I think shelter

21 providers who have endorsed this legislation, who

22 have endorsed your resolution, will tell you that

23 this is not the kind of adversarial relationship.

24 They want to begin with clients who are, they're

25 supposed to be assisting, as social services

1 providers, to achieve independence. For these two  
2 clients, their relationships with their shelter  
3 workers were irreparably damaged, and that will  
4 definitely impede their ability to work with them,  
5 to move out of the shelter. It will definitely  
6 make them think twice about why are they working.  
7 One of these clients was forced to sign a contract  
8 to pay \$866 per month, which was by far most of  
9 her income. So, when Mr. Diamond talks about a  
10 client with \$1,000 a month income paying \$164,  
11 that is not at all the experience of what we saw.  
12 When Mr. Diamond says this only applies to wages,  
13 I don't understand that, because the DHS procedure  
14 on ICR says social security, federal disability  
15 payments, unemployment, alimony and child support,  
16 will all be counted as income that the City is  
17 going to take away. Nothing in the legislation  
18 prevents the City from mandating savings plans for  
19 shelter residents. Savings plans, where families  
20 would control the money, where they would keep the  
21 money in their bank accounts, and save towards  
22 items that would help them to move out to  
23 permanent housing. Our clients want to save, we  
24 all want to save. And certainly, that's something

1  
2 that could help them to achieve independence. And  
3 nothing in this legislation prevents that. That's  
4 something that could actually help people move out  
5 of shelter. I also want to say something about  
6 how the advocates have been portrayed as being  
7 against rules in the shelter. Nothing could be  
8 further from the truth. Our clients, as one of the  
9 Council Members says, understand that there should  
10 be rules. And they want to have quality of life.  
11 We all have rules in our homes. But if I play my  
12 music too loud, or my children come home too late,  
13 it's very different to be threatened with loss of  
14 shelter, or being put in foster care. Why, when  
15 we have this most vulnerable of populations, in a  
16 system where bureaucratic errors are so common,  
17 would we want to have this harshest of penalties  
18 for a group that the City says is going to be  
19 miniscule? Let's remove it, let's start again,  
20 let's look at another array of tools of engagement  
21 that will help people to move out of shelter, and  
22 if necessary, prod them to move out of the  
23 shelter, without having this very grave threat.

24 CHAIRPERSON DE BLASIO: I just want  
25 to say, I'd like you to sum up--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JANE BOCK: Yeah.

CHAIRPERSON DE BLASIO: That--the examples you gave of the families and how they were handled, and families being asked for more money than they had, etc., I wish the New York Times had talked to those families, 'cause I think it would've added powerfully to the explanation of what's going on here. So I hope you will help the members of the media to actually meet those families.

JANE BOCK: Thank you. I would just like to turn it over now to Amanda Moretti.

AMANDA MORETTI: Thank you. I have represented dozens of homeless adults in shelter termination sanctioned hearings, and I want to speak briefly about that experience. The City can talk endlessly about checks and balances, but the fact remains, people make mistakes. Agencies make mistakes. And what we know is that in the shelter termination context, mistakes are made frequently. I want to give just a couple of examples. Scott M., a long term resident of the shelter system, who had ably and honorably served our country in the Vietnam War, was issued a shelter termination

1  
2 sanction notice for smoking in a nonsmoking area  
3 of his shelter. When he came to my office, he  
4 brought with him x-rays that showed, he said, the  
5 wires that had been implanted in his body by  
6 government agents working in collaboration with  
7 the medical profession. I immediately realized  
8 this was an individual who was in dire need of a  
9 psychiatric evaluation. And when he was diagnosed  
10 with severe and persistent mental illness, and I  
11 shared the psych evaluation with the City, they  
12 ultimately, they ultimately reversed course on  
13 this case, but we all had to wonder, "How is it  
14 possible that this fellow had been under the care  
15 of the shelter system, and nobody realized that he  
16 needed more help, not less help?" Similarly, DHS  
17 records said that Myra F. had no mental  
18 impairment, yet after a single meeting with this  
19 woman, it was obvious she needed mental health  
20 assistance. We got her evaluated, and after we  
21 shared that psych evaluation that said that Myra  
22 F. suffered from a paranoid delusional disorder,  
23 after we shared the evaluation, the City got their  
24 own evaluation, maybe not believing what we had  
25 showed them. But once they'd done their

1  
2 evaluation, they ultimately, again reversed  
3 course, and concurred in the diagnosis that we had  
4 presented to them. Again, these cases, you know,  
5 million checks and balances we heard about, lots  
6 of efforts leading up to these sanctions. In our  
7 experience, we're incredibly ill-advised. In one  
8 case, DHS knew, the fellow's named Gregory D., in  
9 this case, DHS knew that he was severely mentally  
10 impaired at the time that they gave him a sanction  
11 notice for alleged noncompliance with this  
12 independent living plan. Gregory D. had served in  
13 the Army and was discharged after he sustained  
14 serious injuries in an airplane training jump. In  
15 that jump, his parachute didn't open. In addition  
16 to sustaining physical injuries, Mr. D. suffers  
17 from chronic post-traumatic stress disorder, as  
18 well as other mental impairments, all of which  
19 were extensively documented in DHS case records.  
20 Even though his impairments were well known, DHS  
21 never submitted an application for supportive  
22 housing for mentally ill homeless adults for him,  
23 until the day before the hearing started, because  
24 they knew that we were going to ask at the  
25 hearing, "Did you ever submit, did you ever try to

1  
2 get New York, New York Housing for this  
3 individual? He's so obviously qualified." They  
4 didn't submit the application until the day before  
5 the hearing started, and the agency refused to  
6 delay the hearing, while the application was being  
7 considered. Now, of course that application was  
8 approved, and of course Mr. D. won his hearing,  
9 but the Department of Homeless Services still  
10 spent endless resources and tried very hard to  
11 expel him from the shelter system before either of  
12 these results were achieved. Finally, Vera B., a  
13 59 year old woman suffering from congestive heart  
14 failure, and a history of depression, was issued a  
15 shelter termination sanction notice for allegedly  
16 failing to pursue permanent housing. I  
17 represented her at her hearing, and DHS insisted  
18 on reopening the hearing after its conclusion,  
19 despite the fact that Ms. B. by this time was  
20 already relocated to permanent housing, that she  
21 had found on her own. At the conclusion of the  
22 reopened hearing, the State Hearing Officer found  
23 no credible evidence to support the agency's claim  
24 that Ms. B. had failed to pursue permanent  
25 housing. As Patrick mentioned earlier, we were

1  
2 able to intervene on these cases only because in  
3 the single adult shelter context, DHS is required  
4 to give the Legal Aid Society and the Coalition  
5 for the Homeless copies of the sanction notices  
6 issued to individuals. This will not be the case  
7 in the family context. I hope you'll consider  
8 this when you look at this program, it would be a  
9 terrible mistake for client responsibility to be  
10 implemented in the family context.

11 CHAIRPERSON DE BLASIO: Thank you  
12 very, very much, this is all very helpful  
13 testimony. We appreciate it. Like to--

14 JANE BOCK: Thank you. And I'd  
15 just also like to--

16 CHAIRPERSON DE BLASIO: Yeah.

17 JANE BOCK: --say that we have  
18 written testimony, extensive written testimony--

19 CHAIRPERSON DE BLASIO: Absolutely.

20 JANE BOCK: --on these cases that  
21 we've submitted. Thank you.

22 CHAIRPERSON DE BLASIO: All go in  
23 the record, thank you.

24 AMANDA MORETTI: Thanks.

25 CHAIRPERSON DE BLASIO: Next panel,

1  
2 Christy Parque of the Homeless Services United,  
3 Piper Hoffman, Partnership for the Homeless, and  
4 Sam Miller of Picture the Homeless. And while  
5 you're all coming forward, I'd like to remind you  
6 of the overwhelming democratic support in this  
7 room for summarizing testimony, which will win you  
8 the respect and appreciation of the other people  
9 in the room. [pause] Who would like to begin?

10 CHRISTY PARQUE: I'm closest, so  
11 I'll, I'll begin. I always get a hard act to  
12 follow, so much to comment on. Okay. Good  
13 afternoon, I'm Christy Parque, the Executive  
14 Director of Homeless Services United. Thank you  
15 for the opportunity and the invitation to speak on  
16 this topic. First of all, I'm going to be really  
17 brief, I've submitted testimony, you have it  
18 there, you can see all my reasons why we're asking  
19 for you to amend your Resolution 2002, to be in  
20 agreement with Assembly Bill 8353-D, and we  
21 appreciate the leadership you've shown on bringing  
22 this to the Council, so thank you on that. I just  
23 want to respond to some of the testimony that  
24 happened previous to me speaking today. One, I  
25 just want to reference number 27 of the Statement

1 of Client Rights and Client Code of Conduct, which  
2 I think your office has, which states you're  
3 required to apply for and, if eligible, keep an  
4 open public assistance case with HRA. This has  
5 been provided to shelters, to provide to their  
6 clients. So, it's clear that public assistance  
7 cases are really an important piece to keeping  
8 clients in compliance with their independent  
9 living plan, and also with the client code of  
10 conduct, so it's very important that we continue  
11 to have clarity on whether or not the state  
12 approves what changes have, what changes happened  
13 through the State process around this. Because it  
14 sounds like, based on what's been given to the  
15 shelters, and what, since, what's since transpired  
16 with documents submitted to the State, sounds like  
17 there might need to be some documents changed to  
18 what the shelters have in their possession. But  
19 currently, as I mentioned, number 27, that's the  
20 document that clients currently have in their  
21 possession, that says clearly that they need to  
22 keep open a public assistance case. And as we've  
23 heard earlier, many times those cases are closed  
24 erroneously and due to bureaucratic error. So, I  
25

1  
2 look forward to hearing further information on  
3 that from both the State and DHS. And if you want  
4 that document, I have it. Let's see, I also  
5 wanted to comment on an important point that DHS  
6 made about case managers being the primary link  
7 about who's responsible for working with the  
8 clients. It couldn't be more important. The case  
9 managers couldn't have a more important role in  
10 the shelter system. Unfortunately, given the  
11 large budget cut that the shelters have taken, in  
12 what could be proposed under the graduated payment  
13 system that would go into effect in January, those  
14 very key people, those primary links as DHS so  
15 accurately stated, would be one of the first  
16 groups that would be in jeopardy of losing their  
17 jobs. Those are the people that help find housing  
18 and help identify the issues of mental illness, or  
19 other barriers to having people safely housed in  
20 the community. The reason that those,  
21 unfortunately, that line item for personnel, that  
22 is targeted, is because shelters run on a very  
23 limited budget, and they have fixed costs. So,  
24 they have to feed the clients, they have to have  
25 security, they have to have it clean. Those are

1 things that are mandatory. And many of our  
2 clients haven't had changes to their contract  
3 rates in over ten years. So when it comes down to  
4 the places where they have to take a big budget  
5 cut of seven, eight, nine percent, it's going to  
6 come down to a personnel line, and the personnel  
7 line that's not mandated is, based on caseload,  
8 would be housing specialists and case managers,  
9 and we can't afford, if we're trying to speed up  
10 the system, take the people out, as DHS said, who  
11 are the primary links. So, at the same time they  
12 recognize the importance of those people, these  
13 are the same people that, when the City cuts the  
14 budgets to the shelters, they're the same people  
15 who are at risk for losing their jobs. And then  
16 we are at risk for slowing the system down and not  
17 helping people move back into the community as  
18 quick as possible. I think--I wanted to talk a  
19 little bit more at length about the idea of  
20 sanctions, but I, I'll just read a quick statement  
21 around the tools of engagement. Sanctions are, I  
22 think there's been a misperception of what  
23 sanctions are. There, sanctions are more than  
24 putting people to the street, sanctions as Legal  
25

1  
2 Aid mentioned, they're a tool of engagement.  
3 There are, they're a way to motivate the clients.  
4 And we as shelter providers really need to have a  
5 balance between rewards and penalties, or, as some  
6 people say, carrots and sticks. And we have to be  
7 very careful when we create this balance, that it  
8 is truly a balance, and that we create programs  
9 and we create a balance that is fair and really  
10 speaks to the system of the people we're trying to  
11 help. And more importantly, speaks to the system  
12 of the shelter where they're at. So, I guess,  
13 from the shelter's perspective, we've been hearing  
14 a lot about this, the universal code of conduct,  
15 and the universal rules that happens. And that's  
16 great, and I think the shelters will agree that  
17 there has to be a basic level of what's expected  
18 for the shelters. But we need to understand that  
19 the shelters are dealing with individuals. And  
20 each shelter has its culture. And each shelter  
21 has the ability to deal with a client in a unique  
22 way, based on whether or not it's a population of  
23 young mothers. How they operate may be a little  
24 different than how you'd operate with somebody  
25 that's got large families of maybe ten kids. So

1  
2 we really, I would urge caution, both to the State  
3 and DHS, to be careful and prudent, to not have  
4 overly broad categories, because we need to be  
5 able to address the uniqueness and the  
6 individuality of the clients we're serving. And  
7 we need to give all the tools possible to the  
8 shelters, to be able to address those needs. So,  
9 there's no easy answer. I would say before any  
10 overly broad system is designed, that they engage  
11 with the clients, and they engage with the  
12 shelters themselves, to decide what's the best way  
13 to speed up the system and help clients be served.  
14 And I think that's the end of my testimony.

15 Thanks.

16 CHAIRPERSON DE BLASIO: Thank you  
17 very much.

18 CHRISTY PARQUE: Thanks again for  
19 the opportunity.

20 CHAIRPERSON DE BLASIO: You're  
21 welcome. Ms. Hoffman.

22 PIPER HOFFMAN: Thank you for  
23 convening this hearing for the opportunity to be  
24 heard. I have submitted written testimony. I've  
25 never read my written testimony, and I'm not going

1

2 to start today.

3

4

CHAIRPERSON DE BLASIO: We support  
you for that. Thank you.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

PIPER HOFFMAN: [laughs] A few  
points to make in response to the testimony from  
DHS. The first one is that it appears that DHS's  
approach is that residents coming out of shelters  
don't need money, because the government will pay  
their expenses. But residents living in shelters  
should pay money so the government doesn't have to  
pay their expenses. I'm pretty sure that's what I  
heard today. It makes absolutely no sense  
whatsoever. I think what would make a little more  
sense is to let people keep the money that they  
earn, and then let them pay their own expenses as  
soon as they're able to, if that's right after  
leaving shelter, wonderful; more likely, it will  
be a ways down the line. But, it seems to me that  
DHS has it exactly backwards. And there are some  
consequences to that illogic. One results from  
what DHS was saying about how taking money from  
residents won't prevent them from leaving shelter  
because the government provides them with money  
for furniture and with money for moving expenses.

1  
2 Well, it doesn't take a lot of time working on  
3 homelessness in New York City to discover that  
4 that money rarely goes to furniture and to moving  
5 expenses. It actually usually is meant to go to  
6 beds, because one of the Partnership for the  
7 Homeless's programs, Furnish a Future, provides  
8 all the other furniture for free. So, there's a  
9 stipend for buying beds, and a stipend for moving.  
10 That money often goes to what's, what are known as  
11 "side deals," which is where a tenant agrees with  
12 a landlord outside the aegis of the DHS lease, to  
13 pay more than what the Advantage program would  
14 permit them to pay for rent. And this could be  
15 either to gain an extra room, this could be simply  
16 because of bullying from a broker or a landlord,  
17 it could be for a number of reasons. But the fact  
18 is that these stipends the government is  
19 providing, do not make up for any savings that  
20 they have taken away from residents of shelters.  
21 Those people need all the money that they can get,  
22 and there's absolutely no excuse for taking away  
23 the money that they've earned in particular.  
24 Furthermore, the Advantage program, which DHS was  
25 saying is the most effective in the country, that

1  
2 may or may not be, but it lasts for only two  
3 years. For many people it lasts for only one  
4 year. After that, it's all over, the government  
5 isn't paying your expenses any more. So, to say  
6 that it's okay to take their money because we'll  
7 be there to replace it later on, is a little bit  
8 disingenuous. That arrangement is in fact  
9 entirely temporary. The only other thing I wanted  
10 to respond to was a comment about how HRA provides  
11 grants for storage for furniture that doesn't fit  
12 into shelters. I was just recently speaking with  
13 a HASA client, a man with HIV, who had an HRA  
14 grant to store many of his belongings, while he  
15 was housed in an SRO through a subsidy. And he  
16 finally got himself to a place where he was ready  
17 to move into an apartment on his own, to pay for  
18 his own rent, and he needed his furniture. Well,  
19 he couldn't get it, because HRA hadn't actually  
20 bothered to send the checks to the furniture  
21 warehouse. So his locker was in arrears, and the  
22 warehouse wouldn't release his belongings. He had  
23 no control over the situation whatsoever. So,  
24 once again it's a situation where the government  
25 represents that this is all really very simple,

1  
2 and we take care of everybody. But when the  
3 rubber hits the road, the truth is that these  
4 people are often alone with very little  
5 assistance, little knowledge about how to work the  
6 system, and up against a stubborn and difficult to  
7 understand bureaucracy. So, I will close with  
8 that, and thank you again for introducing this  
9 Resolution.

10 CHAIRPERSON DE BLASIO: Thank you  
11 very much. And now Ms. Bryant.

12 SOPHIA BRYANT: Yes, I was going to  
13 say, I'm not Sam Miller. [laughs] I'm here to  
14 represent--

15 CHAIRPERSON DE BLASIO: That has  
16 become apparent. [laughs]

17 SOPHIA BRYANT: I'm here to  
18 represent Picture the Homeless on behalf of this  
19 issue. I can tell you that everything I heard  
20 here was just smoke and mirrors, it was a farce.  
21 I mean, I don't even know how they could even come  
22 here and say what they said. I myself was a  
23 victim of the shelter. I was, I got out 22--I was  
24 in there for 22 months with three daughters. I  
25 got out two years ago, and I'm back in the same

1  
2 situation again. Advantage program is just HSP in  
3 disguise. It absolutely is. They stopped paying  
4 my rent in March, and then it took a month-and-a-  
5 half for, I mean, speaking even with advocacy, and  
6 I know the Director there. My organization, I'm  
7 one of the people in my organization that sits on  
8 an advisory board with the Commissioner. And  
9 we've made so many recommendations to them,  
10 because we know this is a revolving door. They  
11 spend \$750 million every year, that money could be  
12 better spent on permanent housing. Do something  
13 creative with it. And we ourselves, we, we're  
14 working on that. We have anti-warehousing bill, I  
15 think it's in front of your, it may be in front of  
16 your Committee, but I know it's in front of the--  
17 Well, we're sending it, or we did send one, and  
18 then I think you want us to revise it, be more  
19 detailed or something it was. I don't work on  
20 that committee. My committee is Rental Subsidies.  
21 I work on homeless issues. We used to sit, back  
22 from 2007 until this year, we sat outside the two  
23 welfare offices up in Harlem that we know that's  
24 where they send you. Alright? From every shelter  
25 that's where they go, in order to open up a case.

1  
2 And it's horrible. How in the, first of all, how  
3 could send that many people to just two offices?  
4 I mean, they, those people was there until like  
5 7:00-8:00 o'clock at night, just to open up, open  
6 up a case, not even if they needed money or food  
7 stamps, just to make sure their rent gets paid in  
8 a shelter. Anywhere from a \$1,000 to over \$3,000  
9 what, is what they're paying to put a person in a  
10 box. It makes more sense to take that money, use  
11 it for some creative housing, put people into  
12 affordable housing. My organization even did a  
13 building count. We got the Bless the City Award  
14 [phonetic]. We told Scott Stringer, borough  
15 president about it, he had his people go out and  
16 do the same thing. The stock that we have here,  
17 the units that we have, and the vacant building,  
18 vacant lots that we have, we could put those back  
19 on line and you know, we've found, because of what  
20 we do have, just in Manhattan alone, we could  
21 actually, we could actually take every single  
22 person in the system and house them. And we want  
23 the rest of the boroughs to do the same.  
24 Everything they're saying up here was just a  
25 total, you know, like I said, smoke and mirrors.

1  
2 Alright, they play games. We've talked with the  
3 Commissioner of Department of Homeless Services,  
4 HRA, ACS, and those are all the pieces to this.  
5 And we've asked, and we've recommended over and  
6 over again, that all of them come together with  
7 us, the people who are homeless, or who represent  
8 the homeless, so that we can become a part of the  
9 policy and planning. I mean, these are supposed  
10 to be intelligent people, educated people that are  
11 making these policies. They make no sense. We've  
12 been telling them for the longest time, ever since  
13 HSP. That doesn't work. We pushed 'em and pushed  
14 'em until finally they came up with the Advantage  
15 program. There were a couple of things that they  
16 did, we recommended that they did implement, like  
17 now instead of having substandard housing when  
18 people move out of the shelter, they have to have  
19 an inspection through--the inspection process like  
20 the Section VIII. So this ensures that they do  
21 get decent housing. But they have the nerve to  
22 ask people to pay rent in the shelters when they  
23 are filthy, there's rats, there's roaches, their  
24 food is not edible, they don't offer choices for  
25 people who have religious, you know, that have--

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I'm sorry, religious concerns, for what they have to eat. You know, everything they said, it was total, total lie. Moratorium on eviction is something that we're working on. How in the world can you expect to take not even a penny from these people, and they're supposed to survive? Majority of them have been working for a long time, some all their life, some--everybody's situation is different, number one. And you know, they're going to say, you got, myself, I had \$1,000, right, a month, my income. I'm a disabled nurse. They're going to say to me, "Okay, you got to save like \$350 a month." Okay, fine. Then if you're going to take another portion, and you're going to keep that, and you call that a "contribution," then how am I supposed to live? Because when you're in the shelter, if you're not in one that you can cook, that has cooking facilities, the food there is horrible. Then they have microwaves. If you want to even just heat up something or just make tea, there's a line of 30 people. You know, so, they have the nerve. You're going to charge people for these kind of conditions? No, my organization is totally

1  
2 against it, and I'm glad that you asked the  
3 questions you asked today, because, you know, this  
4 is a total farce. Okay? [laughs] And you do  
5 have our agenda, and you also have this one,  
6 right?

7 CHAIRPERSON DE BLASIO: Yes. And  
8 all that will--

9 SOPHIA BRYANT: Yeah, this shows,  
10 this shows the data that we, that we compiled,  
11 when we were on the streets in Harlem. And it  
12 just tells you that everything they say, they say  
13 one thing, but we know the truth, 'cause we work  
14 on this every day. We're out there on the front  
15 lines. We know it, absolutely, it is a lie,  
16 everything that they sit here and say.

17 CHAIRPERSON DE BLASIO: Thank you,  
18 and we will include all of the written materials  
19 in the record of the hearing.

20 SOPHIA BRYANT: Thank you.

21 CHAIRPERSON DE BLASIO: Thank you  
22 everyone for your testimony. Our last testimony,  
23 we have two more, from Susan, is it Wieler? Or  
24 Wieler, sorry, Susan Wieler, of Citizens Committee  
25 for Children. And Deirdre Byrne of the Children's

1

2 Health Fund. [pause] Welcome.

3 SUSAN WIELER: Good afternoon. I'm  
4 Susan Wieler, I'm with the Citizens Committee for  
5 Children. I've been here before. I'm Senior  
6 Policy Associate there. We've submitted the  
7 written testimony, I'm, as I've been sitting here,  
8 I've distilled it to three points.

9 CHAIRPERSON DE BLASIO: God bless  
10 you.

11 SUSAN WIELER: [laughs] So. And I  
12 have to apologize because there is some overlap  
13 with some points you've already heard, but they  
14 bear repeating.

15 CHAIRPERSON DE BLASIO: And since  
16 we have a audience of friends, I'll use the famous  
17 quote from Charlie Rangel, at any kind of public  
18 gathering, "Everything's been said, but not  
19 everyone's said it." [laughter] So, that's part  
20 of why I push my summarization strategy. Go  
21 ahead.

22 SUSAN WIELER: Right. I like that  
23 and I'm remembering that one. The, first I'd just  
24 like to thank you for introducing Resolution 2002,  
25 where we're greatly appreciative, and we have

1  
2 written a memo of support for the Assembly and the  
3 Senate bill. We appreciate the value of the  
4 Uniform Code of Rights and Responsibilities, as  
5 part of a comprehensive strategy to move families  
6 to permanent housing. But we do have concerns  
7 about the potential harmful, even if they are  
8 unintended consequences associated with  
9 implementation. So, I'd just like to note three  
10 that have a particular impact on children. Some  
11 aspects of the code raise the real possibility  
12 that families will be cycled in and out of  
13 shelter. That puts great stress on children and  
14 families that are already overburdened with very  
15 significant social, emotional and economic issues.  
16 Even if each individual component of the code is  
17 reasonable, well intentioned families may find it  
18 humanly impossible to comply with all 30  
19 responsibilities. For instance, you can be in  
20 sanction status for public assistance for failing  
21 to attend a meeting. And it seems that it would  
22 be quite possible that a family in shelter might  
23 not get their notice of a meeting, and therefore  
24 they might not attend the meeting, then they would  
25 be in sanction status, and then they could be

1  
2 eligible to be evicted. So, the whole thing  
3 snowballs from a notice that went to the wrong  
4 address. The consequences, you know, can be very  
5 harsh, as you've said. Families with children can  
6 be evicted from shelter. We oppose requiring the  
7 client contribution to the cost. Rather, we'd  
8 like to see an expansion of DHS's savings program  
9 that's part of Work Advantage, as has been  
10 mentioned here before. And lastly, ACS has to  
11 intervene if children are living on the street,  
12 and are reported. The street is by definition  
13 unsafe. Usually ACS would help the family enter a  
14 shelter. What will they do in this case when the,  
15 if the family has been evicted and they cannot  
16 return for a minimum of 30 days? So, in that  
17 case, do they place the children in foster care?  
18 Or what do they do? There are no good choices and  
19 we can do better than this. Thank you.

20 CHAIRPERSON DE BLASIO: You really  
21 did summarize.

22 SUSAN WIELER: [laughs]

23 CHAIRPERSON DE BLASIO: Wow.

24 SUSAN WIELER: I wanted, I'd like  
25 that clock to be on, I'd love to get it under a

1  
2 minute.

3 CHAIRPERSON DE BLASIO: Yeah, you  
4 did great.

5 SUSAN WIELER: [laughs]

6 CHAIRPERSON DE BLASIO: That was  
7 great, and thank you on the ACS point, because I  
8 think that was one of the, the points here that  
9 DHS least had an answer for, 'cause obviously  
10 there is a huge vulnerability there. Thank you.  
11 Go ahead.

12 DEIRDRE BYRNE: Hi, my name's  
13 Deirdre Byrne, and I work for the Children's--

14 CHAIRPERSON DE BLASIO: Turn the  
15 microphone toward you and start again.

16 DEIRDRE BYRNE: Sure. My name's  
17 Deirdre Byrne. I'm with the Children's Health  
18 Fund, and just wanted to thank you for the  
19 opportunity to testify, and also thank you for  
20 introducing the Resolution in support of the State  
21 legislation. I basically just want to reiterate  
22 everything that everyone said, and their concerns,  
23 including CCC's concerns, on the impact on  
24 children and families. Children living in shelter  
25 have gone through the traumatic experience of

1  
2 losing their home and their families, struggle  
3 every day. We feel that these, that this policy  
4 is misguided. We have two reports from patients  
5 that we see on Mobile Medical Units that serve  
6 City shelters in 14 locations through the City.  
7 One was of a resident who received a bill for  
8 \$1,154 for her one room in shelter that has a sink  
9 and a toilet, no kitchen, with bare essentials.  
10 That resident made \$200 a week at her job.  
11 Clearly that was just one of the miscalculations  
12 that HRA made in sending the bill for the income  
13 contribution. Another resident complained to our  
14 staff of receiving a letter giving her one week to  
15 come up with a monthly income contribution payment  
16 of \$450. It didn't seem clear to me through the  
17 testimony today that they have a plan of even  
18 telling people what the calculation is, going  
19 forward. The one example they gave was unclear,  
20 and it'd be really interesting to know beforehand  
21 how they're making the calculations going forward  
22 of people's incomes, what exactly they were going  
23 to include in the income going forward. So, I  
24 really thank you for asking all the tough  
25 questions of the Commissioner and the

1  
2 representative from HRA. And we support you in  
3 your Resolution. So thank you again for the  
4 opportunity.

5 CHAIRPERSON DE BLASIO: Thank you  
6 very much. You both were excellent summarizers.  
7 [laughter] You get extra points. I want to thank  
8 everyone for being here today, and now this  
9 hearing of the General Welfare Committee is  
10 adjourned. [gavel]

11 [background noise]  
12

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in a dark ink and is positioned above the printed word "Signature".

Signature

Date August 6, 2009