

City Council General Welfare Hearing
June 24, 2009
Fran Winter, First Deputy Commissioner
NYC Department of Homeless Services

Good afternoon, Chairman de Blasio and members of the General Welfare Committee. My name is Fran Winter, and I'm the First Deputy Commissioner of the New York City Department of Homeless Services (DHS). I'm here today to talk about the continuing transformation of our family shelter system during the Bloomberg Administration. During these tough economic times, we have seen an increase in the number of families applying for temporary shelter. However, we are transforming the family shelter system, putting in place a foundation that assists every family that crosses our threshold. This system also ensures that each and every family is treated with the dignity and respect they deserve. Today, each family's application for shelter is processed quickly at our family intake center and no one – adult or child - spends the night sleeping on the floor. Prior to this transformation, families were often forced to wait 20 plus hours over multiple days for their applications to be processed and children often slept on benches or the floor. Today, each family moves through the intake process efficiently over the course of six to eight hours during one business day.

I would like to take this opportunity to share with you the results of DHS' efforts to assist homeless families and families at risk of becoming homeless. More than 200,000 individuals have moved into permanent housing under the Bloomberg administration. With regard to the family shelter population specifically, I am pleased to report that in 2008, DHS helped a total of 7,065 families with children move into permanent housing— this represents a 27 percent increase over the number of families with children we assisted in moving out of shelter in 2007. Our Advantage New York rental assistance program is the most generous and effective local rental assistance program in the country, with one lease being signed every 20 minutes of the business day. Advantage offers not only housing but also employment services, which means that clients are not only moving into a home of their own but working and on a path to self sufficiency. Over 60 percent more families are moving out on a weekly basis with Advantage compared with Section 8 EARP.

We are moving individuals into homes of their own in record numbers. At the same time, our citywide homelessness prevention efforts are doing more to keep individuals from ever having to

enter shelter in the first place. For calendar year 2008, DHS, in collaboration with HRA, diverted a record number of at-risk families from having to enter shelter — we diverted 5,358 families, which is an 80 percent increase over 2007 and more than the two previous years combined. DHS remains committed to assisting each and every vulnerable New Yorker, and we will continue to do so, in a flexible system that is ready to address the City's need, no matter what it may be.

I know the Council is interested in hearing about two specific policies, the State's income contribution policy and our Client Rights and Responsibilities policy. As Committee members are likely aware, the State's income contribution policy is currently suspended after brief implementation in New York City. We are now engaged in discussions with the State in an effort to come to an agreement on a sensible program. Our Client Rights and Responsibilities policy is currently under State review. Neither policy is actually in use in our family shelters at this time.

It is important to remember that these are just two of a series of policies and programs that make up our completely transformed family shelter system. Each and every one of these policies is aligned towards the compassionate and right goal of helping families and their children by minimizing the time they need to stay in temporary shelter in the first place and then assisting them with remaining stably housed in the community. We recognize that each family who comes into our shelter system has both rights and responsibilities, to themselves and to the other families living in our shelters. And we take these rights and responsibilities very seriously. And we ask them to work in partnership with us and our social services providers to take the necessary steps to return quickly to their own homes in the community. DHS and our providers also have mutual responsibilities to assist our clients in reaching the ultimate goal of moving back and living stably housed in the community.

Family Income Contribution Requirement

The income contribution policy that is currently in use across the State was first mandated by State regulations in 1997. Since the regulations were enacted, DHS has been actively engaged in a dialogue with the New York State Office of Temporary and Disability Assistance (OTDA) with our concerns about the policy. These concerns have included insufficient clarity as to how the contribution amounts for each family are to be calculated, as well as the impact that the policy would have on the City's efforts to achieve what has always been our foremost goal— to move our clients

into safe and stable permanent housing. While DHS had delayed implementing the policy pending the outcome of our conversations with the State, the State began an audit to evaluate the City's compliance with the policy. In February 2007, OTDA determined that we were not in compliance and consequently, imposed a penalty against the City of more than \$2.4 million. While OTDA rejected the City's appeal of the penalty, they did grant our request to refrain from imposing any additional penalties pending implementation of the necessary infrastructure for the correct budgeting and income collection procedures required by state law. When this process was completed at the end of April 2009, DHS was compelled to begin implementing the policy in the family shelter system. Technical issues arose with the calculation amounts and notices for families who receive public assistance and reside in shelter. Due to these issues, the State suspended the program on May 21, 2009 in all family shelters in New York City until these administrative issues are resolved.

Currently, the City and the State are engaged in productive dialogue, with the goal of putting in place a system that is both fair and transparent to clients. We are working to ensure that any calculation for the client contribution would not put an undue burden upon clients; that notices to clients are easy to understand; and that due process rights are readily accessible. DHS has informed the State that we will not implement a program that does not meet these basic principles. We are committed to getting this policy right and we will take the time necessary to further develop the policy and roll it out thoughtfully so that we do get it right.

Client Rights and Responsibilities

As I discussed earlier, as part of our continual efforts to ensure the best outcomes for each and every family who enters our temporary family shelter system, DHS created a Client Rights and Responsibilities Policy. This procedure begins with rights. From the day clients enter our shelters, they can see their rights spelled out clearly in one place. They will know that they have a right to safe and decent shelter and also that they have certain responsibilities. In addition, they will know that they have a series of due process and appeal rights available to them. Creating uniform expectations at the outset helps all of us – clients, staff, providers, and our community partners – to focus on our shared goal of helping families move from shelter back into homes of their own as quickly as possible.

This policy is currently under State review. We would be happy to come back and speak about the policy before this Committee again once it is approved for implementation by the State. However, to help put things into context, I would like to give you information about a similar policy we currently use with great success for our clients in our single adult shelter system. DHS has implemented Client Responsibility in the single adult shelter system for approximately four and a half years. Out of the 79,646 individuals who have come through the adult shelter system between January 1, 2005 through June 14, 2009, DHS has only had to discontinue shelter for 15 individuals. Given these numbers, it is clear that this a tool that we have only used as a last resort and on rare occasions. The impact of this policy is quite different from what was predicted by naysayers who said it could force thousands of people back to the streets and may discourage people from seeking help in the first place. In fact, we have nearly 47 percent fewer individuals living on the streets today than we did when this policy was first introduced. Most clients – in both the single adult and family systems - do what they need to do to help themselves find permanent housing in the community. Clients want to move back home. And so we have every reason to believe that this will be a tool we rarely need to use in the family shelter system.

Despite all of this, there are some clients who need more support to move to homes of their own. And unfortunately, as in the case of the adult shelter system, there may be that rare client who unreasonably refuses to abide by the policies necessary to help themselves find housing and ensure the safety of other individuals in our shelter system. I'm not saying that someone who refuses a series of apartments will necessarily have their shelter discontinued, but a client who repeatedly stays in their room and refuses to see any apartments at all may put themselves on that path.

Do I hope that we don't have to sanction even one client in the family shelter system? Yes. Can I say with certainty that we won't ever have to sanction a client in that system? Of course not. However, what I can say with certainty is that our goal is to create a system that has sufficient checks and balances so that we minimize the risk of mistakes in the process. These checks and balances put much greater accountability on DHS as well as on our providers to make sure we are doing everything we can to help clients move back into homes of their own.

The adult shelter system currently uses these multiple checks and balances: DHS must comply with a process for determining whether clients have not met their responsibilities and have their shelter

discontinued. This process has built-in multiple levels of review, including a right to a State fair hearing, to ensure against erroneous determinations. We intend to use a similar system of checks and balances in the family shelter system, and we have every reason believe that we will achieve similar success for our clients as a result.

Conclusion

We have taken great strides to transform our family shelter system and we remain committed to our work. Today our system is one that meets the immediate needs of families and children who need temporary housing when they have fallen on hard times. But more importantly, it has the necessary supports in place to help them move back to homes of their own as quickly as possible. I will answer your questions at this time. Thank you.



OFFICE OF THE NEW YORK CITY COMPTROLLER

**TESTIMONY
OF**

**WILLIAM C. THOMPSON, Jr.
NEW YORK CITY COMPTROLLER**

**Before the New York City Council's
General Welfare Committee**

**Department of Homeless Services
Implementation of the Family Income Contribution Requirement and Client Conduct and
Responsibility Procedure**

June 24, 2009

Speaker Quinn, Chairman de Blasio, committee members and public observers, good afternoon. I would like to thank you for holding this hearing and allowing me to discuss the Department of Homeless Services' Family Income Contribution Requirement and Client Conduct and Responsibility Procedure.

I am here today to strongly support New York City Council Resolution No. 2002 calling on the New York State Legislature to pass legislation such as S.5605 and A.8353-A, which would amend the social services law in relation to financial contributions by recipients of temporary housing assistance.

As I'm sure you all know, this legislation, if enacted, would effectively put an end to the Mayor's unconscionable plan to charge homeless people *rent* to stay in New York City shelters.

I am one of many New Yorkers who is deeply troubled by this plan, which comes, incomprehensibly, during the worst economic crisis since the Great Depression. If ever there was a time to *support* our city's homeless families—a population that is sadly at record levels today in New York City—it is now. Instead, the Mayor has chosen this moment to enforce a law that has been compassionately *unenforced* since the mid-1990s.

Make no mistake: People living in our shelters want desperately to move into a real home. They often earn less than 10 dollars an hour, close to minimum wage. What little money they have is spent on food, clothing, and basic necessities for their families.

If our State does *not* pass legislation to countermand this law, many homeless New Yorkers will be forced to hand over to the City almost half their income, making it impossible for them to save money for long-term housing and creating a dependence on City shelters for months or years to come.

Enforcing this law would also create a troubling relationship between homeless families and shelter service providers, whose job duties would essentially shift from service providers to landlords overnight.

As many of you may know, under the Mayor's plan, if the organizations that manage these shelters do not collect the rent due, the City will not make up the difference. In some instances, this may create a perverse incentive, leading to a situation where families are harassed or worse. In other instances, the dedicated and compassionate service providers who are committed to *helping* the homeless will have the harrowing responsibility of turning fathers, mothers, and children out onto the streets of New York.

Indeed, it has already been reported that the City was forced to temporarily stop charging homeless families rent after only three weeks because the implementation of this policy resulted in large rent overcharges and unwarranted eviction threats. Incredibly, it is my understanding that—despite these problems—the City is now considering allowing evictions from the shelter system for a minimum of thirty days for

families that have been sanctioned under the Public Assistance program for minor violations such as a missed appointment.

Of course, as New York City Comptroller, I know better than anyone that our city today is facing tough financial choices. But let me be clear: Charging rent to homeless people is *not* the solution. Instead, we must work to find solutions that will *work* and will not compromise the values and compassion of New York City.

For example, instead of charging homeless families rent money they will never see again, why don't we open savings accounts for these New Yorkers? Any money the City would charge for rent could instead be put into these savings accounts, which the families could only use toward permanent housing.

In the end, I am extremely disappointed that the Mayor's answer to our budget woes seems increasingly to fall on our city's most vulnerable residents—the people who are suffering the most in this economy.

In this case, we must look for solutions that *benefit* these families, get them out of public shelters, and on the road to recovery.

That is why I strongly support this resolution to stop the Mayor's impractical and heartless plan—a plan that, if enacted, would be an embarrassment and a shame to our great City.

Thank you.



DANIEL SQUADRON
SENATOR 25TH DISTRICT

THE SENATE
STATE OF NEW YORK

CHAIR
CITIES COMMITTEE
VICE-CHAIR
SOCIAL SERVICES
COMMITTEES
CODES
CORPORATIONS, AUTHORITIES
& COMMISSIONS
EDUCATION
HOUSING, CONSTRUCTION
& COMMUNITY DEVELOPMENT
CULTURAL AFFAIRS, TOURISM,
PARKS & RECREATION
TRANSPORTATION
VETERANS

TESTIMONY OF STATE SENATOR DANIEL SQUADRON BEFORE THE NEW YORK
CITY COUNCIL COMMITTEE ON GENERAL WELFARE REGARDING RES. NO. 2002.

June 24, 2009

I would like to thank the New York City Council, the Speaker and the Committee on General Welfare for conducting a hearing on Resolution 2002, calling on the New York State Legislature to pass legislation such as S. 5605-A/A. 8353-D, which would amend the New York Social Services Law to ensure that recipients of temporary housing assistance do not have to pay rent for that assistance. I am the sponsor of S. 5605-A in the Senate. Assemblymember Keith Wright sponsors A. 8353-D, which passed the Assembly on June 22.

I introduced this bill in response to the New York City Department of Homeless Services's recent implementation of a 1995 state regulation requiring shelter residents to contribute a portion of their income to pay for temporary housing assistance. DHS implemented the regulation in early 2009 pursuant to a directive issued by the New York State Office of Temporary and Disability Assistance.

Individuals and families who turn to the shelter system for temporary support generally do so because they are *unable* to pay rent and do not have incomes. For individuals and families in temporary shelter who do earn some income, they are generally trying to save so they can rent an apartment and work to become self-sufficient. This bill is intended to help individuals achieve this important goal.

The bill would amend Section 131-a of the New York State Social Services Law to state: "Notwithstanding any other provision of law to the contrary, in any social services district containing a city having a population of one million or more, all earned and unearned income for applicants and recipients of temporary housing assistance shall be disregarded in determining eligibility for public assistance and temporary housing assistance in lieu of the disregards otherwise provided for in this section. No recipient of temporary housing assistance shall be required to contribute to the cost of temporary housing assistance."

S. 5605-A will:

- eliminate the requirement that a recipient of temporary housing assistance must contribute toward the cost of shelter as a condition of receiving such assistance (in New York City);
- enable a district to implement a savings plan for individuals residing in temporary housing; and

- enable temporary shelter recipients with earned income to use their income for critical expenses, such as childcare, as they work towards achieving self-sufficiency

This bill would undo the requirement that New York City seek a financial contribution from people in need of temporary housing while protecting other important priorities. It would leave unchanged the requirement that an applicant for temporary housing assistance or public assistance demonstrate an immediate need for such assistance. And the bill will not affect the amount of cash assistance that a family or individual may receive through the public assistance program.

At least 21 organizations have expressed their support for A. 8353-D/S. 5605-A, including Advocates for Children, Audre Lorde Project, Children's Health Fund, Citizens Committee for Children of New York, Citywide Task Force on Housing Court, Coalition for the Homeless, Community Service Society, Concourse House, Homeless Services United, Housing Works, Hunger Action Network of New York State, Information for Families, Interfaith Assembly on Homelessness and Housing, Legal Aid Society, New York Asian Women's Center, New York Provincial Society of Jesus Office of Social Ministries, Queers for Economic Justice, Social Services Employees Union Local 371, Welfare Reform Network, West End Intergenerational Residence and Women In Need.

Thank you for the invitation to submit testimony today. Please do not hesitate to reach out to my office at 212-298-5565 for further information.



199 Water Street
New York, NY 10038
T (212) 577-3300
www.legal-aid.org

Alan Levine
Chairperson of the Board

Theodore A. Levine
President

Steven Banks
Attorney-in-Chief

TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE COMMITTEE ON
GENERAL WELFARE OF THE NEW YORK CITY COUNCIL

June 24, 2009

The Legal Aid Society welcomes this opportunity to testify before the Council concerning the New York City Department of Homeless Services (DHS) policies regarding income contribution and potential sanctions for families with children. We appreciate the leadership of Chair Bill deBlasio on these critical issues.

Founded in 1876, the Legal Aid Society's Civil Practice is the oldest and largest program in the nation providing direct legal services to the indigent. Our legal assistance is focused on enhancing family stability and security by resolving a full range of legal problems, including immigration, domestic violence, family law, and employment, in addition to housing, public benefits and health law matters. Through our housing and community development work, we also foster the development of community-based organizations, job creation, and neighborhood revitalization. Annually, the Society's Civil Practice provides free direct legal assistance in some 30,000 individual closed cases through a network of 6 neighborhood offices in all five boroughs and 17 specialized units and projects for under-served client groups. When it is the most efficient and cost-effective way to help our clients, we provide legal representation to groups of clients with common legal problems, including those referred by elected officials.

As you know, The Legal Aid Society provides legal assistance to homeless New Yorkers as well as homelessness prevention civil legal services with support from the Council. The Society is counsel to the Coalition for the Homeless in the Callahan and Eldredge litigation in which court orders require the provision of shelter to homeless men and homeless women. Since the early 1980s, the Society has also been counsel in McCain, Boston, and other litigation on behalf of homeless children and their families. We also represent recipients of public assistance, working people, and people with disabilities in all five boroughs through our neighborhood offices.

We are here today to testify because we are very concerned about the City's plans to re-implement its disastrous "Income Contribution Requirement" program. We are also

extremely concerned about the City's announced plans to expel families with children from the shelter system to the streets and place their children in foster care.

The City's "Client Responsibility" Sanction Proposal

The City's Income Contribution Requirement program is just one piece of a sweeping new "client responsibility" shelter termination plan that the City has been seeking to implement this year. Under the City's plan, homeless families with children would be ejected to the streets and children subjected to foster care for periods of 30 days or longer for violating shelter rules or for failing to keep their public assistance cases open, even though bureaucratic error is the cause of widespread case closings. All of the families who will be subjected to the shelter termination sanction have already been determined by the Department of Homeless Services -- through its extremely stringent Path eligibility process -- to have no other safe or suitable housing available, so the possibility that the families will end up on the streets, that children will end up in foster care, or that families will end up returning to batterers or abusers is all too real.

The City's shelter termination plan threatens families with loss of shelter and ejection to the streets for 30 different reasons from the moment they enter shelter, from missing curfew, to missing appointments, to improper dress, to excessive noise, to disrespectful behavior. The shelter termination plan fails to provide legally-required accommodations for disabilities and places the burden on clients to present evidence of "appropriately documented physical or mental impairment". Instead of permitting the shelter providers to address the diversity of their clients with a variety of engagement tools to assist clients to move toward independent living, DHS' plan mandates this dangerous and harsh punishment for this extremely vulnerable population in a system where errors are all too common.

While there is no question that reasonable shelter rules are necessary, it is the punishment for infractions that is at issue here. Shelter providers already have the option of transferring non-compliant families to Next Step shelters which are "bare bones" -- shelters with stricter rules and more intensive services. We urge the Council to ask DHS to work with the shelter providers and advocates to explore alternatives to the drastic sanction of ejecting families from the shelter system.

Income Contribution

Failing to pay a portion of their income for shelter is one of the thirty reasons that families could be subjected to the shelter termination sanction. It is important to understand how the Income Contribution Requirement will be administered in order to evaluate it as part of the City's plan to eject families from the shelter system.

As you may know, for many years DHS has required residents of the adult shelter system who have income to participate in savings plans. These shelter residents develop a savings goal that is consistent with their abilities and needs, open a bank account, and bring proof of their savings to their case workers. With some caveats -- workers must be sensitive to public benefits and disability rules that can penalize recipients with resources, including

savings – these plans can be a productive way of helping able-bodied adult shelter residents to achieve self-sufficiency.

This is not what the City has proposed with its Income Contribution Requirement program, however. New York City recently attempted to implement a 1995 Pataki-era State regulation which requires shelter residents with income – including Social Security, federal disability payments, unemployment, alimony, and child support in addition to wages – to contribute to the cost of shelter. Contrary to published reports, the contributions required are not capped at half of the person's income, and could easily encompass all of the person's income. In counties upstate and in the brief period that New York City tried to implement the program, some working homeless people were in fact asked to pay more than 100% of their income.

The State regulations are harsh and counterproductive. They discourage homeless people from working and rather than allowing them to achieve stability, threaten to trap them in shelter or, even worse, deny them access to life-sustaining shelter if they are unable to pay. Implementing the State rules at this time is particularly short-sighted given the current economic upheaval, record job losses and unprecedented shelter entrances. As New York City Comptroller William C. Thompson, Jr. has noted, implementation of these rules would in effect tax the poorest working families to pay for the safety net that protects them.

The rules are also opposed by the not-for-profit shelter providers, who have been forced by the City to serve as collection agents for these funds, disrupting their established role as the helping hand to get shelter residents back onto their feet and into the community. Shelters in districts outside New York City closed or were harmed financially by the regulation after they found they could best serve clients by not collecting money the State withheld and absorbing the costs. Other shelters found it to be against their mission to apply the rules against SSI recipients and others who could not comply.

The City's recent attempt to implement these rules was a fiasco and is currently suspended. One shelter resident, who has never received a paycheck, was ordered to pay more than her projected monthly income at her new job, locked out of her shelter unit, and then told she could not leave the shelter until she met with shelter staff to devise a payment plan. Other residents were ordered to pay as much as two-thirds of their monthly income, without ever receiving the notices required to be issued by the City's Human Resources Administration/Department of Social Services. The notices that HRA sent out to shelter residents were defective and misleading and were eventually withdrawn under threat of litigation. Nonetheless, the City hopes to try again to implement the regulation.

The Legal Aid Society, along with Coalition for the Homeless, applaud the passage of A-8353-D in the Assembly to amend Section 131-a of social services law and urge its passage in the Senate. This legislation would prevent New York City from charging rent for shelter, without limiting the City's ability to adopt a constructive plan to assist homeless individuals or families with income, such as by requiring them to commit to a savings plan, with the funds accumulated reserved for obtaining permanent housing or other resources necessary to achieve independence. Organizations which support this legislation include:

Advocates for Children
Audre Lord Project
Children's Health Fund
Citizens Committee for Children
City-wide Task Force on Housing Court
Coalition for the Homeless
Community Service Society
Concourse House
Homeless Services United
Housing Works
Information for Families
Interfaith Assembly on Homelessness and Housing
Legal Aid Society
New York Asian Women's Center
New York Province of the Society of Jesus, Office of Social Ministries
Queers for Economic Justice
SSEU Local 371
Welfare Reform Network
West End Intergenerational Shelter
Women in Need.

We urge the Council to support this legislation as well.

Shelter Termination Sanctions for Families with Children

The City has also proposed expelling families with children to the streets, and placing those children in foster care, where an adult in the family is held liable for even minor infractions, such as missing an appointment or having their public assistance case closed. We are gravely concerned about the City's plan because for almost five years we have been representing homeless single adults facing ejection from the DHS shelter system. In those cases, DHS has time and again sought to eject from shelter vulnerable men and women with disabilities, and the safeguards the City claims are in place to protect them failed. Our experience representing sanctioned adults leads us to have grave concerns about the City's plan to implement shelter termination sanctions for families with children.

Background of Shelter Termination Sanctions for Single Adults

State regulations promulgated in 1995 permit the New York City Department of Homeless Services to expel to the streets homeless individuals who do not comply with administrative shelter rules. Under these State regulations as implemented by the City, there are three bases for issuance of shelter termination sanctions: (1) noncompliance with a shelter Independent Living Plan ("ILP") two or more times; (2) failure to pursue permanent housing; and (3) gross misconduct. In ILP sanction cases, an individual gets a warning notice. In all other cases, the individual may be issued a shelter termination sanction for a single alleged breach of shelter rules. If a sanctioned individual does not

challenge the sanction by properly requesting a State hearing within ten days, the individual is expelled from shelter into the streets for a minimum of thirty days.

When these State regulations were initially promulgated, the Legal Aid Society argued that they conflicted with the 1981 Consent Decree entered in Callahan v. Carey, which guarantees shelter to “each homeless man who applies for it provided that (a) the man qualifies for public assistance or (b) the man is homeless “by reason of physical, mental or social dysfunction.” In 1983, the Decree’s protections were extended to homeless women in Eldredge v. Koch, 98 A.D.2d 675 (1st Dep’t 1983).

Initially, the State Supreme Court enjoined implementation of the State regulations, stating that “. . . the simple bureaucratic error which might send an individual out into the street, because he or she was unable to understand or to cooperate with these requirements, might be the error which results in that individual’s death by exposure, death by violence, or death by sheer neglect.” This risk, the court held, “is simply too great to take.” In 2003, however, the Appellate Division reversed the trial court’s determination and authorized shelter termination sanctions for homeless adults who are “unwilling,” as opposed to “unable,” to follow administrative rules.

Legal Aid Experience with Shelter Termination Sanctions

The City began issuing shelter termination sanction notices in 2004. Since then, more than 60 homeless women and men have been issued shelter termination sanction notices. Because the City has provided the Legal Aid Society with copies of all shelter termination sanction notices issued to homeless women and men, Legal Aid has been able to intervene to assist these homeless adults so that they do not lose safety-net shelter and end up on the streets of New York City as a result of erroneously issued shelter termination sanctions. The result of the Legal Aid Society’s intervention is that vulnerable women and men have won State hearings or secured permanent housing in nearly every case.

By decision dated June 4, 2009, the New York Court of Appeals determined that the City was obligated to continue to provide the Legal Aid Society copies of shelter termination sanction notices issues to homeless women and men. The continued provision of the notices, which enables the Legal Aid Society to ensure the rights of sanctioned individuals in the State administrative review process, is particularly important because the City routinely issues shelter termination sanction notices in error. Additionally, even though sanctions are lawful only if issued to homeless persons whose noncompliance is not due to a physical or mental impairment, the City has frequently issued sanctions to individuals who suffer from serious – often undiagnosed – mental disorders.

In one case, for example, the City withdrew a homeless woman’s sanction notice, conceding that it had been issued “erroneously” only after the Legal Aid Society intervened. In another, a homeless man diagnosed with schizo-affective disorder and post-traumatic stress disorder was issued a notice after its effective date. That same notice listed the telephone number for the City Department of Homeless Services’ stockroom as the number to call for “Questions, Help, Conference, Records Access or Fair hearing

Information and Assistance.” The Legal Aid Society represented this man, whose severe mental illness was well documented in the City case file, at a State hearing that resulted in a favorable decision, which, among other things, found that the City defendants had “not provided [the sanctioned individual] with sufficient time and assistance . . . to comply” with his Independent Living Plan requirements.

City procedures require evaluation of shelter residents, documentation of impairments and consideration of how physical and mental conditions impact on client abilities before shelter termination sanctions are initiated, yet practical experience demonstrates that these procedures are not followed. The City’s Sanction Recommendation form for Myra F., for example, states that she has no mental impairment. Yet after the Legal Aid Society received a copy of Ms. F.’s shelter termination sanction notice and arranged for an evaluation, Myra F. was diagnosed with paranoid delusional disorder, a diagnosis in which the City later concurred.

Similarly, Scott M., a 59-year old Vietnam veteran, was sanctioned by the City for “gross misconduct” because he allegedly smoked a cigarette in a non-smoking area of his shelter. After receiving a copy of his sanction notice, the Legal Aid Society arranged for Mr. M. to undergo a mental health evaluation, which yielded a report that found that Mr. M. had “at least one prior hospitalization for a suicide attempt.” The report also states that Mr. M. exhibits “a delusion of control and monitoring by an external force.” In describing Mr. M., the report indicated that Mr. M. believed that:

his current problem began in 1983 after the surgical insertion of sophisticated electronic monitoring and control devices in his body by government agents in collaboration with the medical profession. This has become a major preoccupation. He carries a set of radiographs that confirms his suspicion that his medical records have been modified to cover this clandestine process. . . He believes a gastric bypass operation was performed that allows his handlers to cause him to vomit at any time by remote control. He states the monitoring system allows his handlers to hear what he hears and see what he sees. He feels they have ruined his life and want him to either be hospitalized or to commit suicide. . .

The report concludes that Mr. M. suffers from “severe and persistent mental illness manifest by paranoid persecutory delusion that is fixed and full with preoccupation and some areas of functioning disrupted by the delusion.” Had the Legal Aid Society not learned of Mr. M.’s case, had not identified that Mr. M. is impaired, and had not arranged for him to be evaluated, Mr. M. would have been expelled to the streets because he was unable to defend himself in the administrative review process.

As these cases demonstrate, only the provision of shelter termination sanction notices to the Legal Aid Society has prevented homeless women and men from ending up on the streets of New York City, where they would be subject to serious injury and even death because of their inability to contest erroneous shelter termination sanctions without legal assistance.

The Legal Aid Society provided assistance to Christopher P. upon receiving a copy of his shelter termination sanction notice. Mr. P. was sanctioned for allegedly violating his shelter ILP on two occasions. Although he was entitled to challenge his First ILP Violation Notice (which Legal Aid does not receive), Mr. P. failed to do this. However, examination of Mr. P.'s City case records revealed that Mr. P. was given notice of his First ILP Violation after the effective date of the notice. This defective notice advised him that he could challenge the Notice only by requesting a hearing before the Notice's effective date. The Legal Aid Society asked the City to withdraw the defective notice, but the City declined to do so, arguing that Mr. P.'s opportunity to challenge his First ILP Notice was foreclosed because the limitations period had expired. Only after the Legal Aid Society represented Mr. P. at a State hearing was this matter resolved.

Moreover, although the City claimed that Mr. P. did not suffer from any mental impairment that would prevent him from complying with his shelter ILP, Mr. P.'s shelter case records indicated that he was impaired and unable to comply. The City case records stated that Mr. P.:

May be dysfunctional, learning disabled or unable to read . . .
Client's reasoning skills do not appear to be functional. . .
Appears client may need evaluation for his ability to read
and comprehend properly. Seems client may need to be
placed at another facility that can address his needs in the
proper manner.

Subsequent case records for Mr. P. noted that:

Client has unrealistic views of obtaining employment and
reasons why he has not been able to gain employment in
over 7 ½ months. Client's views are bordering on delusion.

Although the Legal Aid Society represented Mr. P. at his hearing, at which the City withdrew Mr. P.'s sanction notice, we were not able to assist Mr. P. at a subsequent hearing because the plaintiffs' counsel was not provided with notice of the subsequent First ILP Violation and, therefore, had no knowledge that the City was again seeking to sanction Mr. P. Evidently Mr. P. did not have the capability to secure representation from plaintiffs' counsel on his own. Upon receipt of the new First ILP Violation Notice from the City, Mr. P. went to a State hearing without representation and lost that hearing.

Additional Dangers Faced by Homeless Families Sanctioned From Shelter

As noted by Patrick Markee of Coalition for the Homeless, the City's attempt to expel homeless children and their families into the streets will be more dangerous than its efforts with homeless single adults. First, unlike with homeless single adults where after several years of litigation there is a final court order requiring the provision of shelter sanction notices to the Legal Aid Society, there is no such order currently in place for homeless families; and the City does not plan to provide the Legal Aid Society or anyone

else with copies of the notices it serves on sanctioned families. Experience has shown that few of these vulnerable families will know or be able to seek legal assistance before they are denied shelter, expelled to the streets, and separated into foster care. It should also be noted that unlike in the single adult shelter system, the City seeks to impose such sanctions on families who have public assistance problems. We do not need to remind this committee of the widespread errors in the public assistance system or the great difficulty that all public assistance recipients have ensuring that they are able to receive the benefits to which they are entitled.

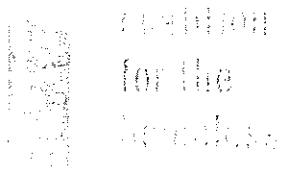
Rather than sending needy homeless shelter residents to the streets, where the barriers to assisting them are most likely insurmountable, or threatening to place their children in foster care when they are denied shelter, social services districts should be required to work with homeless families and individuals to help them achieve independence in constructive ways that make use of their skills, talents and resources.

We appreciate the opportunity to testify before the General Welfare Committee.

Respectfully Submitted:

Jan Sujen Bock
Staff Attorney
The Legal Aid Society
Homeless Rights Project
199 Water Street, 3rd Floor
New York, NY 10038
(212) 577-3305

Amanda Moretti
Staff Attorney
The Legal Aid Society
Criminal Practice Special Litigation Unit
199 Water Street, 6th Floor
New York, NY 10038
(212) 577-3273



BRIEFING PAPER

The Bloomberg Administration's Dangerous Plan to Eject Homeless Children and Families from Shelter

By Patrick Markee, Senior Policy Analyst, Coalition for the Homeless
June 24, 2009

Pursuant to regulations dating back to the Pataki and Giuliani administrations, the Bloomberg administration has plans to implement punitive new rules that will result in many homeless children and adults being ejected from shelter to the streets for 30 days or more – rules that have already harmed many homeless adults living with mental illness and other disabilities. In May, also pursuant to the same Pataki-era regulations, the Bloomberg administration also began requiring many working homeless families to make payments for the cost of shelter – rules that were temporarily suspended due to rampant bureaucratic errors, but that City and State officials plan to enforce again in the near future.

Under new rules proposed by the Bloomberg administration and currently awaiting State approval, many homeless children and adults will be ejected from shelter to the streets for 30 days or more for missing appointments, for failing to pay shelter "rent," or if a homeless family's welfare case is suspended or closed – something that happens routinely due to bureaucratic error.

The New York State Office of Temporary and Disability Assistance must approve the Bloomberg administration's shelter-ejection rules for homeless families before they can go into effect. In addition, new State legislation introduced by New York State Assemblymember Keith Wright (A. 8353-D) – which passed the New York State Assembly on June 22nd – and New York State Senator Daniel Squadron (S. 5605-A) – still awaiting a vote – would prohibit the City of New York from forcing homeless families and individuals to pay for the cost of emergency shelter.

Coalition for the Homeless strongly urges Governor Paterson and his administration not to approve the City's shelter-ejection plan for homeless families. Furthermore, the Coalition urges the Governor and his administration to repeal the Pataki-era State regulation that requires the ejection of homeless people from shelter for 30 days or more. Finally, the Coalition strongly supports the new State legislation (A.8353-D/S.5605-A) that will prohibit the City of New York from forcing homeless people to pay for the cost of shelter, and urges the State Senate to join the Assembly in passing the legislation and Governor Paterson to sign the legislation into law. Following is background on the Bloomberg administration's misguided shelter-ejection plan.

Background on Policies Behind Homeless Shelter "Rent" and Ejection Rules

- The rules forcing homeless people to pay for the cost of shelter and that require ejecting homeless children and adults from shelter for failing to comply with bureaucratic requirements have their roots in a State regulation (18 NYCRR 352.35), issued in 1995 by the Pataki administration at the strong urging of then-New York City Mayor Giuliani.
- The 1995 regulation requires shelters to eject homeless families and individuals from shelters to the streets for 30 days or more if their welfare case is closed or suspended; if they fail to comply with assessments, housing search requirements, social service plans, and payments for shelter costs; or if they engage in "gross misconduct." The regulation includes a very limited exemption for

homeless people with physical or mental impairments, who must prove that their impairment was the cause of their non-compliance.

- In New York City, the rules were not implemented for many years due to legal challenges. New York City has more than 80 percent of all homeless families in shelters in New York State. Currently more than 36,000 homeless people – including more than 15,000 children and 9,500 families – sleep each night in New York City's municipal shelter system.
- In late 2003 the shelter ejection rules were implemented in New York City for homeless single adults, and in 2004 they were implemented for childless couples. In December 2008, a historic settlement was reached in longstanding litigation involving New York City homeless families with children, and immediately afterwards City officials initiated plans to implement the shelter ejection rules and shelter "rent" requirement for homeless children and families.
- Over many years City officials promised that mentally-ill and disabled individuals would be protected from the controversial shelter ejection rules, and claimed that the policy was aimed only at making shelters safer. However, since late 2003, the majority of New York City shelter-ejection cases against homeless adults (55 of 68 cases) have involved non-safety issues, including allegations of missing appointments and otherwise failing to comply with service plans.
- In addition, the majority of New York City shelter ejection cases have involved individuals living with mental illness and other disabilities. Even in cases in which the City has documented serious and persistent mental illness and/or other serious health problems, the City has pursued ejection from shelter to the streets. In other cases, the City has failed to conduct evaluations of sanctioned homeless adults for mental and physical impairments, and has denied that it has an obligation to conduct such evaluations. In many of these cases, subsequent evaluations by mental health and medical professionals have documented serious mental and physical impairments.
- Following are examples of homeless individuals living with mental illness and other disabilities that, since late 2003, the City of New York has attempted to eject from shelter to the streets for 30 days or more for allegedly missing appointments or not following service plans:
 - *Gregory D., a United States Army veteran who suffers from post traumatic stress disorder, as well as injuries sustained from a parachuting accident, and who receives veterans disability benefits.*
 - *Myra F., a homeless woman who suffers from serious delusional disorder.*
 - *Vera B., a 49-year old homeless woman suffering from congestive heart failure and having a history of depression.*
 - *Timothy P., a homeless young man suffering from depression and other mental illness, who was working on the 38th floor of the south tower of the World Trade Center on the day of the September 11, 2001, attacks.*
 - *Raquel T., a homeless woman diagnosed with schizo-affective disorder, and her domestic partner.*
- In other counties outside New York City, the shelter ejection and "rent" rules have been in effect for more than a decade. The rules have resulted in countless homeless families and individuals being denied shelter or being ejected from shelters to the streets. They have also resulted in many not-for-profit shelter operators losing vital funding and being brought to the brink of closing their doors.

The City of New York's Plan to Implement Shelter Ejection and "Rent" Rules

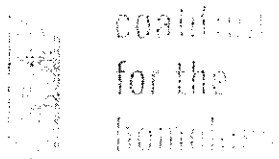
- In recent months, immediately after the December 2008 settlement of litigation involving homeless families with children, the City of New York has initiated plans to implement both the shelter "rent" requirement and shelter ejection rules for homeless children and families.
- Homeless families who are ejected from shelter by the City would have their children placed into foster care, forcibly separating vulnerable mothers and fathers from their children and adding greater expenses for taxpayers.
- The shelter ejection rules outlined in the City of New York's proposed "Client Responsibility" procedure (submitted to the State for approval in March) call for ejecting homeless children and families from shelter for 30 days or more for any the following reasons:
 - *Failing to make payments for the cost of shelter.*
 - *Failing to maintain an open welfare case, including missing appointments, failing to apply for public assistance, and failure to produce documents. (For welfare sanctions, ejection from shelter can last as long as the welfare case is closed, potentially much longer than 30 days.)*
 - *Failing to comply with an "independent living plan" on two or more occasions, which can include missing appointments, failing to produce documents, failing to comply with public assistance requirements, failing to participate in budget counseling, and failing to attend treatment programs.*
 - *Failing to comply with housing search requirements, including missing appointments, arriving late for appointments, and failing to obtain and complete applications.*
 - *Engaging in gross misconduct, including violent or dangerous activity.*
- In addition, the City of New York has developed a new "Code of Conduct" for homeless children and families which states that homeless families can be ejected from shelter for failing to do any of the following:
 - *Dress properly.*
 - *Keep the shelter unit "clean and orderly."*
 - *Engage in "disrespectful behavior."*
 - *Adhere to shelter curfew.*
 - *Bring no more than two bags of personal belongings per person into the shelter.*
- On May 1st, the City of New York implemented a new "Income Contribution Requirement," requiring working homeless families to pay for the cost of shelter.
- A May 8th *New York Times* article highlighted the plight of two homeless women with children, both of whom were being asked to pay large portions of their meager incomes in order to stay in shelters.

- *Vanessa Dacosta, who earns \$8.40 an hour as a cashier at Sbarro, was informed that she had to give \$336 each month out of her roughly \$800 in monthly wages to her Manhattan homeless shelter.*
- *Martha Gonzalez, who is 49 and lives with her 19-year-old son in a rundown City-operated shelter in Brooklyn, said she was informed last week that she owes \$1,099 in monthly rent on a \$1,700 monthly income as a security guard in Manhattan.*
- The City's misguided policy was immediately criticized by community leaders, shelter providers, elected officials, and homeless families, who said it effectively blocks homeless New Yorkers from saving their small incomes in order to move from shelters to permanent housing. Not-for-profit shelter providers opposed the new rules because it forced them essentially to become "bill collectors."
- In addition, the new policy was implemented in a haphazard and unlawful way, with many families ordered to pay "rent" before receiving legal notices, some families threatened with ejection from shelter, and many other problems.
- As a result of these mistakes, the State suspended the new rules after three weeks for "technical reasons." However, City and State officials plan to re-instate the misguided policy in the near future, and it remains in effect elsewhere in New York.

How to Protect Homeless New Yorkers from Shelter "Rent" and Ejection

- Coalition for the Homeless strongly urges Governor Paterson and his administration not to approve the City's shelter-ejection plan for homeless families.
- Coalition for the Homeless urges Governor Paterson and his administration to repeal the Pataki-era shelter-ejection regulation (18 NYCRR 352.35).
- Even before repeal, State officials should act to protect homeless New Yorkers living with mental and physical impairments by requiring the City of New York to conduct evaluations and assessments for impairments, and by exempting homeless individuals living with mental and physical impairments from the shelter ejection regulation.
- Finally, the Coalition strongly supports the new State legislation (A.8353-D/S.5605-A) that will prohibit the City of New York from forcing homeless people to pay for the cost of shelter, and urges the State Senate to join the Assembly in passing the legislation and Governor Paterson to sign the legislation into law.

For more information, please visit www.coalitionforthehomeless.org.



BRIEFING PAPER

Losing Shelter:

New York's Harmful Policy of Ejecting Homeless Adults Living with Mental Illness and Disabilities from Shelter to the Streets

By Patrick Markee, Coalition for the Homeless

Updated June 24, 2009

Pursuant to a 1995 State regulation issued by the Pataki administration, the City of New York has for more than three years attempted to eject dozens of homeless adults from shelter to the streets. In addition, the City has issued pre-ejection sanction notices to hundreds more homeless adults, targeting them for loss of shelter.

The majority of the nearly 70 homeless adults whom the City has sought to eject to the streets are individuals living with serious mental illness and other severe health problems. In addition, thousands more homeless adults have been threatened with ejection from shelter to the streets.

Top State and City officials, including New York City Deputy Mayor (and former NYC Department of Homeless Services Commissioner) Linda Gibbs, promised that mentally-ill and disabled individuals would be protected from the controversial shelter ejection rules, and claimed that the policy was aimed only at making shelters safer. However, the majority of shelter termination cases have involved non-safety issues, including allegations of missing appointments and otherwise failing to comply with service plans.

Moreover, even in cases in which the City has documented serious and persistent mental illness and/or other serious health problems, the City has pursued ejection of homeless adults from shelter to the streets. In other cases, the City has failed to conduct evaluations of sanctioned homeless adults for mental and physical impairments, and has denied that it has an obligation to conduct such evaluations. In many of these cases, subsequent evaluations by mental health and medical professionals have documented serious mental and physical impairments.

All in all, the shelter ejection rules have threatened some of the most vulnerable homeless New Yorkers with loss of emergency shelter, which, under the policy, can last for 30 or more days.

One major reason for this is the failure of the Pataki-era State regulation (NYCRR 352.35) to exempt homeless people living with mental and physical impairments and to require local social services districts to evaluate homeless people for those impairments. Indeed, the regulation provides only a limited exemption for individuals whose impairments are the cause of the instance of non-compliance. It also fails to require local districts to conduct evaluations, in effect placing the burden of proof on the homeless individuals themselves to prove their impairments.

Coalition for the Homeless urges Governor Paterson and his administration to repeal the Pataki-era shelter-ejection regulation. Even before repeal, New York State officials can act to protect homeless New Yorkers living with mental and physical impairments by requiring the City of New York to conduct evaluations and assessments for impairments, and by exempting homeless individuals living with mental and physical impairments from the shelter ejection regulation.

Following are descriptions of several cases of homeless adults living with mental or physical illnesses whom the City of New York has sought to eject from shelter to the streets.

Gregory D.

Gregory D. is a United States Army veteran who suffers from post traumatic stress disorder, as well as injuries sustained from a parachuting accident, and who receives veterans disability benefits. Both before and during his shelter stay – he resided at the Borden Avenue Veterans Residence – Gregory had been treated for his mental illness by a psychiatrist at a local Veterans Administration hospital. Despite evidence of Gregory's mental illness and disability, the City issued him a shelter termination sanction notice in January 2006 claiming that he was not complying with an independent living plan requiring him to save money and engage in outpatient treatment.

Although Gregory had expressed an interest in supportive housing to his caseworker, neither the shelter provider nor the City initiated a supportive housing application for him for nearly 18 months. Indeed, only after issuing the shelter termination sanction notice did the City begin the application process – in fact, on the day before Gregory's State administrative appeals hearing began. Gregory and his psychiatrist also presented evidence that he had been saving money and attending outpatient treatment, but also showed how his savings and his veterans benefits alone (only a few hundred dollars per month) would not help him secure housing.

Coalition for the Homeless and the Legal Aid Society, which provided legal representation for Gregory, offered to adjourn the appeal hearing until the supportive housing application was completed in order to give Gregory an opportunity to secure appropriate housing instead of being turned out on the streets. However, City attorneys repeatedly rejected that offer. The same offer was made in writing and in person to NYC Department of Homeless Services Commissioner Robert Hess and other City officials, but they also rejected the offer.

In August 2006 Gregory won his State administrative appeal, and with the help of Coalition for the Homeless he has since moved into a supportive housing residence.

Myra F.

Myra F. is a homeless woman who suffers from serious delusional disorder and who resides at a women's shelter in Brooklyn. Myra has spoken openly on many occasions – to fellow residents, shelter staff, and Coalition for the Homeless staff – about her belief that she has been "watched" for years by cameras and individuals observing her from the sidewalk adjacent to her shelter and from other places. Shelter staff had documented Myra's delusions and her need for mental health services.

Nevertheless, in February 2006 the City issued Myra with a shelter termination sanction notice, claiming that she had failed to seek permanent housing. Coalition for the Homeless and the Legal Aid Society provided legal representation for Myra and arranged for additional mental health evaluations to further document her serious and persistent mental illness.

On multiple occasions the Coalition and Legal Aid attorneys asked the City to withdraw the sanction notice, given the ample evidence of Myra's serious mental illness, and instead to work on obtaining appropriate supportive housing for her. The Coalition also made the same request, in writing and in person, to NYC Department of Homeless Services Commissioner Robert Hess and other City officials, but they also rejected that offer. The City agreed only to adjourn the State administrative appeals hearing, which is still pending.

Timothy P.

Timothy P. is a young man in his mid-twenties who was homeless for two years. An orphan at the age of two and later adopted by a family in Illinois, where he grew up, Timothy became estranged from his adoptive family after moving to New York City. Timothy worked for a brokerage company located in the south tower of the World Trade Center, and was on the 36th floor of the tower on the morning of the September 11, 2001, attacks. He escaped with minor burns, but witnessed much of the devastation, including people falling from the towers. After the attacks he stayed in his apartment for a week and reported feeling numb. Timothy later lost his job with the company when it relocated to New Jersey.

Timothy later became homeless, entering the shelter system. He worked as a security guard, earning around \$7.00 per hour, but did not earn enough to secure his own apartment, and in the meantime began to suffer from depression. Timothy had spent time in a hospital psychiatric unit as a teenager, and a psychiatric evaluation arranged by his shelter diagnosed him with adjustment disorder and recommended treatment, although the shelter failed to arrange for treatment for Timothy during his entire shelter stay. He also began pursuing supportive housing, although shelter case managers and City agencies delayed his application for several months.

In October 2004 the City issued a 30-day ejection sanction against Timothy – the first homeless single adult threatened with such loss of shelter since the City implemented its new rules – claiming he had failed to comply with his “independent living plan.” Coalition for the Homeless agreed to represent him in his administrative and legal appeals.

A psychiatrist diagnosed Timothy with “dysthymic disorder with possible superimposed major depression,” a serious and persistent mental illness, and recommended treatment. The Coalition also identified an available supportive housing apartment in one of its own housing programs. At the same time, Timothy’s attorney challenged both the first shelter sanction issued against Timothy and the 30-day ejection sanction. In June 2005, the City agreed to withdraw its sanction of Timothy P. and he moved into his new apartment.

Sheldon H.

Sheldon H. is a man in his fifties who has been homeless for several years. He had been a methadone user for six years, and participated in a methadone maintenance program at a Manhattan clinic. He suffers from a severe heart condition and has a defibrillator in his chest. He suffers from frequent memory lapses and an assessment by a psychiatrist indicated the need for a neurological evaluation.

In September 2005 the City issued a 30-day shelter termination sanction notice to Sheldon, claiming that he was not complying with his “independent living plan” by failing to enter a substance abuse treatment program. Coalition for the Homeless and the Legal Aid Society provided legal representation for Sheldon in his administrative appeal challenging the ejection sanction, but Sheldon was hospitalized soon after receiving the sanction notice and remained hospitalized for nearly one year. He was then moved to a nursing home, where he currently resides.

Despite Sheldon’s serious medical condition and the fact that he has not returned to the shelter system for more than two years, the City has refused to withdraw the shelter termination sanction against him and his administrative appeal is still pending. The Coalition and the Legal Aid Society

repeatedly asked City attorneys to withdraw the sanction notice, but they refused. The Coalition also asked NYC Department of Homeless Services Commissioner Robert Hess to withdraw the notice, given Sheldon's serious health problems, but he also refused.

David W.

David W. and his domestic partner were homeless for five years, after David was evicted from a friend's apartment, and resided in a shelter for homeless couples in Brooklyn. David's father, who was a heroin addict who frequently injected drugs in the presence of his children, physically abused him as a child and also abused his mother. David has a long work history, mostly as a cook in various restaurants. At his shelter in Brooklyn, David routinely registered complaints about verbal abuse from shelter staff and arbitrary enforcement of rules. Shelter staff members called him a "bum" and said he would "never amount to anything." On a few occasions, he answered these verbal attacks using strong language. During much of 2004, David reported feeling very depressed and began using drugs to address his depressive feelings. Nevertheless, shelter staff never arranged for a mental health evaluation or for addiction treatment for David.

In September 2004 the City issued David a shelter ejection notice, claiming that he had behaved in a disruptive manner. Coalition for the Homeless arranged for legal representation during David's administrative appeal. A psychiatric evaluation, conducted by a private psychiatrist at David's request, diagnosed him with major depression and substance abuse disorder. The Coalition also arranged for David to begin outpatient addiction treatment and mental health treatment at a Manhattan clinic. After several months of administrative appeals, in June 2005 the City agreed to withdraw its ejection sanction notice, and David and his partner were transferred to a better shelter in the Bronx. In October 2005 they moved into an apartment with the help of a rent subsidy.

Scott M.

Scott M., a 60-year old Vietnam veteran, was sanctioned by the City for "gross misconduct" because Scott allegedly smoked in his shelter dorm room. After the sanction notice was issued, Coalition for the Homeless arranged for Scott to undergo a mental health evaluation. The evaluation report found that Scott had "at least one prior hospitalization for a suicide attempt" and indicated that he exhibits "a delusion of control and monitoring by an external force."

Despite Scott's diagnosis – "severe and persistent mental illness manifest by paranoid persecutory delusion" – the City has not withdrawn his sanction notice and is pursuing his ejection to the streets.

Christopher P.

Christopher P. was sanctioned for allegedly violating his shelter "Independent Living Plan" on two occasions. Although the City claimed that Christopher did not suffer from any mental impairment that would prevent him from complying with his service plan, one needed to look no further than Christopher's City case file for proof that he is impaired. The City case records describe Christopher as possibly "dysfunctional, learning disabled or unable to read."

At a State administrative hearing the City withdrew Christopher's sanction notice, which was defective because, among other things, it advised Christopher that he could challenge the sanction notice only by requesting a hearing before the notice's effective date.

Vera B.

Vera B., a 49-year old woman suffering from congestive heart failure and having a history of depression, was sanctioned by the City in January 2006 for allegedly failing to pursue permanent housing. At a State administrative hearing held between February and June 2006, a State hearing officer concluded that there was "no credible evidence to support the Agency's claim ..." Having resolved the sanction matter, and with the assistance of Coalition for the Homeless, Vera later moved from her shelter into permanent housing.

Raquel T.

Raquel T. and her domestic partner had been homeless for more than two years, and resided in a welfare hotel used by the City to shelter homeless couples. Raquel has been diagnosed with schizo-affective disorder, classified as a serious and persistent mental illness, and has received treatment for her condition.

Raquel had two children in foster care placement, and the foster care agency agreed to reunite the family once adequate housing was secured. The agency had also arranged regular family visits for Raquel and her children, and although Raquel had requested a transfer to a family shelter in order to be with her children, the City had failed to transfer her.

In late September 2005 the City issued her a shelter termination sanction notice that was dated "August 29," claiming that she had missed appointments with a caseworker and that "children are always in the facility after being informed that it is not safe for the children." Coalition for the Homeless arranged for legal representation at an administrative appeals hearing, and in October 2005 the City agreed to withdraw the defective 30-day sanction notice.

Ezekiel K.

Ezekiel K. was homeless for three years, during which time he worked on commission as a real estate broker, never earning enough to secure a private apartment. The City had never linked Ezekiel up with a subsidized housing program, and had never arranged for a mental health assessment for him. In March 2005, the City issued a 30-day sanction notice claiming simply a "violation of Independent Living Plan two [2] or more times," but failing to identify what that "violation" involved.

A psychiatric assessment arranged by Coalition for the Homeless indicated a need for further evaluation and the likelihood of a mental health disorder. The Coalition and the Legal Aid Society provided legal representation at Ezekiel's State administrative appeals hearing. In May 2005, the NYS Office of Temporary and Disability Assistance issued its decision regarding Ezekiel administrative appeal and, noting the absence of any information about the alleged "violation" and that the "defect in the Agency's notice renders the notice void," reversed the City's decision to eject Ezekiel from shelter for 30 days or more.

For more information, please visit www.coalitionforthehomeless.org.

BRIEFING PAPER

Five Years Later:

The Failure of Mayor Bloomberg's Five-Year Homeless Plan and the Need to Reform New York City's Approach to Homelessness

June 23, 2009

By Patrick Markee, Senior Policy Analyst, Coalition for the Homeless

On June 23, 2004 – five years ago today – Mayor Bloomberg released “Uniting for Solutions Beyond Shelter,” his plan to reduce New York City homelessness by two-thirds over five years. While the ambitious goals of the plan were initially praised by a wide array of advocates and service providers, it is now clear that the Mayor’s flawed plan has failed to accomplish those worthy goals.

	Bloomberg Takes Office (January 2002)	Bloomberg Unveils Five-Year Homeless Plan (June 2004)	Bloomberg Plan Five-Year Targets (June 2009)	Bloomberg Plan Five Years Later (May 31, 2009)
Total Homeless Shelter Population	31,009	36,642	12,210	36,218
Number of Homeless Families	6,921	8,712	2,900	9,538
Number of Homeless Children	13,081	15,361	5,120	15,147
Number of Homeless Adults in Families	10,061	12,849	4,280	13,722
Number of Homeless Single Adults	7,867	8,432	2,810	7,349

Five years later:

- Mayor Bloomberg’s homeless plan has resoundingly failed to achieve its primary goal of reducing New York City’s homeless shelter population by two-thirds.
- The number of homeless families is actually 9 percent higher than when Mayor Bloomberg unveiled his plan – and is 229 percent higher than the plan’s goal.
- The total homeless shelter population is essentially the same as when the Mayor unveiled his plan – and is 197 percent higher than the plan’s goal.
- The number of homeless children is essentially the same as when Mayor Bloomberg unveiled his plan – and is 196 percent higher than the plan’s goal.

Compared to when Mayor Bloomberg took office in January 2002:

- The total homeless shelter population is 17 percent higher – there are now more than 5,000 more homeless New Yorkers sleeping each night in municipal shelters than when the Mayor took office.

- The number of homeless families is 38 percent higher – there are more than 2,600 more homeless families sleeping each night in municipal shelters than when the Mayor took office.
- The number of homeless children is 16 percent higher – there are more than 2,000 more homeless children sleeping each night in municipal shelters than when the Mayor took office.

In the June 23, 2004, speech unveiling his five-year homeless plan, Mayor Bloomberg referred several times to “accountability” – saying, for instance, that “[a]ccountability also extends to public agencies and providers,” and that his plan shows “our Administration’s commitment to hold ourselves accountable and govern based on the facts...” The Mayor also said that, “Our work will be research-driven.”

However, the primary failure of Mayor Bloomberg’s five-year homeless plan is that it not “research-driven” and that it fails to build on the growing body of research showing that affordable housing assistance, like Federal Section 8 vouchers, are a proven way to reduce family homelessness. Another major failure is the lack of accountability in the plan. Despite the resounding failure of the plan to reduce New York City’s homeless shelter population, Mayor Bloomberg and administration officials have repeatedly failed to acknowledge the plan’s numerous flaws and have refused to change course.

Amidst the worsening economic recession, as more and more New Yorkers are losing their jobs and homes, Mayor Bloomberg must abandon his flawed plan and embrace policies that genuinely address the housing affordability crisis affecting growing numbers of families and individuals. In the near term, Mayor Bloomberg can take the following immediate steps to reduce homelessness.

1. Target Federal Housing Aid to the Homeless:

- In 2005, the Bloomberg administration cut off homeless New Yorkers from longstanding priority for Federal housing programs, including Section 8 vouchers and public housing.
- This year the City will distribute more than 12,000 Section 8 vouchers and more than 5,000 public housing apartments will be available to rent – but virtually none to the homeless.
- Numerous studies show that Section 8 vouchers successfully reduce family homelessness.
- Reversing the City’s misguided policy will move thousands of homeless families to permanent housing – and will save City taxpayer dollars spent on emergency shelter.

2. Accelerate Construction of Permanent Supportive Housing:

- In 2005, the City and State signed a ten-year agreement to provide permanent supportive housing for homeless people living with mental illness and other special needs.
- However, more than half of the newly-constructed supportive housing – 3,276 units of the planned 6,250 new units – will not be built until at least 2011.
- City and State officials should accelerate the development of supportive housing for homeless people with special needs.

3. Halt Referrals of Homeless Adults to Illegal Dwellings:

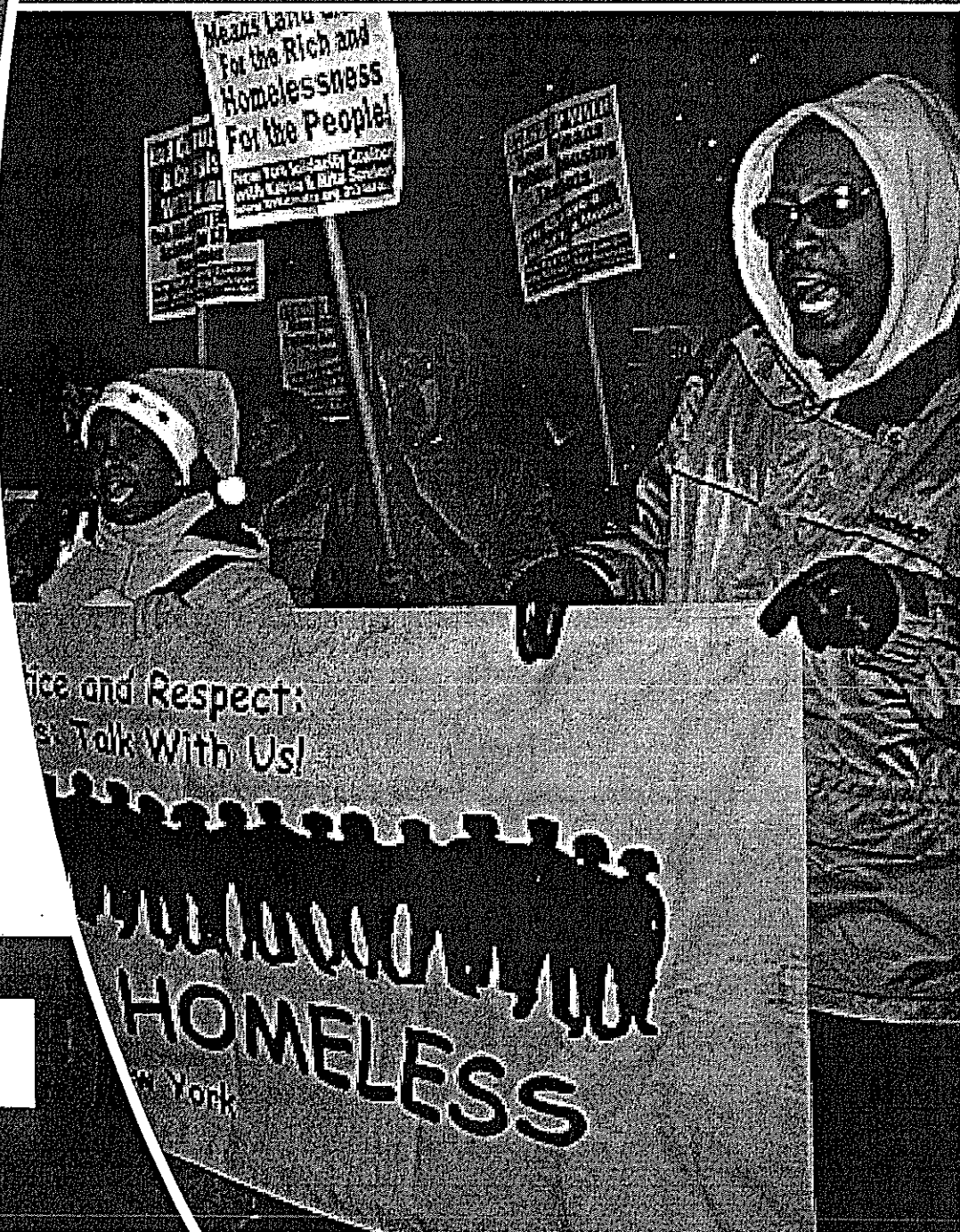
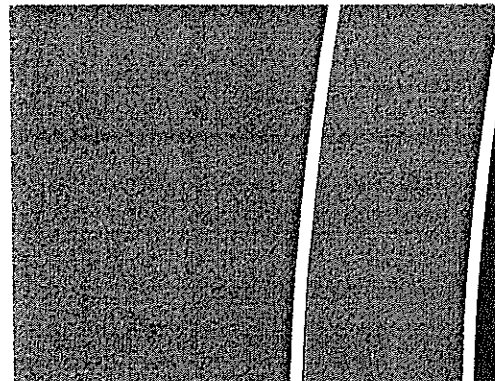
- City has referred hundreds of homeless adults – including many living with mental illness – to more than 120 unsafe, illegal boarding houses.
- City inspectors have issued vacate orders to at least 15 illegal boarding houses due to health and fire safety risks – forcing the residents to return to shelters or the streets.
- City officials should halt referrals of homeless adults living with mental illness or other disabilities to illegal boarding houses.

Note: All homeless population data and information about Mayor Bloomberg’s homeless plan is from the New York City Department of Homeless Services. For more information, please visit www.coalitionforthehomeless.org.



TIME'S UP

NYC Homeless People Demand Alternatives to Bloomberg's Failed Five-Year-Plan



TIME'S UP: NYC HOMELESS PEOPLE DEMAND ALTERNATIVES TO MAYOR BLOOMBERG'S FIVE YEAR PLAN

On June 24th, 2004, Mayor Michael Bloomberg unveiled his 5-year plan to reduce homelessness in New York City by 2/3. This detailed plan focused on changes in the provision of homeless services, but was widely critiqued for failing to address broader issues of rising rents, gentrification, racism, stagnant wages, vacant and abandoned buildings, community misdevelopment and high levels of unemployment in the very neighborhoods where the majority of families come from.

New York Magazine has said that his homeless policies are "the single biggest failure of the Bloomberg administration." Homeless rental subsidies such as Housing Stability Plus and Work Advantage were the plan's primary innovation, and designed to address the seemingly intractable and growing levels of family homelessness by enabling families to "become more self-sufficient." Yet not only has family and child homelessness increased under these programs, the rental subsidies have built-in obstacles to employment and self-sufficiency so crucial to making the transition out of the shelter system possible.

From 2007 to 2008, Picture the Homeless interviewed over 500 homeless and formerly homeless New Yorkers, to document the ways in which Bloomberg's bad policies have negatively impacted their lives. Together with interviews with landlords and shelter providers, and ethnographic evidence, our report *TIME'S UP: NYC HOMELESS PEOPLE DEMAND ALTERNATIVES TO MAYOR BLOOMBERG'S FIVE YEAR PLAN* proves that the current rental subsidy programs are not viable avenues to reducing homelessness.

Key findings include....

69 percent of respondents had been to housing court because of a subsidy-related issue. Instead of encouraging self-sufficiency and enabling homeless people to attain housing stability, these subsidies actually create a whole new nightmare for people exiting the city's shelter system.

41 percent of respondents were in rent arrears because of the city's failure to pay its portion of their rent; **with an average debt of \$3,000.** While the city blames homeless families for the problems with the subsidies, our survey reveals that it is overwhelmingly the failure of city agencies to pay their portion of the rent that puts homeless people at risk of eviction and return to the shelters.

While **84 percent** are currently unemployed, **71 percent** said they were mentally and physically capable of working. These findings indicate that far from being a helpless community in need of expensive services, homeless families are kept in poverty by a lack of living-wage-paying jobs.

Stay tuned!

To commemorate the disastrous end of Mayor Bloomberg's Five Year Plan, Picture the Homeless will be releasing our new report in early July. Journalists and public officials interested in an advance embargoed copy should contact Sam J. Miller – sam@picturethehomeless.org - or stay tuned to picturethehomeless.org/blog for all the details as they develop...

Blog: www.picturethehomeless.org/blog
Youtube: www.youtube.com/picturethehomeless
Facebook: <http://tiny.cc/pthonfacebook>
Flickr: <http://tiny.cc/pthonflickr>
Twitter: <http://twitter.com/pthny>
Phone: 646-314-6423
Fax: 646-314-6429
Mail: Picture the Homeless/ 2427 Morris Avenue/ Bronx NY 10468



Picture the Homeless

2427 Morris Avenue, Bronx NY 10468. Phone: (646) 314-6423; Fax: (646) 314-6429

I Sophia Bryant; appear hear to testify on behalf of Picture the Homeless, with regards to families paying for shelter. I like to make the following points:

Clients can not save money towards an apartment if they are paying the shelter to reside there. It will take longer to depart the shelter.

This is putting an unnecessary burden on people with fixed incomes. This will cost the city more money in the long run and the client stay in the system longer.

This policy will affect low income wage earners as well. They can barely pay their rent before entering the shelter system and have to save money for their apartment. It makes harder for them to get out.

Is this a second part of an attack on people in shelters? In August 2007, DHS put forth a policy that in affect excluded single adults from the Advantage Program.

Clients in shelters are sometimes forced to pay for food because facilities have limited cooking ability. There are shelters with microwaves and long lines to use them. Folks that have to eat according to religious beliefs are not given the choice of kosher meals, halaal meals and for the most part food is not edible. Paying for food is another financial burden.

If you are going to force clients to pay for shelter the facility should be clean!!
Clients have to live with rats and roaches. Security enters your living space whenever they feel free.
Why do shelter residents have to pay for these services?

Instead of charging families to reside in shelters, DHS should be thinking creatively on how to better spend a \$750 million dollar budget and create permanent affordable housing.



270 EAST SECOND ST
NEW YORK, NY, 10009
T 646-827-2272
F 646-827-2271
www.hsunited.org

**New York City Council
Committee on General Welfare
June 24, 2009**

Testimony respectfully submitted by
Christy Parque, Executive Director,
Homeless Services United
646-827-2270
cparque@hsunited.org
www.hsunited.org

My name is Christy Parque and I am the Executive Director of Homeless Services United (HSU). HSU is a coalition of 60 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers.

Homeless Service United's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach services. Each day HSU member programs work with thousands of homeless families and individuals preventing shelter entry whenever possible through counseling, legal services and public benefits assistance, among many other supports. Our member agencies provide high quality and compassionate emergency shelter for the vast majority New Yorkers residing in not-for-profit shelters nightly. Homeless service providers toil at the cross section of many of society's problems. Our clients confront high housing costs, difficulty finding work, mental and physical illness, substance abuse, and domestic violence and are particularly vulnerable during financially hard times such as these.

On behalf of my members we would like to thank the Council for continuing to address the concerns of homeless and at-risk New Yorkers.

We have come before you previously to ask for your assistance to join with us to appeal a state regulation that would require homeless families to contribute to their stay in shelter. This policy was hastily implemented in New York City on May 1st and was temporarily rescinded by both the State and the City on May 21st for wide spread administrative errors in both the calculation of the required contribution and failure to notify clients of their payment amount.

HSU Opposes Family Income Contribution Requirement because it

- Compromises the therapeutic relationship between the client and the staff by focusing on payment issues instead of working on solutions to homelessness.
- Shifts much needed staffing resources from direct care to administration of the funds.
- Creates an enormous administrative burden for shelters to create and audit a collections system.
- Burdens clients with the added expense of money order fees as many shelter residents do not, or cannot, have bank accounts.
- Calculates the clients' income contribution on a set and fixed amount a client would earn based on the submission of a paycheck stub. However the income of most clients in shelter varies week to week because they work hourly at minimum wage jobs that do not have set shifts.

We now have a very real chance with state legislation (A8353-D /S5605) to overturn this flawed regulation and we urge you join to us in this fight by amending Resolution No. 2002 in agreement with Assembly Bill A8353-D and supporting the efforts of HSU in the passage of the legislation.

CONCLUSION

Thank you for your time and commitment to addressing the needs and concerns of homeless and at-risk New Yorkers and those who serve them. Homeless Services United looks forward to working with you to realize solutions that will allow our members' vital programs to continue to provide our neediest New Yorkers with services that support and motivate them to thrive in the future.



305 Seventh Avenue, 13th Floor, New York, NY 10001-6008

212.645.3444, Fax 212.477.4663
pfth@pfth.org

Jessye Norman
National Spokesperson

Arnold S. Cohen
President & CEO

The Income Contribution Requirement: Charging Poor New Yorkers for Emergency Shelter

**City Council Hearing
June 24, 2009**

**The Partnership for the Homeless
305 Seventh Avenue, 13th Floor
New York, NY 10001-6088
212-645-3444
www.partnershipforthehomeless.org
phoffman@pfth.org**

Testimony of Piper Hoffman, Director of Advocacy

The Partnership for the Homeless would like to thank the City Council for convening today's hearing about the state Income Contribution Requirement which the Department of Homeless Services began to implement and has announced it will implement again. My name is Piper Hoffman and I am the Director of Advocacy at the Partnership for the Homeless, which has provided a range of services to homeless New Yorkers and battled the causes of homelessness for over 25 years.

That people too poor to afford housing should maximize and save their income is just common sense, just as it is nonsensical for government to take income away from those who need it most.

- If people in shelters can save enough money to afford housing, they can leave shelter, thus helping to end homelessness.
- Taking away earnings may make it economically impossible for some, such as single caretakers of small children, to keep their jobs, thus perpetuating homelessness.
- A paying job can help an employee acquire new skills and make it easier to get a better job later on, thus helping to prevent homelessness.
- Earned income and savings can provide some economic security to people who have moved out of shelters that may prevent them from having to return to shelter, thus helping to prevent homelessness.

- over -

The Income Contribution Requirement seems to prioritize symbolism above these practical, human considerations. While the government should be focused on helping clients move out of shelter into more stable accommodations, by implementing the ICR, it is instead striving to avoid even the appearance that any New Yorker with the means to afford housing is defrauding the system by staying in a publicly-funded shelter for free.

The likelihood that a family would choose to stay in shelter when they could afford an apartment of their own is small. The injury the government does to families by taking money away from those who have next to nothing, however, is great. In the context of the city and state budgets, the revenue New York collects through the reverse Robin Hood ICR scheme is not worth the damage to the moral fiber of our society, much less the injustice to individual homeless New Yorkers.

The Children's Health Fund
Testimony

Before the New York City Council
General Welfare Committee
June 24, 2009

Good Afternoon, committee members. Thank you for this opportunity to testify in support of Chairman de Blasio and Speaker Quinn's resolution in support of S. 5605A/A.8353, state legislation to bar the pending practice of an income contribution requirement in homeless shelters.

The Children's Health Fund was founded in 1987 by singer-songwriter Paul Simon and pediatrician/child advocate Dr. Irwin Redlener, to address the health care needs of children living in city shelters. Today, the New York Children's Health Project's fleet of mobile medical units serves 14 locations, including a number of shelters in the boroughs of Manhattan, Brooklyn, Queens and the Bronx.

Although the Department of Homeless Services and the state Office of Temporary and Disability Assistance announced it would suspend the program due to miscalculations by the Human Resources Administration, the requirement will be revisited and applied to families again. Indeed, at the General Welfare budget hearing in May, Commissioner Hess stated that the policy would be revisited as it was a requirement placed on the city by the state.

It is our mission to provide a medical home to these children, helping the families stabilize their health, so that they have one less thing to worry about as they seek stable housing. Children living in shelter have gone through the traumatic experience of losing their home and their families struggle every day. Now these families must struggle against, what we feel, is another wave of misguided policies.

As of May 1st, families entering shelter must agree to pay for their stay in shelter if they make an income. This Income Contribution Requirement is estimated to save the city \$1.3 million in payments to shelters. The shelters will receive a payment from the city for the families' stay, less the amount deemed appropriate for the families' income contribution. If the family does not make the payments, the shelter may turn them out, without a course of action as to the families housing or personal safety.

Reports from shelter providers vary, but CHF received information of one resident who received a bill for \$1 154 for her one room in a shelter that has a sink and a toilet, no kitchen, with bare essentials. This resident makes \$200 a week at her job. Clearly this was just one of the miscalculations that HRA made in sending the bill for the Income Contribution.

Another resident at a shelter that receives medical services from CHF's New York Children's Health Project complained to staff of receiving a letter giving her one week to

come up with a monthly income contribution payment of \$450.00. This placed a financial strain on her family.

Families may appeal to the state for a fair hearing to have their Income Contribution examined and adjusted. Of the 500 families who received bills for May 1, the city and state admit that 190 residents received notices with errors. This policy places the onus of collection on shelters and may cause delays in the state fair hearing process if the number of errors persists when the city revisits this policy.

The impact on children and families is clear: the Income Contribution is bad policy, discourages families from seeking self sustaining employment and endangers their financial stability at a time during which they are meant to save money to leave shelter.

Allowing families to save money while in shelter will ensure a smoother transition into permanent housing. This money can be used to buy essentials such as basic furniture, kitchen supplies, towels and linen. Teaching budgeting skills and allowing families to build up financial reserves would go much further than the Income Contribution to decrease recidivism in the shelter system.

Thank you for your continued vigilance regarding this policy. It is our hope that despite uncertainty in Albany regarding Senate leadership, this legislation will pass. We have registered our memo in support of the legislation with the Assembly, Senate and Governor Paterson (please see attached)

For more information please contact Deirdre Byrne at 212-535-9400 ext 207, dbyrne@chfund.org or Michael Lambert at 718-588-4460 mlambert@montefiore.org

Testimony of Angela Malvasio

Before the New York City Council
General Welfare Committee
May 26, 2009

Good Afternoon, I am a resident of a New York City family shelter. I worked hard, got laid off, evicted soon after and then found out I was pregnant. I needed help.

I turned to a city shelter to get back on my feet. I was then told I would have to pay a percentage of my earned income to live in a shelter. On top of being 6 months pregnant and looking for a new job, I would have to pay for shelter and still pay taxes.

Paying to live in a shelter would stagnate everyone, especially those who are working hard to leave the shelter and gain independence once more.

Many of us in this situation have families and children to feed and clothe. I for one have a new baby on the way I must financially plan for. Paying for shelter state is making it harder for us.

I am aware shelters don't bring money to the city, but maybe creating programs that did would prove to be more effective. Creating more low income housing would also help. Shelter residents could move to low income housing and pay for that instead of shelter.

Another idea would be to create a savings program for shelter residents – we pay a certain percent monthly and put it into an account, when we're ready to move, we get all but maybe 5% back. That 5% would go towards payment for our stay. The whole point of a shelter should be for people in crisis to get help as well as help themselves and quickly move on.

But paying for shelter is really defeating that purpose. It makes it harder for people for people to continue towards their independence.

We all want a safer, cleaner, more family oriented New York City. But these strains are making it hard for people to nurture their families, some people might turn to negativity as a desperate attempt to save themselves, increasing crime, the sale and use of drugs, and pollution and disease from those who choose to make the streets their home.

I don't want to be in a shelter, I have to be, nor do I want to take advantage of the system. I want to work hard and keep my mind focused on my goal towards independence.

But as a tax payer, I believe our money needs to be spent more wisely.



Children's Health Fund

Memorandum of Support
A.8353/S.5605a

The Children's Health Fund supports passage of A.8353/S.5605a, as sponsored by Assemblymember Keith Wright and Senator Daniel Squadron. This legislation would prohibit the practice of requiring income contributions from residents of emergency shelter throughout the state.

On May 1st, the City of New York implemented an Income Contribution requirement for families living in city shelters. Residents were informed by notices and told that failure to pay would make them subject to eviction from shelter.

Three weeks after implementing the policy, the city and state suspended the policy due to technical reasons, including notices to shelter residents that required contribution far beyond their means and income. Of the 500 families who received bills, the state Office of Temporary and Disability Assistance reports that 190 residents received notices with errors.

Reports from shelter providers vary, but CHF received information of one resident who received a bill for \$1154 for her one room in shelter that has a sink and a toilet, no kitchen, with bare essentials. This resident makes \$200 a week at her job. Clearly this was just one of the miscalculations made in sending the bill for the Income Contribution.

Even though the policy is currently suspended, city and state officials plan to re-instate this misguided policy in the near future. The impact on children and families is clear: the Income Contribution is bad policy, discourages families from seeking self sustaining employment and endangers their financial stability at a time during which they are meant to save money to leave shelter.

Allowing families to save money while in shelter will ensure a smoother transition into permanent housing. This money can be used to buy essentials such as basic furniture, kitchen supplies, towels and linen. Teaching budgeting skills and allowing families to build up financial reserves would go much further than the Income Contribution to decrease recidivism in the shelter system.

The Children's Health Fund strongly supports passage of A.8353/S.5605a.



**TESTIMONY
OF
SUSAN WIELER
SENIOR POLICY ASSOCIATE FOR ASSET BUILDING AND
COMMUNITY DEVELOPMENT
FOR
CITIZENS' COMMITTEE FOR CHILDREN OF NEW YORK, INC.**

**BEFORE THE
NEW YORK CITY COMMITTEE ON GENERAL WELFARE**

REGARDING

**DHS IMPLEMENTATION OF THE FAMILY INCOME CONTRIBUTION
REQUIREMENT AND CLIENT CONDUCT AND RESPONSIBILITY PROCEDURE**

June 24, 2009

Good afternoon. My name is Susan Wieler and I am the Senior Policy Associate for Asset Building and Community Development at Citizens' Committee for Children of New York, Inc. (CCC). CCC is a 65-year-old independent multi-issue child advocacy organization dedicated to ensuring every New York child is healthy, housed, educated and safe. I would like to thank Chair de Blasio and all the members of the New York City Council Committee on General Welfare for this opportunity to testify on DHS's implementation of the family income contribution requirement and client conduct and responsibility procedure.

CCC recognizes the value of a uniform code of rights and responsibilities for family shelter residents. Family shelters must be places where parents and their children can feel safe and protected from potential harm. We also appreciate that uniform standards can be an effective part of a comprehensive strategy for moving families out of shelter and into permanent housing as soon as possible.

However, we have some concerns about the code of conduct and responsibilities, and our testimony underscores what we perceive as potential harmful, if unintended, consequences associated with its implementation.

First, given that there are 30 elements to the client code of conduct, we suspect that consistent implementation across all shelter operators will be a challenge. Further, some of the elements of the code of conduct raise the real possibility that many families will be cycled in and out of shelter, or churned, which would put greater stress on children and families already overburdened with significant social, emotional and economic issues.

For example, families will be required to apply for, and, if eligible, keep open a public assistance case. Given that 25 percent of all cash assistance recipients either have a sanction in effect or are in the process of being sanctioned at any point in time, this requirement raises the possibility of mass movement of families in and out of shelter.¹ According to the proposed procedure, “The family must apply for all benefits for which they may be eligible and adhere to any tasks, activities, timeframes and other requirements necessary for establishing and maintaining eligibility for PA benefits. This includes furnishing any and all documents used to establish need, keeping PA appointments, attending work assignments, engaging in job training, seeking employment, or establishing any other basis for PA eligibility.”

While we support the intent of moving families in shelter toward gainful employment and permanent housing, we worry that there may be many instances where meeting the requirements enumerated above is humanly impossible for shelter residents. For instance, appointments may be missed if notices go to incorrect addresses. Many shelter residents will confront multiple, conflicting obligations that may impede compliance (participation in drug treatment, search for housing, work experience participation or job interviews, and appointments related to the children’s needs, among others). Evicting these families from shelter will not speed their transition to permanent housing.

Second, the potential unintended child welfare consequences of the implementation of this code of conduct are most troubling to CCC. If parents and their children are evicted and have nowhere to live, are on the street or unsafely doubled up, the Administration for Children’s Services (ACS) may be left with no alternative but to place the children into foster care. Not only is foster care a significant cost to the city, it is traumatic for the children. This situation

¹ Source: HRA’s weekly Cash Assistance and Family Assistance engagement report as of August 31, 2008.

would pose a huge conundrum for ACS, who on one hand cannot use lack of housing as the reason for foster care placement; and yet would no longer have shelter as a stabilizing service intervention. In short, DHS's discontinuance of shelter would create a child safety issue for children who were otherwise safely residing with their parents in shelter. These children might needlessly have to enter foster care so that they are not sleeping on the streets or living doubled up in an unsafe setting.

Third, New York City recently began to implement a state regulation that requires shelter residents with income – including Social Security, federal disability payments, unemployment, alimony, and child support in addition to wages – to contribute to the cost of shelter. The regulation also requires the city to evict homeless children and adults from shelter if they do not comply with this requirement. While the city suspended its implementation of the regulation after only a few weeks, the requirement remains in the city's code of conduct and in state regulation.

Implementing this rule at this time would be particularly troubling given the unprecedented number of shelter entrances that have resulted from the economic crisis. That said, CCC supports A8353-D/S5605, which would amend Section 131-a of the Social Services Law to bar New York City from requiring shelter residents to pay for the cost of their shelter.

We would also recommend requiring homeless families with income to save the funds needed for the transition to permanent housing. This approach, which is already part of DHS's Work Advantage program, would support families in their efforts to achieve independence, and would likely reduce their length of stay in shelter. We would therefore support requiring a savings plan of all shelter residents with income.

In short, it is imperative to remember that the structure and implementation of this or any code of conduct and responsibilities will not only impact parents, but will have significant ramifications for children already suffering from an unstable housing situation.

In conclusion, while we appreciate DHS's needs to establish a code of conduct and client responsibility for families living in shelter, we feel that the implementation of the code and the consequences of being out of compliance must not jeopardize the safety and well-being of the homeless children.

Thank you for this opportunity to testify.

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 963

in favor in opposition

Date: 6/24/09

(PLEASE PRINT)

Name: Jane Bock

Address: 199 Ucker St NY NY

I represent: League Aid Society

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: 6/24/09

(PLEASE PRINT)

Name: Piper Hoffman

Address: 305 7th Avenue, 13th Fl. NYC 10001

I represent: The Partnership for the Homeless

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 963

in favor in opposition

Date: 6/24/2009

(PLEASE PRINT)

Name: PATRICK MARLEE

Address: 125 EAST 4th ST. #2G, NY, NY 10003

I represent: COALITION FOR THE HOMELESS

Address: 129 FULTON ST., NY, NY 10038



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: Fran Winter

Address: First Deputy Commissioner

I represent: Department of Homeless Services

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: Seth Diamond

Address: Deputy Commissioner

I represent: Human Resources Administration

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: 6/24/07

(PLEASE PRINT)

Name: Ellen Whelan-Wuest

Address: 401 Broadway

I represent: State Senator Daniel Squadron

Address: 401 Broadway

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: _____

Name: SUSAN WIELER (PLEASE PRINT)

Address: _____

I represent: CITIZENS' COMMITTEE FOR CHILDREN

Address: 105 E 22nd Street.

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: 6/24/09

Name: Christy PARAVE (PLEASE PRINT)

Address: 251 E 4th Brooklyn NY 11218

I represent: Homeless Services United

Address: 279 E 2nd St NY 10009

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: _____

Name: Sophia Bryant (PLEASE PRINT)
Address: 2427 Morris Ave, Bronx NY 10468
I represent: Picture The Homeless
Address: 2427 Morris Ave, Bronx NY 10468

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. 2072
 in favor in opposition

Date: 6/24/09

Name: Deirke Bourne (PLEASE PRINT)
Address: 215 W 125th St, NY NY 10027
I represent: The Children's Health Fund
Address: 215 W 125th St, NY NY 10027

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

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

2

I intend to appear and speak on Int. No. _____ Res. No. 963

in favor in opposition

Date: 6/24/09

(PLEASE PRINT)

Name: Jane Bock

Address: 199 W 4th St NY NY

I represent: Legal Aid Society

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: 6/24/09

(PLEASE PRINT)

Name: Piper Hoffman

Address: 305 7th Avenue, 13th Fl. NYC 10001

I represent: The Partnership for the Homeless

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 963

in favor in opposition

Date: 6/24/2009

(PLEASE PRINT)

Name: PATRICK MARLEE

Address: 125 EAST 4th ST. #28, NY, NY 10003

I represent: COALITION FOR THE HOMELESS

Address: 129 FULTON ST., NY, NY 10038

◆ 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: Fran Winter

Address: First Deputy Commissioner

I represent: Department of Homeless Services

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: Seth Diamond

Address: Deputy Commissioner

I represent: Human Resources Administration

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: 6/24/07

(PLEASE PRINT)

Name: Ellen Whelan-Wuest

Address: 401 Broadway

I represent: State Senator Daniel Squadron

Address: 401 Broadway

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: _____

Name: SUSAN WIELER (PLEASE PRINT)

Address: _____

I represent: CITIZENS' COMMITTEE FOR CHILDREN

Address: 105 E 22nd Street

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: 6/24/09

Name: Christy Parave (PLEASE PRINT)

Address: 290 E 4th Brooklyn NY 11218

I represent: Homeless Services United

Address: 270 E 2nd St Brooklyn NY 11209

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: _____

Name: Sophia Bryant (PLEASE PRINT)

Address: 2427 Morris Ave, Bronx, NY 10468

I represent: Picture The Homeless

Address: 2427 Morris Ave, Bronx, NY 10468

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. 2002

in favor in opposition

Date: 6/24/09

Name: Deirdre Byrne (PLEASE PRINT)

Address: 215 W 125th St, NY, NY 10027

I represent: The Children's Health Fund

Address: 215 W 125th St, NY, NY 10027

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