



**HOMELESS SERVICES UNITED**

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**Homeless Services United's Written Testimony submitted to the NYC Council General Welfare Committee on December 14<sup>th</sup>, 2020**

My name is Eric Lee and I'm the director of policy and planning at Homeless Services United. Homeless Services United (HSU) is a coalition representing mission-driven, homeless service providers in New York City. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers. Thank you Chair Levin and members of the committees for holding this hearing and allowing us to testify today.

While we understand the scope of this hearing is largely aimed towards supportive housing oversight, we want to take the opportunity to discuss the immediate needs of unsheltered homeless New Yorkers given the legislation being heard. As New York City braces for what national health experts anticipate will be the worst months of the pandemic since last Spring, street homeless individuals are at mortal risk from both COVID-19 and freezing temperatures. Given these grave risks, **there must be a coordinated response led by DHS Street Solutions outreach teams but supported by other City agencies and systems, including the Office of Emergency Management, the NYPD, the MTA, public and private hospitals and faith providers.**

**Int. 2177-2020 would have unintended consequences that could be detrimental for street homeless individuals:**

HSU strongly supports the decriminalization of homelessness and is in agreement with the Council that clinicians and social workers must be the primary point of engagement with street homeless individuals, but we have concerns that legislation barring any involvement by the NYPD in street outreach would have a detrimental impact for both clients and service providers.

Homeless individuals have experienced negative interactions with the NYPD, which we must recognize and hold, but there are also positive outcomes when NYPD is utilized in a support role for outreach efforts. Outreach teams cannot be everywhere at once, even with recent hire ups, which we are grateful to the Council for making a priority. While we maintain that DHS outreach case workers should be the primary point of engagement to assist street homeless clients, NYPD have exponentially more eyes and ears in every neighborhood, and they engage and forge relationships with homeless individuals they regularly see on their patrols. On Staten Island, local precincts have close working relations with outreach staff, calling them when they spot homeless individuals at the ferry station, resulting in responsive engagements and connection to services. This legislation could end this practice.

**Prohibiting police officers from offering any connection to homeless services would effectively remove their ability and responsibility to assist homeless individuals. Officers will still engage street homeless individuals on their beat, but the only action they could take would be limited to telling them to move along or arrest them if coordination with DHS is barred.**

Street homeless individuals can have particularly complicated challenges including substance use disorders and severe mental health conditions, and in specific instances could be a danger to themselves or others. DHS outreach when engaging individuals with a known history of dangerous or threatening

behaviors will request NYPD to accompany them, to ensure the safety of everyone in the immediate area, staff and clients alike. Without this ability to proactively involve NYPD to act as a moderating presence, staff and clients could be put at risk, as the possibility for escalation would increase.

In one example, street outreach providers attempted to engage a homeless individual known to be violent without the support of NYPD, and he attacked them, throwing a brick through the windshield of their van. Police were called in response, but the threat of harm didn't end with that one incident. The NYPD can be helpful by accompanying the outreach team on follow up canvassing of that site so that workers can still offer support to the homeless folks in the area with the protection of officers should things escalate again. **Outreach efforts need to be tailored to the individual situation to affect the best outcome for the client, and outreach teams need the ability to proactively involve NYPD as necessary to keep staff and other homeless people safe.**

HSU understands that there are times when the NYPD is called to protect clients and staff during sweeps and other "clean up" operations that go against public health guidance and, except in extreme cases of the encampments causing an immediate danger to homeless people, unnecessary and traumatic for clients. We believe that limiting or even banning sweeps that don't pose an immediate health risk would reduce opportunities for conflict or escalation and negative NYPD interaction. Such a ban might better meet the Council's goal of stopping unnecessary conflict and move away from a criminalization model without compromising client, staff or neighborhood safety.

#### **Higher mortality risk of street homeless this winter:**

Cold weather has already claimed the life of a New Yorker this winter. We are gravely concerned that **lack of access to warm spaces this winter will increase the number of people freezing to death**, and we urge the City to **create a multi-department response to stand up accessible daytime warming centers** (akin to summer cooling centers coordinated by the Office of Emergency Management) **and expanded nighttime options for individuals who choose not to enter shelter.**

**There is a perfect storm of limiting factors that could kill shelter-adverse street homeless individuals this winter:**

- All indoor dining has ceased again, and even take out options severely limit capacity of people allowed indoors, even momentarily.
- Subways continue to shutdown overnight, and the MTA instituted new anti-homeless codes of conduct that prohibit shopping carts and remaining on the platform for longer than one hour.
- Faith respite sites mostly have not reopened, due to concerns for the health of elderly volunteers and costly renovations necessary to ensure new health and safety measures.
- DHS is in the process of opening five nighttime warming centers open to walk-ins, but we are concerned the capacity is not adequate. Each site's max capacity is between 15 and 30 seats.
- DHS Drop-in Centers are still operating with reduced capacity to observe social distance guidelines.
- Hospital Emergency Department (ED) waiting rooms, traditionally relied on by street homeless during Code Blue, were noted by DHS's Oct 27<sup>th</sup> letter to hospital ED directors, "may be unfeasible, depending on how high the case rates are."



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### Implementation Concerns for Int. 2176-2020

Supportive Housing plays a critical role in helping end homelessness for persons living on the streets. HSU supports the creation of additional units of such housing and is advocating on the State level for a renewed commitment to fund the balance of ESSHI units pledged by the governor and, we urge the City to use recently restored capital funding to accelerate production of NY 15/15 units to the extent possible.

For Int. 2176 which would create a reporting requirement for tenants' rights in supportive housing, it is unclear which "department" mentioned in the bill will be responsible for approving notice of rights for each project, investigate and respond to complaints, and publicly post complaints, responses and violations online. As supportive housing projects could have multiple oversight agencies, there must be clarity who will be responsible for implementing this bill.

**We strongly recommend that should this bill move forward the "department" defined as the contracting agency or funder, *not providers*, be responsible for creating and distributing the notice of tenant's rights proposed by this legislation.** To place the burden on providers would create new administrative costs for each program, given the cost of staff-time to create, distribute, and explain them to tenants, as well as the costly challenge of translating multiple *legal documents* precisely in multiple languages.

The legislation must also lay out a clearer implementation roadmap for this substantial undertaking to ensure that assembled documents do not conflict with each other given the multiple oversight agencies and funding streams which comprise buildings, and grants adequate time for the department to review and approve them, recognizing that buildings may have multiple types of rights packages based on how each unit is funded. As currently drafted, it is currently unclear what must be accomplished by 120 following the passage of this bill into law- whether rights packages need to be proposed for approval starting on that date, whether all packages must be submitted for approval by that date, or whether tenant's rights packages for all of New York City's supportive housing stock must have been reviewed, approved, translated, and provided to tenants by 120 days after signing.

Thank you Chair Levin and members of the General Welfare Committee for your leadership and recognition of the need to protect the rights of current and formerly homeless New Yorkers. Respecting the right of street homeless individuals to choose whether to enter DHS shelter, we would welcome the opportunity to work with the Council to further collaborative outreach efforts and develop additional spaces and resources to keep them safe this winter. Thank you for the opportunity to testify.