Legislation Details (With Text)

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Title:	Resolution calling upon New York State legislature to pass, and the Governor to enact, legislation to create a process for community notification and a community board public hearing prior to the siting of transitional housing for the homeless.				
Sponsors:	Vincent J. Gentile, Rosie Mendez, Helen K. Rosenthal, I. Daneek Miller				
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Proposed Res. No. 92-A

Resolution calling upon New York State legislature to pass, and the Governor to enact, legislation to create a process for community notification and a community board public hearing prior to the siting of transitional housing for the homeless.

By Council Members Gentile, Mendez, Rosenthal and Miller

Whereas, Pursuant to New York State law and regulations, the Office of Temporary and Disability Assistance ("OTDA") oversees the provision of social services in the State, including those for the homeless; and

Whereas, The Department of Homeless Services ("DHS") in New York City operates under this oversight and is responsible for providing, among other things, transitional housing for eligible homeless individuals and families until they move into permanent housing; and

Whereas, DHS utilizes various types of transitional housing to fulfill this responsibility, including Tier II shelters for families, residences for adults, hotels, and cluster sites, which are temporary transitional housing

units in apartment buildings where lease holding tenants may also reside; and

Whereas, Section 197-c of the New York City Charter sets forth the uniform land use review procedure ("ULURP"), which describes the process that must be followed when there are changes in the use, development or improvement of real property subject to City regulation; and

Whereas, ULURP applies in several instances, including site selection for capital projects, housing and urban renewal plans and projects, and the City's acquisition of real property by lease; and

Whereas, New York City Charter section 197-d provides a detailed explanation of the ULURP process and includes, inter alia, requirements that certain documents be filed with the Department of City Planning, that affected community boards and borough presidents be notified of proposed projects and participate in meetings, that a public hearing be held, and it also provides for review of proposed projects by the City Council; and

Whereas, Additionally, section 203 of the New York City Charter sets forth the criteria for the location of City facilities, otherwise known as the "fair share" criteria including, but not limited to, the building of certain types of transitional housing; and

Whereas, The intent of the fair share criteria is to make the decision-making processes used by City agencies in selecting sites more transparent, provide a more open forum for involvement in the land use process, and achieve more distributional equity of City facilities in New York; and

Whereas, However, the City need not undergo the ULURP/fair share process when siting many types of transitional housing for the homeless, namely, those that do not qualify as "city facilities;" and

Whereas, While DHS requires that the community be provided with notice for certain types of proposed sites, including Tier II family shelters and State-certified facilities for single adults, the requirement does not apply for all types of transitional housing; and

Whereas, For example, if DHS pays a landlord a per diem rate to temporarily house a homeless person or a family in an apartment, the location would not undergo fair share analysis and DHS does not provide the community with notice; and

Whereas, Additionally, in cluster sites, when less than 50 percent of the units within a particular building are comprised of shelter clients, DHS does not provide notice to the community prior to utilizing those units for temporary housing; and

Whereas, At a June 10, 2010 General Welfare Committee hearing, then DHS Commissioner Seth Diamond testified that shelters are concentrated in particular neighborhoods in order to keep families with children who enter shelter close to their original neighborhoods and communities; and

Whereas, However, it has been documented that facilities for the homeless are concentrated in low-income communities, communities of color, and that siting rules are often evaded or eluded; and

Whereas, For example, testimony from an April 12, 2011 City Council Landmarks, Public Siting and Maritime Uses Committee Hearing titled, Oversight: Fair Share After 20 Years, demonstrated that some City residents state that the fair share doctrine fails to create an equitable distribution of transitional housing for the homeless; and

Whereas, At the April 12th hearing, the Director of Economic Development for the Greater Jamaica Development Corporation testified that, "there is no question that the prevalence of homeless facilities within a relatively narrow geographical area contributes to the negative perception of the [area];" and

Whereas, Additionally, at the June 10, 2010 General Welfare Committee Hearing, a representative from Community Board 16 in Brooklyn testified that, "the present method of siting transitional housing creates an atmosphere of hostility and undermines…efforts…to rebuild our community with permanent and affordable housing;" and

Whereas, In the Statement of Community District Needs in 2013 for both Community Board 5 in the Bronx and Community Board 5 in Brooklyn, the Boards stated that their communities have accepted more than their fair share of homeless shelters and therefore requested "zero" new transitional housing facilities; and

Whereas, While social services, including those for the homeless, are State regulated and administered through the local districts under State supervision, State law is silent regarding notice requirements or fair share

considerations that DHS must fulfill prior to locating transitional housing; and

Whereas, A process is needed in order to provide communities with adequate notice and opportunity to provide input prior to DHS siting any transitional housing in such communities;

Whereas, In order to receive necessary community input, DHS must provide community boards the opportunity to hold, at their discretion, a public hearing prior to DHS finalizing any contractual arrangements or similar agreements with a transitional housing provider or otherwise finalizing its decision to use or expand a location as transitional housing or converting transitional housing for families to transitional housing for single adults at an existing location where transitional housing is provided; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass, and the Governor to enact, legislation to create a process for community notification and a community board public hearing prior to the siting of transitional housing for the homeless.

AV
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