

Testimony



Human Resources
Administration
Department of
Homeless Services

Department of
Social Services

**Testimony of Commissioner Molly Wasow Park
Commissioner, NYC Department of Social Services**

**Before the New York City Council, Committee on General Welfare
Oversight Hearing: DSS Manipulation of Monthly Eligibility Rate Reporting**

March 1, 2024

Good morning. I want to thank the City Council's Committee on General Welfare for organizing today's hearing.

My name is Molly Wasow Park and I serve as the Commissioner of the Department of Social Services, which is made up of the Human Resources Administration (HRA) and the Department of Homeless Services (DHS). I am joined by Molly Schaeffer, Director of the NYC Office of Asylum Seeker Operations.

DHS is the nation's largest and most comprehensive municipal shelter system for people and families experiencing homelessness. Through our shelters and programs, both those directly operated and those operated in partnership with not-for-profit partners, we support people through profoundly challenging moments in their lives. Our work to prevent homelessness and our work to provide shelter to families and adults makes a real difference in the lives of the people we proudly serve. It is our collective mission to provide support and opportunities for those experiencing homelessness to ultimately be transitioned to safe and healthy permanent housing.

I open with that focus on our mission to underscore what drives me, Mayor Adams, and this entire Administration daily. Our focus on Getting stuff done to support the lives of New York's most vulnerable communities is our ethos, our passion, our life's dedication.

I am before you today to discuss the findings of the DOI report released in January of this year. As the report concluded, the manipulation of the PATH eligibility rate was at the direction of the leadership of the past Administration. Looking forward, rather than back, I am committed to being as transparent as possible and will work with the Council and other oversight bodies to maintain that standard. I am equally determined to support the work of this great agency and the teams that work around the clock to support New Yorkers who have fallen on hard times and need our help. I want to state clearly that this manipulation of data has not, and will not happen under this Administration, and I have the utmost confidence in Administrator Carter and the entire team at DHS.

Joslyn Carter has dedicated her life and career to assisting the most vulnerable people in this City. Her commitment to the mission of DHS has positively impacted the lives of thousands of New Yorkers, and this City is a better place under her leadership.

Thank you for the opportunity to testify today.



**Testimony of New York City Mayor’s Office of Asylum Seeker Operations
Interim Director Molly Schaeffer**

**Before the New York City Council, Committee on General Welfare
Oversight Hearing: DSS Manipulation of Monthly Eligibility Rate Reporting**

March 1, 2024

Good morning, Chair Ayala and members of the General Welfare Committee. I am Molly Schaeffer, Interim Director of the New York City Mayor’s Office of Asylum Seeker Operations (OASO). I am happy to be here before you today to discuss the city’s ongoing efforts to support migrants arriving in New York City and the negative impact proposed Intro. 210 would have on the city’s ability to effectively manage the asylum seeker response.

Since April 2022, New York City has led the nation’s response to the migrant emergency, providing immediate shelter, food, legal support and other essential services to over 179,000 people. Our city has managed this emergency with compassion and decency. We have relied on experienced agency leaders and hundreds of public servants who have been supporting this effort while also managing their day jobs. Let’s be clear— there was no playbook on how to respond to a global humanitarian crisis, but what we did — and continue to do — is what New Yorkers do best in times of crisis — **we step up to help each other and we find creative solutions.** For nearly two years, that is what New Yorkers and people all over the country and the world have seen — New York City taking action. Using the limited resources and tools available to us, we have opened 216 emergency sites and are currently serving over 64,000 people, and importantly no families with children have had to sleep on the street. I think that statement is sometimes overlooked. As Commissioner Park knows all too well, it normally takes years to open a traditional shelter. We stood up over two hundred emergency sites, and fully staffed and operationalized them in less than two years – that is a significant feat. One of these sites is our Arrival Center, something I am immensely proud of, which operates 24 hours, 7 days per week with comprehensive onsite services.

Many partners from all levels of government and around the world have traveled to observe our operations with the intention of adopting our best practices. We are proud of the work we have accomplished, and we recognize that more needs to be done. A national humanitarian crisis deserves a whole of government approach that addresses needs municipal governments alone cannot meet. We hear this from the people in our care everyday: they want to work. We have been steadfast in our advocacy on work authorization to the federal government, and due to this advocacy, Temporary Protected Status was extended to Venezuelans. While we appreciate the support we have received from our State and Federal partners thus far, the work is not done. We need additional resources to keep pace with the daily influx of new entrants into city emergency

sites. New York City has stepped up to support individuals and families arriving from the border and we know more can be achieved. We have seen inspiring examples of our core values. New Yorkers opening their hearts, donating bookbags, clothing, and food to welcome our newest neighbors. New York City's future will continue to be built on our collective responsibility to help each other, regardless of immigration status.

Implementation of shelter notices

After the expiration of title 42 in May 2023, the city had to respond to the biggest surge of new entrants into the city's care since the beginning of current crisis, which hit a peak of 4,300 entrants over a one-week period. Given this historic influx and the need to immediately bring on capacity, we pursued additional models to bolster our response, including establishing emergency respite sites and launching our upstate hotel program at about a dozen sites. Despite around the clock efforts to increase our sheltering capacity, it became clear that a pipeline of emergency sites was only one part of the equation. At the same time, cities like Denver and Chicago were stretched beyond capacity and introduced a new tool, they implemented time limits on the length of stay at shelters. Other cities like San Diego and El Paso capped their accommodations and did not open any new sites to accommodate the influx.

In July, we established a 60-day time limit on shelter stays for single adults and adult families. This was a hard decision based on careful consideration at the individual and policy level. In September, this time limit for adults was reduced to 30-days.

Faced with an increasing number of new arrivals, severe capacity constraints, and an understanding that the cavalry from the federal government was not coming, we needed to continue to prioritize beds for families with children. In January, we began to implement the 60-day policy for families with children. As someone who has been at the front lines of welcoming and supporting new arrivals since April 2022, this was not a decision made lightly. We paired these time limits with intensive case management to support families in the development of their plans for how to adapt and chart a course for their future. Case management teams engage with clients to identify the barriers preventing them from leaving shelter and then assist with their goals.

Shelter time limits, paired with intensive case management, are policies designed to help more households achieve self-sufficiency, find stable housing arrangements, and leave the shelter system. The shelter notices also allow us to accommodate new entrants as people discharge. Currently, about 24% of single adults and adult families return seeking another placement, and 50% of families with children return and reapply. These policies are working. More people are taking that next step on their journey and moving out of shelter. Thoughtful planning, coordination and engagement has gone into the implementation of these policies, particularly with our colleagues at New York City Public Schools. As we have publicly stated, our goal is to minimize disruption to children's education, and we remain focused on this goal. I want to thank the New

York City Public Schools for their unwavering commitment to serving the nearly 36,000 students in temporary housing enrolled in our schools.

The number of people in the city's emergency sites has steadily decreased from over 68,000 to under 65,000 in recent weeks, an indication that the city's intensive case management, legal services, and reticketing initiatives are working. Our team works diligently every day to improve our operations and to support our clients working toward their American Dream.

Intro 210

I will now turn to Intro. 210 to share the Administration's position on this bill. To date, over 179,000 people have received assistance at the city's emergency sites and we have centered our work with compassion, care and respect.

We need this tool to carefully manage services, because we don't control the numbers of new people arriving to the city. Without this tool, we can't manage at all, we are at the whims of southern cities, governors, and border politics. This intervention is a commonsense practice employed across the country by cities like Denver and Chicago. We have taken the support a step further by pairing time-limits with intensive case management. People want to work; they do not want to live or raise their families in emergency shelters in perpetuity. This is evident in the data I shared – about 24% of single adults and adult families; and about 50% of families with children return seeking another placement. Individuals and families are moving on from what was intended to be a temporary, emergency-based accommodation. This bill would restrict the city's ability to fund the work we are doing to identify their needs and support them. We strongly encourage the council to work with us in service of the people in our care and this bill does not achieve that.

Conclusion

As stated, we will continue to do all that we can to serve new arrivals in our care. For nearly two years, and with no end in sight, the city continues leading the response to a national emergency. Our limited levers and tools should not be hindered by bills that will disrupt the good work we are doing – the work that has been acknowledged by leaders around the nation, at the state and federal level and around the world. We look forward to continuing to work with the council and I welcome an opportunity for you to join me for a visit to our shelter sites, asylum application help center or arrival center to see our operations up close. Thank you for the opportunity to testify today and I am happy to answer any of your questions.



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

**Testimony of New York City Comptroller Brad Lander
New York City Council Committee on General Welfare
Hearing on Intro 210-2024**

March 1, 2024

Thank you, Chair Ayala, for calling this hearing. Thank you to our new Chair of the Immigration Committee, Councilmember Alexa Aviles, and to Councilmember Hanif, for introducing Int. 210-2024, which would put an end to the City's cruel and inefficient 30- and 60-day shelter limitations.

I strongly oppose the 30- and 60- day shelter limit policies, which are nothing more than a backdoor effort to chip away at the City's 40-year-old Right to Shelter. The City's Right to Shelter is rooted in the State Constitution and keeps thousands of people from sleeping on the streets. I commend Councilmember Hanif for her leadership in standing up to the scapegoating of immigrants and strongly support Int. 210-2024.

New York City has welcomed over 170,000 new arrivals seeking asylum since Spring 2022 and we've opened our doors – just as we have throughout the City's history. This is not a time to ignite further anti-immigrant sentiment; it's a time to make sure all levels of government are working together to welcome our newest New Yorkers, face this challenge together, and focus on getting new arrivals the work authorization and services they need. Better management – not shelter evictions – would help asylum seekers get on their feet, join our workforce, and accelerate our economic recovery.

Our office has been closely tracking the numbers of recent arrivals impacted by these shelter stay limits. As of February 4, a total of about over 7,000 families with children in emergency shelters have been given 60-day notices. Those 7,000 households include almost 28,000 individuals – approximately 14,200 adults and 13,400 children.

Over half of those families have reached the 60-day limit and were forced to re-apply for shelter. Of the 4,753 adults from families with children in households whose 60-day notices had expired as of February 4, 16% remain in the same shelter, 29% have been transferred to other shelters, and 55% have left shelter. We don't know where those families went or whether they were given any additional options for support. According to the City's own internal survey of individuals who arrive to St. Brigid as single adults to reapply for shelter, 968 people spent the night on the streets or in the train. That's nearly 1,000 people in the mid-January cold without a place to stay.

Across the City, our office has already been seeing the deep instability that imposing shelter limit stays creates for asylum seekers – especially children. Families and individuals who receive a 30 or 60-day notice often are not given sufficient information on where to go, how to reapply for

shelter, or how to keep their kids enrolled in school or childcare. At the Roosevelt Hotel, we met Maria – an eight-month pregnant Venezuelan asylum seeker who had just been evicted from her temporary shelter.

We've spoken with parents who tried desperately not to retraumatize their children suffering from Post Traumatic Stress Disorder (PTSD). An Afghan refugee family had fled their home to Eastern Europe, only to flee from war again to South America. From South America, they made their way to New York, where the City placed them in a Brooklyn shelter. There, they were hit with a 60-day notice that would have uprooted their children once again, after just getting settled into a new routine and school. When these cases were elevated to City Hall, accommodations were made. We're grateful but are alarmed at how many similar cases may slip through the cracks.

We've visited schools that have gone above and beyond to accommodate a sudden increase in students through mutual aid drives, increased ELL services, busing, and deep parent engagement, only to have those plans thwarted by the shelter limitations. As we testified at the [Education and Immigration hearing in November](#), this policy destabilizes school communities and routines. It creates disruptions for teachers and other students as well. It impacts school budgets, and childcare for parents who receive a voucher through Promise NYC. Shuffling families around who have already been rooted near their shelters and schools will create more government inefficiencies as resources are haphazardly re-allocated, on top of being morally unjust.

In January, our Office launched an investigation into the 60-day rule. We have concerns about the financial implications of the policies being enacted. Through this investigation, we hope to learn more about how this policy is being implemented, its potential harmful impact on in-process asylum seeker applications and work authorization, and the extent to which this policy is displacing children from their public schools. This investigation is currently ongoing, and we will update the Council when we have findings to share.

Emma Lazarus said give me your tired, your poor – but not just for 30 or 60 days. There are other paths forward that don't involve destabilization. Earlier this week, our office released a report that found a lack of coordination across multiple emergency contracts led City agencies to overpay millions of dollars to staff asylum seeker services. Rather than evicting families with children from shelter in the middle of winter, the City should insist on getting the most competitive prices from its own contractors to keep costs down.

With stronger management we can reduce shelter costs without kicking families out on the street. The City should be doubling down on efforts to connect new arrivals to immigration legal help, workforce development, and case management. Our immigrant New Yorkers have been the backbone of the City – creating businesses, contributing billions to the economy, and serving as some of most essential workers.

We can't roll back the City's fundamentally engrained Right to Shelter in the moments we need it most – not as the number of unsheltered New Yorkers continues to climb. We can address this challenge with common sense, competence, and compassion. Thank you for your time and for your leadership on this critical issue.



Breaking the Cycle of Homelessness
for Women and their Children

Testimony for Women in Need (Win) for the City Council Committee on General Welfare March 1st, 2024

Background

Thank you to Chair Ayala and to the esteemed members of the General Welfare Committee for the opportunity to submit testimony. My name is Chris Mann, and I am the Assistant Vice President of Policy and Advocacy at Win, the largest provider of shelter and services to families with children experiencing homelessness in New York City. We operate 16 shelters and nearly 500 supportive housing units across the five boroughs. Each night, more than 7,000 people call Win “home,” including 3,600 children.

Win is proud to provide shelters for families in need, helping to satisfy the City’s right to shelter law. Since its inception over four decades ago, the right to shelter has prevented an estimated one million New Yorkers from sleeping on the streets.ⁱ The policy has also stopped New York City from experiencing the mass street homelessness seen in other major urban areas, which can impact commercial business and result in increased emergency healthcare and criminal justice costs.ⁱⁱ The right to shelter is also an overwhelmingly popular humanitarian protection, and a HarrisX poll commissioned by Win and the New York Immigration Coalition found that the vast majority of New York City residents (79%) support the right to shelter.ⁱⁱⁱ

However, Mayor Adams has eroded our right to shelter by imposing a 30- and 60-day shelter limit on individual migrants and migrant families, respectively. Because of these forceful evictions, thousands of homeless New Yorkers and migrants have been evicted from shelter and forced on to the street during the coldest months of the year — displacing children from their schools, and shuffling around the resources families desperately need. Additionally, these cruel rules are impeding the integrity of our immigration system, as shelter evictions make it effectively impossible for asylum seekers to have a stable address at which they can receive their work authorization and legal papers.^{iv}

The 30- and 60-day rules have contributed and exasperated our current homelessness crisis. There are an estimated four thousand people waiting for a shelter placement, nearly a thousand of whom have been relegated to sleeping on the street while they wait.^v This is a humanitarian and racial justice issue, and the vast majority of shelter evictions executed by the 30- and 60-day rules impact African



Breaking the Cycle of Homelessness
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migrants.^{vi}

Intro 210

We therefore unequivocally support Intro 210, sponsored by Council member Shahana Hanif, which prohibits any city agency from imposing limits on the length of time an individual or family may remain in shelter or emergency congregate housing, provided such individual or family is eligible for temporary housing assistance under State law, as applicable. Similarly, we support the corresponding state legislation, **S8493, sponsored by Brad Hoylman-Sigal, and A9129, sponsored by Catalina Cruz, to prohibit the imposition of limits on the length of stay at homeless shelters and emergency congregate housing.**

Together, these bills will ensure that the immigrant households and children will still have a warm and safe place to sleep during the coldest months of the year. This legislation will save families unnecessary trauma and will inevitably save the lives of those who will perish after being forced to sleep on the street. Stable shelter is not an indulgence or a perk of the social safety net, it is urgently needed emergency healthcare.

However, these precautions are the bare minimum when it comes to countering the homelessness crisis. The only real answer to mitigating homelessness is housing, and we ask New York City to implement policies that will promote sustainable housing solutions.

Additional New York City Policy Solutions

Implement Local Laws 99, 100, 101 and 102 of 2023 as they would help more than 92,000 New Yorkers gain and maintain housing, save over \$730 million, and relieve the current strain on the shelter system. While noncitizen households remain ineligible for the CityFHEPS voucher, these bills would still slow the shelter census and open safe and quality beds for migrant families who need emergency shelter by moving eligible households into permanent housing. Additionally, the shelter census shows that the expansion of housing vouchers is correlated with a decline in the homeless population and associated costs.^{vii} Implementation of these bills could coincide with a drop in homelessness and help more than 92,000 stay and become housed.^{viii}

Extend Housing Voucher Eligibility to Households Regardless of Their Immigration Status. If the City and State were to expand housing subsidies to households regardless of immigration status,



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more families would be afforded a pathway to permanent housing and shelter capacity would increase. Additionally, the use of housing vouchers instead of emergency shelter for migrant families can result in significant immediate savings—overall, just considering the offset in shelter spending between emergency hotels for migrants and the cost of CityFHEPS, offering migrant households subsidies could produce savings of \$2.9 billion per year.^{ix}

Advocate for the State Legislature to pass and fund HAVP to end and prevent homelessness for nearly 30,000 individuals.

HAVP would direct \$250 million in the state budget to create a flexible, statewide Section 8 like voucher to subsidize housing for the lowest income New Yorkers, both for those currently experiencing homelessness and for those at risk of eviction. HAVP is estimated to provide up to 20,000 vouchers and help as many as 50,000 New Yorkers avoid the trauma of homelessness. Cities and towns across the state will be able to use these vouchers to help people experiencing homelessness find permanent homes or issue them to low-income New Yorkers at risk of becoming homeless.

Without these changes, New York City is enabling undue trauma, a surge of street homelessness, and an increase in deaths of unsheltered homeless persons. The homelessness crisis is already at its height, but continuing the cruel 30- and 60-day rules will only make it worse. Instead, the City Council should pass Intro 210. **The restitution of the right to shelter, coupled with an increase in housing subsidies and their utilization, will provide immediate and long term relief to the shelter system and the New Yorkers it serves.**

ⁱ Richard R. Buery, Jr., CEO of robin Hood at *Help USA, UPSTREAM: Frontline Solutions to Homelessness*, January 31, 2024.

ⁱⁱ Megan Cerullo, “166-year-old San Francisco luxury store threatens to close over ‘unsafe’ street conditions,” *CBS NEWS*, August 16, 2023. <https://www.cbsnews.com/news/san-francisco-gumps-luxury-store-could-close-homelessness/>

ⁱⁱⁱ Elizabeth Kim, “Nearly 80% of New Yorkers back right to shelter, poll finds,” *Gothamist*, January 9, 2024. <https://gothamist.com/news/nearly-80-of-new-yorkers-back-nyc-right-to-shelter-poll-finds>

^{iv} Karen Yi, “NYC pushes to get migrants work permits, but shelter evictions could complicate the process,” *The Gothamist*, October 26, 2023. <https://gothamist.com/news/nyc-pushes-to-get-migrants-work-permits-but-shelter-evictions-could-complicate-the-process>

^v Gwynne Hogan, “A Thousand Migrants Slept Outside or in Subways, NYC Official Survey



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Says," *The City*, February 16, 2024. https://www.thecity.nyc/2024/02/16/migrants-outside-subways-shelter-survey-cold/?utm_content=buffer25718&utm_medium=social&utm_source=twitter&utm_campaign=buffer

^{vi} Churchill Ndonwie, "Adams Administration Shelter Policy Disproportionately Evicts African Migrants," *New York Focus*, February 15, 2024.

https://nysfocus.com/2024/02/15/eric-adams-migrants-shelter-mauritania-senegal?utm_source=NY+Focus+Newsletter&utm_campaign=7991dcf28b-EMAIL_CAMPAIGN_2024_02_15_07_11&utm_medium=email&utm_term=0_-7991dcf28b-%5BLIST_EMAIL_ID%5D

^{vii} <https://winnyc.org/wp-content/uploads/2023/08/Housing-Instead-of-Emergency-Shelter-for-Asylum-Seekersbriefv4.pdf>

^{viii} Cassidy Teminsky, Chris Mann, Hannah Tager, Henry Love, Martin Gamboa, "CityFHEPS Bills Could Save NYC Millions and House Thousands of Families," *Win*, July 2023. <https://winnyc.org/wp-content/uploads/2023/07/CityFHEPS-Bill-Packagev5.pdf>

^{ix} Chris Mann, Hannah Tager, Theodore Moore, "Permanently Housing Rather Than Just Sheltering Asylum Seekers Could Save the City Over \$3 Billion Annually," *NYC and Win*, August 2023. <https://winnyc.org/wp-content/uploads/2023/08/Housing-Instead-of-Emergency-Shelter-for-Asylum-Seekersbriefv4.pdf>



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Testimony Before the New York City Committee on General Welfare Regarding intro 210

March 1st 2024

Thank you to Committee Chair Ayala and members of the Committee on General Welfare for hearing this bill to prohibit any limit on the length of shelter stay by any city agency.

About the Association for Neighborhood and Housing Development (ANHD)

ANHD is one of the City's leading policy, advocacy, technical assistance, and capacity-building organizations. We maintain a membership of 80+ neighborhood-based and city-wide nonprofit organizations that have affordable housing and/or equitable economic development as a central component of their mission. We bridge the power and impact of our member groups to build community power and ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers. We value justice, equity and opportunity, and we believe in the importance of movement building that centers marginalized communities in our work. We believe housing justice is economic justice is racial justice.

Intro 210- Prohibiting DSS and other City Agencies on imposing limits on shelter stay

As we all know, New York City is in the midst of an unprecedented homelessness crisis, and at the same time is receiving large numbers of new asylum seekers, looking for the opportunity to build a life and a home here as millions have done for centuries. Yet the attempt by Mayor Adams and others to put blame for the homelessness crisis on new asylum seekers fundamentally misrepresents the root of the problem, which is a longstanding lack of affordable housing, ineffective administration in the City's shelter systems, and insufficient enforcement of laws prohibiting discrimination and requiring proper apartment maintenance, which prevent voucher holders from acquiring permanent housing.

By pitting two sets of homeless New Yorkers against each other, the Mayor creates a dangerous and divisive atmosphere that threatens vulnerable New Yorkers' safety. Blaming asylum seekers for the homelessness crisis is both inaccurate and cruel, and above all is fundamentally counterproductive. Nowhere is this more clear than in the 30-60 day shelter rule the Mayor has imposed. With this policy, the Mayor is forcing people with nowhere to go out into an unnecessary bureaucratic process that moves them from shelter to shelter - with long waits in the cold and nights on the streets or in unregulated and unsafe situations thrown in to boot. Meanwhile, by forcing asylum seekers into frequent and unnecessary moves, the policy prevents them from receiving mail with crucial paperwork such as IDs, work authorization, and Temporary Protected Status verification, and likewise prevents any form of real case management or social service support.

Ironically, while providing shelter crowding as a reason for the 30-60 day rule, the Mayor is all but ensuring that asylum seekers in our shelter system will stay there longer. Meanwhile, the Mayor is also inexplicably opposed to actual solutions to the homelessness crisis proposed and enacted by the Council, such as the CityFHEPS package passed last summer, which, when implemented, will help longer term New York residents in shelter to find permanent housing.

ANHD therefore strongly supports Int. 210, prohibiting the implementation of time limits on shelter stays, as well as Int. 349 to improve transparency and accountability in agency reporting related to shelter removals.

Thank you for the opportunity to testify. If you have any questions or for more information, please contact Emily Goldstein at emily.g@anhd.org.



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TESTIMONY OF:

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BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on General Welfare**

**Oversight Hearing on DSS Manipulation of Monthly Eligibility Rate Reporting
and Int 0210-2024**

March 1, 2024

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services. BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. I want to thank the Committee on General Welfare and Chair Ayala for inviting us to testify today about protecting the right to shelter for all New Yorkers.

BDS represents approximately 22,000 people each year who are accused of a crime, facing the removal of their children to the foster system, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals, and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. The people we serve experience housing instability in a variety of ways: we defend people from eviction in

housing court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the shelter system. Our Civil Justice Practice works with clients who are entering the shelter system, as well as shelter residents attempting to secure stable housing. Through this work we see the profound challenges New Yorkers face in accessing shelter and stable housing.

Background

The ongoing influx of new immigrants arriving in New York City has illuminated recent right-to-shelter violations as well as the shelter system's lack of preparedness to assist people in need of emergency housing. Immigrant New Yorkers, including asylum seekers, face many barriers to accessing and maintaining affordable housing including delays in obtaining work permits and lack of access to credit and banking systems. These barriers make it difficult for recently arrived asylum seekers to secure permanent housing, prompting many to turn to the shelter system. However, barriers to accessing and maintaining shelter eligibility as well as increasing instances of punitive action by shelter staff have made the right to shelter fully inaccessible to many New Yorkers in need of emergency housing.

New Yorkers, immigrant, and non-immigrant alike, routinely face barriers to entering the shelter system. New York City has created a bifurcated process for entering shelter. For New Yorkers accessing the traditional shelter system, the screening and evaluation process at PATH, the single point of entry to the family shelter system, operated by the New York City Department of Homeless Services (DHS), often presents an insurmountable hurdle to families who are already facing the trauma and disruption of homelessness. We began noticing an uptick in clients experiencing problems with the shelter intake process in 2022, including instances of families forced to stay overnight at PATH before getting an emergency placement. We testified about this pattern before this committee in August 2022. Since then, our clients continue to report difficulty accessing shelter.

Asylum seekers and newly arriving New Yorkers are assigned to a wholly separate system distinct from the existing shelter system and intake process. Currently, intake is managed at the Roosevelt Hotel in Manhattan. While the process has been opaque, many people are reporting waiting in line for multiple days while awaiting placement.

Once in shelter, many residents find that the congregate housing environment breeds stress and confusion, leading to conflict with other residents and staff. Residents frequently report that they do not feel safe in congregate facilities, especially recently arrived immigrants who are new to the United States and may have language and culture barriers. Many of our clients report that belongings, including vital paperwork and documentation crucial to asylum and immigration filings, are stolen or lost in shelters. This risk is amplified by frequent transfers, both for residents of DHS shelters and for recently arrived immigrants subject to the 30- and 60-day shelter eligibility limit.

In this already fraught landscape, the Adams administration announced its intention to modify New York City’s detainer law to allow local law enforcement to transfer anyone suspected of committing serious crimes to U.S. Immigration and Customs (ICE). This change would further perpetuate family separation and divide communities.

Heightened Surveillance of Shelter Residents

Shelter residents are subject to heightened surveillance and are at an increased risk of contact with the criminal and family legal systems. Our clients have reported an increasing number of conflicts in shelters, fueled by high levels of stress and uncertainty. Shelter staff are not adequately trained to deescalate potential conflicts, and therefore often resort to calling law enforcement or the Administration for Children’s Services (ACS), perpetuating the trauma and disruption that shelter residents are already experiencing.

Families living in shelter face dire repercussions for a single verbal argument or misbehaving child. Recently we have seen shelter staff call ACS to report a resident based on unfounded allegations and minor shelter rule infractions. Living with the constant threat of an ACS call and potential family separation breeds an environment of stress and hostility in shelters. One client, Mr. O, was notified of a mandatory shelter fire drill to be conducted at any point within 24 hours. The shelter director informed residents that failure to participate in the drill would be considered child neglect and would result in an ACS report. After advocacy by BDS and other organizations, DHS directed the shelter to remove the threatening notice, but not before it sowed fear and confusion amongst residents.

Another BDS client, Ms. S, was living in a DHS family shelter with her children. The shelter director made an ACS report based on an allegation that Ms. S knocked on the door of another resident’s room with a knife, despite there being no police report, interview with the other resident, or any other evidence that the incident even occurred. The director waited several days after this alleged incident to make this “emergent” report. The report also included allegations that Ms. S was not compliant with medication, despite having never been prescribed any medications. Ms. S’ children were removed from her care because of this report and now her BDS team are fighting for her children to return to her care.

Families are routinely separated or excluded from living together when shelter staff escalate or report minor disputes. Ms. B is a BDS client who was separated from her family after a verbal dispute with her husband prompted shelter staff to make an ACS report. Her ACS case was ultimately dismissed, but she was not allowed to reunify with her family and was placed in a single women’s shelter far from her two young children, one of whom was still nursing. DHS’s domestic violence screening and reporting policies preclude Ms. B from reuniting with her family indefinitely, which prevents the family from securing stable permanent housing together.

Heightened Policing in Shelters Serving Recently Arrived Immigrants

In addition to the challenge of finding housing in a city where affordable housing is increasingly rare, newly arrived immigrants in New York City face distinct hurdles including language barriers, lack of access to healthcare and social services, limited job opportunities, and cultural adjustments. Many asylum seekers are also facing emotional and psychological repercussions of their experiences fleeing their home countries. The punitive rhetoric used by this administration around shelters housing recently arrived immigrants reframes residents' legitimate challenges as public safety concerns best addressed by law enforcement. By criminalizing the poverty and stress of recently arrived immigrants, the city is inflicting irreversible harm on an already vulnerable population.

Involvement in the criminal or family legal system can have particularly devastating consequences for immigrant New Yorkers. An arrest alone, even where the District Attorney declines to prosecute or where a judge dismisses and seals the case, can lead an asylum seeker to immigration detention. Current Immigration and Customs Enforcement (ICE) enforcement policies prioritize detention of immigrants with criminal legal system contact and relies upon state and local criminal legal systems to identify immigrants who could be deported. Even before the mayor announced his intention to change the city's detainer law, BDS was seeing an uptick in ICE arrests in our community. The mayor's proposed changes to our current detainer laws would allow ICE to detain and deport someone without a criminal trial or conviction and would subject thousands of New Yorkers to ICE's mass deportation system.

Amidst this increasingly anti-immigrant environment, shelters housing recently arrived immigrants are becoming a pipeline to the criminal and family legal systems. Already coping with multiple sources of stress, residents face further confusion and displacement from the city's 30 and 60-day eligibility limits. BDS's criminal defense practice is seeing increasing numbers of cases arising from arrests in shelters housing recently arrived immigrants. Rather than seeking to problem solve or diffuse potential conflicts, shelter staff default to calling 911 when tensions rise.

The shelter stay limit creates additional challenges for residents filing *pro se* immigration applications and using the shelter as their residential and mailing address. Our clients report that they lose access to their mail when they are forced to leave the shelter. BDS advocates have attempted to assist our clients retrieve their mail, but it has become apparent that individual shelters serving recently arrived immigrants either have no policy or fail to follow policies regarding former residents' mail. Some shelters keep the mail for some time after a resident leaves the shelter while others have been immediately discarding mail. We have clients who have been unable to retrieve correspondence regarding pending asylum claims, putting them at risk of missing deadlines or otherwise jeopardizing their claims.



Because BDS clients are often navigating legal issues in multiple systems, we see how the city’s punitive approach to newly arrived immigrants has cascading long-term repercussions. As one example, our client and her three children immigrated to New York and were placed in a DHS shelter. This past summer she began experiencing problems with the family’s shelter case worker, who repeatedly threatened to call ACS and 911 when her teenage son missed school. In November the family was transferred without notice to a new shelter serving recently arrived immigrants. Our client’s twenty-year-old daughter was asked to transfer to a separate single adult shelter due to capacity; she opted instead to move out of state. In the new shelter placement, our client continues to encounter challenges with staff. Staff have repeatedly refused to accept the family’s immigration documentation for eligibility and proof of identity purposes. DHS has also failed to assess the family for housing and benefits eligibility and staff were not aware of the FHEPS/CityFHEPS programs that the family was eligible for. After advocacy from our office, DHS eventually confirmed that the family is eligible for CityFHEPS and is issuing a voucher. These ongoing problems combined with the looming threat of eviction when their 60-day limit passes have taken a toll on our client, her children, and her asylum claim, which has been significantly delayed.

Recommendations

BDS support Int 0210-2024 as an important step towards ensuring stable housing for all New Yorkers. The existing limits on stays in shelters serving newly arrived immigrants impose unnecessary bureaucratic hurdles, trauma, and disruption on a particularly vulnerable community.

We urge the council to be cognizant of increasing reliance on law enforcement and child welfare enforcement in shelters. Given the administration’s rhetoric and the behavior of shelter staff even with the ability to discharge residents after 30 or 60 days, we anticipate that reliance on law enforcement and ACS will only increase if Int 0210-2024 passes. Ongoing monitoring and oversight to support new arrivals to our city is necessary to limit the overreliance on law enforcement and ACS and the irreversible harm that comes from involvement in the criminal and family legal systems.

Furthermore, the city should use this opportunity to reassess how we can best deliver services to New Yorkers experiencing homelessness. Rather than criminalizing poverty by relying on ACS and the NYPD in shelters, the city should reallocate that funding to deliver robust social services to shelter residents, including access to housing subsidies and benefits, legal support, language and job training programs, and mental health services. As part of this shift all shelters, including shelters serving recently arrived immigrants, should be equipped with these vital services. Doing so will allow more shelter residents to move into permanent affordable housing.



Conclusion

BDS is grateful to New York City Council's General Welfare Committee for hosting this important and timely hearing. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Alexandra Dougherty, Senior Attorney and Policy Counsel, at adougherty@bds.org.



Council before the NYC Council Committee on General Welfare
Oversight: Eligibility Rate Reporting
Legislation Prohibiting Length of Stay Restrictions
March 1, 2024

Introduction and Thanks: My name is Catherine Trapani, and I am the Assistant Vice President for Public Policy for Volunteers of America-Greater New York (VOA-GNY). We are the local affiliate of the national organization, Volunteers of America, Inc. (VOA). I would like to thank Chair Ayala and members of the Committee for the opportunity to submit testimony for this hearing.

About Us: VOA-GNY is an anti-poverty organization that aims to end homelessness in Greater New York through housing, health and wealth building services. We are one of the region's largest human service providers, impacting more than 12,000 adults and children annually through 70+ programs in New York City, Northern New Jersey, and Westchester. We are also an active nonprofit developer of supportive and affordable housing, with a robust portfolio permanent supportive housing, affordable and senior housing properties—with more in the pipeline.

The following testimony will focus on the experience of conditional stayers in our Department of Homeless Services (DHS) family shelter programs and, the proposed legislation to eliminate length of stay requirements in shelters for asylum seekers.

Background:

VOA-GNY has been providing shelter services to homeless families since 1991 when DHS first began contracting with nonprofits to do so. We currently operate five "Tier II" shelters for families under contract with DHS and three "Sanctuary" shelters designed for newly arrived families seeking asylum, also under contract with DHS.

DHS Sanctuary Shelters for New Arrivals:

Our "Sanctuary" facilities serve families with children who are new to the United States, often fleeing violence, political and economic instability in their home countries to seek asylum here. Thus far, our shelters have not been subject to the 60-day time limits imposed on other facilities serving this population. While this has been a tremendous relief for our families and staff, the anxiety that comes with the knowledge that such time limits could be imposed is in itself harmful. Our shelter staff reports that rumors were rampant when the policy was first imposed causing fear throughout the shelter community; that fear has since subsided as time has gone by but we anticipate that new rumors may swirl as this issue receives another round of attention causing severe anxiety in our shelter communities.

The families in these shelters have worked hard to journey to the United States and have already suffered incredible harm both in their home countries that they were forced to flee and during the course of their travels to New York. Now that they are in our care, we feel a tremendous responsibility to provide a safe, nurturing environment within which they can plan for a stable future. Our staff works to connect people with food, health care, legal supports, job opportunities and, is constantly looking for any opportunity to get people connected with housing. With limited funding and low benefits eligibility rates in this population, this work is very reliant on establishing meaningful relationships with families and the community and would be made substantially more difficult should households be forced to return to an intake center and receive a new placement every 60 days.

The amount of time it takes to secure a work permit is at least 180 days, far longer than any potential time limit on their shelter stay would allow for. It would be completely untenable to transition people to stability in a mere 60 days given the reality of the slow-moving process to apply for work permits, let alone secure enough income to find alternative housing. Families need to have a stable mailing address to keep tabs on their immigration cases, receive NYCID cards and other correspondence that can help them establish independence. New arrivals also need time to acclimate to life in the United States, learn English, and connect with networks to find employment and housing and, their children need the stability to be able to attend school, learn the language and establish a sense of safety and community.

We sincerely hope the families in our care will never be forced to exit our program based on an arbitrary deadline and are very concerned for others who have been subject to such displacement. We therefore support Intro 210 which would bar the City from ejecting families and individuals from shelters when they do not have alternative places to go.

DHS Family Shelter Eligibility:

The families we serve in our traditional Tier II family shelter are referred to us from the PATH intake facility in the Bronx. When a family applies for shelter at PATH, they are assigned a temporary shelter placement while they await a final determination of eligibility. Such families are labeled as “conditional”, not yet eligible for full services or housing assistance pending a determination of the department that they are truly homeless. Once deemed eligible they can remain in their shelter placement and begin planning for independent housing. During the conditional period, families are prohibited from applying for permanent housing assistance such as City FHEPS and, are often reluctant to take steps to set up services like daycare, training, employment and more given that there is no guarantee they will be remaining at the shelter for longer than what is supposed to be a 15-day eligibility review period. Historically, when the review period was 15 days or less, the impact of being “conditional” was minimal. However, over the past few years, our staff has noticed an increase both in the number of families conditionally placed in our family shelters and, the amount of time families remain in this conditional status. This has resulted in people not being able to move forward with their journey towards stability for several months and has diverted considerable staff time and resources away for permanency planning as we work to help families establish eligibility for services.

Across our five DHS family shelter programs approximately 20% of our shelter capacity is occupied by families who are in conditional status, not yet considered truly eligible for DHS shelter. Most of the families in our care who have this status have re-applied multiple times in an effort to establish their eligibility with one household having reapplied 12 times and counting remaining “conditional” for more than 6 months. That’s six months of not being able to apply for housing assistance, six months of being

unsure how long their children would be able to reasonably commute to the local school and, six months of not being able to set up daycare, healthcare, workforce or other community services for fear of being uprooted and having to start all over again.

If a family receives an ineligibility notice, they have two days to reapply before the system logs them out of the conditional placement completely at which point they are not allowed to return to the shelter they've been staying at and must return to PATH to start the process from scratch and await placement at a new shelter. It is incredibly difficult to prove a negative – that there is no other place to go – and sometimes, the lack of an address, the thing that makes one eligible for shelter is the very reason one can't prove where they were resulting in frequent denials. While we appreciate the enormity of the City's obligation to provide shelter for everyone who needs it and the need to reserve this resource for those truly in need, this paradox of proving a negative often means that our families and staff spend hours working to obtain records from utility companies, letters from family, friends and employers, searching through old mail or anything else that could establish their whereabouts for every single night in the preceding two years and explaining why none of those placements are available to them going forward to establish eligibility.

Acknowledging the difficulties inherent in the reapplication process, DHS instituted a rule that allowed families to reapply for shelter without having their children present to spare children the long waits and allow them to attend school while their parents navigated the reapplication process. This rule, however, does not work well in practice given how many hours a parent must spend at the PATH while their reapplication is being evaluated. In fact, the system is so broken that availing oneself to the option to send children to school while a parent reapplies can have disastrous consequences.

One family attempting to reapply for shelter learned that the hard way when she was stuck waiting for the agency to reassign her to a temporary placement in our shelter for so many hours that she missed school pick up for her children. School and shelter staff were unable to reach her because she did not have a working cell phone. Shelter staff picked up her children from school on her behalf, sure that the parent was simply running late at PATH and tried several times to reach someone at DHS who could verify that the parent was still going through the intake process. Hours passed and the shelter childcare area closed; staff's attempts to reach DHS, calling all four numbers available to us at the PATH center were still unanswered. Shelter staff continued to call DHS and took the children upstairs to the family's temporary shelter placement apartment and cooked them dinner. Hours more passed and staff began to fear for the parents' safety calling area hospitals, checking the news and looking for any information that could help locate the parent even as they continued to reach someone at PATH. Finally, as it was nearly midnight when the third shift had arrived and the children were exhausted, staff had no choice but to report the parent missing to police and ACS. The children were removed and placed into crisis care for the night. At 1am, the parent disembarked from a DHS bus dropped off at the shelter only to find her children already gone. She had been in the City's care the entire time but was not permitted to use the phone to call her children or the shelter and, was told if she left PATH she would be denied shelter and logged out of the system. The City never made any effort to inform the team at the shelter what was happening and never returned any of our calls or picked up the phones at PATH. She was able to get them back in her care the following day with the support of the shelter staff but, the trauma of losing them for the night and their experience of being taken away by police and ACS will continue to haunt both the family and our staff who tried valiantly to avoid that kind of situation.

Given this experience, we cannot at present endorse, in good conscience, heads of household not bringing their children to PATH to reapply unless they have childcare arrangements or PATH significantly reforms its processes to accommodate these families. Given staff at family shelters are mandatory reporters and must contact ACS in cases where they suspect neglect, parents must be allowed to communicate with the shelter where their children are residing to keep staff apprised of their whereabouts. It is hard to conceive of the desperate choice facing parents who remain at PATH well into the evening without their children: risk losing their ability to stay in shelter if they leave PATH or remain at PATH unsure of their children's whereabouts and safety while they continue the intake process.

The arduous intake process delays a family's ability to regain a sense of stability, earn an income and apply for rental assistance while diverting staff resources and time to supporting family claims of eligibility. The utility of this resource intensive process is difficult to grasp when instead, we could be spending that time helping people access supports and move forward.

Closing:

We are grateful for the opportunity to walk through some of the challenges associated with limiting access to stable shelter for families and look forward to working with the Council and Administration to improve the experience of families in our care. Thank you for the opportunity to submit testimony. Should you have any questions, I can be reached at ctrapani@voa-gny.org.

Respectfully submitted by Catherine Trapani, Assistant Vice President of Public Policy, Volunteers of America-Greater New York



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**Testimony for the New York City Council Committee on General Welfare Concerning
Intro. 210: Prohibiting the Department of Social Services or Any Other City Agency
From Imposing Length of Shelter Stay Restrictions in a Shelter of Any Type.**

March 1, 2024

The New York Civil Liberties Union (NYCLU) appreciates this opportunity to submit testimony regarding Intro. 210 which would prohibit New York City agencies from imposing length of shelter stay restrictions in a shelter of any type on any unhoused persons – whether longstanding New Yorkers or recently arrived immigrants seeking shelter here.

The NYCLU, the New York State affiliate of the American Civil Liberties Union, is a not-for-profit, nonpartisan organization with eight offices throughout the state and over 85,000 members and supporters. The NYCLU defends and promotes the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution, including the right of every New Yorker to enjoy life, liberty, due process, and equal protection under law. This includes our work to advance the rights of New Yorkers who are unhoused and our work to advance immigration reform and immigrants’ rights.

In addition to commenting on Intro. 210, the NYCLU also submits this testimony today to defend New York City’s longstanding commitment to the right to shelter, oppose any attempt by the City or its Mayor to scapegoat recently-arrived migrants as a cause for undermining the city’s long tradition of offering shelter to those in need and to support the Council acting to ensure that the human rights of unhoused people are respected.

Intro. 210 proposes to add a new § 21-152 to Chapter 21 of the New York City Administrative Code. This new section would prohibit any city agency from imposing limits on the length of time an individual or family may remain in shelter or emergency congregate housing, provided such individual or family is eligible for temporary housing assistance under State law.¹

New York City is, effectively, a “right to shelter” jurisdiction, given the longstanding obligations of New York City first undertaken under the 1981 consent judgment in the *Callahan* case.² The

¹ Similar legislation has been introduced at the state level that would prevent municipalities and the state from placing limits on shelter stays. See S.8493 (Hoylman-Sigal/A.9129 (Cruz)).

² *Callahan v. Hochul et al.*, 42852/1979, is assigned to N.Y. Supreme IAS Part 7, Hon. Gerald Lebovits. For at least the past year, the Legal Aid Society, *Callahan* class counsel, has been resisting the cynical efforts by the Adams administration to use the recent immigrant influx to the City as an excuse to undermine the right to shelter for homeless men and women arising from the landmark 1981 consent order in the *Callahan* case. A copy of the

City must provide a shelter bed to anyone seeking one -- including immigrants and asylum seekers. Until recently, in New York City, everyone has a right to shelter until they are able to locate permanent, affordable housing and there are no limits on how long individuals and families can stay in shelter, as long as they follow the shelters rules.³ Yet, in September 2023, Mayor Adams restricted adult asylum seekers to 30-day stays at shelters.⁴ And on October 16, 2023, Mayor Adams announced that migrant families with children staying in the City's shelters would be required to find alternative shelter after a 60-day stay.⁵ When the eviction date has arrived, people must pack up, vacate their shelter and reapply for shelter beds either at a site in Manhattan's East Village or at the city's migrant welcome center in Midtown Manhattan. It has been reported that tens of thousands of migrants have received eviction notices since the city first started rolling out the policy in September, starting with single adults. The first families were required to leave their shelter in January, after a temporary reprieve granted for the holiday season.⁶

No one, new arrival or not, should ever have to resort to sleeping outside in New York City. These limited-stay mandates resulting in evictions or shelter relocations will impact immigrants' ability to obtain work authorization and appropriate immigration status, and impose costs, and additional trauma, on families who are uprooted and removed from their existing shelter locations and their children's school communities – as well as working vicarious trauma on the members of these children's school communities. Imposing any time limits on length of shelter stays on any individual or family seeking shelter in New York City is inhumane, callous, cruel by design and yet another violation of *Callahan*. This action by Mayor Adams and his

Callahan Consent Judgment is available at <https://legalaidnyc.org/wp-content/uploads/2020/01/Callahan-Judgement.pdf>.

Starting with the first decision rendered in *Callahan* in 1979, this Court recognized that the right to shelter in New York City is grounded in Article XVII of the New York State Constitution. The New York State Constitution commits the city to providing “aid, care and support of the needy” as a legal mandate.

A copy of the December 5, 1979 decision rendered by New York State Supreme Court in the *Callahan v. Carey*, 42852/1979, class action litigation is available at <https://www.coalitionforthehomeless.org/wpcontent/uploads/2014/08/CallahanFirstDecision.pdf>.

Shamefully, various Mayoral administrations have mounted challenge after challenge to *Callahan* and its progeny over the years since the *Callahan* consent judgment was entered in 1981. To date, those challenges have been unsuccessful.

³ See e.g., <https://www.coalitionforthehomeless.org/get-help/i-have-a-shelter-problem/being-pressured-to-leave-my-shelter/#:~:text=There%20are%20no%20limits%20on,to%20speak%20with%20an%20advocate>.

⁴ See Deanna Garcia, *Mayor Eric Adams limits migrants at shelters to 30 days*, NY1, September 23, 2023, https://ny1.com/nyc/all-boroughs/news/2023/09/22/adams-limits-migrants-at-shelters-to-30-days?cid=id-app15_m-share_s-web_cmp-app_launch_august2020_c-producer_posts_po-organic. The 30-day time limit for adult immigrants was a reduction from a 60-day limit Adams announced earlier in the summer. See Estefania Hernandez, Kelly Mena, *Adams limits shelter stays for adult migrants to 60 days*, July 19, 2023, <https://ny1.com/nyc/all-boroughs/politics/2023/07/19/adams-limits-shelter-stays-for-adult-migrants-to-60-days>.

⁵ See *As Number Of Asylum Seekers In City's Care Tops 64,100, City Announces Additional Policies For Asylum Seekers In City Shelters*, October 16, 2023, <https://www.nyc.gov/office-of-the-mayor/news/780-23/as-number-asylum-seekers-city-s-care-tops-64-100-city-additional-policies-for>.

⁶ See Gwynne Hogan, *New York's Right to Shelter No Longer Exists for Thousands of Migrants*, December 18, 2023, <https://www.thecity.nyc/2023/12/18/nyc-right-to-shelter-no-longer-exists/>.

administration is also an affront to the New York State Constitution which commits the city to providing “aid, care and support of the needy” as a legal mandate.

Intro. 210 will benefit all New Yorkers – recent arrival or long-time resident of New York City alike. In a city of New York’s size and values, meeting the needs of our underprivileged community members should also be a moral imperative. We support Intro. 210. We also urge the Council to continue to ensure that the City meets the needs of our entire community by prioritizing reducing homelessness – with dedicated funding in the upcoming budget for services proven to reduce homelessness and with policies that focuses on coordinating holistic and proven resources.

We offer these technical notes for the Council’s consideration relating to Intro. 210.

1. NYC Health + Hospitals (H+H) is a public benefit corporation created by the New York State legislature in 1969 (New York City Health and Hospitals Corporation Act, L.1969, C. 1016, eff. May 26, 1969) to operate the City’s municipal hospitals in all five boroughs. H+H operates more than a dozen Humanitarian Emergency Referral and Response Centers, or HERRCs.⁷ It is not clear that proposed § 21-152(a)’s definition of “shelter” as capturing sites provided by the “city or a provider under contract or similar agreement with the city” includes H+H. H+H is not the “city” and H+H is not necessarily a “provider” operating under agreements with the city as H+H itself is entering into contracts with providers. The Council should therefore consider language clarifying that H+H is covered by Intro. 210’s mandate.
2. There appears to be a typographical error in proposed § 21-152(a)’s definition of “homeless young adults” – there is a reference is to section 531-a of the executive law where the reference should be to section 532-a of the executive law.
3. Proposed § 21-152(a)’s definition of “shelter” (“shelter” means temporary housing assistance provided to homeless [...])” is confusing as to whether the definition is intended to cover an actual physical plant as opposed to a public assistance monetary benefit of some sort. Proposed § 21-152(b) references 18 NYCRR §352.35’s mandate that individuals maintain eligibility for temporary housing assistance afforded under this section. To ensure clarity, it may be useful to adopt the definitions in 18 NYCRR §352.35 which differentiate between “temporary housing” and “temporary housing assistance.” Section 352.35(b)(3) defines “temporary housing” to include “family shelters authorized by Part 900 of this Title and section 352.8(a) of this Part, room and board authorized by section 352.8(b) of this Part which is provided to a homeless person on a temporary basis, hotel/motel facilities authorized by section 352.3(e) of this Part and shelters for adults authorized by Part 491 of

⁷ Andrew Giambrone, *NYC Health + Hospitals approved \$325M in migrant security contracts. Taxpayers are footing the bill*, Gothamist, December 1, 2023, <https://gothamist.com/news/nyc-health-hospitals-approved-325m-in-migrant-security-contracts-taxpayers-are-footing-the-bill>.

this Title.” Section 352.35(b)(4) defines “temporary housing assistance” as “a public assistance benefit provided temporarily for an eligible homeless individual or family to meet an immediate need for shelter.”

The Council Must Support Investments in Real Community Services, Including Housing, Health and Safety Infrastructures – Not More Policing.

The NYCLU has repeatedly testified before this Council as to the need to reduce our over-reliance on and our over-resourcing of the New York Police Department (“NYPD”) and increase our investments in non-carceral, non-punitive services to support New Yorkers. The safest communities are not the ones with the most police or the highest jail populations; they are the communities with the most resources, the strongest social safety nets, and the most accessible support for people in crisis. But the City’s continued practice of using the police as the default response to nearly every social issue has meant the defunding of New York’s accessible housing opportunities, public health infrastructure, social safety net, and other vital services that would enable communities to truly thrive.

We urge the City Council to continue to keep intense focus on the investment of resources into addressing the lack of supportive housing and culturally appropriate supports and services, to build up the variety of programs and services that are directly under the control of the City and that are proven approaches to help people in the long term. New Yorkers need more direct access to housing, education, economic, and health care resources -- not more police.

We need the Speaker and City Council to ensure that the FY25 Budget protects critical services and programs that our communities rely on and that are essential for the full recovery of our city, which has resulted in the inaccessibility of low-cost/affordable housing and long waiting lists. Since Mayor Adams took office, he has been steadily cutting personnel, positions and funding from our public schools, homeless and housing services, police oversight, libraries, mental health services, services for the aging, and other critical programs. Concurrently, he has continued to expand the NYPD’s resources to advance discriminatory policing practices that fail to meaningfully and systemically address safety concerns of New Yorkers, while working to increase the role of the NYPD in providing social and health services that are best handled by care workers and other expert professionals. New Yorkers need more direct access to affordable housing, educational, economic, and healthcare resources -- not more police.

We also urge the Speaker and City Council to exercise their oversight authority to redress the fact that there are enough vacant apartments in the city’s public and supportive housing systems to accommodate 15,000 people. These empty units across the two systems combined could and should be used to transition homeless New Yorkers out of shelters and into the empty apartments, thereby creating capacity for immigrants and asylum seekers in the shelter system.⁸

⁸ The number of vacant housing units available to rent in the five boroughs has dropped to a historic low in 2023, according to the latest New York City Housing and Vacancy Survey, recently released by the NYC Department of Housing Preservation and Development. Ethan Geringer-Sameth, *Rental housing vacancies in NYC hit historic low amid affordability crunch*, City and State, Feb. 8, 2024, <https://www.cityandstateny.com/politics/2024/02/rental-housing-vacancies-nyc-hit-historic-low-amid-affordability-crunch/394055/>. Councilmember Lincoln Restler has released agency-level data shows that NYCHA has almost 4000 empty units across its system as of the end of May

The NYCLU thanks the Committee for the opportunity to provide testimony on these critical issues. We stand ready to working with the members of the Committee conducting this oversight hearing, and all appropriate partners, to advance meaningful policy changes that will actually improve the lives of all New Yorkers.

while more than 2600 units sit vacant in the City’s supportive housing network. See Sommerfeldt, Chris, “Beds for 15,000 people sit empty in NYC’s public, supportive housing systems amid migrant crisis,” New York Daily News, June 19, 2023, www.nydailynews.com/news/politics/new-york-elections-government/ny-beds-empty-nyc-public-supportive-housing-systems-amid-migrant-crisis-20230619-762ilfgt5vcsjdh5tf4xv7iyy-story.html?oref=csny_firstread_nl.



**New York City Council – General Welfare Hearing on Intro 1212
March 1, 2024**

**Testimony of Felicia Singh, Director of Policy and Government Relations
The Coalition for Asian American Children and Families (CACF)**

I am Felicia Singh, Director of Policy and Government Relations at the Coalition for Asian American Children and Families (CACF). Founded in 1986, CACF is the nation's only pan-Asian children and families' advocacy organization and leads the fight for improved and equitable policies, systems, funding, and services to support those in need. We collaborate with over 90 member and partner organizations across the City to identify and speak out on the many common challenges our community faces, CACF is building a community too powerful to ignore.

Approximately 18% of New York City's population is Asian American Pacific Islanders (AAPI), with significant portions encountering challenges such as poverty, overcrowded living conditions, lack of access to healthcare, and linguistic isolation. Ensuring the right to shelter is vital for the AAPI community as it addresses critical needs and provides essential assistance, particularly for those grappling with economic hardships and housing insecurity.

We are in full support of Council Member Shahana Hanif's bill Intro 1212 which would prohibit the department of Social Services or any other agency from imposing length of shelter stay restrictions in a shelter of any type. The right to shelter, regardless of one's individual or familial status, is a human right. As a sanctuary city that leads by example, it is our duty to uphold the obligation and ensure that all asylum-seeking individuals and families have access to housing and safety.

While we know the shelter system in itself can serve people in a more humane way, the stories we hear in the waiting period to re-enter the shelter system are horrific to imagine. Children and families who are newly arrived waiting in line in the cold is inhumane. From a report highlighted by [The City](#), many migrants have waited anywhere up to 7 days in order for the next cot to open up in a shelter. This creates a cycle of more and more unhoused children and families without access to care.

The instability generated by the 30 and 60-day rule disproportionately affects children, potentially impacting their ability to perform successfully in school, especially if they are without shelter during the dead of winter. Who within DOE is in charge of keeping track of students' change of address? What about the re-intake process? Families who are unable to leave the long lines to re-enter a shelter are potentially unable to support their children in the process of DOE implications caused by the cap on right-to-shelter. This is also true for the bus and voucher system to transport students to and from school. As students relocate due to housing insecurity, the DOE must strive to accurately track their whereabouts and consider travel time for each



student. The limitation on the legal right to housing significantly affects students throughout each transition period while searching for a new shelter.

With application for working papers, addresses must be stated to be the last place of residence but with new neighbors having to leave and re-enter, the question of whether or not they need to re-apply remains unknown. Waiting for a place to stay has caused a loss in the opportunity for families to be able to work because they must stay in line in order to be housed again.

The needs of the AAPI community are consistently overlooked, misunderstood, and uncounted. We are constantly fighting the harmful impacts of the model minority myth, which prevents our needs from being recognized and understood. Language translation services offered to migrants who are AAPI-identifying have been disappointing and according to reports from Documented NYC, “Chinese asylum seekers who recently arrived in New York said finding city services or resources was made more difficult because information was not easily accessible to them in the Chinese language.” In awaiting shelter and any other city services, new AAPI New Yorkers also struggle with receiving care they too need.

New York City has a moral imperative to provide shelters for our new neighbors. The 30 and 60-day cap is detrimental to communities who seek the care and comfort of what New York has to offer. The Coalition for Asian American Children and Families urges New York City Council to do all they can in eliminating any kind of shelter stay cap for the betterment of all our communities.



March 1, 2024

CHIP Testimony on Voucher Stays

Thank you for holding this hearing today. I am Adam Roberts, Policy Director for the Community Housing Improvement Program (CHIP). We represent New York’s housing providers, including apartment building owners and managers. Our members operate New York’s rent-stabilized housing, which makes up nearly 1 million units of affordable housing for voucher holders and other New Yorkers.

We strongly support Int. 210-2024 and other legislation that would prohibit city agencies from imposing limits on the length of shelter stays. Shelter stay restrictions create a major challenge to residents looking for permanent housing. They rely on shelters as temporary housing while awaiting placement in rent-stabilized or other types of permanent housing. The approval process to place a voucher holder can take up to six months.

Yet, limiting the length of time in shelters, even with other actions the council has taken like expanding voucher eligibility, will not sufficiently help shelter residents secure permanent housing. The biggest obstacle to permanently housing shelter residents is the lack of rental housing currently available to voucher holders.

Tens of thousands of rent-stabilized units remain vacant after long-term occupancies. According to the Independent Budget Office, 42,275 units were vacant in 2022, of which 13,362 were vacant for two years. The 2023 Housing and Vacancy Survey showed there were 26,310 units “vacant but not available,” in the first six months of 2023.

These apartments remain vacant because the renovation costs are incredibly costly. Most apartments coming off long-term occupancies require lead abatement, asbestos remediation, kitchen and bathroom renovation, electrical rewiring, and subfloor replacement, which combined can cost \$100,000 for a one-bedroom unit.

This problem is compounded by a voucher holder’s inability to use the full amount of their voucher if the apartment’s legal rent is below the voucher amount. Two years ago, the State created Private Housing Finance Law 610 to address this problem. Unfortunately, city agencies refuse to implement this law, severely reducing the amount and quality of housing available to voucher holders. Voucher holders would have access to better quality housing if this law was implemented as broadly as the statutory language permits.

We appreciate the council’s commitment to housing current and prospective voucher holders, particularly those residing in shelters. However, we need to ensure homes are actually available for shelter residents so there are places to permanently house them.

Again, thank you for holding this hearing today.

Testimony of Housing Works
Before
The New York City Council Committee on General Welfare
Regarding
Oversight: DSS Manipulation of Monthly Eligibility Rate Reporting
March 1, 2024

Thank you, Chairperson Ayala, and Members of the Committee on General Welfare, for the opportunity to testify today. My name is Anthony Feliciano, and I am the Vice President of Community Mobilization for Housing Works, a healing community founded in 1990 with a mission to end the dual crises of homelessness and AIDS. We currently provide a range of integrated medical, behavioral health, housing, and support services for over 15,000 low-income New Yorkers annually, with a focus on the most marginalized and underserved—those facing the challenges of homelessness, HIV, mental health issues, substance use disorder, other chronic conditions, incarceration, and most recently, migrants displaced from their homes due to violence or other crises who seek safety and a better life in the United States.

Housing Works welcomes today's oversight hearing and fully supports the proposed local laws under consideration by the Council (T2024-0487 and T2024-1023) which will stop the cruel and illegal policy of arbitrarily limiting the length of an individual or family's stay in a shelter operated by New York City agencies, while holding the Administration accountable to regularly report the number of households evicted pursuant to these policies and the outcomes these extremely vulnerable New Yorkers experience as a result.

Housing Works is proud to operate two hotels for asylum-seeking families that currently house 535 individuals, of whom almost half—244—are children. Each household we serve is eager to work, to contribute to the life of New York City while bettering their lives. They have the same hopes and dreams as every group of immigrants that have come to our City and have made it the rich and diverse place that we love. Indeed, the asylum seekers we house have a deep culture of working and are eager to gain employment, they take the best possible care of their families, and they endeavor to ensure that their children receive the education they deserve. But like every group of new immigrants they are dealing with formidable legal, language, and cultural challenges. Erecting additional barriers to basic survival services can only deepen their marginalization. Housing Works believes that as a City we have not only a legal but also moral obligation to provide safe shelter for new arrivals.

We at Housing Works are deeply relieved that the asylum-seeking families we serve in our Department of Homeless Services-funded hotels are not impacted by Mayor Adams' 60-day shelter limit for migrant families—at least not yet. Like most New Yorkers, we have been shocked and saddened by each step of the Administration's arbitrary attempt to effectively deny safe shelter through "churning" marginalized newcomers to our City who are experiencing homelessness. First, by imposing a 30-day time limit on shelter for single adult migrants housed in non-DHS shelters. Then, with New York State approval, expanding that time limit to include adult migrants in DHS-operated shelters. But nothing could have prepared us for the unimaginable next step of imposing a 60-day limit on safe shelter for families who happened to be housed in shelters operated other agencies, such as the Office of Emergency Management and Health and Hospitals system. Housing Works and the new immigrants we house have every reason to believe that this lawless and unconscionable process of denying shelter will continue unless the City Council steps in to stop it.

We should all be proud that our New York State constitution, reflected in over 40 years of court orders and local laws, requires that our City and State provide shelter and services to all single adults and families experiencing homelessness. Housing Works is confident that the Adams Administration's deeply troubling attempts to modify the right to shelter legal protections will fail, but we are saddened that these efforts to undo or undermine the fundamental right to shelter seek to pit new New Yorkers against other residents experiencing homelessness.

It is simply not true that we lack the "resources and capacity" to meet current needs. What we lack is political will. In the face of record homelessness, a record number of evictions, and unacceptable numbers of vacant affordable and supportive housing units, we can and must deploy every tool at our disposal to keep low-income households from losing housing and get New Yorkers experiencing homelessness back into permanent housing more quickly, to ease pressure on the shelter system so that we continue to honor New York City's right to shelter. Basic next steps must include robust case management for new arrivals; State and City action to expand eligibility for the CityFHEPS program to include new immigrants; correcting understaffing of City offices charged with processing subsidies that enable households to move from shelter to permanent housing; rebuilding the New York City Commission on Human Rights' Income Discrimination Unit to hold landlords, real estate agents, and brokerage agents accountable for unlawfully denying placements to housing voucher holders; among other strategies.

We of course join the call on the Federal government to increase funding to help the City meet the needs of new immigrants, and to grant immediate work authorization for new arrivals who desperately want employment.

Meanwhile, however, these new immigrants who have undertaken long and arduous journeys at the risk of their lives are our neighbors, and we cannot abandon them.

Thank you for your time.



JEWES FOR RACIAL & ECONOMIC JUSTICE

Committee on General Welfare

Support for Bill 210

To: Committee Chairperson Diana Ayala

From: Lila Michaels, Jews for Racial and Economic Justice

Date: Friday March 1, 2024

Dear Chairperson Ayala and members of the Committee on General Welfare,

My name is Lila Michaels. I am a member of Jews for Racial and Economic Justice, a 6,000-member grassroots organization and the home of New York's Jewish Left. For over 30 years, JFREJ members have organized alongside our neighbors to transform New York from a playground for the wealthy few into a real democracy, free from all forms of racist violence.

I am submitting written testimony in support of **Bill #210**, which would prohibit any city agency from imposing limits on the length of time an individual or family in need may remain in a shelter.

I am the descendent of Holocaust survivors. The United States turned its back on thousands of Jewish refugees fleeing Nazi violence, but my grandparents and great grandparents were lucky to be granted entry. They became US citizens, started successful businesses, and provided their children and grandchildren with education and opportunity to thrive. They were beloved members of their community.

Now I work in refugee resettlement, providing support for the newest arrivals to our city. The refugees my colleagues and I serve have endured hardship that many of us cannot begin to imagine, and they have been on long, traumatic journeys to find safety and prosperity in the United States. They have overcome extreme adversity to call New York City their home. Those new arrivals who are able to secure status as humanitarian migrants are serviced by organizations like the one where I work, where they can access cash assistance, support with public benefits enrollment, and housing and employment services so that they become financially stable and on track to long term success. We do our best to provide them with the resources they need to build a better future for themselves and their families.

I want this for everyone in New York City — both new New Yorkers and longtime New Yorkers.

Meanwhile, other new immigrants, many of whom come from the same countries and have endured similar hardship, do not have the humanitarian migrant status to qualify for such services. They too have demonstrated remarkable resilience to arrive in our city, but they are stuck navigating a hostile shelter system. In one of the richest cities in the world, it is unconscionable that single adult migrants now must leave and reapply after 30 days, being forced out in the cold without places to sleep for days, and families must leave and reapply after 60 days, uprooted from the schools and neighborhoods where they have just started to settle in.

Everyday, I have the privilege to witness as our clients secure jobs and move into their new homes. They become cherished colleagues, neighbors, and members of their communities here. I am also heartbroken as others are met with such inhumanity as to be denied shelter after 30 or 60 days. Everyone in this city deserves the opportunities my family was afforded, but at the very least, everyone in this city deserves the immediate right to shelter.

My hope is that this committee will move this important piece of legislation, Bill 210, forward expediently so that no New Yorkers are denied the shelter everyone deserves.

Respectfully,

Lila Michaels

Jews for Racial and Economic Justice



**Testimony of Christine Clarke Before
NYC Council, Committee on General Welfare
Regarding Int. 0210-2024
March 1, 2024**

My name is Christine Clarke, I am the Chief of Litigation and Advocacy at Legal Services NYC. We thank the Committee for offering us this chance to testify concerning bill 210-2024, which would prohibit any city agency from imposing time limits on shelter stays. My organization, Legal Services NYC, is one of the largest civil legal services providers in the country, providing free civil legal services to over 100,000 low-income people in New York City each year, including in the areas of eviction defense, workers' rights, public benefits assistance, family law representation, immigration representation, and more. Many of our clients are immigrants and many have experienced or are currently experiencing homelessness.

The current length-of-stay restrictions being imposed on newly arrived New Yorkers are cruel, unnecessary, and punitive by design. In many ways, these 30- and 60-day restrictions harm young children the most. These children, many of whom have been through more than most of us can possibly imagine, are being purposefully and needlessly prevented from forming any community bonds or obtaining any kind of education, let alone the free quality public education the New York State Constitution promises them. These children are being forced to uproot their lives over and over again, with only a promise that, at best, they will be able to stay in the same *borough* as the youngest child in the family. This is a hollow promise for parents who cannot travel across a borough every morning or who have more than one children. While these limitations were imposed in order to make life so unpleasant that people no longer wish to come to New York City, it is unclear how that objective is to be achieved by punishing school-age children, who never made the decision to live in New York City or anywhere else.

No only does this chronic instability prevent these newly arrived children from obtaining an education or developing any kind of community, but it also disrupts classrooms for *all* children in these schools, including long-time New Yorkers, all of whom are looking for community and stability from their school environment. We have heard first hand from educators about how disruptive and *hurtful* it is for the other children in these classrooms to have to watch their friends leave their school month after month, never being able to form stable bonds with their own classmates. Having a rotating roster of children in and out of classrooms is upsetting for everyone involved.

Not only are these stay limitations cruel, they are also self-defeating. Indeed, these shelter limits prevent the City from achieving its stated goal of obtaining work authorization for everyone eligible, so that newly arrived immigrants can obtain work and move out of shelter, and potentially out of New York City entirely. Without a stable address, people cannot reliably receive correspondence from USCIS, making it difficult if not impossible to apply for and obtain work authorization or immigration relief. Similarly, these shelter stay limitations prevent newly arrived individuals from maintaining steady employment and saving up to get back on their feet.

Requiring people to move every month or two also prevents people from being able to build community, which could otherwise provide the support networks people need to be able to move out of shelter and into stable housing and employment. Community networks give people access to childcare so that people can obtain employment, and can connect people to linguistically- and culturally competent medical care. Without the ability to form community networks, families and individuals are at risk of being isolated and alienated and falling further and further into crisis.

To the extent that these limitations have resulted in reduced head-counts in shelters, there is every reason to believe that this is because more immigrant families are sleeping in the streets, on subways, or in unsafe or unhealthy conditions,¹ such as the makeshift basement shelter in Queens that Gothamist recently reported on, where some 70 people were reportedly sleeping in shifts on cots in a commercial building.² Desperate people resort to desperate measures.

This bill would prevent an enormous amount of suffering among our client base and make it infinitely more likely that newly arrived New Yorkers will be able to get on their feet and find a path to stable employment, housing, and community, whether in New York City or elsewhere.

I thank you for the opportunity to provide this testimony and I welcome any questions.

¹ <https://gothamist.com/news/where-did-the-migrants-who-left-nycs-shelter-system-go>

² <https://gothamist.com/news/dozens-of-migrants-in-queens-allegedly-found-living-in-commercial-basement>

Testimony by the New York Legal Assistance Group on

Oversight - DSS Manipulation of Monthly Eligibility

Rate Reporting and Int. 0210-2024

Before the New York City Council Committee on General Welfare

March 4, 2024

Deputy Speaker Ayala, Council Members, and staff, thank you for the opportunity to submit this testimony to the Committee on General Welfare Oversight - DSS Manipulation of Monthly Eligibility Rate Reporting, Int. 0210-2024 and Int. 0349-2024. My name is Deborah Berkman, and I am the Supervising Attorney of the Shelter Advocacy Initiative and the Public Assistance and SNAP Practice at the New York Legal Assistance Group (“NYLAG”).

NYLAG uses the power of the law to help New Yorkers experiencing poverty or in crisis to combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients whose legal and financial crises are often rooted in racial inequality.

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people residing in and trying to access homeless shelter placements in New York City. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. We also assist and advocate for clients who are already in shelter as they navigate the transfer

process, seek adequate facility conditions and resources for their needs, and offer representation at administrative Fair Hearings.

I have worked with numerous single adults and families experiencing homelessness, including recent immigrants. Based on my experiences, I appreciate the opportunity to offer the following comments.

I- The Mayor's 30-Day Policy is Blatantly Discriminatory and Must End

New York City is a self-proclaimed "Sanctuary City", but ever since immigrants began to arrive in greater number in the spring of 2022, they have been afforded fewer rights and services by New York City than non-recent immigrants and arrivals from other states. Despite the fact that shelter in New York City is legally mandated to be provided to every person, regardless of immigration status, the City has been consistently failing to provide, or providing sub-standard, shelter to recent arrivals since that time.

The City has enacted a policy that all "recent immigrants"¹ and asylum seekers must present for intake at the Arrivals Center at the Roosevelt Hotel in Manhattan and are not permitted to present for intake at DHS intake sites. So, unless specifically referred to DHS sites by the staff at the Arrivals Center, recent immigrants are not permitted to access the DHS shelter system that provides greater supports and access to rental vouchers. Everyone who is not a recent immigrant is eligible for DHS shelter and all of the supports and services that come with it for unlimited duration.

The vast majority of recent immigrants who are single adults or adult families are only permitted to be in shelter for 30 days. When arriving at the intake site they are shown a

¹ The City has defined "recent immigrants" as those who arrived on or after March 15, 2022.

notice on an iPad which asks that they acknowledge being put on notice of the 30-day limit on their stay. Many clients report not being able to understand the notice as it is not shown to them in a language they understand. After 30 days, most single adults will have to leave their shelter site and go to the St. Brigid's Reticketing Center. There they are offered free transportation out of New York City. If they have nowhere to go, they are assigned a spot on the waiting list for a new placement. Their wait without shelter can go for days or weeks, and last week the waitlist for a new placement was over 3000 people long.²

Since the 30-day shelter-stay limit began, scores of recent immigrant NYLAG clients have been forced into street homelessness and clients have reported as many as 15 days of being forced to sleep outside between their 30-day placements. These recent immigrants are not permitted in DHS drop-in centers, and when the designated new-immigrant waiting rooms and churches are full, they have nowhere to sleep but outside.

It appears that the City has taken the position that the right to shelter does not extend to recently arrived immigrants. Recently arrived immigrants are not a legally distinct group and are not set apart from other migrants or other shelter residents due to the immigration status, manner of entry to the U.S., or posture of their immigration cases. The *Callahan*³ and *Boston*⁴ settlements do not exclude recently arrived immigrants, and the right to shelter extends to all in New York City. There is no basis for this disparate treatment. Any curtailment on the right to shelter for recent immigrants is nothing less than blatant

² <https://gothamist.com/news/where-did-the-migrants-who-left-nycs-shelter-system-go>

³ <https://www.coalitionforthehomeless.org/wp-content/uploads/2014/06/CallahanConsentDecree.pdf>

⁴ <https://www.coalitionforthehomeless.org/wp-content/uploads/2014/08/BostonvNewYorkFinal.pdf>

discrimination, and as such NYLAG very much supports eliminating restrictions of length of shelter stays, and those portions of Int. 0210-2024 that prohibit such restrictions.

However, there is one portion of Int. 0210-2024 that NYLAG does not support. The following language must be excluded:

To reside in shelter operated by the department or a provider under contract or similar agreement with the department, an individual or family must maintain eligibility for temporary housing assistance pursuant to section 352.35 of title 18 of the New York codes, rules and regulations.

Currently, in New York City, single adults are not subject to eligibility investigations and families experiencing homelessness are provided with shelter prior to findings of eligibility. Eligibility investigations can be quite lengthy, and many people reside in shelter on pre-investigative grants. These grants prevent families experiencing homelessness, including families with small children, from having to sleep outside. The quoted sentence must be eliminated so as not to force these families into street homelessness.

II- DSS Manipulation of Monthly Eligibility Rate Reporting

It can only be described as unconscionable that DSS was found to have manipulated eligibility data of PATH applicants. The City of New York Department of Investigation specifically “substantiated . . . [an] allegation that from June 2017 through early to mid-2022, DHS Administrator Joslyn Carter and her subordinates, acting at her direction, artificially lowered PATH’s publicly-reported Monthly Eligibility Rate by delaying DHS’s final determination that families had been deemed eligible for shelter, when there was no legitimate reason for that delay.”⁵

⁵ DOI REPORT ON DISCLOSURE OF OVERNIGHT STAYS AT THE PATH INTAKE CENTER IN SUMMER 2022 AND THE MANIPULATION OF THE PUBLICLY-REPORTED PATH ELIGIBILITY RATE FROM 2017

Artificial delay only worsens the unnecessarily onerous and burdensome application process for family shelter. When a homeless family with children finds themselves in need of shelter, they must present for intake at the PATH intake center in the Bronx. While there, the family must provide a complete history of all the places they have lived for the last two years, as well as third-party contacts to “verify” that the family actually lived in those locations. Even in cases where a family has experienced street homelessness, the family is required to account for their whereabouts for each day during the prior years, primarily by providing statements from witnesses who observed the family “living” at those locations, such as an automobile, subway car, or public park. The family is then given a pre-investigative emergency 10-day placement while DHS attempts to “verify” the provided housing history. DHS attempts to contact or re-contact each owner, primary tenant, or witness in connection with each application. If the verification contacts provided do not answer the phone, or DHS cannot speak with them within 10 days, then the client is found ineligible for shelter for “not cooperating” with providing a “complete, accurate and verifiable housing history” and the family must pack up their belongings, leave their shelter placement, and reapply for shelter. Reapplying entails restarting the process from the beginning by having the family return to the DHS intake site and spend another 10-20 hours completing a new application for shelter, typically identical to the prior application, and then waiting on-site for a new temporary shelter placement.

Returning to the DHS intake center to re-apply for shelter is a process that may take up to 20 hours. Families must resubmit the same documents and report much of the same information that was already submitted on prior applications. Applicants must miss work and keep their children home from school, as they do not know whether they will be able to leave the intake center in time to pick their children up. The family is then awarded a new 10-day placement while their new application is reviewed, but not necessarily in the same location as the prior 10-day placement. Many families repeated this scenario successively every 10 days, which made it almost impossible for families to plan commutes to school, work and day care, endangering their jobs and their children's education. Some NYLAG clients in this circumstance were subject to ACS investigations based on educational neglect because their children were not able to attend school on a consistent basis, both because they had to spend 1 out of every 10 days in the PATH office and then would be assigned to a different location with no way to get to school.

Moreover, the application process is often emotionally fraught, exacerbating an already traumatic experience for homeless families. Repeated calls by DHS to attempt to verify housing history can negatively impact the applicant's relationships with family and friends. In cases where a family has left an address due to conflict at the premises, outreach from DHS can worsen the situation. In other cases, those who have housed a homeless family in the past or provided witness statements may feel irritated or harassed by repeated calls and visits from DHS and simply decide not to cooperate in the future.

Additionally, families who are deemed ineligible for shelter are not eligible for the programs that assist homeless families transition to permanent housing (particularly the

CityFHEPS rental assistance supplement). Without this assistance, families are unlikely ever to gain the means to leave the shelter system and thus the ineligibility finding effectively traps them in the shelter system. This is particularly problematic because life in shelter takes an enormous toll on the wellbeing of a homeless family. Most often families will not be placed near family support or in a familiar neighborhood. Children are often required to commute for hours or transfer to new schools, and family members must travel long distances on public transportation to continue treatment with trusted doctors and therapists. Periodic shelter transfers render it impossible for a family to achieve stability by establishing roots and becoming part of a community and are particularly destabilizing for children.

This problem is extremely vast. Most applications for family shelter are denied. In January of 2024, only 37% of applications for family shelter were deemed eligible.⁶ The application process is designed so that the City minimizes the provision of shelter to homeless families and the eligibility process is a tremendous waste of resources. While state regulations mandate some of the eligibility investigations, if DHS performed them in a different way (for instance, complying with its duty to assist the applicant in obtaining necessary documentation), the process would be much more efficient, and it would allow eligible homeless families obtain shelter and stability more expeditiously. The current approach of investigating every aspect of our clients' applications for shelter and the repeated denials necessitating reapplication is extremely traumatic for these struggling families and a waste of government resources.

⁶ https://www.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf

It is horrifying that DHS staff would do anything to prolong this already lengthy and traumatic process. We appreciate the General Welfare Committee's probing into these incidents and any safeguards this Council can implement to prevent this from recurring.

We thank the Committee on General Welfare for the work you have done to facilitate services for vulnerable New Yorkers, and for taking this opportunity to continue to improve the conditions for our clients. We hope we can continue to be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group



**Testimony of the Open Hearts Initiative
Committee on General Welfare
March 2024**

Thank you for the opportunity to submit written testimony to the New York City Council's Committee on General Welfare about Introduction 210, which would "[prohibit] the department of social services or any other city agency from imposing length of shelter stay restrictions in a shelter of any type." This legislation would end the practice of issuing 30-day and 60-day shelter stay limit notices to adult migrants and migrant families with children.

Ending the 30- and 60-day shelter stay limits for asylum-seekers is a crucial step as the city must continue to care for the tens of thousands of migrants—adults and children alike—who reside in the city as well as those who continue to arrive. While New York City has sought to justify shelter stay limits as a mechanism to encourage migrants to seek alternative housing, the punitive measure of removing individuals and families from their shelter placements after a strictly limited time period does not, in itself, ensure a greater likelihood of housing access. In fact, the pressure engendered by the limited time period, and the prospects of losing one's bed and the only modicum of stability that they have obtained, may force hasty decisions from a menu of bad options. While many have not reapplied for shelter after the expiration of their stay limits, it is unclear—and New York City has not tracked or provided to the public any data surrounding these destinations—where these migrants end up. News this week that dozens of migrants were removed from commercial spaces because of overcrowding and dangerous conditions raises serious questions about whether the stay limits are effectively encouraging migrants to obtain safe housing, or just pushing them into even more precarious positions.

New York City has promised intensive case management services for the migrant individuals and families who have received 30- and 60-day notices, but little information has been provided about the case management strategies used as well as the results of these practices. Issuing and implementing the 30- and 60-day shelter stay limits causes considerable administrative burden for the City as thousands of people re-apply for shelter at the end of their stay limits, resources which would better be applied to increased case management staffing and service delivery. Rather than using limited city resources on this counterproductive policy, the city should use them to support asylum-seekers as they apply for programs like Temporary Protected Status (TPS), work authorization, and formal asylum protections.

Movement between shelters for any population is always destabilizing, because it disconnects people from the services and support workers they have built relationships with at their shelters and the connections outside of the shelter that result in safe and stable communities. There are particular reasons why this destabilization could be especially severe among the migrant population. First, there



are specific needs for administrative and legal support including asylum applications and employment authorization applications that can easily be disrupted by lapses in continuity of service delivery. Second, for children in schools, who have already experienced significant learning loss from their journeys to New York City as well as various sorts of traumas, absentee rates will likely increase when people lose their shelter placements and must re-apply.

Additionally, for the adult population, significant waiting lists have emerged following re-applications for shelter, and many individuals have slept in city waiting rooms or outside for several days before receiving an additional 30-day shelter placement. Both of these intermediate sleeping arrangements are suboptimal and have the potential for negative health impacts and other dangers. While it has not yet occurred, it is possible that similar experiences will emerge for families with children should shelter stay limits continue to be issued.

There has not been sufficient information sharing with migrant individuals and families regarding their rights and options in shelter, before, during, and after the issuance of shelter stay limit notices. This has resulted in confusion among these populations. Open Hearts Initiative has been proud to work with many organizations and partners, including D3 Open Arms on the Upper West Side, to share information about individuals' and families' rights, but this is ultimately the responsibility of city government.

Finally, it must be noted that the 30- and 60-day notices apply to migrant New Yorkers who have arrived in the city approximately over the past two years, but do not apply to New Yorkers who were already living in the shelter system or to longer-term New Yorkers who have recently been forced to enter the shelter system due to increasing rents and record-low vacancies for affordable housing across the city. This has created a significant and untenable disparity in the level of care provided between these two populations—one which goes against the right-to-shelter, the decades-old consent decree which, while it is currently being discussed in mediation involving New York City and the Legal Aid Society, is still in effect and must be honored. If 30-day and 60-day notices become accepted practice in New York City's homelessness services infrastructure, it is wholly possible that they could be expanded. The legislation, introduced by Council Member Shahana Hanif and co-sponsored by Council Members in 4 boroughs alongside Brooklyn Borough President Antonio Reynoso, will prohibit such a destructive policy for migrants as well as longer-term New Yorkers, and it has our organization's support.

Submitted by Bennett Reinhardt



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
**Oversight – DSS Manipulation of Monthly Eligibility Rate Reporting and
Intros. 0210-2024 and 0349-2024**
presented before
New York City Council Committee on General Welfare

Will Watts
Deputy Executive Director for Advocacy
Coalition for the Homeless

March 1, 2024

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committee on General Welfare. As the court- and City-appointed independent monitor of the DHS shelter system and counsel in the historic *Callahan*, *Eldredge*, and *Boston* cases that created the right to shelter in NYC, we are uniquely situated to provide insight about issues related to shelter for both long-time New Yorkers and new arrivals.

New Arrivals and the Right to Shelter

The members of the Committee on General Welfare are well aware of the legal obligation – as prescribed by the New York State Constitution, multiple court orders and local laws – to provide decent, appropriate, and accessible shelter placements for all in need of such, regardless of immigration status. For more than 40 years, it is this fundamental right that has served as the bedrock of our city’s response to mass homelessness, and it has kept New York City from witnessing the emergence of the vast tent encampments seen in so many other major American cities.

The influx of new arrivals to New York that began in the spring of 2022 has unquestionably created strains on the City’s emergency relief systems, and the Coalition and Legal Aid have repeatedly provided practical solutions that the City and State could implement to increase vacancies in the existing shelter system by helping individuals and families move into permanent housing, thereby creating additional capacity for the new arrivals.

As we noted in our testimony before this committee on June 21st and again on August 10th, the City has chosen to create multiple different kinds of shelter to house recent arrivals, managed by a variety of City agencies. While the Department of Homeless Services (“DHS”) currently provides shelter to roughly half of the new arrivals, the City has also enlisted Health and Hospitals (“H&H”), the Department of Emergency Management (“OEM”), Housing Preservation and Development (“HPD”) and the Division of Youth and Community Development (“DYCD”) to stand up additional shelter capacity apart from the traditional DHS shelter system.

In the fall of 2022, the City launched the first Humanitarian Emergency Response and Relief Centers (“HERRCs”), which are run by H&H and HPD. These sites were developed to provide tailored services for recent new arrivals whose service needs are often different than those of the general DHS shelter population. Most HERRCs for single adults and adult families are large congregate sites, often in climate-controlled tents, but they also include former office buildings and repurposed hotels. HERRCs for families with children are largely in hotels, but the City is also sheltering them in two “semi-congregate” sites (a series of large tents at Floyd Bennett Field and a repurposed commercial space on Hall Street in Brooklyn). The City has also employed OEM to open more and more “respite centers,” which were supposed to be temporary emergency sites in places not traditionally used for shelter (such as empty and unfinished buildings and gyms). However, new arrivals now stay at these sites for weeks. The City has opened a small number of faith-based sites, which serve small numbers of new arrivals but are only open in the evening hours.

Because the HERRCs, respite centers, and faith-based sites are not run by the City’s Department of Social Services (“DSS”), the City does not consider them to be subject to either DHS regulations and policies or State shelter regulations. In fact, the City treats them as if they are not currently subject to any specific rules, aside from the Federal and State laws that apply to all

government-operated sites (such as disability rights laws and civil rights laws) and the few rules set forth by Corporation Counsel.

Time Limits on New Arrival Shelter Stays

This past July, the Mayor announced the City would impose 60-day limits on shelter placements for adults. In September, he shortened that time limit to 30 days for adults. Then, in October, he announced that placements for families with children in HERRC sites would be subject to 60-day limits.¹ Despite these time limits, the *Callahan*, *Eldredge*, and *Boston* consent decrees remain in place, and there continues to be a right to shelter in New York City. However, last May, the City requested to modify the *Callahan* consent decree *in such a way* that would have effectively eliminated the right to shelter for single adults. The City amended its request to modify *Callahan* again in July, and then in October. The most recent request asks the Court to modify the right to shelter for single adults so that only adults eligible for public assistance would be eligible for shelter. If granted, that standard would result in mass street homelessness on a scale that New York City has never seen. It would result in shelter denials for new arrivals and longtime New Yorkers alike, including New Yorkers working low-wage jobs or those receiving disability income. The parties are now engaged in court-ordered mediation, and we remain committed to ensuring that people without homes have a safe and decent place to sleep inside.

While new arrival families with minor children must reapply for shelter at the end of 60 days at the Arrival Center at the Roosevelt Hotel, single adults and adult families are directed to the Re-ticketing Center at the former St. Brigid School in the East Village at the end of their 30-day shelter placement. The site is only open from 9am until 7pm. At this site, the individuals are first offered the option to be reticketed to a destination of their choice outside New York City. If they do not accept reticketing, they are placed on a waitlist for another bed in the shelter system. The City has been and continues to fail to provide beds to hundreds of people there on the day they reapply. The average wait time for a single adult man to gain access to another shelter bed is currently over a week. However, many new arrivals have waited much longer.² The wait times for single adult women and adult families are slightly lower, but still many days. In the meantime, the City directs anyone not assigned a bed to an “overflow site” or “waiting room.” There are currently five such sites, but none of them are close to St. Brigid. At these sites, new arrivals are only allowed inside from 8pm until 6am. No beds are provided, just chairs. There are no meals, just snacks (which are generally decried as both insufficient and barely edible), and no showers. Many new arrivals choose to sleep on the streets or in the subway instead while they wait for their number to be called at the Re-ticketing Center.³ However, they must return to the Re-ticketing Center daily to check if their number has been called for a bed, making it extremely difficult to maintain any type of employment they might have or keep important appointments.

The Coalition and Legal Aid believe the City should focus on case management, rather than arbitrary time limits, to promote the resettlement of new arrivals. Arbitrary time limits that fail to

¹ The 60-day limits do not currently apply to new arrival families with children in Department of Homeless Services shelters.

² See <https://www.propublica.org/article/bused-from-texas-to-nyc-immigrant-struggles-to-find-shelter>.

³ See https://www.curbed.com/article/nyc-migrants-shelter-stories-st-brigid-church-reticketing.html?origSession=D230918EgrmHXTs1mMiuGoLXfuLuLkEn1Or8b1jYDf5PT99W18%3D&_gl=1*_w2gps7*_ga*OTcyNzM4MTU2LjE3MDkxNDc3ODk.*_ga_DNE38RK1HX*MTcwOTE0Nzc4OS4xLjAuMTcwOTE0Nzc4OS4xLjE3MDkxNDc3ODk.*_ga_5MS41OC4wLjA.

consider each individual's unique situation de-stabilize a population that has already experienced immense trauma. The Coalition's annual *State of the Homeless*⁴ report has noted how lack of predictability can exacerbate trauma for unhoused individuals in the shelter system. This arbitrary time limit, coupled with the horrific and degrading "reticketing" process that single adults and adult families must endure in the effort avoid having to sleep on the streets in the dead of winter compounds the trauma new arrivals have already experienced on their journeys to the United States. For families with children, the process of moving every 60 days removes any stability the family might have gained and risks the children having to change schools if they are moved to a site too far from their current school. It would be both more humane and cost-effective to help connect new arrivals to permanent housing and stability so that they can focus on their asylum applications and employment.

Reforms available to the City to reduce the shelter census

Rather than limit shelter stays for any population, the Mayor should be taking steps to increase shelter capacity. The most effective way to do so is to move people from shelters into permanent housing. The City has many tools at its disposal to do so that it has failed to fully implement, despite our repeated requests, including:

- **Provide more robust case management to help connect new arrivals to the resources they need to resettle outside of shelter:** until very recently, the City has failed to offer robust case management to most recent arrivals in City shelters. However, City staff have reported to us that case management is the best tool to help new arrivals become self-sufficient and leave shelter.
- **Expand CityFHEPS to clients with a wider range of immigration statuses:** the City has the authority to expand the CityFHEPS voucher program to enable clients with a wider range of immigration statuses who have languished in shelter for years to use the voucher to move into permanent housing.
- **Rebuild and grow the source of income discrimination unit to meet current demand:** it is illegal in New York City for a landlord or a broker to refuse to rent to a prospective tenant because they intend to use a housing voucher. The Source of Income Unit at the New York City Commission on Human Rights is the sole team within the only agency with the power to enforce the NYC Human Rights Law in a pro se friendly administrative forum, but it lacks adequate staffing. CCHR needs experienced attorneys and intervention specialists to process filed complaints as well as a robust pre-complaint intervention unit to respond to the immediate needs of unhoused New Yorkers experiencing discrimination.
- **Train shelter staff on how to screen for benefits eligibility:** many clients in the City's shelter systems may have had a change in their immigration status that impacts their benefits eligibility (including eligibility for housing vouchers) since they entered shelter. However, even at sites where case management services are available, shelter staff lack the expertise to properly screen for those changes.

⁴ Available at <https://www.coalitionforthehomeless.org/wp-content/uploads/2023/06/StateoftheHomeless2023.pdf>

- **Increase staffing to timely move people out of shelter with the existing City housing voucher programs:** Legal Aid and the Coalition receive daily calls from clients in shelter who have found apartments to rent but they cannot move out of shelter because of the City’s failure to timely process their housing voucher paperwork, largely due to staffing shortages. Clients often wait weeks or months to move out of shelter due to administrative delays.
- **Immediately use the State Rent Supplement Program funds for long-staying shelter residents who are ineligible for other subsidies:** these funds have been specifically designated for households experiencing or facing homelessness, regardless of immigration status. While the City reports they have a plan to use these funds, they have yet to implement it.
- **Prioritize immigration legal services for those clients with the most pressing deadlines:** under federal law, asylum-seekers in the United States have one year from their date of entry into the country to submit an application for asylum. Currently, the City is not using date of entry to prioritize who receives immigration legal services (including when clients are referred for services from the pro se clinics the City recently set up), which will result in many recent arrivals losing their opportunity to apply for asylum.
- **Provide more funding for full representation for immigration providers:** the asylum application process is complex, and any submissions made in that application will be difficult to amend at a later date. It is a challenging process for individuals to navigate successfully without the assistance of an immigration attorney, but the demand for immigration legal services providers far outweighs the current capacity of legal services providers. This is particularly critical for those on expedited “dedicated dockets” in Immigration Court proceedings. For asylum applicants, most will not receive their work permit in enough time to benefit from them before their final hearing in Immigration Court. Full legal representation is the best chance of being granted asylum and becoming self-sufficient.
- **Target short and long-term opportunities for the City to help recent arrivals obtain work permits, such as:**
 - screening for humanitarian parole status, which provides an immediate pathway to work authorization concurrent to the length of the parole;
 - collaborating with workers’ rights advocates to screen for labor abuse and trafficking for those who are already working. This would provide another pathway for work authorization;
 - continuing to advocate with the federal government for the re-designation of TPS for Venezuela, so that those who entered after the current cutoff

date of July 31, 2023 could also be eligible for accompanying work authorization;

- advocating for TPS equity for black migrants as well. This could be especially beneficial for the single adults in shelter who are disproportionately impacted by the current 30-day limit; and
- incorporating immigration legal information and education as part of the intensive case management for those receiving 30/60-day notices.

Measures the State should take to assist new arrivals

We continue to advocate for Governor Hochul **to address the influx of new arrivals, by immediately:**

- Expanding resettlement of new arrivals by reaching out to mayors/county executives throughout the State to not only encourage them to receive new arrivals, but to help coordinate such relocation, including expanding the number of counties where new arrival families can use the MRAP program.
- Increasing the length of rent commitment in MRAP to up to 24 months, to increase landlord participation and give households sufficient time to stabilize.
- Provide more effective marketing strategies to enroll new arrival families in MRAP.
- Invoking New York Executive Law 29-a or other applicable law to invalidate executive orders in Counties that have refused to accept new arrivals; alternatively, the State should intervene in pending cases to overturn executive orders.
- Identifying other State-owned facilities throughout New York State that may be able to serve as housing for new arrivals.
- Enforcing the right to shelter access statewide so that new arrivals can seek shelter throughout the State.
- Continuing efforts to secure work authorizations.
- Establishing and funding a financial assistance program for immigrants with disabilities to the extent not otherwise in place. (In California, certain seniors and immigrants with disabilities are eligible for CA's form of SSI, known as Cash Assistance Program for Immigrants (CAPI)).
- Funding a rent subsidy plan for undocumented individuals who remain long-term.

The State must also take immediate steps to reduce the underlying City shelter census by addressing the drivers of homelessness for New Yorkers by:

- Increasing the State-set public assistance rent allowance and/or providing a rent supplement to meet the FMR for all populations so that the rent allowances are aligned with the housing market in NYC.
- Reversing the State clawback on the Rent Supplement Program.
- Ending the prison-to-shelter pipeline by ensuring effective reentry planning for individuals being released from State prisons.

The Mayor and Governor must work together to meet their moral and legal obligations to provide emergency shelter for all who are in need and to ensure that no one is relegated to sleeping on the streets, exposed to the elements.

Intro. 0210-2024

As stated above, the City should focus on individualized case management, rather than arbitrary time limits to promote the resettlement of new arrivals into safe and stable housing outside of shelter. Arbitrary time limits de-stabilize a population that has already experienced immense trauma. For single adults, the arbitrary time limit, coupled with the dehumanizing reticketing process, makes it even more difficult for them to take the steps needed for self-sufficiency (such as maintaining or looking for employment, getting necessary certifications like OSHA training, working on their asylum applications, or connecting with service providers). The 60-day time limits for families with children risk school-aged children losing one of the main stabilizing forces in their lives: school. Frequent relocations often cause disruptions in a child's schooling that negatively impact academic development.⁵ Even though the City is successfully placing most families with children in grades K-6 in the borough of their youngest child's school when they reapply, there is no guarantee they will be able to continue to do so going forward, and the new placement may still be a long commute to school compared to the original placement. For those new arrivals who have filed for asylum, the process of moving every 30 or 60 days greatly increases the chance important mail regarding their immigration cases will be lost, which could have disastrous consequences.

Intro. 0349-2024

We support Intro. 0349-2024, clarifies the data reporting required by Local Law 34. As we stated in this Committee's December 7th hearing regarding Intro. 1153-2023, sweeps negatively impact those who are unhoused and only serve to disperse and traumatize them without providing the critical resources they need to transition into a more stable housing situation. Encampment sweeps and involuntary detention should cease and be replaced with policies that accord people the dignity to which they are entitled and the housing that they need. For these reasons, we support the bill as the data provided will allow us to demonstrate the ineffectiveness of sweeps. In addition, it will highlight that the financial and human cost of removals far outweigh the costs of investing in other solutions such as those outlined above.

DSS Manipulation of Monthly Eligibility Reporting Data

The Department of Investigations report regarding failures to disclose violations of the law and manipulation of monthly reporting data reveals a disturbing cover-up by the City to hide the number of Right to Shelter violations it amassed in the summer of 2022. We are extremely troubled by the City's actions, and by the finding that the City manipulated shelter eligibility data for families with children. We are grateful to the City Council for taking our recommendation to hold this oversight hearing in response to the report. We urge the Council to work towards

⁵ According to figures released by the National Center on Homelessness and Poverty it takes students 4-6 months to recover academically from each school change. National Law Center on Homelessness and Poverty. Educating Homeless Children and Youth: A Guide to Their Rights, 2007 at <http://www.nlchp.org/content/pubs/PowerPoint%20Presentation%20Extended1.ppt>.

Moreover, unscheduled school changes in the middle of a school year were identified as particularly detrimental to achievement. See Rumberger, R. W., Larson, K. A., Ream, R. K., & Palardy, G. J. Policy Analysis for California Education: The educational consequences of mobility for California students and schools. 61 Berkeley, CA (1999).

legislative solutions to guarantee that PATH is processing families in a timely fashion and placing them in appropriate shelter, that records are accurately kept to ensure the integrity of the data reported to the public, and that the City is complying with their legal and moral mandate to provide shelter to homeless families with children who seek it.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society (“LAS”), the nation’s oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State, and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, LAS provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

LAS’s legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by LAS’s Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, LAS’s law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (“CIDNY”), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure Wi-Fi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure

homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fifth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term, scalable solutions and include: permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen, which usually distributes 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries. In response to the pandemic, we are operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

The Coalition was founded in concert with landmark right-to-shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless single adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws. During the pandemic, the Coalition worked with The Legal Aid Society to support homeless New Yorkers, including through the *E.G. v. City of New York* Federal class action litigation initiated to ensure Wi-Fi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit

filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

March 1st, 2024

To the Members of the New York City Council Committee on General Welfare:

My name is Hudson Lee, and I am a fourth-year medical student in NYC. Over the course of my training, I have observed that health *requires* stable housing, towards which shelters are an imperfect but critical first step. The current shelter stay limits are not only inflicting severe harm onto migrants and unhoused individuals, but they are further burdening an overwhelmed shelter system that cannot humanely shelter thousands of New Yorkers—let alone transition them to permanent housing. I urge the Committee to bring Intro 0210 to the floor, and I urge the Council to pass the bill to prohibit shelter stay limits for the health and justice of all New Yorkers.

During my time caring for patients at both a large academic hospital in Manhattan and a community hospital in Queens, I have seen how unstable housing or a lack of housing can so strongly preclude sustained health. We can treat patients for their blood infection or heart attack. However, once they leave the hospital, unhoused New Yorkers are unable to eat regular nutritious meals, exercise, or tend to their personal care; are at high risk of illness and injury from unsafe living conditions; and cannot manage their chronic physical or mental health conditions. Many [return to our emergency rooms often](#), where we can only do so much to manage their acute care before sending them back into a health-harming environment. Our current housing policies thus place direct strain on our hospitals while causing [systemic exclusion of these individuals from life-affirming healthcare](#), leading to poor health outcomes.

I work with other healthcare workers and community partners to organize resource distribution and medical screening for migrants. I also work at a food kitchen in Bowery where I and other volunteers refer numerous migrants to city services and nonprofits for food, clothing, shelter, and asylum assistance. I spoke to one man from Venezuela wearing a wristband with a waitlist number in the 11,000s; he had been evicted from his shelter after 30 days, and he had been provided zero case management to assist in his relocation. DSS staff confiscated all his belongings and kicked him out. He waited in line for hours at the reticketing center in the East Village, received his wristband, and was told to check back daily. He slept on the subway that night. He thankfully found a church in Queens that was able to shelter him, and he began the daily 1-hour commute just to check if his number was up to be relocated to another shelter. He had no idea how to apply for asylum, find work, or move forward towards permanent housing.

As of mid-February, 968 migrants are sleeping outside or on the subway, constituting nearly a 25% increase in the number of people in our city experiencing unsheltered homelessness. This is not accounted for in the mayor's claims that shelter stay limits are encouraging migrants to find alternate housing. We are simply moving migrants from shelter to shelter or from shelter to street, harming them in the process. The stay limits bring migrants no closer to permanent housing, and they do little to relieve our expensive, strained shelter system.

Shelter stay limits are not the answer to our crisis, which I strongly believe is a “housing crisis” and not a “migrant crisis.” I urge you to pass 0210 to end the inhumane process of shelter eviction, and to instead invest resources into case management and permanent housing solutions for our migrants and all New Yorkers experiencing homelessness—not just for their health, but for the financial and moral health of our city.

Thank you in advance for your consideration.

Hudson S. Lee

To The Committee On General Welfare,

I am writing concerning the 30 and 60-day limits imposed on migrants seeking shelter. I believe it goes without saying that this is not an ideal system. By shuffling individuals around, you accomplish little and create infinitely more chaos. Should you remove the limits, you allow migrants to put down roots and figure out their lives starting from the moment they arrive in our shelter system. Further, this allows the city to encourage migrants to apply for Temporary Protected Status, work authorization, and formal asylum protections.

In my mind, this is the best-case scenario. Instead of treating migrants like a problem, we treat them like we would ideally treat our own unhoused citizens; offering them some stability and the opportunity to find work and eventually move into permanent housing.

I know I am making it sound simple, but the first step to gaining a financial foothold in this country often relies upon stable housing. Beyond that, stable housing also offers an emotional foothold; a reprieve from the terror these migrants have fled.

I urge you to reconsider the 30 and 60-day shelter stay limits and put the well-being of the people of this city first, among whom the migrants are now counted.

Thank you for your consideration,

Jayme T. Zwerling

Please provide shelter for immigrants in our City as long as needed, Expedited work permits would solve problems with homelessness.

Immigrants contribute so much to our City's economy.

We are all immigrants here and living on occupied territory.

Respectfully,

Victoria McFadyen

Stop the 30 and 60 day caps on Asylum Seekers' shelter stays

Ramona is a seven year old girl from Ecuador who I met when I took warm clothing to her family who are sheltering at Floyd Bennett Field. Ramona's parents take her to her school each day, way way over at Avenue K & Flatbush Ave. which is a good haul from the tent shelter at the tip of Brooklyn. The journey to and from school is hardly ideal, and the tent shelter is hardly ideal, but both have given the family some stability since they arrived from Ecuador - a country filled with violence - forcing their exodus --in December.

Ramona loves her school. She enjoys learning English and drawing pictures, being with other kids, and the daily routines the teacher guides her through. It provides an essential stability. However, her family just received their eviction notice. They are able to renew their stay in the shelter for another 60 days, but after that - they have no idea where they will be placed.

Ramona will have to leave her school, and one of the few constancies, along with her family's love and care that she currently has in her young life.

As a parent of three and a retired public school teacher, I'm deeply concerned over the multitude of disturbances the 30 and 60 day shelter caps are causing for Asylum Seeking families all over the city. How are parents expected to jump through all the hoops - make necessary applications for TPS, Work permits, OSHA registration, enroll children in schools, scramble to find funds to pay fees for various Immigrant Resource pathways - when all applications require a home address, which is in constant jeopardy because of these eviction rules? I can't imagine the emotional toll this is taking on families.

It's insane. It's also a bureaucratic nightmare for social workers and case managers who have to spend precious time and resources tracking down Asylum Seekers to serve them with eviction notices, when there is so much need for information and good orderly direction to get these folks into the system and on their way to becoming productive residents of our city.

A bright child like Ramona can only be shuffled around so many times to different schools when she'll begin to shut down. Who wouldn't? Learning will become more difficult because she's being conditioned to expect the school will be temporary, and it's just not worth the effort.

It's as if Mayor Adams' cap on sheltering has placed these families in a nightmarish Coney Island ride where the floor drops out from underneath them. They have to scramble to find their footing; prepare to be tossed into a different shelter, and scramble to continue with the chaotic process of getting onboarded into city systems.

We are smarter and more compassionate than this. Here's the wisdom part: Provide stable housing for Asylum Seekers, with no eviction deadlines. Give these folks stability - and watch their children thrive. Watch the parents find their niche as productive residents in the city. Watch how we will all benefit.

Council Member Hanif's bill on prohibiting imposing caps on shelter stays must be passed into law.

Thank you.

That we are debating whether or not forcibly removing people from safe and stable housing on a 30 or 60 day basis, or whether or not such these, or any other shelter evictions should be reported in a timely fashion is an indictment of us all that we as a city have lost the narrative.

The creation of the shadow shelter system and the obfuscation by the Adams administration of existing New York City laws is self generating the cruelty, trauma, dehumanization and peril for thousands of human beings that have sought sanctuary here from the persecution, danger and insecurity they faced in their home countries.

The HERCC system, itself , provides no tangible pathway to planting roots, creating stability or accessing the legally available pathways to building a safe and better life within our country. Equally, the DHS/DSS system, through lack of accountability of its subcontracted providers and a systematic gutting by the Mayor of funding for these agencies, perpetuates the disenfranchisement and poverty of those it was designed to uplift.

I support the passage of the bill supporting the elimination of the 30/60 day shelter limits and additionally support the bill requiring quarterly reporting of shelter evictions, and would like to see a bundling of these two bills with INT 942 and INT 943 to create a more robust and wholistic set of improvements that could be the first step in ceasing the negligent, xenophobic, short sighted, illegal, and wasteful actions of Mayor Adam's administration and the shadow shelter system that benefits no one except the for profit companies who have been awarded over \$5.7 billion in contracts, per the comptrollers audit , published on 2/27/24.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ameya Biradavolu

Address: _____, Brooklyn

I represent: Malikah

Address: 25-61 Steinway Street, Queens

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Madeleine E. Finken

Address: _____, NY NY 10027

I represent: Jews for Racial and Economic Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/1/29

(PLEASE PRINT)

Name: Christopher Johnson

Address: _____, 1509 910 Ave, _____

I represent: SELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 210 Res. No. _____
 in favor in opposition

Date: 3/1/24

(PLEASE PRINT)

Name: Will Watts

Address: 129 Fulton Street (wk) [redacted] Liberty Ave Jersey City

I represent: Coalition for the Homeless & Legal Aid Society

Address: 129 Fulton Street (Coalition)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 210 Res. No. _____
 in favor in opposition

Date: 3/1/2024

(PLEASE PRINT)

Name: Chris Mann

Address: _____

I represent: Win

Address: 1 State St. Plaza NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 212 Res. No. _____
 in favor in opposition

Date: 3/1/24

(PLEASE PRINT)

Name: Chloe Breyer

Address: [redacted] 7th Ave NY NY 10026

I represent: The Interfaith Center of NY

Address: 475 Riverside Dr Suite 540 NY 10075

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 215 Res. No. _____

in favor in opposition

Date: 3/1/2024

(PLEASE PRINT)

Name: Babacar Mann

Address: _____

I represent: WIN

Address: 1 State St Plaza NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Salif

Address: _____

I represent: WIN

Address: 1 State St Plaza NY NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Anthony Feliciano

Address: _____

I represent: Housing Worker (VP)

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/1/24

(PLEASE PRINT)

Name: Ann Fawcett Amblā

Address: [Redacted] Brooklyn NY 11228

I represent: Bay Ridge community contributions

Address: to Floyd Bennett Field

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 3/1/24

(PLEASE PRINT)

Name: Towak Komotser

Address: Private

I represent: Self

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 210 Res. No. _____

in favor in opposition

Date: 3/1/24

(PLEASE PRINT)

Name: Christine Clarke

Address: _____

I represent: Legal Services NYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: Mar. / 1 / 24

(PLEASE PRINT)

Name: Alexandra Dougherty

Address: _____

I represent: Brooklyn Defender Services

Address: 177 Livingston 7th Floor BK, NY 11201

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Yajaira Saeedra

Address: Willis Ave BRONX NY 10452

I represent: La Morada

Address: zip 10454

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jose Perez

Address: West 42nd street

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Johan Velisquez

Address: AUSTELL PLACE

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 210 Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Nicole Knshul

Address: _____

I represent: NYC Comptroller

Address: 1 Centre St.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Interim Director Molly Schaeffer of

Address: The Office of Asylum Secret Operations

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Commissioner Molly Park of DSS

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆