



**Testimony of Erin Drinkwater, Deputy Commissioner for Intergovernmental and
Legislative Affairs
Department of Social Services**

**Before the New York City Council, Committee on General Welfare
September 15, 2021**

Good afternoon. I would like to thank the General Welfare Committee and Chair Levin for the opportunity to testify on the several bills being heard today.

My name is Erin Drinkwater and I am the Deputy Commissioner for Intergovernmental and Legislative Affairs at the Department of Social Services (DSS).

The legislation being reviewed today presents several important ideas that we are carefully reviewing, several of which cover elements of programming and reporting topics that are already in motion or are in the process of implementation. Our staff at the Human Resources Administration (HRA) and Department of Homeless Services (DHS) work each day to improve the client experience of the New Yorkers we serve, and we take our existing reporting responsibilities to the City Council and other stakeholders seriously.

As we discuss these bills, we also want to stress the importance of considering the fiscal and staffing resources needed to maintain our current programs, including the many reforms we have made under this Administration, and the impact that these bills would have on our existing operations and staffing. With these considerations, we look forward to working with the Council on the several ideas proposed today.

Introduction 1641

Introduction 1641 intends to maximize the efficiency at HRA centers by proposing several staffing and management systems. The Administration is currently reviewing this legislation and its impacts. As we review this bill, we want to highlight the critical work and reforms that HRA has taken to improve the client experience across our system. Following the passage of Local Law 169 of 2019, we worked closely with the Council to conduct a comprehensive audit focusing on operations and procedures at HRA Job Centers and Supplemental Nutrition Assistance Program (SNAP) Centers, with the goal of identifying efficiencies and improving the client experience at these centers. This audit, published in March of 2020, highlighted the many reforms HRA has put into place to improve center operations, and how we have advanced our “no wrong door” service-delivery approach, which focuses on breaking down benefit and services barriers for our most vulnerable New Yorkers.

Additionally, HRA has been implementing an aggressive plan to modernize the way our programs and services are accessed. With the launch of ACCESS HRA, we have opened up dozens of case-specific points of information online in real-time for our clients, which expands access, increases flexibility, and opens up resources at our physical centers for those New Yorkers who are most in need of individualized, person-to-person, attention. Our efforts to improve service-delivery have also extended to our Cash Assistance program. Earlier this year, we worked with the State legislature to make permanent our COVID-19 waiver allowing clients the option to have telephone interviews to apply and recertify for Cash Assistance, without the need to go into one of our centers. This change now provides Cash Assistance clients with the same option that SNAP clients have had through our on-demand telephone interview system since 2016, giving them the option to apply and recertify for benefits without the need to travel to a center. Overall, these ongoing efforts have enhanced the client experience, and we look forward to working with the Council and bill sponsors to build upon this progress – and ensure that modifications in local law reflect the changes in operations and client access that have occurred following the audit required by Local Law 169 of 2019, and that will be implemented pursuant to the recent change in State law expanding Cash Assistance access.

Introduction 1794

Introduction 1794 would require de-escalation and trauma-informed training for DHS employees and contracted providers. As reported in the client experience audit mentioned earlier, and as we have reported on previously, anti-bias and trauma-informed service provision training is being rolled out for all 17,000 DSS/HRA/DHS employees. The goal of these trainings is to improve staff professionalism and their response during challenging circumstances, all while being attentive to the needs of our clients. Given this background and based on a preliminary analysis, we support the intent of this legislation. We look forward to discussing this bill and its implications with the Council.

Introduction 2081

Introduction 2081 focuses on enhancing the application and transparency of the One-Shot Deal program, or the Emergency Rental Assistance Grant. Among several proposals, the bill focuses on promoting the program on the HRA website, updating the application process and conducting outreach. HRA has already taken several of the steps mentioned in the legislation, including promoting the Emergency Rental Assistance Grant on our website and agency flyers and advertising through various outreach channels. Moreover, through our Infoline, clients can call to receive information about the Emergency Rental Assistance Grant, oftentimes referred to as a One-Shot Deal, and other benefits for which they may qualify. Throughout this Administration we have testified to our efforts and investments in increasing not only the payment of One-Shot Deals but the amount paid to clients reflecting the increased cost of rent and utility payments over time. For example, we have doubled the annual expenditures for rent arrears payments that were paid in 2013 through these efforts. We also understand that this bill was introduced a year ago, before the federally-funded State administered Emergency Rental Assistance Program (ERAP) went into effect. Given the federal rental resources available through ERAP and the changing landscape brought on by the pandemic, we look forward to discussing this legislation with the Council to ensure New Yorkers have the most up-to-date information to assist them through these difficult times and that we maximize access to federal assistance as opposed to assistance with a City tax levy cost. In considering the legislation, we also need to take into account the fact that the

eligibility criteria for Cash Assistance one-shot rent arrears grants are set by the State and not the City.

Introductions 149 and 1642

Introduction 149 would update the report on utilization of, and applications for, multi-agency emergency housing assistance. The legislation would require the report under Local Law 37 of 2011 to be updated with a cover page listing the total number of all individuals utilizing emergency housing in the City. While we understand the bill's intent, we look forward to working with the sponsor to ensure the reporting requirements of this bill are not duplicative of pre-existing requirements and reflect an accurate picture of clients in DHS shelter and other emergency shelters serving New Yorkers. Introduction 1642, a reporting bill focusing on exits from City-administered facilities and the financings, starts and completions of permanent housing for those exiting city-administered facilities, presents similar challenges as Introduction 149. We look forward to working with the Council to ensure the reporting required is not duplicative of existing efforts and that the frequency of such new reporting requirements outlined in the bill are not burdensome to agencies.

Following the enactment of Local Law 37 of 2011, the Mayor's Office of Operations established a streamlined process to support compliance with requirements of this multi-agency reporting law. Each agency with reporting obligations separately collects relevant data from its program teams and compiles the data into tabular format. Each of the agencies then submits their data to both Operations and the Department of Information Technology and Telecommunications (DoITT). On a monthly basis, Operations combines the information provided by the agencies into a single pdf, and posts it to Operations' website. DoITT separately posts each agency's tabular information to the NYC Open Data Portal, in compliance with both this law and the City's Open Data law. Consistent with their distinct reporting obligations under Local Law 37, each agency maintains a spreadsheet containing the dataset it collects and reports, which also contains information directing the reader to the other relevant agencies' datasets for ease of navigation and transparency. After nearly ten years of data reporting, Operations and the agencies are comfortable with this process.

The additional requirements set forth in Intro 1642 will not be burdensome to Operations, which will continue to receive the data from the agencies on a monthly basis and post it to the Operations website. The agencies will also continue to submit the data to DoITT for posting on the Open Data Portal. Operations will continue to monitor this process to see that relevant data is posted in both places in a timely manner. It is important to note however, that the introduction sets forth new reporting requirements for the agencies. We are working to understand which data are available and the impact these requirements have on the agencies.

We appreciate the opportunity to testify today. We look forward to discussing these bills and how they impact our agencies. Thank you and I welcome your questions.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**TESTIMONY OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE -
HEARING**

SEPTEMBER 15, 2021

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I thank Chair Stephen Levin for holding today's hearing.

As the COVID-19 continues to affect our City, we cannot forget the long-standing issues that were prevalent before the pandemic. Lack of access to affordable housing and public assistance were exacerbated at the beginning of the pandemic and remain as problems that must be addressed. Any obstacle should be removed, and it is up to us as elected officials to make sure we can create positive changes. That is why I welcome and anticipate discussion on the five bills before the Committee today.

First, Intro. No. 1641 by Chair Levin would require both SNAP and job centers to have an on-site person to ensure clients have all necessary paperwork. In addition, the bill would improve the efficiency of these centers to ensure people do not have to wait a long time for help. This last year, my office analyzed the denial and rejection rates of SNAP and cash assistance applications.. There were notable issues that this bill would address. For example, in the latest quarter, about 22 percent of rejected SNAP applicants were applicants with limited English proficiency. The most common reason for their rejection was failure to provide verification for eligibility purposes. This bill would make sure those who need assistance can get assistance instead of not providing the right documents.

Another bill by the Chair, Intro. No. 0149, would update the monthly report on use of emergency housing assistance created by Local Law 37 of 2011. The total number of individuals, along with other demographics, who use emergency housing in the City would be cited in reports. Again, I support the bill. I also recommend amending the bill language to include trans and gender non-conforming persons to be inclusive in data reporting. Individuals using emergency housing may not identify with either, so their exclusion from any data report would impact any analysis. I hope the bill can change its language before passage.

Intro. No. 1642, by the Chair, would require the City to report exits from City-administered facilities, such exits to affordable housing or private rental market apartments. We can all agree



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

that people deserve adequate, affordable housing. This bill would help ensure we know where people are entering as well as how the City is faring with its City-run facilities. The data sought by the bill could also identify problems and create solutions to make sure no opportunity is wasted.

Intro. No. 2081, by Councilmember Moya, would increase transparency around the Human Resources Administration's one-shot deals and update the deal's applications in light of COVID-19. The eviction moratorium may have changed access and need for this program since most one-shot deals are used to pay off rent. The Independent Budget Office reported that applications dropped in 2020 compared to 2019. I applaud Council Member Moya's efforts, as the City will need updates to the process, particularly as the state's moratorium expires on January 15, 2022. We need to prepare and ensure the system is updated so that people can get the assistance they need.

Finally, Intro. No. 1794 by Councilmember Alicka Ampry-Samuel would have the Department of Homeless Services conduct de-escalation and trauma-informed training for DHS employees and contractors. DHS would report the number of individuals receiving training per year. I also support this bill. As I wrote in my Renewed Deal for New York plan last year, we must address stigma as a root cause of inequity that creates challenges for those struggling with homelessness. Part of this is addressed by Councilmember Ampry-Samuel's bill with an approach that prioritizes the different lived experiences of people in the shelter system.

I reiterate that we must prioritize policies to help people experiencing distress during this pandemic. All of these bills today show that more needs to be done to help New Yorkers. My office is familiar with these struggles with calls and messages from New Yorkers on a variety of issues. I support the bills before the Committee and urge passage of these bills.

I appreciate all of the legislation before the Committee today as it recognizes that more must be done to alleviate the ongoing crisis happening to New Yorkers. I again thank the Chair for today's hearing.

REBNY Testimony | September 15, 2021

The Real Estate Board of New York to The Committee on General Welfare of the New York City Council Regarding Intro. No. 1794 and Intro. No. 2081

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the New York City Council Committee on General Welfare for the opportunity to submit testimony in support on two of the bills being heard today - Intro. No. 1794 regarding trauma-informed training for Department of Homeless Services (DHS) employees and Intro. No. 2081 regarding one-shot deals.

BILL: Int 1794-2019

SUBJECT: This bill would require the Department of Homeless Services (DHS) to conduct trainings on techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict, and use trauma-informed theory for all DHS employees and contractors providing services to the public. DHS would be required to report annually on the number of individuals who have received such training. The first report would be due on January 31, 2021.

SPONSORS: Council Members Ampry-Samuel, Louis, Kallos and Levin

It is laudable to seek changes to the bureaucracy of public assistance to make it a system that works for New Yorkers in need, instead of seeking to punish poverty. Root causes for entering the shelter system include many traumatic inducing events, and these should not be compounded by interactions with DHS and the shelter system itself.

REBNY supports the changes recommended by advocates to strengthen the bill, inclusive of making the required training bi-annually, requiring DHS to offer staff one additional professional development opportunity in evidence-based practices, and training for supervisors. As part of this conversation and future budget hearings, consideration for resources should be given to both support these efforts at DHS and non-profit contractors.

BILL: Int 2081-2020

SUBJECT: This bill would require the Commissioner of Social Services to improve the one-shot deal program. It would obligate the Commissioner to post information on one-shot deal rental arrears grants on the Human Resources Administration website and to update one-shot deal applications. It would also

require the Commissioner to improve the administration of one-shot deals in response to the COVID-19 pandemic and conduct outreach on the program. The bill would also require the Commissioner to report monthly on the administration and utilization of one-shot deals.

SPONSORS: Council Members Moya, Kallos, Yeger, Chin and Cornegy

Intro No. 2081 also seeks to cut the red tape to access assistance under extenuating circumstances. REBNY supports data-driven policy initiatives and governmental transparency, and REBNY commends the Council for including the requirement to report on the distribution of one-shot deals. It was disheartening to hear during the New York State Assembly and Senate hearing on emergency rental assistance that these rental arrears grants were being denied, at earlier hearings that the city could not share the exact cost of the program, neighborhoods where these grants were most needed, and whether that was true on an ongoing basis. Gathering and reporting on the program is crucial to identifying patterns, whether good or bad, that should be amplified for greater success or addressed for improved program administration.

Program design matters. As part of Project Parachute, a philanthropic initiative by REBNY, New York Association for Affordable Housing (NYSFAFH), and other institutions to help the most vulnerable New York City renters remain in their homes during and in the aftermath of the Coronavirus crisis, Enterprise Community Partners administers a fund for tenants known as FASTEN (Funds and Services for Tenants Experiencing Need). The program was designed by the city's seven Homebase providers and funds were allocated on borough need based on unemployment, households below the poverty line, and covid cases and mortality. Currently, FASTEN has provided support to over 2300 individuals, and over \$3.6 million in rental arrears has been requested. Importantly, the program is reaching those who were not otherwise eligible for government assistance - 80% of the served households are undocumented households and over 50% are single adults. Importantly, as most stimulus dollars and existing programs identify prior housing instability as a criterion for relief, over 80% of the households served under FASTEN would be deemed ineligible for traditional voucher assistance as they have no documented shelter history.

As part of Project Parachute, REBNY has also joined with diverse stakeholders including representatives from Enterprise Community Partners, the Legal Aid Society, Homeless Services United (HSU), Court Appointed Special Advocates for Children (CASA), and NYSFAFH to develop upstream solutions to prevent evictions as part of the Eviction Prevention Roundtable. The Roundtable created a set of recommendations to streamline and expand eligibility for existing assistance programs, align them more closely with the cost of housing, and address growing economic need. These include recommendations to the existing one-shot program.

Intro. No. 2081 takes important steps to increase accessibility and transparency and achieves laudable goals that REBNY strongly supports. In addition to these important changes, REBNY and the Roundtable also recommend that:

- The New York City Human Resources Administration (HRA's) decision to end the de facto eviction filing requirement for One Shot Deals is fully implemented by providing training and awareness to HRA workers on situations that are eligible for One Shots.
- Clarify the eligibility criteria for One Shot Deals and allow landlords to initiate the process.
- Waive the requirement to repay One Shot Deals and provide flexibility in its assessment of future ability to pay, at least for the duration of the pandemic; and
- Adopt explicit priorities for award of One-Shot Deals.

These recommendations, in combination with the actions being heard today will allow the One-Shot Deal program to assist as many New Yorker who are in need as possible.

Thank you for your consideration on these points.

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Testimony by the New York Legal Assistance Group,
Hearing on Int. No. 0149, Int. No. 1641, Int. No. 1642, Int. No. 1794 and Int. No. 2081,
Before the New York City Council Committee on General Welfare
September 15, 2021

Chair Levin, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Committee on General Welfare. My name is Deborah Berkman, and I am a Coordinating Attorney in the Public Benefits Unit and Shelter Advocacy Initiative at the New York Legal Assistance Group (NYLAG).

NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, survivors of intimate partner violence, people with disabilities, patients with chronic illness or disease, low-wage workers, veterans, low-income members of the LGBTQ community, people experiencing homelessness, Holocaust survivors, as well as others in need of free civil legal services.

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to people experiencing homelessness. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. Additionally, we assist and

advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings. We also advocate for those experiencing street homelessness to access appropriate shelter so that they may safely come inside.

I also serve as part of the Public Assistance and SNAP Practice, representing clients having trouble accessing or maintaining Public Assistance and SNAP benefits. We represent these clients at Administrative Fair Hearings, and conduct advocacy with the Department of Social Services, Job and SNAP centers, and bring impact litigation to ensure that our clients are obtaining and maintaining an adequate level of benefits.

Based on my experience working with people experiencing homelessness and those reliant on public benefits, I appreciate the opportunity to offer the following comments. The proposed local laws (Int. No. 0149, Int. No. 1641, Int. No. 1642, Int. No. 1794 and Int. No. 2081) would have a dramatically positive impact on my clients' lives, and NYLAG wholeheartedly supports them.

Int. No. 1794

Int. No. 1794 in particular is necessary, and yet does not go far enough. Int. No. 1794 would require the Department of Homeless Services (DHS) to conduct trainings on techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict, and use a trauma-informed theory for all DHS employees and contractors providing services to the public. While we wholeheartedly approve of this training approach, we recognize it as a necessary first step. The City must also

create an effective oversight mechanism to investigate complaints and to enforce compliance with conduct policies.

Unfortunately, clients routinely report negative experiences with staff at intake centers and at shelters. Many of my clients have suffered from extreme physical or emotional trauma and discrimination, and the experience of homelessness itself can be deeply traumatic. Shelters and intake centers are strongly policed, either by DHS police themselves or by private security providers. Overwhelmingly, clients report that their interactions with shelter and intake staff are either emotionally or physically aggressive. I have many clients who are forced into street homelessness because interactions with shelter staff are so stressful. We recognize there is both a lack of cultural competency for staff working with diverse populations and of recourse for marginalized individuals.

Clients report that staff at DHS intake sites are particularly aggressive. Many of my clients experience street homelessness, because although they are willing to go inside, they could not make it through the intake process itself. Clients report that intake staff is often rude and aggressive and, at worst, physically threatening. As this Council is no doubt aware, clients can spend upward of 24 hours at the intake centers.

I recall one client who suffered from debilitating anxiety who was treated particularly poorly by staff at the 30th Street Intake Center for single adult men. DHS was well aware of his condition, and he had been granted a Reasonable Accommodation based on it. Nonetheless, he was at the intake site for over 24 hours and only fed once during this time. He was told if he left for any amount of time he

would have to start the process again. The client then had a major panic attack while waiting, and staff would not allow him to use any of his mitigating strategies, which included sitting alone, wearing headphones, or letting him wait outside and calling him when it was his turn. Despite the fact that his requested accommodation had been approved as medically necessary, staff had no knowledge of it and refused to look into its own system for it. He reports that he was mocked and yelled at repeatedly. The client was not able to speak about the experience without crying.

Another set of clients had a violent encounter at the Adult Family Intake Center (AFIC). This couple had been discovered sleeping outside under scaffolding by DHS-contracted outreach team, and one of the outreach workers escorted them to AFIC for shelter intake. Both individuals lived with mental illness but were willing to try sleeping inside. While at AFIC, one member of the couple experienced extreme anxiety and PTSD and reacted by raising their voice. In response, DHS police rushed over, surrounded them, and would not allow the outreach worker to help de-escalate the situation. The client kept yelling, at which point a DHS police officer punched both members of the couple in the face, resulting in the other member of the couple losing consciousness. Throughout the incident, the outreach worker tried to de-escalate the situation but was told repeatedly by DHS police that he needed to walk away and was not allowed to help. Unsurprisingly, the couple returned to street homelessness. Another traumatic experience and two more New Yorkers without solutions or benefits after having sought them.

Numerous clients have reported staff at AFIC and the DHS' Prevention Assistance and Temporary Housing (PATH) intake centers use threats and

intimidation to dissuade clients from applying for shelter. Many clients think they have been denied shelter because security guards or front desk staff will tell clients that they are ineligible for shelter before they even apply. A number of clients with minor children who have reapplied at PATH for a second or third time have been threatened by PATH security guards or DHS police that if they pursue an application, the guard would make a complaint about them to the Administration for Children Services. Having nowhere to live is stressful enough without having to deal with hostile and scary encounters with DHS staff – the people meant to help.

Once clients enter shelter, many report that interactions with staff continue to be hostile and aggressive. Some of my clients live with severe mental illness that makes everyday tasks particularly challenging, and in some cases, they cannot adhere to conventional structures. Clients describe shelter as “a police state” that makes no accommodation for those with different abilities.

While Int. No. 1794 is an important step in the right direction, and one that we support, we recommend the following: In addition to de-escalation training, workers must be trained in the needs of clients with mental illness. Moreover, DHS must maintain a robust complaint system where reports of abuses are recorded, investigated, and if warranted, penalties are imposed for bad actors and penal violations.

Int. No 1641

NYLAG also enthusiastically supports Int. No. 1641, mandating changes to improve efficiencies at job centers and SNAP centers. Clients report that visiting a job or SNAP center is a day-long process, where they must muddle through bureaucracy

and report to desk after desk without knowing who is going to see them, or when. For years, clients have reported centers being overcrowded and lacking adequate seating, and that they are not permitted to sit on the floor during their wait. When clients attempt to get information about the anticipated length of their visit, they report being rebuffed. Visiting a center generally will require clients to take a day off from work, rendering the act of maintaining public benefits a job in and of itself. Any changes aimed to improve efficiency can only improve our clients' experiences. However, these changes will not address interpersonal communications between front line Job and SNAP center workers and clients, which are often reported as contentious. Thus, NYLAG would also encourage this Council to mandate that front-line Job and SNAP center workers engage in the same training approaches mandated by Int. No. 1794 (on techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict and use trauma-informed theory) to ensure that clients are treated with respect. And we caution that the expeditor's role must be limited to improving efficiencies and transparency about wait times to the client, and not to make eligibility determinations, as that role must be limited to eligibility specialists. Far too often, clients report that front-line staff, perhaps trying to help, incorrectly inform clients that they are not be eligible for benefits, which dissuades them from applying; all New Yorkers are entitled to a fair review of their claims.

Int. No 1642

NYLAG also strongly supports Int. No 1642, mandating the City to report on the exits from city-administered facilities and the financings, starts and completions of permanent housing for those exiting city-administered facilities. As this Council

well knows, the primary cause of homelessness in New York City is the lack of low-cost housing. Closely tracking moves from homelessness to permanent housing, and making that information widely available, will shine a light on that scarcity of housing. Hopefully, this information will be used as a basis for a push for the creation of more affordable housing.

Int. No. 2081

NYLAG very much supports Int. No. 2081, mandating that the City improve the application for and the transparency of the “one-shot deal” program. Many clients who need a one-shot deal to prevent an eviction, a utility shutoff, or other catastrophe are not aware of the availability of the program until we inform them of it. The current one-shot deal application is complicated and requires voluminous documentation. We frequently hear from clients who have submitted one shot deal applications, never received a call from HRA, and cannot obtain information about the status or how to complete their application or interview. Given how many New Yorkers are currently struggling with COVID-related job loss, enhancing awareness of and ease of application for the one-shot deal is an important step to preventing eviction and mitigating other social inequities.

Int. No. 0149

Finally, NYLAG supports the enactment of Int. No. 149, mandating that the City publicize reporting on use of and applications for shelters for people experiencing homelessness. These statistics should be readily available so that the public can understand the magnitude of the homelessness crisis in this City and act to prevent it.

We thank the Committee on General Welfare for the work it has done to facilitate services for vulnerable New Yorkers, and for taking this opportunity to continue to improve the conditions for our clients. As a leading legal services provider to those who call New York City home, we hope to continue to work with each of the members of this committee to further enhance and reform policies that create disadvantages for our clients as they seek the social benefits duly entitled to them. We can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Intros. 0149-2018, 1641-2019, 1642-2019, 1794-2019, and 2081-2020

submitted to

The New York City Council General Welfare Committee

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September 15, 2021

The Coalition for the Homeless (the Coalition) and The Legal Aid Society (LAS) welcome this opportunity to submit written testimony to the New York City Council's Committee on General Welfare pertaining to the following proposed pieces of legislation: Intros. 0149-2018, 1641-2019, 1642-2019, 1794-2019, and 2081-2020.

Homelessness and Barriers to Benefits During the COVID-19 Pandemic

The pandemic has laid bare egregious health and economic disparities in New York City, and has taken a tremendous toll on people of color and those who lack stable housing. Homeless New Yorkers have been particularly at risk, as they often lack a safe and private place in which to practice preventive measures like social distancing and frequent handwashing while a deadly, airborne virus continues to spread across the city. The Coalition and LAS have repeatedly called for the City and State to address the root of the problem – the lack of affordable housing in New York City – through investments in new housing development, rental assistance, supportive housing, and public housing. However, in order to evaluate the scope of the problem and the effectiveness of interventions, it is important to have transparent reporting by the agencies serving homeless New Yorkers as proposed by these bills.

The pandemic has also exacerbated the barriers New Yorkers face in securing the subsistence-level benefits they need to survive and maintain their housing, including rental assistance payments to prevent evictions, Cash Assistance benefits, and Supplemental Nutrition Assistance Program (SNAP) benefits. Unfortunately, applying for benefits through the Human Resources Administration (HRA) is a confusing and complicated process that is not accessible to many New Yorkers because, among other things, HRA is failing to provide adequate information about benefits or accessible alternatives to its online application system and the agency lacks functional telephone systems to field phone calls from the public or even to enable its own staff to receive return phone calls from clients. We appreciate the fact that some of bills being considered by the Council focus on solutions to many of these systemic issues.

Intro. 1642-2019

The Coalition and LAS support the passage of Intro. 1642, which would increase transparency and create an opportunity for more nuanced analyses of where New Yorkers go once they leave any of the City-administered shelter systems. Current reporting is inadequate and not specific enough to be useful, which forces advocates to submit Freedom of Information Law (FOIL) requests to City agencies to glean information about exits to permanent housing. These FOIL requests have often resulted in cumbersome delays and even litigation in order to receive vital data that City agencies should be regularly tracking, analyzing, and disseminating. Requiring the Mayor's Office of Operations to report broadly and clearly on these exits across all systems will show where ongoing investments into permanent housing should be focused and whether homeless New Yorkers in various systems have equitable access to deeply subsidized affordable, long-term housing. Requiring the Mayor's Office of Operations to report on the financings, starts, and completions of permanent housing for those exiting City-administered facilities is essential to ensuring all further planning and investments meaningfully address homeless New Yorkers' needs.

Intro. 1794-2019

The Coalition and LAS support training aimed at improving interactions between clients and agency and contractor staff, such as improving professionalism, cultural sensitivity, and the capacity to de-escalate conflict using trauma-informed care. Homeless New Yorkers regularly describe the day they first entered a shelter as being one of the worst days of their lives. Many of them are dealing with traumatic personal, economic, and/or systemic issues that left them with nowhere to turn but a shelter – a place they come to for *help*. However, we regularly hear that interactions with staff in these facilities can exacerbate rather than ameliorate this trauma.

The Coalition and LAS support the goals of Intro. 1794 because it is imperative that New Yorkers in crisis are served with compassionate, culturally competent, and welcoming staff the moment they enter a shelter. In the absence of sufficient high-quality training, negative interactions with staff can deter individuals and families from seeking shelter and services or cause them to leave the shelter system altogether. We respectfully suggest that the Council consider the following amendments to the bill:

- Require training to be done by social services professionals, with an emphasis on trauma-informed care and de-escalation techniques;
- Require training to include basic information about mental illnesses and addictions, including symptoms and appropriate responses to psychiatric distress and overdose, as well as other disabilities, including how to locate communication assistance for those who require it;
- Require training to include the broadest possible spectrum of cultural competency topics to ensure the diversity of all New Yorkers will be met with compassion and acceptance;
- Ensure contracted providers do not face an unfunded mandate to provide high-quality training without financial assistance;
- Require the training documents to be published annually, along with data regarding the number of staff trained; and
- Solicit advice from people with lived experience, shelter providers, and advocates about training topics.

Intro. 2081-2020

We support the goal of Intro. 2081 to improve access to the HRA rent arrears payments known as One Shot Deals. Since this bill was introduced one year ago, the economic landscape in New York City has changed. More New Yorkers have fallen on hard times and have accrued rental arrears because of the COVID-19 pandemic. As an eviction crisis loomed, an eviction moratorium was enacted by the State legislature, stayed by the Supreme Court, and then re-enacted by the legislature with reforms to respond to the Supreme Court's critique of the prior moratorium. The current eviction moratorium has been extended through January 15, 2022. Also in response to the threat of looming mass evictions, a new federal Emergency Rental Assistance Program (ERAP) has been established to provide rent arrears payments for low-income New Yorkers. We are hopeful that the program will ultimately provide critically needed rental assistance to New Yorkers at risk of eviction. However, the launch of ERAP by the State Office

of Temporary and Disability Assistance (OTDA) has been fraught with implementation problems – making it difficult for tenants and landlords alike to apply for benefits.

Despite the launch of ERAP, many New Yorkers will still need One Shot Deals to cover outstanding rent arrears and avoid eviction. For example, tenants who had arrears prior to March 2020 will need One Shot Deals to pay for the period of arrears not covered by ERAP. Thus, the goal of Intro. 2081 is still critical: to improve access to the One Shot Deal rental arrears payments. We appreciate that Intro. 2081 seeks to achieve the following goals:

1. Improve information about One Shot Deals, including what they are, how tenants can apply, and what type of documents they will need to establish eligibility

One Shot Deals can be an essential resource for vulnerable New Yorkers, but public information about the program is opaque. We agree that the City should have a dedicated phone number to answer questions about rent arrears payments, including One Shot Deals. In addition, the City’s websites should do a better job of clearly explaining what One Shot Deals are, how tenants can apply, and the type of documents needed to establish eligibility for these payments. There is some information about rental assistance on the City’s 311 website and on HRA’s website. However, the most valuable and practical information about One Shot Deals is buried deep in the HRA website as an attached PDF document. Although the text of this flyer includes very important information, explaining what is needed to apply and how to apply, it is not listed directly on the HRA website. Additionally, although HRA encourages New Yorkers to apply online for benefits including One Shot Deals, the ACCESS HRA homepage does not include explanatory information about this resource. A tenant must set up an ACCESS HRA account and click on the One Shot Deal option to learn more and apply. Therefore, we support the legislation’s goal of providing more information about One Shot Deals.

2. Make the process of applying less confusing

We applaud Councilmember Moya for proposing One Shot Deal improvements in Intro. 2081, such as modifying HRA forms and processes so that no tenant gets tripped up by failing to follow the correct process. The rent arrears application process is different for those who receive ongoing Cash Assistance benefits than it is for those who currently do not receive such benefits. Unfortunately, one of the most confusing aspects of the process is that tenants who do *not* want to apply for ongoing Cash Assistance benefits, and only want to apply for a One Shot Deal for rent arrears, nevertheless *must* apply for Cash Assistance because a One Shot Deal payment is considered a type of Cash Assistance. The application form for current Cash Assistance recipients who need rental assistance is also obscure: The W-137A form is buried deep in the HRA website on the FHEPS page at <https://www1.nyc.gov/site/hra/help/fheps.page>. Moreover, the text on that webpage is extremely confusing and complex: It is written at 17th grade level.¹

¹ This is a Flesch-Kincaid Grade Level Score based on an analysis using MS Word Readability tool. See <https://support.microsoft.com/en-us/office/get-your-document-s-readability-and-level-statistics-85b4969e-e80a-4777-8dd3-f7fc3c8b3fd2>

Overall, the process needs to be streamlined, and the forms need to be easier to understand and not buried on HRA's website.

3. Improve the application access for those with barriers to the online ACCESS HRA system: Make phone applications easy to request and secure, and improve the in-person application process as appropriate to accommodate those vulnerable to COVID-19

Many New Yorkers cannot use HRA's online application system known as ACCESS HRA. Some cannot use ACCESS HRA because they lack internet access. As the Council is well aware, there is a significant digital divide in New York City. An estimated 30 percent of New York City residents, or 2.2 million individuals, lack broadband internet access, including 350,000 who can only access internet through cell phones or tablets.² Seniors are much more likely to be without a broadband internet connection compared to the general population: 42 percent of New Yorkers 65 years old and above lack broadband internet access, compared to 23 percent of 18- to 24-year-olds. Further, recent studies indicate that 15 percent of Black and Latinx New York City residents have no internet access, compared to 11 percent of White New York City residents.³ Many other New Yorkers are unable to navigate the process, and some lack the technology to do so. In addition to filling out the application online, tenants must submit required documents to HRA to support their applications. Unfortunately, the only way tenants can submit their documents without traveling in person to an HRA Job Center is to take photographs of each page of their documents and upload them page by page via a smartphone application. Many clients are unable to use this uploading process – indeed, many lack smartphones that would allow them to do so.

To overcome these barriers to ACCESS HRA, the agency should provide live technical help for ACCESS HRA users. HRA should also make phone applications and paper applications readily available and provide safe in-person service at Job Centers. We support the provisions in Intro. 2081 that require the City to enhance the opportunities for seniors, individuals with disabilities, individuals who lack technology, and individuals who lack familiarity with technology to apply for One Shot Deals outside of the ACCESS HRA process, including via community locations outside of Job Centers where they could receive help applying online or via paper applications. In addition, Intro. 2081 also includes provisions to enable phone applications. We believe that this is of the utmost importance because HRA currently is not making phone applications widely available. The agency refers to phone applications as Home Visit Needed applications – and as a result, many clients who call HRA to request a phone application do not receive a phone appointment unless they claim they need a home visit. This practice needs to be reformed, and phone applications need to be easy to request and easy to secure. To accomplish this, HRA needs to plan for many more clients who need phone applications because the agency must acknowledge that a significant number of clients cannot use ACCESS HRA and the digital divide will not be solved overnight. We note that Intro. 2081 calls for HRA to set up weekly designated Job Center hours for applicants who are vulnerable to COVID-19. We support the concept of HRA exploring ways to provide safe in-person access to those who are vulnerable to

² Scott Stringer, *Census and the City: Overcoming New York City's Digital Divide in the 2020 Census*, Office of the New York City Comptroller (July 2019), at 5. https://comptroller.nyc.gov/wp-content/uploads/documents/Census_and_The_City_Overcoming_NYC_Digital_Divide_Census.pdf

³ Id.

COVID-19. Finally, we also note that there is no “live” help available on the ACCESS HRA system at all: not by online chat, texting, or telephone. We would suggest that HRA provide live technical support to ACCESS HRA so more New Yorkers could successfully navigate the system.

4. Reduce erroneous denials and repeat applications due to the mandatory phone interview process by requiring workers to make calls from phones that can be called back

In order to secure a One Shot Deal, applicants must undergo a mandatory telephone interview. Prior to the pandemic, the overwhelming majority of these mandatory interviews took place in-person at Job Centers. However, once the pandemic struck, HRA began using the online ACCESS HRA system for One Shot Deal applications and Cash Assistance applications, and the agency shifted to conducting all of these mandatory interviews by telephone. Indeed, even cases in which a client applies in-person at a Job Center have the eligibility interview conducted by telephone. No eligibility interviews are conducted in-person.

Unfortunately, to conduct these mandatory phone interviews, HRA workers use phones that do not have the ability to be called back. Thus, if a client misses a call and immediately tries to call back, they are unable to do so. Instead, they must call the generic HRA Infoline system, which has multiple phone menus and often cannot be reached because of busy signals and/or dropped calls. We appreciate that Intro. 2081 requires HRA staff to conduct two callbacks to One Shot Deal applicants, in which staff leave a voicemail message that provides their contact information or a dedicated phone number if an applicant does not answer.

5. Increase transparency by providing data

We support the inclusion of data reporting requirements in Intro. 2081, which will help identify trends and areas for improvement. We further suggest that the City report on the number of One Shot Deal applications that were approved, denied, and withdrawn at each center. With respect to approvals, we suggest that the City further report on the percentage of an applicant’s arrears that were paid by HRA. With respect to denials, we suggest the City further report on the reason for the denials (not reached for phone interview, documents incomplete, requested arrears too high, etc.).

Additional Recommendation

We recommend that the bill’s requirements not be contingent on Job Centers being closed. At the time Intro. 2081 was introduced, most of the Job Centers in the city were closed. Thus, it is understandable that some of the bill’s requirements, such as those outlined in sections (d) and (e), were put in place “until HRA reopens the job centers it temporarily closed due to COVID-19.” Although HRA has reopened most HRA Job Centers in the city, there are still significant problems with the One Shot Deal application process. We therefore recommend that the quoted expiration language from section (d) and (e) be stricken.

Intro. 1641-2019

We support the goal of Intro. 1641 to improve service at HRA Job Centers and SNAP Centers. We agree that it is critical to ensure that each person seeking services should be able to promptly

check-in with a staffer and explain their needs. We also feel strongly that they be served in a manner that treats them holistically so that all of their needs are met. We agree that individuals who seek services at Job Centers should be able to learn approximately how long it will take for them to receive the services they seek, and they should be able to get information in real time while they are at the centers in visual and audio form.

Intro. 0149-2018

The Coalition and LAS support increased transparency regarding the full scope of homelessness in New York City, and this bill will help make the data on City's various shelter systems more accessible and comprehensive by including populations that are too often forgotten in public discourse and resource allocation.

Conclusion

We thank the Council for the opportunity to provide written testimony, and we look forward to further collaboration to address the needs of all New Yorkers receiving public benefits or experiencing homelessness.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

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

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

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income

families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. LAS, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness, and LAS is currently using the *Butler* settlement to prevent DHS from transferring disabled homeless New Yorkers to congregate shelters without making legally required reasonable accommodations. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York* Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

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

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

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

**Homeless Services United's Written Testimony submitted to the NYC Council General Welfare
Committee on September 15th, 2021**

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

HSU is grateful to Council Member Levin and members of the committee for your continued leadership and support of New Yorkers experiencing the trauma of homelessness and housing instability. This package of bills being considered today could help to more accurately measure the breadth of homelessness in New York City and how families and individuals access services and shelter. As the Committee is well aware, the Department of Homeless Services is not the sole City agency tasked with addressing the problem of homelessness in New York City, and as such, there needs to be greater coordination between all systems and departments to more seamlessly provide client-centered services to shorten the amount of time experiencing homelessness.

Int. 149 and 1642- Improving NYC's tracking and reporting on homelessness

We commend the Council for its efforts to improve reporting on both shelter utilization and placement outcomes and exits from shelter. **As Int. 149 and Int. 1642** both seek to amend the same section of the administrative code of New York, HSU recommends that both bills **implement the same tracking methodology and reporting requirements for how each City agency serving families and individuals experiencing homelessness**. Currently both bills contain slightly different tracking and reporting requirements which may make implementing changes to the local law challenging.

It has long been a frustration that current reporting does not allow for a full picture of how many people in New York City are served by each shelter system in any given night, or over the course of a month. The inability to count across systems has stymied the efforts to accurately measure the scope of the crisis of homelessness, how well each system supports access to permanent housing, and how equitably resources are or are not shared across systems.

A uniform tracking methodology should be utilized across DHS, DYCD, HPD, and HRA which holistically includes headcounts at all facilities where clients stay overnight- not just traditional shelters. For DHS, this includes PATH and AFIC Intake Centers, Drop-In Centers, Stabilization and Faith Respite Beds, and Safe Havens. For DYCD this includes young people "resting" overnight in Drop-In Centers as well as residing in Transitional Independent Living (TIL) facilities and Crisis shelters. **DYCD-administered facilities should specifically be included, not excluded, in average and daily overnight census and numbers of unduplicated individual and families**. DYCD's current tracking methodology only reports unduplicated persons and monthly utilization rates, which prevents a more accurate, real-time count and the ability to better analyze how young people access services within DYCD and within the greater context of the City's entire homeless services safety net.

Reporting requirements across DHS, DYCD, HPD and HRA facilities, for the aforementioned program types, should track:

1. **Actual daily overnight census** of individuals and families by program type, with families disaggregated by adult families and families with children, and by number of adults and children.
2. **Average daily overnight census** of individuals and families by program type, with families disaggregated by adult families and families with children, and by number of adults and children.
3. **Total monthly unduplicated number** of individuals and families by program type, with families disaggregated by adult families and families with children, and by number of adults and children.

An actual daily census across agencies would allow for a real-time comparison between systems to better evaluate need and target resources appropriately. For example, an expansion in HRA DV shelter capacity could result in a corresponding drop in the DHS family shelter census as families are triaged to DV facilities to access more appropriate services and shelter. If the City only tracked daily census figures for DHS family with shelters but not HRA DV shelters, the DHS data could be misinterpreted as a reduction in family homelessness, rather than demonstrating a shift towards additional DV resources.

Average daily overnight census numbers can help to flatten statistical anomalies caused by sudden spikes in the daily census numbers, allowing for more accurate trendlines. And total monthly unduplicated numbers across all City agencies will help to gain a more accurate count of unsheltered young people and single adults across the city.

Through establishing standardized reporting requirements across agencies, the Local Law 37 report should seek to more clearly present the data in a format that can be compared and collectively analyzed. Currently, reporting metrics vary across agencies and programs which resorts to comparing apples to oranges. In the current Local Law 37 report, DHS reports headcount 3 different ways across programs- 1) average daily census figures for drop-ins, faith-based respites and DHS administered facilities, 2) census data for DHS stabilization, veteran shelters, and Criminal Justice shelters, and 3) unduplicated numbers for DHS administered shelters, safe havens, stabilization, veteran, and criminal justice shelters (excluding drop-ins and faith-based respites). HPD includes only average daily overnight and census figures (no unduplicated counts), and HRA DV and HASA shelters have a Point In Time (PIT) count and unduplicated numbers (but no overnight average), and DYCD only has number of unduplicated persons and an average monthly utilization rate.

In addition to improving the transparency of homeless data mandated by Local Law 37, we ask the Council to also consider further improvements for the DHS Daily Report. As this report is often the most readily quoted by the press, it is important that the data is presented in as clear and comprehensive manner as possible.

Recommendations to improve the DHS Daily Report:

1. The **'Street Solutions'** section in the top left of the report (labeled "Single Adults") **should** also **include stabilization beds**. (They are currently omitted, which might actually be a violation of the legal requirement.)
2. The **'Family intake'** section on the right side of the report (PATH and AFIC) should be **broken down by individuals, not just family units**.

3. The **‘Total Shelter Census’** section should include the individuals from stabilization, safe haven overnight drop-in placements, veteran bed, and criminal justice beds, as well as the number of individuals in families in **“conditional” (or application) status**. Currently this section only narrowly counts Single adults and families currently in DHS shelters, even though there are thousands more homeless individuals sleeping in DHS facilities overnight.

Int 1642- Improving our understanding of exits from shelter

HSU supports this bill as it seeks to better define how families and individuals exit shelter by further parsing the different types of permanent housing attained. To more clearly understand where households go when exiting shelter and what types of permanent housing are being utilized to do so, **HSU makes the following recommendations regarding reporting categories for exits from city-administered shelters:**

- **Create a new category for Section 8**, disaggregating by NYCHA, NYC Housing Preservation and Development (HPD) and NYS Homes and Community Renewal (HCR), and further breaking each down by project-based or tenant-based vouchers.
 - NYCHA public housing should be moved from the “other affordable housing” to this category.
- **Create a new category for people not medically appropriate for shelter**, disaggregating by moves to hospitals or medical rehab centers, medical respite care, and long-term care facilities.
- **Create a new category for individuals utilizing a rental subsidy for either a) a private-room or b) an unsubsidized SRO** that is not supportive housing.
- **Further define “made own arrangements” category**, disaggregating by moving in with friends or family, moving out of the tri-state area, or other.

Int. 1794- Expanding training curriculums for shelters

HSU has long-supported and promoted the use of Trauma-Informed Care and de-escalation techniques for working with households experiencing the trauma of homelessness, and our non-profit members are committed to providing quality-care with compassionate well-trained staff. To ensure that **Int. 1794** allows for equitable use of resources and staff-time, HSU recommends that the bill language **allow contracted agencies the flexibility to source trainings either internally or externally**. Equivalent trainings currently being held by providers should be able to be counted towards this requirement. The Council must also **commit additional funding for DHS shelter budget modifications to ensure this training initiative to ensure it is successful**, as individual DHS shelter budgets may not have sufficient training budgets to accommodate two additional trainings for every staff member annually. Providers must also need sufficient time to schedule these trainings for all their entire client-facing workforce.

Int. 2081- Improving access and data for One-Shot Deals

HRA implemented a number of improvements during the COVID-19 pandemic to improve access to One-Shot Deals, such as the ability to apply remotely through ACCESS HRA and posting information on documentation requirements, but more can be done to ensure easier access to one-shot deals for those that need them. While ACCESS HRA created remote options to apply, alternatives to this system are not the most timely- either having to submit a paper application or going through the homebound center

which is woefully understaffed. HSU supports **Int. 2081's creation of new locations in the community** to assist with applying for one-shots. We additionally recommend that **HRA should accommodate on-demand applications over the phone** for people who have difficulty completing the paper application, or for emergencies where the paper application process is too lengthy.

HRA's current procedure is for two call-backs for applicants who filed a one-shot deal application, but some clients report never receiving a phone call, or did not pick up because HRA staff use caller-id blocked lines. To ensure that clients can quickly follow-up, HRA should publicly post a designated helpline to request another HRA call-back. Additionally, **HRA denial notices citing lack of client response to callbacks should include the date, time, and phone number called**, to give the client the ability to verify whether HRA indeed contacted them.

Recommendations for the monthly One-Shot Deal report:

- For data on number of applications that did not result in a one-shot deal, disaggregate this number by the reason for denial- e.g., lack of response to HRA call-backs, lack of future ability to pay rent, etc.
- For data on number of recipients of one-shot deals:
 - Report the number and percentage that were approved as a result of a fair-hearing, further broken down by reason for the overturned denial
 - Report the number and percentage of recipients that applied twice/three/four times+ before getting approved for a one-shot deal.
- To ensure households are not dissuaded from applying and protect client confidentiality, applicant information for the report should be aggregated to zip codes rather than their specific locations.

With this package of legislation being considered today, the Council has the opportunity to better coordinate data across City agencies serving homeless New Yorkers, to more accurately track the numbers of families and individuals experiencing homelessness or at risk of housing instability, and where households go when exiting shelter. Through greater understanding of the universe of need and finding ways to provide those services compassionately and as quickly as possible, the Council can help more New Yorkers stay in their homes, and create additional pathways out of shelter and back into the community.

Thank you for the opportunity to testify today. If you have any questions, please feel free to email me at elee@hsunited.org or call me at (646) 515-8053.



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**TESTIMONY OF GABRIELA SANDOVAL REQUENA
NEW DESTINY HOUSING SENIOR POLICY ANALYST
TO THE NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE**

September 15, 2021

Thank you, Chairperson Levin and members of the City Council General Welfare Committee for the opportunity to submit written testimony on behalf of New Destiny.

New Destiny Housing is a 27-year-old nonprofit committed to ending the cycle of domestic violence and homelessness. We develop new affordable housing with voluntary on-site services and through our rapid rehousing program, HousingLink, we connect survivors of domestic violence with safe, permanent housing in New York City.

We are grateful to Council Member Levin and the Committee members for their demonstrated commitment to help improve the lives of New York City's most vulnerable by introducing these five bills.

INT. NO. 1642- 2019

New Destiny commends the Council for Intro 1642, which would require the Mayor's Office of Operations to report on the exits from all city shelter systems, as well as the financings, starts and completions of permanent housing for those exiting emergency temporary housing. By creating a transparent, centralized mechanism that tracks shelter exits as well as the status of housing units, the city is one step closer to implementing a system that allows for interagency collaboration and meeting the HUD coordinated entry requirement. This reporting will also provide insight into service gaps to inform the City's homelessness mitigation strategies and identify the need for additional resources.

New Destiny supports Intro 1642.

INT. NO. 149-2018

New Destiny enthusiastically supports Council Member Levin's leadership for Intro 149, which will help increase transparency and accountability to all city shelter systems by centralizing shelter census data. It is long overdue for the City to create one combined census that shows the true scope of homelessness in New York City. We simply cannot solve a problem that we fail to measure correctly.

While Local Law 37 of 2011 requires city agencies that provide temporary housing to produce monthly reports on emergency housing assistance utilization, there is a significant lack of uniformity in the methodology, with some agencies reporting unique individuals and others a nightly average, for instance. This inconsistency makes it impossible to combine the various reports into one census count of all New Yorkers experiencing homelessness. Furthermore, these reports are only released on the monthly basis. The only city agency that provides daily shelter census is the Department of Homeless Services, with far less data available for the thousands of families and individuals living in the City's other homeless shelters, including HRA domestic violence shelters. This discrepancy in data hides from

view some of the City's most vulnerable people, including homeless domestic violence survivors, people living on the street, homeless youth, homeless individuals living with HIV/AIDS, and those in HPD's shelter system. This results in budget and policy decisions focused on those that are in the public view, with less attention and accountability for those that are not.

New Destiny respectfully suggests that the Council considers the following recommendations for Intro 149:

- Require a combined daily census that adds all New Yorkers experiencing homelessness
- Ensure that the definition of HRA domestic violence shelters includes domestic violence emergency beds and domestic violence Tier II shelters
- Mandate a consistent methodology for all city agencies to report shelter census
- Track and report the same outcomes in the Mayor's Management Report

For more information on our policy priorities to address homelessness among domestic violence survivors in New York City, please refer to our 2021 Policy Platform [available on our website](#).

I also urge you to support the [Family Homelessness Coalition's priorities](#), based on the needs identified by a broad-based coalition of shelter and housing providers, advocates, and other nonprofits helping homeless families in New York City.

We thank the Council for the opportunity to submit written testimony and hope our recommendations are considered. We welcome the opportunity to collaborate further.

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Safety
Net
Project

Testimony of Craig Hughes
Senior Social Worker
Urban Justice Center - Safety Net Project

Hon. Steven T. Levin
Committee on General welfare
Wednesday, September 15th,
2021

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

The Urban Justice Center's Safety Net Project assists thousands of individuals each year with eviction defense legal services, public benefits, and homeless advocacy with the Department of Homeless Services, assisting homeless New Yorkers to navigate crises and access permanent housing. We also co-organize the Safety Net Activists, which advocates on benefits and homelessness issues and is led by people with lived experience. During the pandemic we played a leading role in the #HomelessCantStayHome campaign and have worked intensely to mobilize with homeless individuals to fight the mass evictions from safe individual hotel rooms into high-risk congregate shelters.

We are testifying today in regard to Intro-149, which amends the administrative code pertaining to reporting of the number of people in shelters or "emergency housing."

What Are the "Municipal" or "City" Shelter Systems?

First, it's important to set out the different acronyms used in this testimony and in municipal homeless shelter counts more generally:

- DSS: Department of Social Services
- DHS: Department of Homeless Services
- DYCD: Department of Youth and Community Development
- HPD: Department of Housing Preservation and Development
- HRA: Human Resources Administration
- HASA: HIV/AIDS Services Administration
- DV: Domestic Violence
- AFIC: Adult Family Intake Center
- PATH: Prevention Assistance and Temporary Housing
- HUD: Department of Housing and Urban Development
- PIT: Point-in-Time Count
- RHY: Runaway and Homeless Youth

New York City has **5 municipal or City shelter systems** run by **4 City agencies**. The Human Resources Administration (HRA) runs the domestic violence (DV) and HIV/AIDS Services Administration (HASA) systems. The Department of Youth and Community Development (DYCD) runs the runaway and homeless youth system (RHY). The Department of Housing Preservation and Development (HPD) runs the emergency shelter system for those whose housing is condemned, significantly damaged by events such as fires, or the city determines is otherwise uninhabitable.

The central shelter system – often erroneously referred to as *the* "municipal shelters" or *the* "City shelters" (erroneous because there are multiple "municipal shelter" systems) – is run by the Department of Homeless Services. Prior to the creation of DHS, most shelter beds were run by HRA. The idea for DHS as an independent agency was based on recommendation of the Dinkins-

era Cuomo Commission report.¹ DHS was created as an independent agency under the Giuliani administration. Under Mayor de Blasio, DHS (along with HRA) became a sub-agency of the Department of Social Services (DSS).

As a result of litigation beginning in the late 1970s and continuing through the early 2000s, New York City must provide shelter to homeless individuals and families who show up at the City's doorstep for help. The system charged with providing this elastic system, which is supposed to expand as needed, is DHS. Single men, single women, so-called "adult families" without minor children, and families with minor children and/or a pregnant head of household, each have different respective entry-points into the DHS system. (As discussed below, the HIV/AIDS Services Administration and Department of Housing Preservation and Development also run elastic systems that expand as needed for individuals and families that meet specific eligibility criteria).

While the single and family beds within DHS are supposed to expand by need, DHS also administers many shelter beds that are specialized and do not expand to meet demand. These include faith-based beds, chairs in certain overnight drop-in centers, stabilization beds, safe haven beds, veterans' beds, and short-term criminal justice beds.

HRA's domestic violence (DV) shelter system serves individuals who have had some type of recent domestic violence situation. Many of these individuals have also been in the DHS system at one point or are discharged into the DHS system when they "time-out" of DV beds. When no DV beds are available, people often enter the DHS system and go through an evaluation with the NoVA (No Violence Again) unit of HRA to determine DV-based needs. The DV system does not expand to meet demand and DHS does not meet DV needs in the same comprehensive way as found in the HRA-DV system.

The HPD shelter system provides beds to individuals and families who have had to leave their home due to a vacate order, a fire, or some other matter that causes a building to be uninhabitable. HPD beds expand as need expands. These beds are typically in hotels rented by the city upon a given emergency and HPD also maintains a permanent inventory of shelters. HPD has a fairly arduous application process to access their system and significant limitations on where, geographically, they can offer people shelter.

DYCD administers a shelter system designed for runaway and homeless youth (RHY), with the vast majority of beds allowing young people to stay for short amounts of time, with an absolute "age out" limit of someone's 21st birthday. DYCD, under a law passed in 2017, also administers a small number of shelter beds for young people with an absolute "age out" limit of an individual age 25. As a result of significant advocacy, the de Blasio administration expanded drop-in centers to add overnight hours for homeless youth, and there is now one in each borough. The DYCD system is legally required to shelter teenagers who are 16 or 17 years old and who need an RHY bed and meet criteria, as the result of litigation filed under the Bloomberg administration and settled under the de Blasio administration.

¹ <https://www.nytimes.com/1992/01/31/nyregion/report-to-dinkins-urges-overhaul-in-shelter-system-for-the-homeless.html>

HRA also administers the HIV/AIDS Services Administration (HASA) shelter system, for individuals who are HIV positive. The system was created as a result of the organizing and advocacy of people living with HIV/AIDS and their allies. These beds are, by law, temporary single room occupancies (SRO's). The HASA system expands when there is a need for additional beds for eligible applicants.

Each of the above is a “municipal shelter” system. In aggregate they compose the “municipal shelter systems,” or an accurate moniker for what is often referred to as the “City shelters.” Rather than refer to DHS as the “City shelters” or “municipal shelters,” unless the subject is all municipal shelters, each system should be discussed as its own system that is part of the 5 municipal shelter systems.

Each of the municipal shelter systems are allocated different resources, including different resources to assist in exiting shelter and moving into permanent housing. Often resources are allocated with virtually singular consideration of the DHS system rather than ensuring that resources for housing are available to every person or family who enters the municipal shelters, regardless of which bureaucracy they come in through.

Sources for Shelter Census Numbers

There are four main governmental sources, used with varying regularity, for shelter census numbers in New York City:

- 1) the DHS Daily Report,
- 2) The Temporary Housing Report required by Local Law 37 of 2011
- 3) the NYC Open Data system
- 4) the federal Department of Housing and Urban Development (HUD) annual Point-in-Time (PIT) tallies.

Each report has strengths and weaknesses, as discussed below.²

The DHS Daily Report has been a source of contention for many years. Until 2018 the report was published irregularly by DHS to its website. In 2018, to correct this, City Council implemented a law requiring the report to be published every weekday.³ The Local Law 37 report, which includes a census for each municipal shelter system, must be published monthly by the Mayor's Office. The HUD PIT tally is published, roughly, every year based on a count done during the last week of January.

The DHS Daily Report: The DHS Daily Report reports on the number of people in most – but, crucially, not all – homeless shelters administered by the Department of Homeless Services. Per a

² For purposes of this testimony, we are only addressing the City shelter systems, though the homeless population is much larger. The most significant report showing the extent of homelessness is the annual report of homeless students, required by McKinney-Vento. That report includes a count of homeless students who are doubled up or tripled-up and in other precarious situations of homelessness. This testimony also does not tackle that there are many homeless people incarcerated or in hospitals or treatment programs, or other types of programs, that do not show up in the municipal shelter system census data.

³ Local Law 57 of 2018. <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2080730&GUID=E7F09546-8E04-4BAD-B101-FE89663635EF&Options=&Search=>

FIGURE 1: DHS Daily Report

NYC
Department of Homeless Services

DAILY REPORT
9/14/2021
(Data from Monday, September 13, 2021)

SINGLE ADULTS	
Drop-in Center Clients Served	335
Drop-in Center Overnight Census	102
Faith Bed Census	25
Outreach Contacts	291
Outreach Placements	9
Safe Haven Utilization	1069
Veterans In Short-term Housing	149
Criminal Justice Short-term Housing	97

5 sites reporting

FAMILY INTAKE	
Families Requesting Temporary Housing at PATH	109
Adult Families Requesting Temporary Housing at AFIC	8
Families Placed in Overnight Accommodations	0
Families w/children at PATH Overnight (pre 10PM)	0

5 sites reporting

TOTAL SHELTER CENSUS	
Adults	30,420
Children	14,572
Total Individuals	44,992

SINGLE ADULTS	
Men	12,111
Women	4,005
Total Single Adults	16,116

FAMILIES WITH CHILDREN	
Families	8,341
Adults	10,965
Children	14,572
Individuals	25,537

ADULT FAMILIES CENSUS	
Families	1,593
Individuals (Adults)	3,339

response to a FOIL issued in 2017, DHS does not maintain a manual on how the report is produced. According to DSS’s legal department, “the Department of Homeless Services Completes the Daily Report by running a series of queries in the CARES system. The query results are then put into a spreadsheet or PDF document for publishing purposes.” DHS does not host a publicly available historical archive of these Reports (except for data from reports produced in recent years, which can be found via the Open Data system, discussed below).

When looking at the DHS Daily Report it would be common sense to think that the “Total Shelter Census” box represents

all people in DHS-administered beds (see example of the report in Figure 1). However, it does not. The “Total Shelter Census” represents only those in the Single Adult Shelters, already-eligible Adult Family, and already-eligible Families with Children censuses.

Who does this leave out? Everyone in the “Single Adults” table on the top left, and everyone in the “Family Intake” box on the top right. Additionally, the “Single Adults” table on the top right does not include stabilization beds - that category of more than 1000 beds simply just doesn’t appear at all. Notably, in 2010, then Councilwoman Palma pointed this out to then-Commissioner Robert Hess, who said he would work to get stabilization beds into the report. Eleven years and one mayoral administration later, that has still not happened.⁴ Stabilization, safe haven, and other beds and chairs in the top-left box on the document are considered part of the DHS ‘Street Solutions’ portfolio and not as “shelter” when DHS provides its reports. This parsing is confusing, inconsistent and unhelpful.

If the only number considered is the “Total Individuals” in the “Total Shelter Census” table in the middle of the document, then thousands of individuals in DHS-administered beds are not being included. Moreover, if the DHS Daily Report is the only source for enumerating the sheltered-homeless population in New York City, then thousands of individuals and families in other municipal shelter systems are also being left out.

⁴ https://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/01/fy2011-nycc_budget_response_fy_2011.pdf, p. 19.

Local Law 37 “Temporary Housing Report”

In 2011 the City Council passed Local Law 37 (LL37). LL37 requires the Mayor’s Office to publish a monthly report of shelter censuses from each municipal shelter system to its website. Each of the 4 agencies that oversee the 5 municipal shelter systems produce their own respective report, which the Mayor’s Office then cobbles together and publishes on its website. The methodologies vary as does the reporting template.

LL37 data presents the best numbers available to the public on how many people are in the city-administered shelter systems within a given month. It is imperfect, largely because of how individual agencies report their numbers, but it’s also the best available tool from which to produce tallies of the homeless population in something close to real time.

The most recent LL37 report, available on the Mayor’s Office website, is available for July 2021.⁵ The City has changed the report over time and in its newest format LL37 combines the table for HRA’s shelters (HASA and DV), whereas these were previously separate documents. The most glaring issues with the report are (1) a lack of uniformity across the systems, and (2) a lack of transparency of how the numbers are tallied. Below we address specific weaknesses in the LL37 law that led to a weakened report:

1. **DHS:** The report does not include a transparent total of every person in an overnight setting within the DHS network of:
 - a. drop-ins;
 - b. stabilization beds;
 - c. safe havens;
 - d. singles shelters;
 - e. faith-based beds;
 - f. criminal justice beds;
 - g. veterans’ beds;
 - h. individuals in families with children found eligible for shelter;
 - i. individuals in families with children applying/in shelter eligibility assessment processes;
 - j. individuals in adult families found eligible for shelter;
 - k. individuals in adult families applying/in shelter eligibility assessment processes;
2. **HPD:** The report provides a nightly average of people in HPD-administered beds but does not provide a point-in-time count.
3. **HRA:** The HRA report includes DV and HASA beds, however there is monthly average for the number of individuals in the DV shelters and no total average census for the entirety of the HASA system.
4. **DYCD:** DYCD’s report has a variety of problems, including that the drop-in center tallies do not represent overnight totals. However, the biggest problem with the DYCD report is that DYCD only includes new entrants in its numbers – young people who were in DYCD overnight facilities but were intaked in the prior month are not included.

⁵ https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf

The lack of uniformity in reporting lends to unnecessary confusion. In order to create an accurate tally, Local Law 37 should be amended to include a uniform methodology for tallying. This should include (A) a point-in-time census for every system, broken down by bed/chair type but also including a total; (2) a monthly average for each system, broken down by bed/chair type but also including a total.

The goal of the monthly LL37 report should be to give anyone who looks at the report the immediate ability to say how many people were in all 5 municipal shelter systems on a single night and transparently present how that number was arrived at, and provide the monthly average for people who stayed overnight in all 5 municipal shelters, and transparently present that number was arrived at.

New York City Open Data System

The New York City Open Data Portal⁶ should allow for full, transparent data that can be easily downloaded into a spreadsheet for manipulation by policy-makers, advocates, homeless people and others. Instead, the data provided in the Open Data system carries the same or similar weaknesses as data in other reports. For example:

1. **DHS:** The DHS Daily Report data in the Open Data system⁷ carries over the same misleading framework as found in the DHS Daily Report on the DHS website. To give just one example, “Adults in Shelter” does not include people in safe havens, stabilization beds, overnight drop-ins, church beds etc. What is presented is a fundamentally inaccurate view of the current homeless population in DHS-administered beds or chairs, with thousands of people who should be in the dataset entirely left out of it.

Similarly, the more comprehensive set of data in the DHS Data Dashboard presents an opaque blob of monthly information. To give just one example, the report provides for HOME-STAT clients placed during a given month but does not break-out data by stabilization, safe haven, overnight drop-in, PATH and AFIC applicants etc.

2. **DYCD:** The data available on the Open Data portal for the runaway and homeless youth shelter and drop-in census is simply a dataset with the same data found in the Local Law 37 report and is full of the same weaknesses noted above.⁸
3. **HPD:** The data available on the Open Data portal for the HPD shelter census is simply a dataset with the same data found in the Local Law 37 report and includes the same weaknesses noted above.⁹
4. **HRA:** The data available on the Open Data portal for the HRA (DV and HASA)¹⁰ census’ is simply a dataset with the same data found in the Local Law 37 report and includes the same weaknesses noted above.¹¹

⁶ <https://opendata.cityofnewyork.us/data/>;

⁷ <https://data.cityofnewyork.us/Social-Services/DHS-Daily-Report/k46n-sa2m>; <https://data.cityofnewyork.us/Social-Services/DHS-Data-Dashboard/5e9h-x6ak/data>

⁸ <https://data.cityofnewyork.us/Social-Services/Local-Law-37-DYCD-Report/2232-dj5q/data>

⁹ <https://data.cityofnewyork.us/Social-Services/Local-Law-37-DYCD-Report/2232-dj5q/data>

¹⁰ <https://data.cityofnewyork.us/Social-Services/Local-Law-37-HRA-Report/e4ty-r26d>

¹¹ <https://data.cityofnewyork.us/Social-Services/Local-Law-37-DYCD-Report/2232-dj5q/data>

HUD Point-in-Time Count

The HUD Point-in-Time data is the most comprehensive tally of homeless people in the municipal shelters that is available for a single point-in-time each year.¹² Because it is the most comprehensive snapshot available, policy analysts and reporters have increasingly turned to this report to avoid understating the number of people in one or another overnight setting at a given time. This report gives a tally that is comprehensive for all DHS overnight beds and chairs on a single night and aligns with the HOPE and homeless youth estimates of unsheltered homeless people. A weakness in the data on the dashboard is that it doesn't transparently present the municipal overnight settings such that, from the dashboard, someone viewing the data cannot breakout individuals by type of emergency or transitional overnight setting. The biggest weakness of the report, however, is that it is produced only once a year, typically in January, so it does not account for regress or progress for many months at a time.

The Politics of Not Presenting Full Homeless Estimates

It is a political decision by City officials to not provide a transparent tally of the full population of individuals in the 5 municipal shelter systems. From the perspective of bureaucracy, this decision leans most heavily on the Department of Social Services and the Department of Homeless Services, who oversee the main City shelter system (DHS), and the one that is most often used to measure the City's progress – or lack thereof - on resolving the municipal homelessness crisis.

In some ways, the important additions of beds to non-DHS systems, typically as a result of advocacy, leads to artificial reductions in the DHS census, and thus muddles the public understanding of the municipal homeless crisis. For example, an increase in DV beds likely leads to a reduction in the DHS census because people went into shelter through a different bureaucracy (HRA's DV system, instead of DHS), even though the aggregate number of homeless people in municipal shelter has, in fact, increased (just in a different municipal shelter system, but one that is not typically used to discuss the homelessness crisis in NYC). Similarly, the stabilization, safe haven and other overnight settings that comprise the DHS 'Street Solutions' (e.g. outreach) portfolio have essentially come to function as sort of shadow shelter-types that artificially decrease the generally discussed DHS census, since they are increasing the number of people in beds administered by DHS but not the tally that DHS uses when discusses the number of people in shelters.

The administration, when pressed, has defended its practice of leaving out the Street Solutions resources from their publicized numbers, with the argument that if the agency were forced to include those numbers it would be unfair because it would hold them to a higher standard than their predecessor. In the minds of DHS officials, in order for such inclusion to be fair someone would have to go back in history and revise all the census numbers. Take, for example, this interaction between DSS Commissioner Banks and Councilmember Steven Levin during budget hearings this year:

Chairperson Levin: Thank you Commissioner. First, I just want to just get a point of clarity. You mentioned shelter census being at around 52,000, which is down from a high of

¹² The data dashboard for 2020 is available at:

https://files.hudexchange.info/reports/published/CoC_PopSub_CoC_NY-600-2020_NY_2020.pdf

61,000. Is that including stabilization in Safe Haven beds?

Commissioner Steven Banks (CSB): Look, I think it's important to consider apples to apples. We have been measured historically by the Department of Homeless Services Shelter System. It does not include the stabilization beds. I think it would — if one wanted to do so, you would have to go back over time and adjust all the censuses of every other administration that's done this but if you would like us to do that, we are happy to try to do that together with you.

Chairperson Levin: Okay.

CSB: But we tend to focus as every administration has on the number of people that are in actually the Department of Homeless Services Shelters. As you know, we run a hostage shelter system, we run a domestic violence shelter system, we have provided emergency housing for people with three quarters houses.¹³ A whole range of different kinds of shelters. There are HUD funded shelters that are separate from ours and sometimes when you look at that, HUD point and time counts, it has a different number than the Department of Homeless Services Census. So, it really depends, do you want to compare apples to apples or do you want to compare different numbers to different numbers. We are happy to work with every number set you like.

Chairperson Levin: Well, Safe Haven beds though. That's considered part of the shelter census right?

CSB: Safe Havens were started back during the Bloomberg Administration. They were never included in the shelter census.

Chairperson Levin: Okay, I don't think I knew that. Okay, I have always been in favor of including the most comprehensive numbers when looking at the shelter census so.

CSB: I don't disagree with you, I just want to — the reason why I am focusing on this point is I think it is important for the public to understand that investments are actually working and have confidence in government, both the legislative branch and executive branch. And so, if we want to change what the number is, we are going to focus on reducing, we should have a common understanding of what that change is. And so, in the testimony that I have given you today, the common understanding has historically been what is the Department of Homeless Services Shelter Census and is it going up or going down? And so, that's the number I am focusing on. Happy to have a focus as we go forward on other numbers.

Chairperson Levin: Okay, uhm, okay, I want to look into that a little bit more because I just want to make sure that we are obviously counting everything that's in the system.¹⁴

¹³ The word "hostage" represents an error in the official transcription. Commissioner Banks stated "HASA" not "hostage."

¹⁴ Hearing transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4809458&GUID=128F61C5-B72A-4A25-B84E-EFD97A70AC74&Options=&Search=>

Key takeaways in this interaction include Commissioner Banks' admission that "We have been measured historically by the Department of Homeless Services Shelter System. It does not include the stabilization beds," and that revising the current report to include beds in the Street Solutions portfolio would require revising the entire history of tallies, and, finally, that "Safe Havens were started back during the Bloomberg Administration. They were never included in the shelter census." What Commissioner Banks has essentially stated is that including these higher numbers would be political disadvantageous, and since other administrations didn't get measured on these beds – since they didn't exist or were fewer in number and weren't included – the de Blasio administration should not be measured by a more-inclusive standard. That argument is outrageous – everyone in any type of DHS-administered overnight setting should be included in the DHS tally.

If the goal of a public-facing homeless tally is to provide an accurate estimate of the number of people in the DHS system, then politicizing the numbers, as Commissioner Banks does in the interaction above, is only unhelpful. The question for the public-facing DHS census simply should be: "how many people were in a DHS-administered overnight setting on a given night?" The question of "what standard was the previous Mayor held to" is not a relevant inquiry for this matter.

Harms That Result From not Discussing Homelessness to Include All Systems and Overnight Beds

There is a laundry list of consequences that result from the City's decision to obscure the numbers of people who spend nights in a City-administered shelter or drop-in setting. The most serious consequence is that of inequitable resource distribution.

For example, take the roll-out of CityFHEPS housing subsidies, which are the City's main rental-support intervention to reduce homelessness. Since most public discussions surrounding the vouchers did not include equitable access to subsidies *across* the shelter systems, entire systems were left out. Specifically, HPD shelters received no access to CityFHEPS subsidies, which meant that if someone's home burned to the ground or they became homeless as result of a vacate order, they could enter HPD shelter but have no way to afford to leave. Similarly, young adults in the DYCD shelter system have received almost no rental assistance, and the little they have received is because of persistent advocacy by youth leaders and advocates.¹⁵

A second serious consequence is that by not having a transparent tally we are simply not having an honest discussion of how to best help people in whatever type of overnight setting access a home. If some shelter systems – or some beds or chairs within a shelter system – aren't part of the discussion, then how can there be equity to exit homelessness for homeless people? Simply put, there cannot be.

Current Legislation

Intro-149, as currently proposed, does not adequately fix the issues with the reports issued by Local Law 37. Local Law 149 would require a cover page showing the total homeless population

¹⁵ <https://www.thecity.nyc/housing/2021/7/18/22582437/nyc-homeless-youth-finally-get-rent-help-deblasio-promise>

and that it be posted monthly to the website of the Mayor's Office of Operations and the Open Data portal. While we support the spirit of the proposed law, the actual suggestions don't meet the need. Our suggestions are as follows:

1. Definition of "City-administered facilities" must be amended. As the bill language currently stands, the term is defined as: "The term "city-administered facilities" means hotels, shelters and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing" should be amended. **The definition of "City-administered facilities" should instead be defined as "hotels, shelters, stabilization shelter locations, safe havens, veterans' shelter, faith-based locations, criminal justice short-term housing, overnight drop-in centers, and other accommodations or associated services managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing."**
2. The bill, as drafted, allows DYCD to avoid many of the reporting requirements made on the other 3 shelter systems for its census. **DYCD should share the requirements of the three other agencies in reporting; the runaway and homeless youth system should be fully transparent in its census.** The DYCD is historically underserved and opaque and full data must be made available to ensure that policy makers and advocates have all necessary information in evaluating resources.
3. The bill does not mandate uniformity across systems. **Each system should be required to report (A) the number of people in its City-administered facilities at a single night, point-in-time; (B) the number of people in its City-administered facilities averaged across the reporting month.**
4. The bill mandates a cover page that "lists the total number of persons utilizing all city-administered facilities listed in subdivision b of this section" and "shall additionally include such total number disaggregated by the number of families with children, adult families, single men and single women utilizing all city-administered facilities listed in subdivision b of this section." We suggest **also adding the mandate of both a point-in-time snapshot of all 5 municipal systems in aggregate and the monthly average of all 5 municipal shelter systems in aggregate.**

Finally, the City must pass legislation that mandates revisions to the DHS Daily Report to ensure it is fully transparent, as discussed above.



Breaking the Cycle of Homelessness
for Women and their Children

**Testimony of Women In Need (WIN) on Int. No. 1794
Before the General Welfare Committee of the New York City Council
September 15, 2021**

Good Afternoon Chair Levin and Members of the General Welfare Committee. My name is Josefa Silva, and I'm the Director of Policy and Advocacy at Win. Thank you for the opportunity to testify today. I am here to express our support and speak about Intro No 1794, the bill requiring training in trauma-informed care, de-escalation, and professionalism for DHS and contractor staff who interface directly with clients.

I would like to begin by thanking Council Member Ampry-Samuel for introducing this bill. It recognizes that DHS needs to improve how it interacts with and treats the New Yorkers who look to the agency for services, and creates a training mandate to begin making the shift that needs to happen. We are particularly troubled by the experiences that the families in our shelters have had when interacting with DHS staff, beginning at PATH, the intake center for families with children seeking shelter. Families in our Win shelters have described their experiences at PATH as a highly tense and grueling ordeal, and have described the treatment they received from staff as punitive and even dehumanizing. In the words of a mom at a Win shelter:

"They make you feel unwelcome... they make you feel how you are: homeless. That's how they really make you feel; like they're better than you. Like, even a worker told me there one time, 'Well this isn't my issue. I have somewhere to sleep at night.'"

This is unacceptable, and Intro No 1794 can help change this. This bill will help ensure that families have support in healing from trauma, and are not retraumatized, in intake or in shelter.

At Win, we know that it takes special knowledge and skills to truly support and serve families who are in the midst of the terrible experience of homelessness, and who are dealing with the circumstances and experiences that have led up to it. These experiences and circumstances are often overwhelming and traumatic, and can negatively impact a person's physical, mental, and behavioral health. In order to overcome homelessness and achieve housing stability, families need to heal from trauma. Families experiencing homelessness need trauma informed care throughout their time working with DHS—from intake through aftercare.

At Win, we launched an in-house training and professional development initiative to equip our staff of over 500 with the knowledge, skills, and supports they need to provide trauma informed care for the approximately 2,000 families with children we serve each year in our shelters and supportive housing. From this initiative, we've seen real gains in knowledge and skills, and an evolution in the quality of staff-client interactions and in the client experience. We've seen that training in trauma informed care provides more than a set of skills; it's a shift in the entire approach to clients and services, one that supports families in healing and in building a brighter future.

Win's efforts have been possible thanks to funding from the City Council Children and Families in NYC Shelter Initiative. Thank you Chair Levin for establishing and leading that initiative.

This initiative has taught us important lessons in what makes training effective. First, concepts and skills need to be reinforced in order for a person to fully integrate them, which is best done by providing professional development throughout the year. Second, staff need support in applying what they learn to their day-to-day work and interactions. At Win, we provide a multi-part workshop series twice a year. And we've seen that the most effective way to support using and perfecting new skills is through hands-on coaching and support in real life scenarios. Our trainers provide staff with coaching once a month, and supervisors are trained and coached in providing coaching themselves. Lastly, staff also benefit from being able to deepen knowledge and skills in the specific areas that they see as most relevant to their work. So for example, at Win, we provide a multi-part series in motivational interviewing.

We believe that Intro No 1794 can be strengthened by incorporating these lessons. We recommend expanding the training requirement to mandate training not just once, but twice a year. We recommend requiring DHS to offer staff one additional professional development opportunity in evidence-based practices. And, we believe that supervisors of staff interacting with clients should also receive training.

Lastly, we ask that Intro No 1794 be amended to require DHS to provide non-profit contractors with the resources they will need to offer quality training for staff. Human service contracts underinvest in professional development for the workforce, and DHS contracts are no exception. At Win, we were fortunate to have the support of the City Council initiative, but this bill would burden service providers with an unfunded mandate if resources are not added.

Thank you for your time and attention. Mostly importantly, thank you for this bill to ensure that families and children experiencing homelessness are protected from further trauma and are supported with quality services in their journey of healing.



TESTIMONY OF:

**Alexandra Dougherty, Senior Staff Attorney and Policy Counsel
Civil Justice Practice**

BROOKLYN DEFENDER SERVICES

Presented before

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

Introduction of Bills Int 0149-2018, Int 1641-2019, 1642-2019, 1794-2019, and 2081-2020

September 15, 2021

Introduction

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services (BDS). I want to thank the Committee on General Welfare and Chair Stephen Levin for inviting us to submit testimony today. I would like to take this opportunity to express support for removing barriers to accessing and using critical public benefits.

Brooklyn Defender Services provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 30,000 clients in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had involvement with the criminal, family or immigration legal systems. We also serve our clients with additional civil legal needs, such as accessing and maintaining public benefits, obtaining critical repairs, and reclaiming seized property. Even a minor housing or benefits issue, if unaddressed, can have insurmountable repercussions for our clients and their families who are often navigating legal issues in multiple systems. Our expertise lies in the intersection of these legal systems that have historically targeted Black, Latinx and low-income communities and the ways they contribute to the disproportionate rates of unemployment, homelessness and unequal access to education among the communities we serve.

BDS supports all of today's bills. Collectively, they will address some of the barriers preventing New Yorkers from accessing the critical benefits to which they are entitled. These changes are especially crucial now, as the COVID-19 pandemic nears the end of its second year without a clear end in sight. Helping New Yorkers access and maintain their Public Assistance and SNAP benefits, eviction-prevention assistance, and housing subsidies is essential to the City's public health. The pandemic has also introduced a new set of hurdles blocking these programs from the New Yorkers who need them most. We offer the following recommendations to ensure that life-saving benefits, eviction-prevention assistance, and housing subsidies are widely accessible during the pandemic and beyond.

Recommendations

Improve online and phone access to HRA

Many HRA job centers have remained closed to the public since March 2020, and therefore a growing number of applicants and recipients rely on the Access HRA website, which often serves as the only link between HRA and the public. Despite playing such a critical role, Access HRA remains error-prone and difficult to use. Rather than promoting efficiency and reducing in-person appointments and travel during the pandemic, Access HRA often adds confusion, or worse, leads to recipients losing their benefits. Some recipients who attempt to complete their annual recertification online are unable to do so and are eventually forced to visit a job center in person. Others seemingly complete the necessary steps online, only to learn later that HRA did not receive their documents. Applications are routinely denied and recertification deadlines are missed because the people we serve, including many homeless and low-income applicants, lack consistent internet access.

Ms. P is a BDS client whose experience using Access HRA is typical of our clients. She completed the recertification process online through the mobile app. Despite submitting all requested documentation, HRA determined that she does not qualify for a childcare subsidy and terminated that benefit. There was no way for Ms. P to address this denial online or by phone, so she has been forced to visit her job center multiple times to restore the subsidy. Ms. P is currently unemployed and was actively searching for a job. Now, she is unable to afford daycare and has spent multiple days at her job center, so she stopped looking for employment.

The pandemic has also fueled the demand for phone communication with HRA. However, both current recipients and new applicants are consistently unable to reach an HRA representative over the phone. If an applicant misses the single eligibility interview call that comes from a blocked number, it is impossible to call to reschedule. Applications must be fully available by telephone, and the application process should be flexible to ensure that all New Yorkers in need can get assistance. The phone line proposed by Int 2081-2020 should be implemented immediately and made available to all applicants and recipients of public benefits in addition to one shot deal applicants.

HRA should also provide assistance with applications and open cases by phone and email. Our clients are consistently unable to record complaints on the existing HRA constituent line, and frequently either do not receive follow up or get conflicting information about their case. At the onset of the pandemic, HRA started using "advocate's inquiries," by which advocates can raise

case-specific issues with HRA by email. In our experience, this has proven to be effective for our clients. The City should ensure that all people have access to an advocate to make this solution available to those without an attorney.

One BDS client, Ms. W, moved into her current apartment from shelter with a CityFHEPS voucher in 2019. In 2020 she realized that HRA had never updated her address, and her case still listed her former shelter address. Ms. W was unable to correct her address with a caseworker in person because her chronic health condition has rendered her homebound during the pandemic. She attempted to update her address by uploading documents to Access HRA, and after repeated attempts eventually spoke with a representative over the phone about the issue. While she took all necessary steps, HRA never corrected her address and she therefore did not receive any recertification notices this year. Her Public Assistance case, including CityFHEPS, closed after she unknowingly missed the recertification deadline. BDS is now helping her restore her benefits and housing subsidy, but in the meantime she is not receiving the ongoing cash assistance and SNAP benefits that she depends on for food and necessities. This outcome would have been prevented by an improved Access HRA website or more accessible online and phone assistance.

“One shot deal” applications

We support HRA’s efforts to facilitate “one shot deal” applications during the pandemic with Int 2081-2020. In addition to the changes proposed by this bill, the changes made at the outset of the pandemic should be made permanent. HRA should immediately remove the requirement that tenants prove future ability to pay rent in order to get approved for a “one shot deal.” Many tenants cannot meet that burden while facing illness, unemployment and job insecurity during a world-wide pandemic. HRA can further facilitate one shot deal applications as Housing Court reopens by allowing the HRA court offices to fully process applications without requiring tenants to subsequently visit their job centers. Most urgently, HRA should resume processing one shot deal applications immediately, rather than requiring that all applicants apply for ERAP from the state first. Tenants who do not qualify for ERAP, or who have arrears outside of the window covered by ERAP, are put at unnecessary risk by this delay.

Additional reporting requirements

BDS supports Int 1642-2019 and similar reporting requirements as important tools to identify and tackle sources of shelter recidivism. In addition to tracking exits from city-administered shelter facilities into permanent housing, DHS should also track its own administration of CityFHEPS vouchers to shelter residents. New Yorkers leaving shelter and entering permanent housing with CityFHEPS have often waited in shelter for many months, even after finding an apartment, just for DHS to process paperwork. BDS clients have lost apartments because DHS failed to process CityFHEPS paperwork timely, and some remain in shelter for over a year. DHS should track how many shopping letters it administers and the amount of time it takes shelter residents with shopping letters to exit shelter. With this information, DHS can more effectively administer CityFHEPS to ensure that shelter residents move into stable permanent housing as quickly as possible.

Conclusion

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