



Safety  
Net  
Project

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Oversight – Supportive Housing  
Hon. Steven Levin  
Committee on General Welfare  
New York City Council  
December 14, 2020

Thank you, Chair Levin, and members of the committee on General Welfare, for the opportunity to testify before you today. My name is Craig Hughes and I am supervising social worker with the Urban Justice Center's Safety Net Project.

The Urban Justice Center's Safety Net Project assists thousands of individuals each year with anti-eviction services, public benefits and shelter advocacy, navigating crises and accessing permanent housing. We also co-organize the Safety Net Activists, which advocates on benefits and homelessness issues and is led by people with lived experience.

We are extremely appreciative that the General Welfare Committee is holding an oversight hearing on supportive housing.

### **Current Conditions**

This afternoon it is less than 40 degrees and raining outside, temperatures are dropping to freezing as the sun goes down and heavy snow will fall on at least two days later this week. Yet, New York City has no serious plan to ensure homeless people are able to get warm, specifically in context of the COVID-19 crisis and corresponding reduction of accessible spaces that are available to those on the street. In sum, there's no serious *plan* to ensure people don't freeze to death. And, according to reporting in the *Daily News*, we know that at least one person has died so far related to cold temperatures this year.<sup>1</sup>

One reason for that is the Governor's decision to shut down subways, which have historically provided the only overnight heating source for many homeless folks. Another reason is that Mayor de Blasio has simply refused to contract enough hotels and other spaces to ensure sufficient individual rooms are made available for homeless people during the COVID-19 pandemic. Further, New York City simply refuses to embrace a housing-first approach, which is evidence-based and means providing housing first and foremost. While we have seen one death reported already, we will likely see others, and this is the outcome of pervasive – and avoidable – failures on the part of the de Blasio administration.

### **Outreach & Supportive Housing**

Individuals and families on the street find themselves navigating a bureaucratic and blame-heavy maze when they try to come inside. They face a homeless services system that has extended policing into the center of its outreach processes, where City-contracted agencies work hand-in-hand with Sanitation and the NYPD to toss people's belongings and move people them from sight. Where City-contract outreach groups still require multiple

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<sup>1</sup> <https://www.nydailynews.com/new-york/nyc-crime/ny-nyc-dead-sidewalk-cold-weather-20201208-vkxxnzzo3bhezjodturxue2ds4-story.html>

engagements to determine deservingness of a bed a safe haven or stabilization bed, despite endless statements from Homeless Services that this isn't their policy.

In significant part, this situation is the outcome of DHS not requiring its contracted outreach teams to house people first and its refusal to demand that supportive housing providers house people on the street. In fact, supportive housing providers/landlords often make it virtually impossible for someone on the street to come directly inside. Instead of holding supportive housing providers accountable to do what they market themselves as doing, DHS actually facilitates creaming and discrimination that prevents people on the street from exiting homelessness, as evidenced by years of data released by Freedom of Information Law (FOIL) requests.<sup>2</sup>

We don't even have City-analysis on this point, which has meant that our data source has been FOIL'd interview-outcomes and our client's experiences. While the Department of Social Services (DSS) oversees referrals to a significant amount of New York City's supportive housing stock, the City does not compile reports on provider-level rejections. For years we have heard that the Coordinate Assessment and Placement System (CAPS) will change this, but to our knowledge it does not.<sup>3</sup>

Whether we will ever get systematic data or analysis on the reasons underlying rejections by supportive housing providers/landlords is, at best, an open question. The unfortunate reality is that this data cannot be left to a voluntary choice on the part of DSS. Stated bluntly: not producing this data is *a feature* and not a bug or deficit in CAPS reporting options. This is particularly the case given the extensive input and decision-making power granted supportive housing industry representatives in designing the CAPS system. It is of note that trade groups have pushed hard behind the scenes against legislation that would require the City to produce such data. What does it mean when an industry that reports it houses the most vulnerable doesn't want the public to know who it refuses to house and its rationales for making those decisions?

Undoubtedly there is far more need for supportive housing units than there is supply of supportive housing units. To my knowledge, no one questions that. We need far more truly affordable housing, and we need more supportive housing. But acknowledging the difference between supply and demand is almost always where the conversation ends and that needs to change.

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<sup>2</sup> On this see: <https://citylimits.org/2018/07/05/debate-about-whether-nyc-housing-for-the-most-vulnerable-rebuffs-some-who-need-help/>

<sup>3</sup> See testimony by the Corporation for Supportive Housing (CSH), Supportive Housing Network of New York (SHNNY) and others during a 2018 hearing on supportive housing reporting: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331787&GUID=3EEE78E2-1B3B-4400-BD3F-9A2C3046C45E&Options=&Search=>

Discrimination and creaming by supportive housing providers are rampant. Years of data released to advocates through FOIL requests documents this fact, and it has been my own experience as a social worker providing services to homeless folks in New York City. While creaming and discrimination impacts applicants for supportive housing across the board, it is of note that people on the street are least likely to be accepted by a supportive housing provider into housing. Until the City is willing to seriously address the almost unbelievable amount of discretion it grants to supportive housing landlords to curate who lives in their buildings, we will simply never come near resolving the crisis of street homelessness in New York City. We need more housing, but it's not *just* that we need more housing. We also need to ensure providers are accountable for housing those who providers and trade-groups publicly claim to be housing, but so often in practice refuse to.

There is a direct connection between creaming by supportive housing providers/ landlords and the City's approach to homeless outreach. Often, we hear of the need the difficulties outreach workers face in efforts to endlessly "build trust" or "rapport" with folks on the street. As often we hear DSS officials testify to how many engagements it takes for someone to come inside. We hear this so much because it functions to shift blame to those on the streets, and to tuck away the harsh reality they face: a bureaucratic maze. By City policy and via abuse of discretion by supportive housing providers/landlords, it is almost impossible for someone to access supportive housing from the streets. Outreach workers will tell you this themselves much of the time, as will many people on the street. Instead of housing-first, our system in New York City is realistically housing-last, if ever.

By looking at "supportive housing" as solely a type of social service, we've forgotten that the fundamental power dynamic is that of gatekeeping who can get in, and the power-dynamic inherent in who can evict and who can be evicted. Supportive housing providers provide necessary services, but they are also landlords. And they act like typical landlords far too often. If we don't acknowledge that in every relevant conversation and begin to confront it, we will continue to fail homeless and formerly-homeless people.

Those lucky enough to eventually access supportive housing unfortunately, far too often, face retaliation by providers/landlords for speaking up or demanding their rights. Perhaps more than any sector of the real estate industry, supportive housing has been remarkable at creating a public image of tenant-involvement and peaceful and "therapeutic" dynamics between provider-landlord and tenant. Unfortunately, our clients and countless Housing Court cases say otherwise. Supportive housing providers often retaliate against clients who speak out about conditions, rapidly move toward eviction when the rent is late, and misinform tenants about their rights.

The City maintains a blind spot toward supportive housing tenants' and applicants' rights. With tens of thousands of supportive housing in units in NYC, we cannot allow supportive

housing to be a system that allows folks with disabilities to know or pursue their rights any less than those in market apartments. We can't act like the tens of thousands of supportive housing apartments are somehow a space where poor people have lesser rights.

New York City produces no analysis on the rates of eviction faced by supportive housing tenants. There is currently no way to systematically assess which landlords/providers are evicting, or at what rate, or the purposes behind the Housing Court cases they file. Too often our clients find themselves in Housing Court instead of receiving the "support" that landlords/providers claim to offer.

To be clear, supportive housing is critical. I can testify that I have seen many, many people whose lives have changed for the better once they were able to exit homelessness and move into housing with supports. However, given the centrality of supportive housing to New York City's efforts to reduce homelessness, we need to be all the clearer on whether people face harassment or evictions when housed, and whether they are supported in knowing and asserting their rights as tenants.

## **Legislation**

In regard to the legislation, we are in support of the two bills today (with specific comments below), and in support of passing Intro-147 (2018), which would require data on supportive housing rejections, and which has languished in this committee for more than two years.<sup>4</sup>

**Intro-147** is a reporting bill that looks at who is accepted or not accepted into supportive housing. It has been fiercely resisted by the supportive housing industry, with alarming success thus far. Given the importance of supportive housing for resolving homelessness in New York City, it is truly hard to believe how little data we actually have on who gets access and who doesn't. We strongly urge the Chair Levin to move this bill to a vote and pass this legislation.

**Intro-2176** is a bill that would require a bill of rights to be created and provided to supportive housing tenants, and provide a minimal set of consequences for supportive housing who do not inform tenants of their rights as required. We support this bill generally, but we do have a number of suggestions First, the right of tenants to organize must be included in the bill. A clause should be added to say that if a landlord has not informed a tenant of their rights that they should not be able to evict them. The bill of rights should be a document that is developed in consultation with tenant groups instead of leaving it up to providers to each come up with their own format or language. The

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<sup>4</sup> The bill is available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331787&GUID=3EEE78E2-1B3B-4400-BD3F-9A2C3046C45E&Options=&Search=>

legislation should require that the bill of rights is posted in the lobby of each building with supportive housing. Finally, the bill must make it clear that a tenant has the right to attend court and defend their housing, and that it is not the supportive housing provider's role to do that (despite what supportive housing providers often tell tenants).

**Intro-2177** is a bill that would remove the NYPD from homeless outreach. We support the outreach bill because it would reduce NYPD contact with people on the street, and that is a critical move that simply must be made. The NYPD are not outreach workers; they are charged with enforcement. They have no legitimate role in homeless outreach and anything that outreach providers count on them for can be handled far better by social service and mental health providers.

However, we do have concerns about the proposed legislation. This is not a bill aiming to end sweeps (what DSS often calls "clean-ups"), which is what is needed. We do not want an end to sweeps' because SNP is interested in seeing the proliferation of encampments (although we do believe in the fundamental right of homeless people to access public space). We need an end to sweeps' because moving and harassing homeless people out of sight does not resolve homelessness. *Housing* does that. Finally, continuing DHS involvement in sweeps raises serious questions of how DHS is to be perceived: as an arm of the police who will destroy someone's belongings rather than help them inside, or as an Agency that will ensure someone is housed?