

**Testimony of Marricka Scott-McFadden, Deputy Commissioner for Intergovernmental  
and Legislative Affairs  
New York City Department of Social Services**

**Before the New York City Council, Committee on General Welfare  
September 13, 2022**

Good morning, I want to thank the General Welfare Committee and Deputy Speaker Ayala for holding today's hearing and the opportunity to testify.

My name is Marricka Scott-McFadden and I am the Deputy Commissioner for Intergovernmental and Legislative Affairs at the Department of Social Services (DSS). I am joined by Molly Park, First Deputy Commissioner at the Department of Homeless Services.

Today's hearing will focus on several bills impacting DSS, the Human Resources Administration (HRA) and the Department of Homeless Services (DHS). We look forward to discussing these proposals today and better understanding their intent. Before we start, I want to emphasize that it is our priority to ensure clients have access to the services that they need, however, many of these proposals are duplicative. We ask that this Committee seriously consider the cost, programmatic and staffing impacts these bills would have on our system as we discuss them today, and to keep in mind the many reforms we've implemented to better serve New Yorkers in need. Moreover, several of these bills are still being reviewed by our legal teams. With that in mind, we look forward to today's conversation.

**Intro. 522:**

Introduction 522 would require mental health professionals to be made available in families with children shelters and for DHS to report on the provision of such services. While the intent seems helpful, we have several concerns about this proposal. First, implementing the bill would be extremely costly as it requires hiring a significant number of mental health professionals. Additionally, given recent national shortages of mental health professionals, it could be difficult to comply with the bill's requirements at any price point. In addition, DHS already provides social work professionals in family shelters as part of the shelter model budget. These professionals conduct biopsychosocial evaluations and make referrals to other professionals when appropriate. Most importantly, given that families will be transitioning from shelter, it would also be more effective to refer them to services in the community. Lastly, the reporting requirements would be burdensome to the agency given the absence of resources included in the legislation. We look forward to speaking with the sponsor to further discuss these proposals.

**Introductions 132 and 513:**

The ideas in Introductions 132 and 513 would present tremendous challenges for the agency. Intro. 132 would require DHS to establish additional intake centers for families with children in boroughs without existing intake centers. As last stated by our Commissioner to this Committee, this proposal would have significant costs to the City – an important factor that this bill fails to thoroughly consider. DHS opened the Prevention Assistance and Temporary Housing (PATH) intake facility after revamping its intake and eligibility protocol to improve and expedite the processing of applications and provision of conditional placements for families into temporary emergency housing.

Our centralized shelter intake was specifically designed and built for families with children and allows for consistent screening of critical factors and assessment for conditions related to medical needs, mental health, substance use, adult and child protective services and domestic violence (a significant issue in the families with children population). Moreover, centralization fosters the continuity of services by utilizing interagency linkages such as with the Department of Education, Administration for Children's Services and others. Decentralizing the intake process loses the economies of scale built over time, dilutes the safeguards in place for vulnerable families and will slow the process of placing families in shelter.

Related to shelter intake, Intro. 513 would require DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process application for shelter intake for families with children. We have several concerns about the proposals in this bill. As noted above, there are significant service benefits from a consolidated intake process. In addition, devolving such a critical and meticulous process to community organizations could result in families receiving inconsistent services. Lastly, there could be client privacy and quality of service concerns, factors that would take substantial resources and funding to oversee and execute by DHS.

**Intro. 92:**

Introduction 92 would require DHS to create an accessibility advisory board on issues related to accessibility in City shelters. Our agency has concerns regarding this proposal as accessibility is currently governed by the Butler consent decree and DHS is following this process. We look forward to discussing with the sponsor to understand the intent of this bill.

**Intro. 190:**

Introduction 190 would require DHS to produce a homeless bill of rights to inform New Yorkers experiencing homelessness about their rights and services available to them. DHS already ensures our clients experiencing homelessness are aware of services available to them and their rights, and we work to communicate this at several touchpoints across our system. We are open to the bill's proposals, and we look forward to working with the sponsor to explore implementation:

**Introductions 431 and 276:**

Introductions 431 and 276 would require DHS to conduct customer service training and report on this training. The requirements in these two bills are duplicative, as they present similar training topics. DHS conducts a series of foundational courses focused on client engagement to ensure our staff and providers provide New Yorkers with the upmost care, compassion and

professionalism. We look forward to working with the sponsors to further understand these proposals.

**Introductions 421 and 108:**

Introductions 421 and 108 would introduce new reporting requirements for DSS-DHS. As previously mentioned to the Council, we value the importance of transparency and accountability that our agency reporting brings to our discussions with the Council and public. However, we want to emphasize the significant costs and resources it takes to produce reports, which is why we want to stress the importance of streamlining reporting requirements to avoid duplication and wasted resources.

With that said, we have significant concerns about both reporting bills. Introduction 421 would require an onerous amount of reporting regarding our families with children shelter population. First, the reporting requirements duplicates some of the reporting requirements of the revamped Local Law 37 of 2011 (as amended by Local Law 79 of 2022). Moreover, some of the level and granularity of data being requested by this bill does not exist so it would create administrative burden on the agency. The bill also requires data coordination with other City agencies such as the Department of Education and Administration for Children Services, which raises privacy concerns about confidential information particularly for minors and the requirement for parental consent. The monthly reporting requirements are unrealistic given the concerns just mentioned.

Introduction 108 requires reporting that would be duplicative of existing metrics provided by the agency and administratively burdensome to carry out in the manner proposed by the bill. We look forward to further understanding the intent of this bill with the sponsor.

**Intro. 124:**

Introduction 124 is in relation to designating housing specialists in HRA and DHS shelters. DSS-HRA-DHS staff and providers work each day to transition and place New Yorkers in need into permanent housing, and this critical work is done through the many case workers and housing staff embedded throughout our HRA and DHS shelters, or who visit the sites regularly. All DHS shelters are already funded to provide housing specialists on-site as part of the model budget. Given this, we find that the requirements of this bill would be duplicative of our current work and cost considerations must be taken into account for any additional requirements placed on the agencies. We look forward to further understanding the bill's intent.

**Intro. 229:**

Introduction 229 is in relation to monthly rental assistance payments for households with rental assistance vouchers. We believe that the Council intends to protect tenants but we have significant concerns about the drafting of this bill, as we believe it could actually be harmful to tenants for several reasons. CityFHEPS, like Section 8, is based on the Fair Market Rent, which is the maximum the program can pay if all utilities are covered in the rent. If the agency is forced to pay the landlords the full rent regardless of what utilities they offer – and in most NYC rental units the tenant is responsible for paying utilities – then we will not be able to subsidize the cost of utilities for tenants. When DSS has finished building in modifications to our subsidy payment system, we intend to ensure that the utility allowance is provided to the tenant, either as part of the public assistance benefit or as a reduction in their rent contribution. We would not be able to

pass the utility allowance to the tenants who pay for their own utilities because it would have been provided to the landlord. Additionally, we are finally at a place where all City subsidies are mostly aligned with each other and landlords cannot discriminate between voucher holders. If CityFHEPS does not deduct a utility allowance from the landlord, EHV and Section 8 voucher holders will have a more difficult time securing housing. We believe we share the same goal and look forward to discussing further with the Council.

We appreciate the opportunity to provide feedback on these proposals and we look forward to working with the Council to serve New Yorkers in need. Thank you and I look forward to any questions you may have today.



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  
SEPTEMBER 13, 2022**

Good afternoon,

My name is Jumaane D. Williams, and I am the Public Advocate for the City of New York. I would like to thank Chair Ayala and the members of the Committee on General Welfare for holding this hearing.

In winter 2020, there were nearly 80,000 people unhoused in New York City, the highest number in the city's history. In June 2022, there were 50,287 people, including 15,866 children, sleeping each night in New York City's municipal homeless shelter system.<sup>1</sup> The city's current efforts to combat homelessness are clearly not working; the system as it stands now is at best inefficient and at worst inhumane.

We know the solution to homelessness is not more shelters: it is more permanent, affordable housing. For adults, young people, and families experiencing homelessness, the path to housing assistance is filled with red tape, confusing and sometimes conflicting requirements, stress, and suffering. For people with disabilities, mental health or other medical needs, and people whose first language is not English, this process is especially difficult. While some experiencing homelessness may be lucky enough to have an advocate or social worker to guide them through the shelter system, most are expected to navigate the process on their own.

For these reasons, I have introduced Int. 0190-2022, which would require the Department of Homeless Services to produce a homeless bill of rights. This document, which DHS would be required to make available on their website and to shelters and social services offices for distribution to people experiencing homelessness, would inform people experiencing homelessness about their rights and services available to them. This includes, but is not limited to:

- The right to shelter
- Access to legal services
- The right to request an interpreter and translation services
- How to file a complaint
- Educational options for children
- The right to vote
- Housing and financial assistance
- Protections against discrimination
- The right to request accommodations for disabilities

---

<sup>1</sup> <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>

In addition, this document would include the rights of people in shelters, including the right to:

- Meet privately with advocates and legal representatives
- Be placed in a room with a person who identifies as the same gender
- A private room with a lock for families experiencing homelessness
- A secure locker for single adults experiencing homelessness
- Access to bathrooms
- Access to washing machines and dryers or to money for laundry
- Access to space and equipment to bathe and change babies and small children
- Meals and accommodations for dietary needs and restrictions

This legislation is vital, as it brings together existing rights under one section in the city's Administrative Code, and it codifies existing case law. The congregation and posting of rights enable people experiencing homelessness and advocates to easily access and be informed of their rights.

I want to thank my colleagues in the City Council who have co-sponsored this critical piece of legislation, and I look forward to working with the Council and the Committee on General Welfare to end homelessness and achieve true housing equity in our city.

Thank you.



**HOMELESS SERVICES UNITED**

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
www.HSUnited.org

**Homeless Services United's Written Testimony Before**

**The NYC Committee on General Welfare on Sept 13<sup>th</sup>, 2022**

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, Deputy Speaker Ayala and members of the General Welfare Committee, for allowing me to testify today.

HSU is grateful to the Council for its steadfast leadership on homelessness and affordable housing for our City, and HSU and our members stand ready to work with you to strengthen legislation to improve the quality of homeless services and housing resources for fellow New Yorkers. While the Department of Homeless Services' (DHS) shelter capacity is straining to accommodate thousands of asylum seekers, **the City's homeless services safety net can meet the current and future demand by focusing on three priorities:**

1. **Bolster eviction prevention and legal services to meet overwhelming demand**
2. **Establish a reliable DHS shelter pipeline to create purpose-built service-rich shelters and normalize fiscal operations of DHS-contracted programs**
3. **Expedite placements from shelter into permanent housing to shorten time spent homeless**

Making these changes will result in efficiencies that can help DSS and DHS meet savings targets required by the Mayor's PEG without undercutting the homeless and social services safety net during an economic downturn will diminish services when more people must rely on them. Given recent reports on the diminished number of staff at City agencies including DHS and HRA, we are concerned that simply eliminating vacant positions will permanently hobble units that should be enhanced to ensure that New Yorkers experiencing homelessness have timely access to assistance to regain permanent housing.

**1. Bolster eviction prevention and legal services to meet overwhelming demand**

Renters in New York City are needlessly losing their homes and entering shelter because of the overwhelming number of households in arrears and the relentless pace of housing court cases set by the Office of Court Administration (OCA). Staff at Homebase programs are heroically trying to help as many households at imminent risk of homelessness as possible, but they are burning out in record numbers. Homebase staff have extremely high caseloads often encompassing the workload and role of multiple people. **One Homebase program reported a 52% staff attrition rate from June 2021 to 2022.** Homebase programs have been tasked with providing multiple additional supports beyond their original scope, with little to no additional resources to accomplish the work.

Homebase now provides access to rental assistance vouchers like CityFHEPS and Emergency Housing Vouchers, but without funding in their contracts to hire specialized staff for those roles, existing staff must split their time between cases at urgent risk of losing their housing, and non-emergency cases. Currently Brooklyn and Bronx Homebase already report having appointment waitlists stretching 6 weeks



## HOMELESS SERVICES UNITED

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
www.HSUnited.org

or later for non-emergency cases. **To accomplish the Mayor's Housing Plan vision of upstreaming prevention to stabilize more households sooner, the City must invest additional money to hire additional staff to do the work.** One way in which this could be accomplished is if the City funded an RFP to develop dedicated housing units with Homebase offices, with staff focused on assisting tenants apply for rental vouchers and search for housing in the community, which would allow other Homebase staff to refocus on assisting the most urgent cases at risk of losing their homes.

To stop more households from needlessly losing their housing, the Office of Court Administration (OCA) must slow down their pace of court cases to allow Universal Access to Counsel (UAC) providers to meet the demand for legal representation. **OCA has been deaf to pleas from legal providers pleas to slowdown which WILL mean households who are eligible for legal representation in housing court will be forced to represent themselves in court.** The Council recognized the importance of legal representation when it created the historic right to counsel for tenants in housing court, and it is unconscionable that households are being denied access to that right because the Courts refuse to proceed forth in a manageable manner. UAC providers are trying to hire as many new housing lawyers as quickly as possible, but it is not something which can be accomplished overnight. There is a finite pool of eligible applicants, and the currently unsustainable workload is a serious deterrent. UAC providers are currently working at capacity and have been instructed by HRA to start utilizing waitlists without any guidance how to manage them. Legal providers are unable to provide estimated wait times because they are assigning cases to the next attorney that becomes available, with this all-hands-on deck approach further contributing towards burnout and staff vacancies. Without a way to give UAC providers enough time to work through the backlog of cases and reduce caseloads, the City's Right To Counsel is in serious jeopardy.

In addition, The Human Rights Commission's Source of Income (SOI) Unit saw a net reduction in the total headcount in the FY23 budget, and while we are grateful to the Council for pushing back against the City's more severe headcount reduction, the SOI unit needs additional funding to restore and expand its ability to bring cases against discriminatory landlords and brokers as well as enough staff to reach out to landlords in real-time to help make sure prospective tenants do not lose a unit because of discrimination. Without the ability to bring cases to trial, voucher holders will continue to be discriminated and unable to have a fair chance at housing.

## **2. Establish a reliable DHS shelter pipeline to create purpose-built service-rich shelters**

As HSU testified at the General Welfare hearing on August 9<sup>th</sup>, 2022 regarding the impact of the migrant crisis on the City's DHS shelter system, the City's homeless shelter capacity crisis is due to the City's willingness to cancel the opening of new purpose-built shelters because of NIMBYism and political opposition. If and until the City is willing to stop allowing a vocal minority to dictate where people experiencing homelessness can exercise their right to shelter, the City will have to rely on costly hotels with emergency procurement contracts to meet surge capacity.

While the City is currently struggling to find placements for thousands of migrant households seeking refuge in the US, the unexpected surge could be managed if the City is able to establish a timely and



## HOMELESS SERVICES UNITED

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
www.HSUnited.org

reliable pipeline for new purpose-built shelters staffed by compassionate staff trained in trauma-informed services. The City at all times should be planning a minimum of a five-percent vacancy rate to be able to meet unforeseen upticks in their front door, and a reliable shelter pipeline would allow the DHS system to close down larger and more problematic and dilapidated sites. People experiencing street homelessness often cite site security and building conditions as reasons to not enter shelter, and by creating new client-centered smaller facilities located closer to their community, DHS can address those concerns and convince more individuals to come inside.

Our non-profit members want to be good partners to the City and provide quality, compassionate care to both new and lifelong New Yorkers, but to be able to do so, DHS-contracted non-profits must be in a healthy enough financial position to be able to absorb the risk that new contracts entail. While the Mayor recently declared victory against non-profit contract delays, DHS shelter providers are still struggling with contract registration and amendment delays, as evidenced by the few bids submitted for the emergency RFP for 600-unit shelter for migrants and too few to meet the demand of the call for an additional 5,000 units. Last time DHS had significant contract delays under Mayor de Blasio, the most seasoned and experienced homeless services non-profits who were floating millions of dollars in delayed reimbursements from the City could not take on the additional risk of new contracts, cracking the door for less experienced and proven providers to take on huge City contracts which have been the focus of recent scandals.

Defining fiscal health of DHS-contracted non-profits is not limited to our need for timely contracting and payment but also, embodied by the strength of our non-profit workforce who are woefully underpaid and overburdened. Just as our eviction prevention staff are struggling with high caseloads and burnout, our homeless services staff are also facing challenging situations with too few resources and headcount to meet the need head-on. While the City authorized non-profits to use contract accruals for staff incentives and hiring/retention bonuses, many providers are still awaiting the actual approval from the City to pay out their staff. Many shelter providers are also awaiting registered contract amendments to pay Prevailing Wage for their shelter security guards, as well as amendments for programs. Other staff such as case managers and social workers haven't seen meaningful wage increases in years despite rampant inflation and crushing student debt and are now questioning their decision to work in social services with all the associated stress and vicarious trauma given their salaries are barely higher than minimum wage. The City must normalize the fiscal operations of homeless services programs and pay our staff, to ensure qualified and experienced non-profit providers stand ready to answer future calls for shelter services.

### 3. **Expedite placements from shelter into permanent housing to shorten time spent homeless**

Housing resources like rental assistance vouchers and supportive and affordable housing options are critical to addressing homelessness, but administrative delays and bureaucratic red tape needlessly prolong the time a household must languish in shelter before being rehoused.

Rental assistance vouchers like CityFHEPS and State FHEPS are fraught with processing delays, stringent eligibility criteria, and rules which erode the buying power of the voucher. Rental Assistance Vouchers can be improved for New Yorkers in the following ways:

- a) **Commit additional funding to bolster headcounts within DHS and HRA units responsible for processing rental assistance applications and public benefits access and rebudgeting, and one-shot deals.**
  - i) DHS utilizes a pool of staff to review CityFHEPS applications, but individual staff are not assigned specific applications, meaning that there is no individual staff accountability on DHS' side to ensure that a packet progresses forward in a timely manner, and shelter staff lack the ability to reach out to the reviewer to workshop an equitable solution for individual cases which have complicated situations and considerations. Instead, packets are returned multiple times, sometimes for insignificant clerical corrections. We understand the immense workload of DHS reviewers given the number of applications being submitted on a daily basis, and **we strongly urge the City to fund DHS to bolster their headcount to process applications in a more collaborative way with shelter provider staff.**
  - ii) **HRA needs sufficient headcount to process public assistance benefits and rebudgeting, as well as CityFHEPS and State FHEPS applications in a timelier manner.**
    - (1) While HRA developed the ACCESSHRA application to create a streamlined virtual platform for New Yorkers to apply for benefits, it is not be a replacement for trained experts to assist clients face-to-face to resolve their benefits and housing concerns. Eviction prevention and legal providers report delays with Public Assistance Interviews which precludes their ability to process rental assistance applications. Under the current process, PA applicants must submit their documentation online or at an HRA Center, and then wait at home for days for a phone interview from an HRA worker which they can easily miss or never receive at all. If so, they need to call a general number to "reschedule" a PA interview, which will also not have a designated time or date. Households in crisis at risk of eviction or already in shelter need timely access to public benefits. **HRA should be empowered to hire additional frontline staff to create manageable workloads and allow them to schedule appointments and process applications in a timely manner.** With the accelerating pace of Housing Court dockets and rapidly filling shelters, the City must ensure that people in urgent need of assistance are not left waiting.
    - (2) **HRA should be empowered to hire sufficient staff to be able to process CityFHEPS applications and complete lease-ups within a 30-day timeframe.** Shelter providers report being asked to resubmit CityFHEPS paperwork including updated signed leases because the package was not processed quickly enough by the City and documents grew "stale". A household should not be forced to wait in shelter because DHS and HRA do not have enough hands to process applications in a timely manner. Moreover, these delays negatively impact landlord interest in renting to our clients because they are losing money once the application takes longer than the 30-day unit hold fee.
- b) **Correct CityFHEPS rule to reflect the Council intent of Int. 146**
  - i) **Remove Rent Utility Deductions from calculating the maximum allowable rent.**

**HSU support's Int. 229, which seeks to remove rent utility costs from the maximum permissible rent for apartments. This change to the CityFHEPS rule chips away at buying power of CityFHEPS vouchers which were very intentionally set by the Council at the Fair Market Rent for New York City.** As rents for many apartments do not include the cost of all utilities, this deduction reduces the number of viable apartments available for voucher holders.

**ii) Remove Rent Reasonableness tests from CityFHEPS applications.**

This test to determine if a proposed rent is reasonable to similar units in the community has already harmed households in shelter who lost viable apartments set below the Fair Market Rent. Just as concerning is that this process is completely opaque to a voucher holder and shelter staff who would be unable to verify whether an apartment is reasonable unless they purchase an account with a third-party website. Voucher holders would be left stumbling in the dark looking for housing, submitting applications only to be told to either negotiate with the landlord to lower the rent or keep looking. While the City has paused it temporarily to try to improve the calculations, we urge the Council to consider legislating its removal from the CityFHEPS rule altogether. DSS' concern that a few unscrupulous landlords may try to ask for higher rents than deemed acceptable should not mean forcing all voucher holders to go through a completely opaque process which has already stopped households from moving into permanent housing.

**c) Expand rental assistance eligibility to help more households**

**i) Remove the 90-day DHS shelter stay eligibility requirement for CityFHEPS.**

We urge the Mayor and Chief Housing Officer Katz to make good on their promise to remove this outdated policy from the CityFHEPS rule. The rationale of forcing people experiencing homeless to languish in shelter for 90 days to prove they needed housing is cruel and debunked rationale of the Bloomberg administration that believed that housing is a draw to shelter. DHS intake centers verify that people are indeed homeless and in need of shelter, which would weed out any supposed people that don't actually need the housing assistance.

**ii) Expand CityFHEPS to households regardless of legal status.**

Households lacking legal status are some of the longest-term stayers in DHS shelters because they are categorically ineligible for most types of assistance. As thousands of new migrant households come to New York City and enter shelter, thousands more households will be unable to exit shelter to permanent housing because of their inability to afford the cost of rent. Removing legal status as a requirement for CityFHEPS would help families and individuals without status to achieve the American dream, while creating a cost-savings for shelter services.

**iii) Lift the maximum income limits for initial eligibility from 200% of the Federal Poverty Limit (FPL) to 50% Area Median Income (AMI) to allow the "working poor" to be able to afford rent.**

Too many hard-working New Yorkers are stuck in shelter because their paycheck isn't enough to afford rent but too much to qualify for a voucher. They must dance on a razor's

- edge, working at least 30 hours a week minimum, but not exceed 200% FPL which would cause them to lose their shopping letter. By increasing the initial income eligibility limits to 50% AMI, it would widen this initial income band to help more households to exit shelters and attain permanent housing.
- iv) **Remove the work requirement for households in shelter.**  
NYC's unemployment rate is double the national average, and a work first approach ensures households remain in shelter longer, compounding the trauma of homelessness and driving up shelter costs. Currently shelter residents must work a minimum of 30 hours a week to qualify for CityFHEPS but if a single adult works as little as 4 additional hours at minimum wage, their income would be over the 200% FPL limit. No one should be forced to walk this tightrope just to have a means to exit shelter. As a practical matter, the eligibility is so narrow that few single adults and small households are able to qualify.
- v) **Remove the shelter history requirement for households trying to access CityFHEPS in the community.**  
Housing vouchers should be provided to everyone at the risk of homelessness, not just those that already experienced the trauma of homelessness at least once before. Removing this requirement to access housing vouchers in the community would align with the Mayor's goal of upstream prevention services to stabilize households sooner, rather than waiting for them to destabilize before offering assistance.

### **Proposed Legislation:**

**Homeless Services United is grateful to the Council for its leadership and dedication to assisting New Yorkers at risk of or experiencing the trauma of homelessness and housing instability. We are excited by the Council's enthusiasm to address long-standing challenges of our sector, and HSU would welcome the opportunity to work with Members to further define the scope and impact of the legislation proposed today to ensure that bills**

### **Rental Assistance Legislation:**

**Int 229:** As previously mentioned, HSU supports the adoption of Int 229 to remove utility cost deductions from the maximum rent that can be charged for an apartment. CityFHEPS vouchers should be able to pay Fair Market Rent (FMR) as legislated by the Council, and the City should not use backend calculations to erode the value of the voucher, preventing more households from securing permanent housing. First Deputy Commissioner Park testified that the City is interested in establishing parity with Section 8 and that the administration plans to credit utility allowances against tenant share of the rent to avoid cost burdening families who pay for rent and utilities separately. While that concept may be attractive, the reality is the City does not yet have the technology to implement this reform nor does it have a timeline for doing so. Nothing in the legislation would prevent the City from offering such a utility credit to tenants whose leases are not inclusive of utilities should they develop the capacity to offset tenant cost burden. Regardless, it is clear that doing nothing would continue to limit tenant buying power by diluting



## HOMELESS SERVICES UNITED

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
www.HSUnited.org

the value of the voucher with a utility deduction without actually easing their cost burden (tenants currently pay both 30% of their income towards rent and the entire cost of utilities).

### Access to Shelter:

**Int 132:** HSU is supportive of a no-wrong-door approach to shelter, and we would welcome the Council's support in siting new shelters and intake centers in all five boroughs. In addition to creating new Family With Children Intake Centers, the City could also benefit from creating additional intake options for Single Adults and Adult Families. Single Adult Men experiencing street homelessness often site going through the 30<sup>th</sup> St. Men's Intake Center as the main disincentive for entering shelter, and if the City could create more client-centered intake centers to engage single adults as well as families with children, they could see additional households accepting shelter sooner. As others have testified, pains would need to be taken to ensure client rights are upheld and services offered, and we have the expectation that any new centers would be appropriately resourced to do so.

**Int 513:** HSU is also supportive of the ability to directly place families as well as single adults directly in DHS program shelters. But in order to ensure that this process is as consistent and appropriate for individual clients as possible, the City should consider two approaches- either contract with a non-profit provider already familiar with the intake process, such as how the Single Women's Intake Centers operate. Or, if the Council envisions a more decentralized model where more local non-profits assist members of their community with applying for shelter, the City would need to budget to provide enhanced support for these smaller more local CBOs to ensure consistency across programs to ensure people are not being inappropriately turned away from shelter.

A longstanding request of providers is the ability to directly place persons on the streets and single adults with well-documented mental health diagnoses coming out of institutional settings like hospitals and prisons directly placed in DHS Mental Health shelters, but DHS maintains that they must go to Intake. Because providers are unable to make these placements, individuals are being lost to the streets because of their refusal to enter 30<sup>th</sup> St. If CBOs were able to place these individuals directly in appropriate shelters, they would be able to keep them stable and working towards long-term care plans.

### Rights in Shelter:

**Int 190:** HSU broadly supports the intent to make people experiencing homelessness aware of their rights while in shelter, but in order to ensure the bill is as comprehensive and clear as possible, references for each listed right and where it is ensconced into law should be included in the bill language. When reviewing the legislation, we noticed some omissions (such as the right to receive diapers and feminine hygiene products pursuant to previous City Council legislation) and some enumerated rights that lacked clarity such that we were unable to identify the origin and understand how it could be upheld. HSU is happy to work with the Public Advocate and Council to help clarify the rights listed to ensure the list is complete and clear

## **Shelter Conditions and Performance:**

**Int 92:** HSU supports making shelters more accessible spaces for people with disability and mobility issues, and we recommend monitoring be modeled from and complementary to the ongoing efforts established by the Butler settlement.

**Int 108:** We believe in the concept of measuring outcomes to improve the performance of the sector, but we are unsure what goals the proposed report would accomplish as drafted. Where DHS currently fulfills the oversight role of individual providers and program sites, we feel that the purview of the Council should seek to track sector wide trends to advance the entire shelter system. As drafted, we feel the focus on individual providers rather than program model or shelter size would provide insufficient context to find accurate conclusions.

Tracking critical incidents as a performance measure without regard to population served may mask the meaning of trends and make comparisons inappropriate – for example, a high volume of 911 calls could be indicative of security concerns but could also be indicative of a vulnerable population with high medical needs. Seeking medical attention for a chronically homeless older adult in a specialized shelter may be a relatively common occurrence that inflates “incident” rates relative to shelters serving families and would not necessarily indicate a performance issue.

Per diems as defined by the bill would not be a strong indicator of how well or poorly funded a shelter is, as they would include rent costs which could distort rates when in more centrally located or high rent communities.

Tracking length of stay and household placements should be within the context of the program type and size to control for the efficacy of housing options afforded to different populations and to understand which types of programs need additional supports to successfully rehouse clients. For example, length of stay for shelters that house expectant single-mothers are higher compared to other family shelters because someone about to give birth or with a newborn is not easily able to go on housing searches, and not currently working, which is a CityFHEPS requirement. MICA shelters which serve adults suffering from both mental illness and a chemical addiction heavily rely on supportive housing placements to rehouse clients, to ensure they are setup to succeed when rejoining their community. But because of limited supply of supportive housing, clients in MICA will likely have longer lengths of stays compared to clients in Adult Employment shelters who may be more independent and capable of being rehoused with a CityFHEPS rental assistance voucher.

We encourage the Council to explore how this reporting bill could complement Int. 212 which was recently enacted to report on shelter censuses and exits into different housing options. Tracking both the length of stay within different shelter types and shelter sizes and correlating the number of housing exits from different types of shelters into different housing resources could uncover the effectiveness and demand for specific types of housing assistance relative to the populations served.

**Int 421:** HSU is supportive of transparency of the sector and the needs of clients in DHS shelters, as well as tracking how many families are placed in shelters in in close proximity to their support networks and children's schools. It might make sense to try to merge Int 108 and Int 421 into one shelter bill that looks at the needs of families and individuals across the DHS portfolio, as well as looking at the holistic needs of the clients beyond shelter and access to permanent housing (education, financial assistance, job training programs, etc.)

## Services in Shelter

**Int 124:** HSU is supportive of ensuring housing specialists in shelter, as they already serve a critical role in DHS Single and Family Shelters, but this bill would require additional funding to hire housing specialists in HASA and DV shelters. As OCFS sets per diem reimbursement rates for HRA DV shelters, the City would need to commit City Tax Levy (CTL) dollars to cover the difference. If not enhanced by CTL, it could put survivors at risk. Per-diem rates for DV shelters include real-estate costs, and any additional mandated service costs without corresponding enhancements would reduce the geographic distribution of shelters across the City, which is key for keeping survivors safe from their abusers.

Additionally, HRA and DHS must receive additional funding to develop and operate a training curriculum for housing specialists across the three shelter systems. HSU also recommends striking the entire reporting requirement from this bill, as it would contain sensitive information on locations of DV and HASA shelters, as well as other reporting requirements which we feel would not seek to improve the effectiveness of housing specialists and could be misappropriated by NIMBYs to hinder the equitable provision of shelter for households in need.

**Int 522:** While HSU's members support additional mental health services within shelter, we have operational concerns on how this could be implemented which must be accounted for to ensure that this legislation is implementable and achieves its intent of enhancing the level of mental health services available for families in shelter. In particular, mandated 50:1 caseload ratios and eligible mental health staff lines would not be flexible enough to accommodate the diverse size and existing staffing models with the DHS Families With Children portfolio. Currently two smaller providers, one 36 beds, and another 19 beds, are seeking an LCSW to provide mental health services for their clients and clinical supervision for their staff, but because their programs and staff headcount are so small, they each would only warrant a half-time position, which, given the low DHS target salary for such a role, is not enough to attract a qualified Clinical Social Worker. They have tried collaborating to split the position 50/50 between both programs, explored contracting through Healthcare For the Homeless Providers and local clinics, and ultimately resorted to telehealth services for their clients but their staff are still without clinical supervision after a year of searching.

In addition to concerns being able to implement it for smaller sites, we have also heard concerns from larger shelters that already have sufficient LCSWs and would like the flexibility to use the service enhancements to hire fewer but more specialized mental health professionals like a psychologist with a 200:1 case ratio who could prescribe medication.



## HOMELESS SERVICES UNITED

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
www.HSUnited.org

Because the shelter portfolio is so varied, providers would need budget flexibility to be able to hire the type of mental health professional that they feel is appropriate given their current staff model and needs of their clients, and at a competitive level that they can recruit mental health staff in a timely manner.

Finally, to ensure that this does not create an unfunded mandate, the City must allocate additional funding for DHS to provide contract enhancements, and providers should not be held accountable to meet this mandate until the amendments are registered.

Given these challenges, we suggest that instead of trying to legislate program delivery, which is a bit unwieldy for the nuanced nature of the work, the Council could consider creating a pilot for Family With Children providers, to explore different mental health services and staffing models within small, medium, and large family shelters. In this way, providers would have the flexibility to create more innovative staffing models that are responsive to the particular needs of their programs' families.

We also want to take the opportunity to comment on the discussion during the hearing regarding the dearth of community care options for persons struggling with access to services for mental health. This is undeniably the experience of many people throughout the City including those residing in our shelters. Still, **it seems misplaced to mandate shelters to solve for what is a community mental health crisis, especially given that when persons transition out of shelter, that problem will persist. We strongly suggest the City look at enhancing community care and looking at opportunities to create dedicated funding streams to support clinics throughout the City so that all people, both homeless and housed, have improved access to care.**

### Training for Shelter Staff

**Int 276 and 431:** HSU supports providing additional training for our homeless services and shelter staff, but to ensure these bills are implementable, the Department must be responsible for developing the training curriculum and identifying vendors. Given the debate about what "customer service" training is and how it should be administered at the hearing, we feel it is important for intro 431 to be modified to make plain what the expectation is and how it will be delivered. Similar clarity would aid in the implementation of intro 276. In this way the City can ensure that providers have a viable way to meet their training obligations proposed by the legislation. The City must also allocate additional funding to develop and hold the trainings, and providers should not be required to meet either legislation until the contract amendments for training enhancements is registered for the provider.

While individual circumstances of the moment make homelessness and the rising shelter census appear like an intractable problem, with key investments in prevention, shelter programs, and access rental assistance, New York City can continue to make strides and serve as a shining example of a sanctuary



**HOMELESS SERVICES UNITED**

307 W. 38TH STREET, 3RD FLOOR  
NEW YORK, NY 10018  
T 212-367-1589  
[www.HSUnited.org](http://www.HSUnited.org)

city. Thank you for Deputy Speaker Ayala and the General Welfare Committee for your unyielding commitment to families and individuals experiencing the trauma of homelessness, and we appreciate the opportunity to testify on the bills being discussed today. If you have any questions, please feel free to contact me at [elee@hsunited.org](mailto:elee@hsunited.org)



**Brooklyn Defender Services**  
177 Livingston St, 7<sup>th</sup> Fl  
Brooklyn, NY 11201

Tel (718) 254-0700  
Fax (718) 254-0897  
info@bds.org

**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**

**Oversight Hearing on Legislation Related to Shelter Access**

**September 13, 2022**

**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. I want to thank the Committee on General Welfare and Chairwoman Ayala for inviting us to testify today. I would like to take this opportunity to express our support for removing barriers to shelter and affordable housing using the city's voucher and rental assistance programs.

Brooklyn Defender Services (BDS) is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We represent approximately 25,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

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

**DEFEND • ADVOCATE • CHANGE**



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

BDS supports the goal of today's bills which seek to address barriers that prevent New Yorkers from accessing shelter and ultimately securing stable housing. These changes are especially critical now, as Housing Court case filings increase exponentially, evictions resume, and rising rents show no sign of abatement. We offer the following comments and recommendations to ensure that emergency shelter and housing vouchers are widely accessible.

***Int. 132 - Requiring the establishment of intake centers for families with children***

BDS strongly supports Int 132-2022, requiring the establishment of additional borough-based family shelter intake centers. Families experiencing homelessness are routinely shut out of the family shelter system because the Department of Homeless Services' (DSH) Prevention Assistance and Temporary Housing (PATH) intake center remains the single point of entry to the shelter system for families with children.

Establishing additional family shelter intake centers in each borough is a necessary step towards improving shelter accessibility. The screening process at PATH often presents an insurmountable hurdle to families who are already facing the trauma and disruption of homelessness. The intake process is long and has become increasingly opaque and backlogged in recent months. People we serve—many of whom have to travel well over an hour from Brooklyn to the Bronx—have reported waiting at PATH all night with their children before receiving a temporary shelter placement. Families are forced to stay up all night or try to sleep in chairs, often without sufficient meals because DHS prohibits outside food.

BDS encourages this Council to also examine ways shelter eligibility criteria also pose barriers to shelter for families. For example, while the Administration for Children's Services (ACS) and DHS have a clear memo of understanding that children should not have to present at PATH for a family to access shelter, PATH staff still regularly require that all family members—including children—remain present throughout the intake process. This requirement was temporarily lifted during the COVID-19 crisis, and should be permanently removed. Families are further shut out of the shelter system due to the rigid and inconsistently-applied two year housing history requirement. DHS routinely determines that a family is ineligible for shelter due to alleged alternative housing, even when ACS has deemed the housing inadequate, or when alternative housing was temporary, overcrowded, or dangerous.

***Int 513 - Partnering with Community-Based Nonprofits to Process shelter Applications***



While BDS agrees that establishing additional family shelter intake centers should be a priority, we urge the City Council to consider carefully how community-based organizations (CBOs) can be most effective. Asking outside organizations to take on the additional responsibility of processing shelter applications could introduce additional barriers to shelter accessibility. Introducing outside organizations to the shelter application process would also remove the city's accountability to families who are shut out of shelter.

Instead, we would like to take this opportunity to suggest an alternative proposal allowing additional CBOs to submit housing voucher applications for families. Homebase is currently the only organization that can screen New Yorkers facing eviction for voucher eligibility and issue shopping letters. Homebase offices in Brooklyn are severely understaffed and have an alarming backlog of cases to screen and process CityFHEPS applications. BDS clients wait months for an initial screening call from Homebase and even longer to receive a voucher if they are eligible. Homebase caseworkers are understaffed, overworked, and do not have the capacity to process all the incoming cases. In order for vouchers to be accessible to all eligible New Yorkers, Homebase must be adequately staffed and resourced, and DSS must contract with additional providers to meet this existing and growing need.

### ***Int 229 - Access to Housing Vouchers***

BDS strongly supports Int 229-2022, removing the utility allowance deduction from the maximum rental amounts for CityFHEPS and FHEPS. Voucher holders already face numerous barriers to obtaining and utilizing housing vouchers; the complicated utility rules are unnecessary and make this process even more difficult. We repeatedly see clients find apartments below their voucher rent limit only to learn later that the apartment will not be approved because not all utilities are included in the rent. Clients have lost apartments where the discrepancy is only a couple of dollars.

Recently a BDS client, Ms. O, was selected for a two bedroom lottery apartment after searching for over two years for a voucher-eligible apartment. The unit was \$200dollars under the maximum payment standard but no utilities were included. Therefore, with the utility deduction the unit did not meet the payment standard. Ms. O had the choice of accepting a one bedroom, which was too small for her and her two children, or starting her search from scratch while her eviction date loomed. We have received many calls from both clients and landlords and brokers who are confused by how the deduction works. Removing the utility deduction would simplify the CityFHEPS application and apartment approval process, removing barriers for everyone involved. Int 229 is one small step the city can take towards making vouchers a true pathway to stable housing.

### ***Int 522 - Mental Health Professionals in Shelter***



BDS appreciates the intention of Int 522 and agrees that entering into a family shelter can be a stressful experience. However, we are concerned that introducing mental health professionals who are mandated reporters directly into family shelters—which are peoples’ homes—will inadvertently increase surveillance of low-income families. In our experience, Black and Latine families are already vulnerable to unnecessary reporting to child protective authorities because of biased reporting that conflates poverty with neglect. The near constant surveillance in family shelters—including room-checks and requirements to log-in and out of the shelter buildings—puts these families at increased risk of reporting. Placing mental health professionals within this often volatile setting, asking families to open-up and share with these professionals, and then requiring these professionals to report families only amplifies this risk. Many of the parents we work with need the support of culturally competent, affordable and convenient mental health services for their families. We believe families will be better served if the mental health services are provided in a trusted community-based program where families can access these services not just in crisis, but also as long-term support for them and their children..

### ***Int 276 - Training for Shelter Staff***

BDS supports Ints 276-2022 and 431-2022, requiring trauma-informed training for shelter employees. DHS’s current policies act as a long-term barrier to shelter by labeling individuals as victims of domestic violence who would identify themselves as such. Many shelter employees, who have not received de-escalation or trauma-informed training, routinely issue permanent incident reports in response to any perceived conflict involving shelter residents. These reports are frequently based on notes from shelter staff alone and consist entirely of allegations of raised voices or verbal arguments. The resident often has no knowledge that a report has been made and has no opportunity to contest its content. The report then becomes a permanent record of family or intimate partner violence and will prevent the family from living together if they try to reenter shelter in the future. Requiring de-escalation and trauma-informed training for staff would help DHS prioritize New Yorkers experiencing homelessness and avoid forced family separation.

### ***Int 108- Reporting Requirements***

BDS supports Int 108 and similar reporting requirements as important tools to identify and tackle shelter recidivism. In these reports, DHS should be required to include recommendations from advocates in order to provide an opportunity for meaningful feedback. Furthermore, in addition to tracking family shelter populations, DHS should track its own administration of CityFHEPS vouchers to shelter residents. New Yorkers leaving shelter and entering permanent housing with CityFHEPS often wait 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 important and timely hearing. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Alexandra Dougherty, Senior Attorney and Policy Counsel, at [adougherty@bds.org](mailto:adougherty@bds.org).



**Testimony on bills to address DHS-shelter emergency crisis  
New York City Council Committee on General Welfare's Oversight Hearing**

Juan Diaz, Policy Associate at Citizens' Committee for Children  
September 13<sup>th</sup>, 2022

Thank you, Chair Ayala and members of the City Council Committee on General Welfare, for holding today's oversight hearing on legislative proposals that aim to improve the well-being of families and individuals in shelters and to enhance housing opportunities for New Yorkers facing homelessness and housing instability.

Since 1945, Citizens' Committee for Children of New York has served as an independent, multi-issue child advocacy organization dedicated to ensuring that every New York child is healthy, housed, educated, and safe. CCC does not accept or receive public resources, provide direct services, or represent a sector or workforce. We document the facts, engage, and mobilize New Yorkers, and advocate for policy, budget, and legislative solutions that improve child and family well-being.

CCC is also a Steering Committee member of the Family Homelessness Coalition, a coalition of 18 organizations representing service and housing providers and children's advocacy organizations united by the goal of launching a coordinated, collaborative, multi-agency effort focused on preventing family homelessness, improving the well-being of children and families in shelters, and supporting the long-term housing stability of families with children who leave shelter.

New York City is facing a homelessness crisis with severe constraints on shelter capacity and growing concerns on family well-being.<sup>1</sup> Since August 2021, the number of families with children entering DHS-shelters has increased over 32 percent, and around 60 percent of the new shelter population are families with children. From June to August of this year alone, over 2,750 children entered DHS shelters.<sup>2</sup> The housing crisis disproportionately harms families and children of color who are still recovering from the socio-economic effects of COVID-19 and an ongoing economic downturn. In recent months, the influx of migrant families arriving from the Southern border in need of urgent housing assistance has further exacerbated the homelessness crisis.

Today's City Council oversight hearing draws attention to how low-income families with children across the city continue to struggle with housing instability, lack access to reliable resources to relocate in a timely manner, and these stressors impact the mental health needs for those residing in shelters. We applaud the City Council's call to address the urgent need to improve policies and programs to alleviate the suffering of families struggling with homelessness.

**CCC would like to call attention to three proposed bills in particular and the opportunities they offer to address urgent needs facing children and families in the shelter system: Intro 0229 (Caban), Intro 0522 (Bottcher), and Intro 0124 (Salamanca Jr.).**

---

<sup>1</sup>Lack of DHS-shelter capacity supportive services. Retrieved from:  
<https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>

<sup>2</sup> Families with children entering DHS-shelter. Retrieved from:  
[https://www.icphusa.org/maps\\_infographics/number-of-families-with-children-in-nyc-dhs-shelter-2021-2022/#daily-report-from-september-1-2022-](https://www.icphusa.org/maps_infographics/number-of-families-with-children-in-nyc-dhs-shelter-2021-2022/#daily-report-from-september-1-2022-)

**Intro 0229 (Caban) - Will help strengthen rental support for families by prohibiting the Department of Social Services (DSS) from deducting a utility allowance from the maximum monthly rent when calculating the monthly rental for the CityFHEPS voucher**

This rule change will establish the monthly maximum rent of an apartment or a single room occupancy. It would also require DSS to conduct outreach on this requirement.

This bill is important because it will ensure that the value of the rental assistance CityFHEPS provides matches actual rental expenses and will prevent landlords and brokers from turning families away in favor of those who can pay the full rental amount.

The bill will also be critical for reducing the red tape that often prevents families from securing housing. As a former supervisor for a homeless prevention program funded by HRA, I witnessed firsthand how multiple administrative barriers with housing vouchers kept families from relocating in a timely manner and oftentimes led to shelter entry. The CityFHEPS application process is already lengthy and complex for everyone involved. The utility allowance only complicates the process for families, and on many occasions landlords and brokers simply walked away due to the complexity of this procedure. Landlords wanted to receive full rent and expressed hesitation about the utility deduction. Brokers expressed frustration over the calculations and how this would impact their commission. Heads of household grew increasingly confused as they were unsure of their monthly rent contribution and who was responsible for paying for their apartment utilities.

The overall confusion of these unnecessary administrative barriers created several weeks of delays and distrust between all parties involved, ultimately harming the ability of families to secure affordable housing. We therefore strongly support Int 0229 and its potential to improve the ability of families to move to stable housing.

**Intro 0522 (Bottcher) – Will require on-site mental health professionals to be available in each shelter housing homeless families**

Children in shelter are subject to substantial levels of stress and trauma, as are their caregivers and families urgently need more mental health services.<sup>3</sup> We therefore strongly support efforts to establish more mental health professionals serving families in shelter. While we support Intro 0522, we also urge city leaders to address several considerations related to the bill. First, the city is facing a widespread shortage of children’s behavioral health providers. Any bill enhancing services in shelters must be accompanied by a funding mechanism at the appropriate level to attract and retain providers.

The city should also explore ways to provide flexible funding and partner with existing community organizations to bring providers on site at shelters. This can help ensure providers are not being pulled away from communities with high needs in order to work within the shelters but are instead expanding their reach to include shelter populations. These providers could include existing Article 28 and Article 31 clinics, FQHCs, Health+Hospitals clinics, and other types of providers that offer unique models covered by Medicaid and Child Health Plus.

---

<sup>3</sup> Shelter stays related trauma and mental health service's needs. Retrieved from: <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/trauma>

We applaud the City actions welcoming migrant families with a plan for education enrollment and a resource navigation center. However, the City must include a reasonable number Spanish-speaking mental health professionals to assist families with children who are facing challenging migration and assimilation experiences.

Finally, the 1 to 50 ratio may prove unmanageable for professionals who are already facing high caseloads and may be worth additional review.

### **Intro 0124 (Salamanca Jr.) - Will establish housing specialists within HRA and DHS.**

This bill aims to ensure that families in DHS shelters have access to well-qualified housing specialists by requiring the Human Resources Administration (HRA) to designate housing specialists within all temporary shelters and to submit an annual report on housing specialists. This bill would also update requirements for housing specialists in the Department of Homeless Services (DHS) transitional housing facilities and would require DHS to submit an annual report on housing specialists.

Family Homelessness Coalition Fellows and families in shelter have expressed serious concerns over the lack of effective communication and timely assistance from shelter housing specialists. With a severe staffing capacity in DHS shelters, current housing specialists carry unmanageable caseloads, which prevents them from assisting families with apartment search guidance and quick inspection once a family is connected to an apartment.

In consultation with DHS-shelter providers, the City should assign financial resources to hire an adequate number of housing specialists and establish competitive salaries to attract individuals with a background in social services and a solid knowledge of the New York City housing market.

To facilitate the work efficiency of housing specialists, the city must also eliminate administrative barriers to approve CityFHEPS applications. Families often lose apartments where leases have already been signed, as landlords walk away due to the lengthy approval process. Additionally, the City should explore assigning additional personnel at HRA/DHS to expedite the processing and approval of CityFHEPS packets.

### **To expedite the relocation process of families exiting shelter, the City must eliminate the shelter 90-day rule to qualify for CityFHEPS**

We support the goals of City Council leaders to improve access to affordable housing and reduce shelter entry, and therefore believe it is important to highlight an immediate action city leaders can take to expedite relocation and move families to permanent housing with CityFHEPS assistance : eliminate the 90-day rule to qualify for CityFHEPS.

New York City currently has an illogical policy that makes homeless individuals and families wait in shelter for 90 days before they are qualified to apply for CityFHEPS rental assistance vouchers. As a result, individuals and families shelter stays are far too long. Government red tape should not needlessly inhibit the ability of homeless New Yorkers to find apartments.

The rapid surge of families entering New York City shelters, the influx of migrant families in need of urgent housing assistance, and the city's severely limited shelter capacity require immediate action. The DHS-shelter system is already facing a severe lack of staffing and financial capacity. The shortage of shelter beds has forced the city to push for emergency contracts worth over \$300 million, while warehousing homeless individuals and families in hotels without the resources they need.

The long-lasting emotional, educational, and social harms that children experience due to living in shelter. Eliminating this misguided "90 Day Rule" and providing housing vouchers to individuals and families in a more expeditious way will help them move into apartments faster and free up much needed shelter capacity for families and individuals in need of emergency shelter assistance.

In June, Mayor Adams and other City officials promised to abolish this unnecessary and costly rule, yet the rule is still in place and harming New Yorkers every day. We urge you to work with the Mayor and City officials to keep their promise and immediately abolish the "90 Day Rule" so that individuals, children, and families can get the stable housing they desperately need and deserve.

Thank you for your time and for your commitment to children and families experiencing housing crises.



## **Testimony to the Committee on General Welfare on Intro 0522 - Requiring mental health professionals in families with children shelters**

Chair Ayala and distinguished members of the Committee, thank you for the opportunity to provide testimony today. I am Amy Dorin, President & CEO of the Coalition for Behavioral Health. The Coalition represents over 100 community-based mental health and substance use providers, who collectively serve over 500,000 New Yorkers annually.

We strongly support Intro 522 requiring mental health professionals to be available in each families with children shelter to provide on-site mental health services. Over the past two years, there has been a surge in the demand for behavioral health services. Since 2020, two out of every five New Yorkers reported poor mental health, and rates of anxiety and depression have drastically increased.<sup>1</sup> Regarding children, the data is horrifying: Since the pandemic began, out of 3.6 million kids aged 2-17 in New York State, approximately 1 in 5 children has an emotional, behavioral or developmental condition. In July 2022, The Department of Homeless Services reported there were 16,650 homeless children sleeping each night in New York City's main municipal shelter system. Research repeatedly finds alarmingly high rates of psychiatric disorders among homeless mothers, most commonly, post-traumatic stress disorder (PTSD), major depression, and bipolar disorder.

This bill would require the Department of Homeless Services to serve homeless families' mental health needs by maintaining a ratio of at least one full-time mental health professional for up to every 50 families with children in NYC shelters. Homelessness is a trauma in and of itself, and all families, both adults and children in NYC family shelters would benefit from having access to on site mental health services.

However, the overwhelming need for services in shelters cannot be met with the current funding. The provision of mental health services in shelters must be accompanied by adequate new funding to ensure a trained and competent staff. Additionally, we strongly believe that the community-based agencies should operate these services, in partnership with government. These agencies are experienced and knowledgeable about providing mental health services as well as operating them in different settings, other than office based. Community agencies would be extraordinary partners in this effort.

We look forward to working with the Council and strongly recommend 1) additional funding to provide mental health services in family shelters and 2) that these services be provided by the

community based agencies, having the know-how, experience, and talent to launch and operate mental health services, particularly in complex settings.

Thank you!



Testimony of  
**Coalition for the Homeless**  
and  
**The Legal Aid Society**  
on  
**Intros. 92, 108, 124, 132, 190, 229, 276, 421, 431, 513, and 522**

before the  
New York City Council Committee on General Welfare

Jacquelyn Simone  
Policy Director  
Coalition for the Homeless

Robert Desir  
Staff Attorney  
The Legal Aid Society

September 13, 2022

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council's Committee on General Welfare regarding these important pieces of legislation.

**Intro. 92: Creation of an advisory board for accessibility at shelters**

We support Intro. 92, which would create an advisory board for accessibility at shelters. For too long, homeless New Yorkers with disabilities have encountered a lack of accessibility when they seek services in the Department of Homeless Services (DHS) shelter system. In November 2019, DHS estimated that 77 percent of adult families (families without minor children), 68 percent of single adults, and 53 percent of families with children sleeping in shelters had at least one disability.<sup>1</sup>

The advisory board would complement the work being done as part of the settlement in the landmark disability rights lawsuit *Butler v. City of New York*. In May 2015, The Legal Aid Society sued the City of New York and DHS on behalf of two clients who were attempting to enter an adult family shelter but were unable to do so because DHS did not accommodate their respective disabilities. In August 2016, Legal Aid amended the complaint to include five additional named plaintiffs as well as the Coalition for the Homeless and Center for Independence of the Disabled New York (CIDNY) as institutional plaintiffs. The case was also converted to a class action on behalf of all disabled New Yorkers who were residing in or had attempted to enter shelters. After extensive settlement negotiations and a fairness hearing, the stipulation of settlement was signed and became effective on December 7, 2017, and remains under the Court's jurisdiction today. The *Butler* settlement mandates the City to retrofit existing facilities and ensure that new shelters and services accommodate the access needs of homeless New Yorkers with disabilities. The *Butler* settlement was designed to accommodate the various stages of a complex, large-scale, systemic overhaul of New York City's shelter system.

As the City endeavors to make the shelter system more accessible for people with disabilities under the *Butler* settlement, an accessibility advisory board could identify and propose additional reforms. We are pleased that the legislation requires that at least two members of the board have lived experience of disability and homelessness, and we urge the Council to increase the number of such members represented on the board. We strongly encourage the full spectrum of disability experiences to be considered in the creation of this advisory board, to ensure broad inclusion and representation of accessibility needs as they are lived by this population. The Council should also ensure that the recommendations of the advisory board are given thoughtful consideration, and that there is accountability regarding whether their suggested reforms are implemented.

**Intro. 108: Creating an annual report on the performance of DHS providers**

While we appreciate the need for greater transparency with respect to efforts to address homelessness, the Council must consider that different shelters serve distinct populations with varying needs, and therefore the annual report required pursuant to this legislation may not accurately reflect the performance of providers. For example, a higher per-diem rate may well be justified if a provider is offering more robust services and better-quality food for its residents. Safe Havens, drop-in centers, and stabilization bed facilities (the latter of which are not mentioned in the legislation) are designed to serve unsheltered people, so staff may need more

---

<sup>1</sup> <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>

time to help residents gather documents and apply for housing than would be needed to help residents of other shelters. The City must have adequate oversight and guarantee that all homeless New Yorkers have appropriate, high-quality shelter placements with enough properly trained staff to help them move into decent and desirable permanent housing as quickly as possible. However, the metrics listed in this legislation do not fully capture the nuances and complexity of the shelter system and the challenges that people face in seeking permanent housing, and may in fact create perverse incentives for providers to chase metrics in a way that could be detrimental to the proper provision of shelter, services, and housing to homeless New Yorkers.

#### **Intro. 124: Housing specialists within HRA and DHS**

We support Intro. 124, which would ensure that people sleeping in shelters operating under DHS and the Human Resources Administration (HRA) have access to housing specialists. Well-trained housing specialists with manageable caseloads are a critical resource in helping people move from shelters into permanent housing. We often hear from shelter residents who have never been connected to a housing specialist, or who find that their housing specialists are generally unavailable because they are tasked with unreasonably large caseloads. The impact this has on residents' ability to transition out of shelters into homes of their own cannot be underestimated. However, in order to help people move into permanent housing more quickly, the City must also equip these staff with a range of housing options to offer to shelter residents. Even the best-trained housing specialists are hampered by time-consuming bureaucratic delays and a severe lack of housing affordable to New Yorkers with the lowest incomes. In order to reduce homelessness, the City must eliminate administrative hurdles, robustly enforce source of income discrimination protections and other fair housing laws, and commit to building at least 6,000 apartments per year for homeless households and 6,000 apartments per year for extremely low-income households.<sup>2</sup> Guaranteeing an adequate number of housing specialists at every shelter is an important first step, but this bill alone will not reduce homelessness unless it is also paired with simultaneous investments in permanent affordable housing for those most in need.

#### **Intro. 132: Requiring the establishment of intake centers for families with children; and Intro. 513: Requiring DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process applications for shelter intake from families with children**

The process of entering shelters is notoriously burdensome and stressful for homeless families. Currently, families with minor children must apply for shelter at a single citywide office, the PATH intake center in the Bronx, which can entail a long journey for people who are displaced from one of the other four boroughs. Establishing intake centers in the other boroughs, as **Intro. 132** proposes, would likely reduce this burden for many families seeking shelter. The recent increase in shelter applications from families with children has strained the PATH intake center, and DHS forced several families to sleep in the intake center in July in violation of the law.<sup>3</sup> Opening new intake centers may alleviate some of the pressure at PATH and ensure that families can complete the intake process more quickly, rather than waiting in hours-long lines. In addition to being in close proximity to public transportation, as the legislation requires, these facilities

---

<sup>2</sup> [https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief\\_June-2022.pdf](https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief_June-2022.pdf)

<sup>3</sup> [https://www.coalitionforthehomeless.org/wp-content/uploads/2022/08/CFTH\\_LAS\\_Testimony\\_PATH\\_oversight-8-9-22-1.pdf](https://www.coalitionforthehomeless.org/wp-content/uploads/2022/08/CFTH_LAS_Testimony_PATH_oversight-8-9-22-1.pdf)

must be accessible to people with disabilities. Families should be able to access whichever intake center they prefer, and must never be turned away and sent to a center in a different borough. DHS must also ensure there is coordination and communication across the various intake centers in case someone seeks assistance at multiple locations. The City should also explore increasing intake options for other shelter populations, including single men, single women, and adult families without minor children.

Similarly, **Intro. 513** would require DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process applications for shelter by families with children. While this legislation is intended to make the shelter intake process more accessible, and could address some of the language access and cultural competency problems that plague the current process, we have questions about whether such decentralized intake could efficiently connect families to shelter placements and ensure that they have consistent experiences, regardless of which provider processes their applications.

Notably, the problems with shelter intake go beyond the physical location of the PATH intake center and the entities processing applications. The eligibility determination process requires homeless families with children to provide documentation of every place they have stayed in the past two years. This is particularly challenging for families who were doubled-up or unsheltered for some period after losing their homes, and in fact, the vast majority of families are rejected for bureaucratic reasons related to a lack of required documentation that is simply unavailable or impossible for them to obtain. City workers then investigate the prior addresses to assess whether the family could return to one of the past residences. Homeless families are frequently denied shelter when City intake workers incorrectly determine that the family has other options, or fail to accept that a previous host (the “primary tenant”) refuses to permit the return of a homeless family. Although the City does provide families with “conditional” shelter placements during the eligibility process, repeated ineligibility determinations exacerbate stress and instability for homeless families encountering these obstacles, and the time spent in conditional shelter placements is not credited toward housing subsidy eligibility requirements. In July 2022, less than a fifth of families with children who applied at PATH were found eligible for shelter, and 16 families with children had to submit six or more applications before ultimately being found eligible. For adult families, these statistics are even more troubling: Only 10 percent of adult families were found eligible for shelter in July 2022, and more than a quarter of eligible adult families had to submit six or more shelter applications.

These two bills could help homeless families, depending on how they are implemented, but they do not address the underlying problems with the onerous family shelter eligibility process. In addition to adding shelter intake centers for families in different boroughs and considering nonprofit intake partners, we encourage the City and State to address the many bureaucratic barriers that families face when they attempt to enter shelters, and to ensure that reforms are made that make it easier for both families with children and adult families to obtain prompt and proper shelter placements.

### **Intro. 190: Creation and distribution of a homeless bill of rights**

We support the goal of Intro. 190 to create a homeless bill of rights, which would help homeless New Yorkers assert their rights and access resources. The Coalition and Legal Aid seek to

inform people of their rights by creating information sheets, doing outreach at shelters, and advocating on behalf of individuals who seek our assistance. We often meet people who are not aware of certain rights they have as homeless New Yorkers, such as the right to vote despite their housing status. While people do receive basic information on some rights when they enter shelters, they do not receive a comprehensive list of rights and resources. The strength of any bill of rights document, however, depends on the specific content and the responsible agency's commitment to recognizing and enforcing said rights. Accordingly, we look forward to providing feedback on any drafts of the homeless bill of rights should this legislation be enacted.

The Council must also account for different populations and shelter types across the system, which may impact the content of the bill of rights. For example, one of the rights listed in the legislation is the right to "Be placed in a room with a person who identifies as the same gender." This is not relevant to families with children or adult families, which have their own units rather than roommates. This wording is also problematic for single adults in congregate shelters, however, as it could create issues for homeless people who are transgender, gender non-conforming, or non-binary (TGNCNB). Homeless New Yorkers who are TGNCNB have access to whichever single adult shelter system they deem safest for them, which might mean that the other residents of their shelter do not have the same gender identity as they do. The wording of this legislation, therefore, could unintentionally subject TGNCNB homeless people to further discrimination and ostracization in an already-intimidating adult shelter system that is predominantly divided into shelters for single adult men and shelters for single adult women. Other categories enumerated in the bill of rights, such as "housing and financial assistance," will need further elaboration to ensure that homeless shelter residents understand which services they are entitled to and how to access them. We look forward to working with the Council on creating a strong, clear bill of rights that can empower homeless New Yorkers.

#### **Intro. 229: Monthly rental assistance payments for households with rental assistance vouchers**

We support the underlying goal of Intro. 229 to give tenants flexibility to rent apartments at the full payment standard (108 percent of HUD's Fair Market Rent), which is the level required by Local Law 71 and intended by the City Council. However, since the bill's introduction, HRA has expressed willingness to adopt HUD's policy of giving tenants the benefit of the utility allowance by reducing the tenant's rent share. Such a change is in harmony with the Council's intent to structure City subsidies in parallel with Section 8. Under HUD's procedures, tenants who rent apartments at less than the full "payment standard" pay less than 30 percent of their incomes as rent to their landlords, and can use the resulting savings to pay their utility bills. Such a policy would benefit thousands of recipients of City rent subsidies, who currently must pay utilities on top of paying 30 percent of their incomes to their landlords. Given the tightness of the city's rental market, however, recipients of HRA subsidies should have the same option as Section 8 voucher holders to rent apartments at the full payment standard, even if that means forgoing the utility credit.

We suggest that the Council amend Intro. 229 to require HRA to reduce tenant rent shares to reflect the cost of utilities as is done in the Section 8 program, while preserving tenants' flexibility to rent apartments at the statutory maximum. We also urge the Council to make funds available for HRA to upgrade its computer system to handle the above policy changes.

## **Additional Barriers to Accessing CityFHEPS**

As explained above, we support Intro. 229 as its passage will increase access to CityFHEPS. However, reforming the utility allowance requirement is only one of the many attainable changes the CityFHEPS program needs to meaningfully further its goals of facilitating access to safe, decent, affordable housing while reducing the shelter population and the high attendant costs of homelessness. Below we outline other aspects of the program that merit change/reform:

- 1) **Rent Reasonableness.** As with the utility allowance rule, the rent reasonableness rule prevents CityFHEPS voucher holders from accessing apartments that meet the established payment standard, and its implementation creates uncertainty even when a tenant has found a potential home. Shelter residents seeking apartments can never know in advance whether a unit they have found will be considered “reasonable,” even if the rent is at or below the payment standard. These New Yorkers undergo the arduous rental application process and then wait weeks or months only to learn that the rent was rejected as not reasonable, and they have to restart their search. Further, tenants in eviction cases who hope to use CityFHEPS to retain their current apartments cannot know in advance what rent amount they can agree to when executing Housing Court settlement agreements. The City Council should eliminate the rent reasonableness requirement to ensure tenants are not unfairly prevented from renting apartments at or below the full payment standard.
- 2) **Immigration Status.** The City of New York can and should extend CityFHEPS eligibility to all non-U.S. citizen New Yorkers, including those without immigration status, despite federal laws that purport to limit eligibility to certain categories of so-called “qualified aliens.” Such laws have been found unconstitutional or unenforceable. Further, they do not preempt the City or State of New York from extending a benefit, such as CityFHEPS, to any non-U.S. citizen New Yorker.
- 3) **Source of Income Discrimination.** Despite ambitious private enforcement actions and prohibitions in the City and State human rights laws, source of income discrimination – landlords’ refusal to rent to voucher holders – remains rampant.<sup>4</sup> The source of income discrimination units at the New York City Commission on Human Rights (NYCCHR) and DSS have lost numerous staff members and are unable to keep up with the pace of landlord discrimination.<sup>5</sup> Homeless New Yorkers continue to face repeated rejections over many months because of their vouchers, or never receive responses from the landlords they have contacted. The Fiscal Year 2023 budget includes funding for the

---

<sup>4</sup> Matthew Haag, “‘She Wants Well-Qualified People’: 88 Landlords Accused of Housing Bias,” *The New York Times*, March 15, 2021, <https://www.nytimes.com/2021/03/15/nyregion/real-estate-lawsuit-section-8-discrimination.html>; Mihir Zaveri, “Discrimination Weakens Tool for Reducing N.Y. Homelessness, Lawsuit Says,” *The New York Times*, May 25, 2022, <https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>.

<sup>5</sup> David Brand, “NYC Was Set to Crack Down on Voucher Discrimination, But its Enforcement Teams Keep Shrinking,” *City Limits*, March 18, 2022, <https://citylimits.org/2022/03/18/nyc-was-set-to-crack-down-on-voucher-discrimination-but-its-enforcement-teams-keep-shrinking/>.

source of income unit,<sup>6</sup> and the Mayor’s housing plan declares that the City “will launch a coordinated enforcement and outreach effort to root out and combat source-of-income discrimination.”<sup>7</sup> However, it is unclear how this will take form. It is apparent, however, that indistinct proclamations are not enough to stem the tide as rents soar and competition for apartments grows. This dire problem requires dedicated staff and agency prioritization. The NYCCHR source of income discrimination unit should be fully funded to ensure that voucher holders facing discrimination are able to obtain quick interventions from the NYCCHR that will allow them to secure apartments.

- 4) **Unacceptable Delays in CityFHEPS Move-Ins.** Delays in CityFHEPS are unfortunately commonplace and well-documented.<sup>8</sup> Even after a landlord agrees to rent an apartment, New Yorkers regularly wait for up to six months in shelters while the City approves their applications. Voucher holders must navigate a byzantine lease-up process where the smallest error – a misspelled address or an unusual broker’s license – causes weeks of delays, which have profound negative consequences.<sup>9</sup> Voucher holders continue to endure months of homelessness, and they cannot pursue other housing opportunities while the issues are resolved. Meanwhile, the collateral effects of joblessness, mental health challenges, familial instability, and poor living conditions compound. Landlords sometimes become so frustrated that they disengage, leaving prospective tenants without options.

Unless significant changes are adopted, CityFHEPS will not serve its purpose of allowing families and individuals to escape the shelter system and live in homes with dignity. The following changes will significantly reduce CityFHEPS delays. The City should ensure that DSS:

- **Streamlines its review process.** This may include:
  - Requiring DSS reviewers to review an entire package for mistakes before sending it back to the shelter provider for corrections;
  - Making it easy for shelter providers to communicate by telephone and email with DSS reviewers in order to discuss resolving issues with a package;
  - Reducing the number of rounds of review for each package so that DSS must only review a package once;
  - Reducing the amount of paperwork required;

---

<sup>6</sup> Jeanmarie Evely and David Brand, “Here’s How NYC’S \$101 Billion Budget Addresses Homelessness,” *City Limits*, June 14, 2022, <https://citylimits.org/2022/06/14/heres-how-nycs-101-billion-budget-addresses-homelessness/>.

<sup>7</sup> <https://www1.nyc.gov/assets/home/downloads/pdf/office-of-the-mayor/2022/Housing-Blueprint.pdf>

<sup>8</sup> David Brand, “Administrative Obstacles Jam Up Moving Process for NYC Shelter Residents,” *City Limits*, Jan. 31, 2022, <https://citylimits.org/2022/01/31/administrative-obstacles-jam-up-moving-process-for-nyc-shelter-residents/>; Chau Lam, “Spelling mistakes and clerical errors could keep many stranded in shelters under city housing program,” *Gothamist*, Feb. 18, 2022, <https://gothamist.com/news/spelling-mistakes-and-clerical-errors-could-keep-many-stranded-shelters-under-city-housing-program>.

<sup>9</sup> Instead of fixing errors, the City frequently rejects applications, whereupon it then takes weeks for overworked shelter staff to revise them. If there are additional errors that the City did not identify upon first review, an application goes back to the shelter provider again. If a resident is transferred to a different shelter, the process typically begins all over again. In practice, residents and landlords often must agree on new lease dates every month as move-ins are delayed repeatedly.

- o Correcting and approving packages with minor clerical errors, like an address that says “street” instead of “place”; and
- o Providing automatic email notifications with package updates.
- **Sets clear benchmarks for approving CityFHEPS packages.** DSS should set clear goals for move-out times for each application and ensure that it meets those goals in facilitating moves.
- **Re-trains shelter staff.** DSS should track how long the contracted shelter providers take to facilitate move-outs. Shelter providers that are the source of repeated delays must be intensively retrained.
- **Phases out contracts with shelter providers who are unable to meet move-out goals.** Frequently, delays in lease-up are due to shelter providers failing to facilitate move-outs. DHS should not agree to extend contracts with shelter providers who fail to efficiently move clients out of shelters.
- **Approves apartments that pass inspections.** If an apartment passes a CityFHEPS inspection, the tenant should presumptively be permitted to move in, regardless of whether DHS has approved all the paperwork. Unless an apartment has not passed an inspection, within 45 or 60 days a tenant’s package should be automatically approved and HRA should prepare payment to the landlord.

These changes, in addition to the passage of Intro. 229, would strengthen the CityFHEPS program and help more New Yorkers move out of shelters.

**Intro. 276: De-escalation and trauma-informed training for DHS employees; and Intro. 431: Requiring DHS to provide customer service training**

The Coalition and Legal Aid 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 often 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 have left them with nowhere to turn but a shelter – a place where they hope to find help. However, we regularly hear that interactions with staff in these facilities can exacerbate rather than ameliorate this trauma. The Coalition and Legal Aid support the goals of **Intro. 276** and **Intro. 431** 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 these bills:

- 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 and collect their feedback to ensure the success of such trainings.

**Intro. 421: Requiring DHS to report on families with children in shelter**

We support efforts to increase transparency regarding the homelessness crisis, as Intro. 421 aims to do. Some of the metrics enumerated in this legislation, such as the average length of stay in shelters and the number of applications families must submit before being found eligible for shelter, are already contained in other monthly reports published by DHS. Other metrics, such as shelter proximity to services, schools, and jobs, would help clarify how well the shelter system is accommodating families’ needs for geographically appropriate placements. The educational metrics would improve accountability regarding whether homeless students are missing school and falling behind due to issues with shelter eligibility and the placement process. Likewise, the reporting on child care and pre-kindergarten enrollment can illustrate service gaps. Reporting on exits to permanent housing can also identify whether families in different types of shelters are receiving equitable access to housing resources. Taken together, the various data points required in these reports would strengthen transparency and allow better targeting of services and supports for homeless families with children.

**Intro. 522: Requiring mental health professionals in families with children shelters**

While we support the goal of expanding access to mental health care for homeless New Yorkers, we have some concerns about the scope of Intro. 522 as well as some technical considerations. The pandemic has exacerbated mental health challenges for many people, including members of homeless families with children. Mental illness can be a contributing factor to someone’s homelessness, and the instability and trauma of homelessness can also worsen mental illnesses. However, we have seen a higher need for mental health services among other shelter populations – specifically single adults and adult families. Data reported by DHS show the high prevalence of mental health conditions among single adults and adult families, and the vast majority of shelters serving these populations do not offer on-site mental health services.<sup>10</sup> The legislation’s exclusive focus on shelters serving families with children does not seem to be aligned with the greatest needs.

There are also several technical issues with the legislation as currently drafted. The bill’s requirement is not consonant with the regulations of the New York State Office of Temporary and Disability Assistance, which may preempt this mandate. We are also concerned about whether all shelters have the appropriate certification to hire the professionals listed in the legislation. The legislation considers “mental health professionals” to include a licensed clinical social worker, a psychiatric nurse practitioner, a psychiatrist, or a psychologist. However, an employer is not generally authorized to employ many of these professionals for the purpose of serving clients without also holding a license of some type that establishes the statutory authority for that employment relationship. Unless the employer obtains such license, they would have to

---

<sup>10</sup> <https://www1.nyc.gov/assets/dhs/downloads/pdf/Local-Law-115-of-2017-Report-CY2020.pdf>

engage the services of a private practice or practitioner. We therefore recommend that the legislation specify that contracting with private practices or individual practitioners is one means of fulfilling this requirement for those providers lacking statutory authority to directly employ mental health professionals, rather than merely stating that mental health services shall be available.

With hundreds of shelters serving families with children, and more facilities opening regularly in light of the increasing number of families seeking shelter, it is unclear whether shelter operators will be able to find enough private practitioners to meet the requirements of this legislation. The challenge of finding a sufficient number of practitioners is further complicated by the fact that the legislation is subject to appropriation, which could lead to funding inconsistencies over time. Even if providers are able to find private practitioners to satisfy the caseload thresholds in the legislation, some licensed professionals may be restricted as to the settings in which their services may be rendered in the absence of a site-specific license to offer their specific clinical services to the public. The list of services in the legislation also ignores the bright line scope of practice restrictions on which professionals may provide which services, including who is allowed, and not, to perform assessments and make diagnoses. These rules are intended to prevent unauthorized or unlicensed entities from claiming to run a clinic or hospital or from hiring clinical staff without the clinical authority required to supervise them. The legislation, while well-intentioned, must acknowledge these regulations and address the fact that not all shelters are authorized to provide these services.

Additionally, all mental health services must be entirely voluntary and ensure adequate confidentiality protections. The report required by the legislation should account for the fact that some homeless New Yorkers might not need mental health care and others might prefer to access mental health care outside of the shelter system, particularly if they want to maintain continuity of care despite transfers between shelters and eventual moves into permanent housing. Homeless New Yorkers report varying degrees of trust with shelter staff, and they may be hesitant to engage in on-site mental health care due to stigma or fear that the staff might somehow use their engagement in mental health services against them. Increasing access to mental health care is a laudable goal, but the City must not ignore the individual needs and preferences of homeless New Yorkers.

### **Conclusion**

We thank the General Welfare Committee for the opportunity to testify on these bills, and for the Council's dedication to addressing New York City's mass homelessness crisis.

---

### **About The Legal Aid Society and Coalition for the Homeless**

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

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

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

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure 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 fifth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

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

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



**National Alliance on Mental Illness**

---

New York City Metro  
**ADVOCACY**

New York City Council  
Committee on General Welfare Hearing  
Tuesday, September 13, 2022 at 1:00PM

Testimony By: Kimberly Blair, MPH  
Director of Public Policy & Advocacy  
National Alliance on Mental Illness of NYC (NAMI-NYC)

**RE: Intro. 0522-2022, a Local Law to amend the administrative code of the city of New York, in relation to requiring mental health professionals in families with children shelters**

Good afternoon Chair Ayala and members of the Committee on General Welfare. Thank you for holding this space today to hear from peers living with mental health conditions, their loved ones, and the community-based organizations that strive to support peers in their recovery. My name is Kimberly Blair, and I serve as the Director of Public Policy and Advocacy for the National Alliance on Mental Illness of NYC (NAMI-NYC). We are a grassroots mental health advocacy organization, and one of the largest affiliates of the National Alliance on Mental Illness. On a personal note, I also identify as someone who lives with mental health conditions and who has benefitted from life-saving psychotherapy, such as that proposed in Intro. 0522-2022, a Local Law to amend the administrative code of the City of New York, in relation to requiring mental health professionals in families with children shelters, which I encourage you to support today.

First and foremost, before we delve into the bill, I think it is important to orient you as to what my organization does. NAMI-NYC has been a leading service organization to the mental health community for 40 years in New York City. Our organization provides groundbreaking advocacy, education, and support services for individuals affected by mental illness, their families, and the greater public, all completely free of charge. Our renowned peer- and evidence-based services are unique in that they are led both for and by members of the mental health community and are reflective of the diversity across New York City.

As part of our support efforts, we also run a confidential Helpline from 10:00am to 6:00pm that connects peers and family members with referrals for mental health services, housing, and legal support. Most of the calls we receive are from peers or family members in the aftermath of a great crisis, whether that is a mental health crisis that includes hospitalization or a crisis that involves losing housing, benefits, or employment due to a mental health episode.

**In our experience, people struggling through these crises often come to us because they have great difficulty navigating the confusing terrain of mental health providers and insurance restrictions on their own,** especially if seeking low-income or culturally and linguistically appropriate mental healthcare in New York City. All these hurdles delay critical care and delay family members ultimately reaching the recovery that is responsible for keeping family units together and not furthering the cycle of trauma onto younger generations.

**Now, imagine going through all these hurdles while also navigating homelessness, which in essence, is a traumatic experience itself.** This is what 12,124 families in New York City's shelters have faced since 2019 because the social workers introduced by the city to the shelter system long before that in 2016 have not been able to exercise the full range of their qualifications to provide essential psychotherapy in-house.<sup>1</sup> To make matters worse, the reason these clinicians cannot provide these services is not because they do not want to or because there is not a need, but rather, due to a lack of financial resources and personnel.

---

<sup>1</sup>*Mental Health Services in family shelters.* Mayor's Office of Community Mental Health. (2019, November 8). Retrieved September 13, 2022, from <https://mentalhealth.cityofnewyork.us/program/mental-health-services-in-family-shelters>

**Meanwhile, data from the Mayor’s Office of Community Mental Health demonstrates that 66.7% of families have been screened for behavioral health needs, including mental health and substance use conditions. Yet, only 0.4% of families have been able to attend an appointment from January to March of this year and only 2.3% of families from April to June of this year.**<sup>2</sup> While we need more publicly available data and analysis in order to dig into the deeper reasons why families receiving referrals to care have not been able to get into care, we know for a fact there are a number of barriers all people facing mental health conditions face, including mental health stigma, long wait times<sup>3</sup> and lack of financial resources. These barriers must be exacerbated for families whose main priorities at the moment are housing, stability and survival. **So, 66.7% of families (i.e., the majority of families) in shelters need life-saving treatment, and the city’s current response is to provide 0% of that treatment at the most critical point in the timeline of adverse life events a family may face—homelessness.** Our organization sees this as **unacceptable** and as a moral failing on behalf of our city to families in crisis.<sup>4</sup>

**However, with a small investment, Intro. 0522-2022 can help remediate this failing by ensuring that family units dealing with unaddressed mental health conditions and homelessness receive the care that they need until they can get connected with long-term care providers.** We hold steady that \$40 million annually is a small investment in New York City’s families when one considers the returns the city could receive on:

1. reduced incidents requiring emergency service visits to family shelters;
2. reduced psychiatric emergency visits for family members experiencing homelessness who have been referred to external mental health providers by shelter staff but currently have gaps in continuity of care due to long wait times to see said providers;<sup>5</sup>
3. reduced number of families returning for lengthier and more costly shelter stays because their underlying needs were not addressed the first time they came to the shelter; and
4. increased number of families living independently afterwards in supportive housing because they received the appropriate screening needed for this service while in shelter.

Furthermore, this investment goes a long way when we think of our providers themselves. Since the onset of the pandemic, many social workers and other mental health professionals have seen their caseloads increase exponentially without any increase in compensation, which in turn, has attributed to burn out,<sup>6,7</sup> vacancies in critical shelter positions and a reduction in the quality of care needed to address this social issue we are discussing today. The increased cases of families experiencing homelessness is a separate problem than the increase in inflation and economic burdens, which our state attempted to address with its cost-of-living adjustment issued earlier this year. We know that the financial investment proposed along

---

<sup>2</sup> *Data Dashboard: Mental Health Services in Family Shelters*. Mayor's Office of Community Mental Health. (n.d.). Retrieved September 13, 2022, from <https://mentalhealth.cityofnewyork.us/data>.

<sup>3</sup> Breslau, Joshua, et al. (2022, August 25). *Availability and Accessibility of Mental Health Services in New York City*. RAND Corporation, RR-A1597-1, 2022. Retrieved September 13, 2022, from <https://www.forbes.com/sites/brucejapsen/2022/09/12/doctor-wait-times-average-almost-four-weeks-in-big-cities/?sh=7d5f24fd41f4>

<sup>4</sup> See n. 2.

<sup>5</sup> See n. 3.

<sup>6</sup> American Psychological Association (2021, October 19). *Worsening mental health crisis pressures psychologist workforce 2021 COVID-19 Practitioner Survey*. APA. Retrieved September 13, 2022, from [https://www.rand.org/pubs/research\\_reports/RRA1597-1.html](https://www.rand.org/pubs/research_reports/RRA1597-1.html).

<sup>7</sup> Bernstein, L. (2022, March 6). *This is why it's so hard to find mental health counseling right now*. The Washington Post. Retrieved September 13, 2022, from <https://www.washingtonpost.com/health/2022/03/06/therapist-covid-burnout/>

with Intro. 0522-2022 will help tackle these additional challenges so that shelters can fix staff shortages and compensation issues.

**For all these reasons, we ask that the Committee please vote this legislation FAVORABLY on Intro. 0522-2022 to invest in families in need.**

Thank you.

Testimony by the New York Legal Assistance Group in Support of  
Int. 0092-2022, Int. 0108-2022, Int. 0124-2022, Int. 0132-2022,  
Int. 0190-2022, Int. 0229-2022, Int. 0276-2022, Int. 0421-2022,  
Int. 0431-2022, Int. 0513-2022, and Int. 0522-2022

Before the New York City Council Committee on General Welfare

September 13, 2022

Deputy Speaker Ayala, Council Members, and staff, good morning and thank you for the opportunity to speak to the Committee on General Welfare on legislation impacting people experiencing homelessness. My name is Deborah Berkman, and I am the Coordinating Attorney of the Shelter Advocacy Initiative at the New York Legal Assistance Group (“NYLAG”).

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

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people in and trying to access the Department of Homeless Services (“DHS”) shelter system. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter

application process. We also assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings. 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, conduct advocacy with the Department of Social Services (“DSS”), Job and SNAP centers, and bring impact litigation to ensure that our clients are obtaining and maintaining an adequate level of benefits.

I have worked with numerous single adults and families residing in and trying to access the DHS shelter system. Based on my experiences working with them, I appreciate the opportunity to offer the following comments.

1. Int. 0092-2022 Is a Necessary First Step to Ensure that DHS Shelters Are Accessible for Clients with Disabilities

Int. 0092-2022 would require DHS to create an accessibility advisory board to advise the Mayor and the Council on issues relating to accessibility in City shelters. This bill is a very necessary first step to bring DHS into compliance with the Americans with Disabilities Act. So many of my clients who live with physical and mental health disabilities cannot reside in DHS shelter because DHS will not accommodate their disabilities. This lack of accommodation forces many people to resort to sleeping outside.

The current process DHS uses to make shelter accessible for people with disabilities is insufficient to meet the needs of shelter seekers with disabilities. Currently, if a person experiencing homelessness would like to enter a DHS shelter,

and needs a reasonable change or adjustment to DHS' policies, practices or procedures in order to successfully access to shelter, they must apply for those changes through the formal and intensive reasonable accommodation process. One example of a reasonable accommodation would be a wheelchair-user requesting a ramp. The reasonable accommodation process requires medical documentation from a healthcare professional verifying that the resident has a medical condition or disability that necessitates their requested accommodation. The current process for obtaining reasonable accommodations presents significant barriers for many of my clients for several reasons.

First, many people experiencing homelessness are not aware that the reasonable accommodation process exists. Even for those who are aware, the reasonable accommodation process necessitates consistent access to affordable medical care. For many, lack of requisite immigration status prevents individuals from obtaining any medical care beyond emergency services. Even those clients who do have medical coverage often have other barriers to accessing the care they need, particularly mental health care. Thus, our clients often have medically necessary accommodations they need to access shelter, but do not have the means to prove this need.

Even when clients can access medical documentation, often the clients or their medical professionals do not know the specific language necessary to justify the requested accommodation. Reasonable accommodation requests are often rejected

on this basis and without explanation as to what documentation and information would be necessary to grant the request.

Finally, responses to reasonable accommodation requests are often delayed and can take a long while to get approved. During that time, some people experiencing street homelessness who need a modification to shelter rules and regulations to access shelter have no choice but to remain street homeless.

While DHS has an obligation under the settlement of the lawsuit *Butler v. City of New York* to assist clients in obtaining the medical documentation they need to safely access shelter<sup>1</sup>, such assistance is rarely, if ever, provided. When I contacted DHS to request that they assist my clients in finding medical providers and obtaining documentation necessary to apply for a reasonable accommodation, I was informed that DHS has no process to do so, despite such assistance being a legal requirement. Moreover, under *Butler*, DHS is mandated to provide provisional accommodations, if a failure to do so would prevent a client from accessing shelter or result in a safety risk,<sup>2</sup> but my clients report that provisional accommodations are rarely made.

Moreover, even when a reasonable accommodation request has been granted, DHS will sometimes nonetheless place a shelter resident in a placement that does not accommodate their needs. One of my clients, Ms. L., used a wheelchair to ambulate and, per an approved reasonable accommodation request, resided in a wheelchair-accessible DHS shelter with a wheelchair-accessible bathroom. One day, without

---

<sup>1</sup> [https://www.coalitionforthehomeless.org/wp-content/uploads/2017/08/Butleretalv\\_CityofNewYorketal\\_15-CV-3783-StipulationofSet.pdf](https://www.coalitionforthehomeless.org/wp-content/uploads/2017/08/Butleretalv_CityofNewYorketal_15-CV-3783-StipulationofSet.pdf)

<sup>2</sup> *Id.*

notice, Ms. L. was involuntarily transferred from her wheelchair-accessible shelter to a shelter that had a step, which was necessary to use to get in and out of the door. While Ms. L. had been told that her new shelter would have an accessible entrance, when she arrived, she discovered the only accessible entrance was under construction. As a result, if Ms. L. wanted to enter or exit her shelter, she would need to be carried over the step or request that DHS staff put a ramp down. DHS staff did not consider setting up and removing the ramp as part of their job, so often Ms. L. would have to wait for long periods of time outside the shelter for a staff member to be willing to set up the ramp so that she could come inside. On some occasions, other residents of the shelter retrieved the ramp for Ms. L. so she could get back inside. Other clients who use wheelchairs or other assistive devices have often reported broken elevators and facilities that are impossible to navigate in a wheelchair, even when the shelters are labeled “accessible.”

Moreover, clients with mental health disabilities report that they are rarely accommodated. One client, Mr. M., who suffered from debilitating anxiety, was treated particularly poorly by staff at the 30th Street Intake Center for single adult men. DHS was aware of his condition, and he had been granted a reasonable accommodation based on it. Nonetheless, Mr. M. 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. When Mr. M. suffered a panic attack while waiting, 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. Although Mr. M.'s requested accommodation had been approved as medically necessary, staff had no knowledge of it and refused to look into system records when informed of the accommodation. Mr. M. reports that he was mocked and yelled at repeatedly. Mr. M. was not able to speak about the experience without crying.

Overall, clients with disabilities are often not accommodated by DHS, thus, they are not able to access shelter. So many of my clients experiencing street homelessness report that they would come inside if their disability-related needs were met. Creating an advisory board is an important first step towards creating a shelter system that welcomes clients with disabilities, and this must be followed with concrete changes to the system.

## 2. Reporting on Provider Conditions and Successes is Critical to Determining How to Best Serve Clients

Int. 0108-2022 would require the DHS to submit an annual report on the performance of DHS providers in the City, specifically on the rate of return of clients; the per-diem rate the shelter is paid; the average length of stay of clients; the rate of housing placements; the number of critical incidents; the number of open violations; and whether the contract for the prior fiscal year was registered on time. Publicizing this information would shine a light on the persistent problems that clients report about certain shelters in the DHS system- most importantly the extended periods of time that clients remain in shelter, the physical violence that occurs, and the other difficult living conditions that clients encounter.

Reporting on average length of stay of clients aggregated by providers would allow this Council to see which providers are most effective in transitioning clients into permanent housing and perhaps provide a framework for other providers so that they may achieve similar results. Requiring reporting on shelter conditions is also critical, as clients report conditions can range from adequate to extremely hazardous. It is vital that this Council and DHS be aware if certain providers are not able to provide safe, clean and well-maintained premises. Similarly, reporting on violent incidents that occur and the physical safety of shelter residents and staff will allow DHS to assess which providers are most successful in creating a calm and peaceful environment. This information will help inform DHS when determining whether to renew, expand, or reduce shelter-provider contracts. These statistics should be made available so that the public can understand the significant challenges our clients face.

### 3. Housing Specialists are Critical to Reduce the Length of Stays in Shelter

Int. 0124-2022 would require that housing specialists be provided to all DSS shelters. Housing specialists are a critical component for shelter residents to transition out of the shelter system and into permanent housing. Currently, the average length of stay for single adults and families in the shelter system is far too long. For instance, in July of 2022, the average length of stay for families with children in DHS shelter was over a year (504 days to be exact).<sup>3</sup> In that same month, the average length of stay for adult families in DHS shelter was well over two years

---

<sup>3</sup> [https://www1.nyc.gov/assets/operations/downloads/pdf/temporary\\_housing\\_report.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf)

(822 days to be exact).<sup>4</sup> The average length of stay for single adults was 469 days.<sup>5</sup> The numbers are unconscionable. Shelter should only be a temporary occurrence to aid in the transition to affordable permanent housing, not a place where people languish for years. In addition, even those shelter residents lucky enough to have a housing voucher to pay a portion of their rent encounter significant difficulties finding residences.<sup>6</sup> Housing specialists are a vitally important resource for locating and securing permanent housing and every shelter should provide this service.

4. Creating Additional Intake Options for Families with Children Experiencing Homelessness Will Increase Access to Shelter and Reduce the Trauma of the Application Process

Int. 0132-2022 would require the DHS to establish additional intake centers for families with children in boroughs without existing intake centers. Currently, the only way for a family with children to access shelter is by applying at the Prevention Assistance and Temporary Housing (PATH) center in the Bronx. One intake site is wholly insufficient for a city of our size. For example, in July of 2022, 1829 families applied at the PATH center for shelter.<sup>7</sup> I represent a number of those families and all of them report having waited for extremely long lengths of time at PATH before they were assigned a shelter. Some of these families waited for several days. For instance, one of my clients, Ms. M., reported that she and her family spent two days at the PATH intake office before they were finally assigned to a shelter. Similarly, another client, Ms. Y, reported having spent three days at the crowded PATH intake center

---

<sup>4</sup> [https://www1.nyc.gov/assets/operations/downloads/pdf/temporary\\_housing\\_report.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf)

<sup>5</sup> [https://www1.nyc.gov/assets/operations/downloads/pdf/temporary\\_housing\\_report.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf)

<sup>6</sup> <https://www.clarasophiadaly.com/work/new-york-city-voucher-program-fails-homeless-families>

<sup>7</sup> [https://www1.nyc.gov/assets/operations/downloads/pdf/temporary\\_housing\\_report.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf)

with her husband and son before being assigned to a shelter. Unfortunately, there are simply too many families in need of shelter for all of the applicants to be processed at one intake center.

Moreover, many families who find themselves needing shelter have no familiarity with the Bronx and must navigate hours of public transportation to reach the intake site. Long journeys to PATH and lengthy stays in the PATH office only exacerbate the trauma these families are already facing, including trauma stemming from the sudden or gradual loss of one's home.<sup>8</sup> Additionally, many people experiencing homelessness, particularly women, become homeless after experiencing physical and sexual abuse and its consequent psychological trauma.<sup>9</sup> The application process for shelter should seek to reduce, not exacerbate, the families' trauma, and expanding intake locations to every borough would support this goal.

Allowing community non-profits to process shelter applications would reduce trauma for families with children even further. Int. 0513-2022 would require DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process application for shelter intake for families with children. This model would capitalize on existing relationships, and it will undoubtedly reduce trauma for families, as well as inefficiencies in the current shelter application process. Many of my clients are connected with local social services agencies that assist them with applying for and recertifying their public benefits. These agencies

---

<sup>8</sup> *Homelessness as Psychological Trauma*, Lisa Goodman, Leonard Saxe (1991)

<sup>9</sup> *Id.*

already have many of the documents clients need to apply for shelter. Moreover, these agencies are located in the communities that clients reside in prior to experiencing homelessness. Clients and their children are already comfortable in these offices, which would make the shelter application process far less stressful.

5. A Homeless Bill of Rights Is Essential to Recognize and Protect the Rights of People Experiencing Homelessness in New York City

NYLAG enthusiastically supports Int. 0190-2022, which would require DHS to produce and distribute a homeless bill of rights.<sup>10</sup> A homeless bill of rights is critically important to ensure that people experiencing homelessness are met with dignity when interacting with the shelter system and to protect them from certain violations of rights. Of particular importance in Int. 0190-20 is the provision for informing clients on how to file a complaint and describing protections against retaliation for filing complaints. So many of my clients have experienced mistreatment at the hands of shelter staff or security, or live with dangerous conditions in their shelter, but do not know how to report it or are afraid to do so because of potential backlash. Also of critical importance is the provision guaranteeing the right to request an interpreter and to have documents translated into other languages when interacting with city

---

<sup>10</sup> The homeless bill of rights would include notifications of the rights to; shelter; access to legal services; to request an interpreter and to have documents translated into other languages when interacting with city agencies; educational options for children experiencing homelessness; voting rights, voter registration and how to find polling places; how to file a complaint and protections against retaliation for filing complaints; housing and financial assistance; protections against discrimination; the right to request accommodations for disabilities; meet privately with advocates and legal representatives; leave and return to the shelter outside of curfew hours and request early and late passes; participate in recreational activities; be placed in a room with a person who identifies as the same gender; a private room with a lock for families experiencing homelessness; a secure locker for single adults experiencing homelessness; access to bathrooms; access to washing machines and dryers or to money for laundry; access to space and equipment to bathe and change babies and small children; and meals and accommodations for dietary needs and restrictions.

agencies. My clients routinely report that they only receive notices in English despite DHS being made aware that they do not speak English.

However, while the provision of a homeless bill of rights is an important first step to protect the rights of people experiencing homelessness, further action is warranted. To be a truly effective tool, the homeless bill of rights must include language explicitly stating that in New York City, sleeping outside is not a crime and not a basis for arrest. An explicit statement to this effect would strengthen this bill of rights into an enforceable tool against the criminalization of homelessness.

#### 6. NYLAG Wholly Supports Prohibiting DSS from Deducting a Utility Allowance from Monthly Rental Assistance

Int. 0229-2022 would prohibit DSS from deducting a utility allowance from the maximum monthly rent when calculating the monthly rental assistance that DSS provides. In effect, this bill increases the amount of rental assistance provided which is sorely needed to assist people experiencing homelessness in transitioning to permanent housing. Many NYLAG clients have rental vouchers but cannot obtain apartments with them, in part because the rental amount cap is below market rates in New York City.<sup>11</sup> Any raise in the rental assistance available is a welcome measure and will expedite transitions to permanent housing.

However, the rent cap in rental vouchers is not the only barrier for people experiencing homelessness to obtaining permanent housing. Even when clients are able to find apartments that fit within the rental guidelines, the process of getting an apartment approved for a voucher is slow and overly burdensome for landlords, and

---

<sup>11</sup> <https://www.renthop.com/average-rent-in/new-york-city-ny>

is often riddled with administrative errors by DSS. According to many NYLAG clients, so much of landlords' reticence to rent to voucher holding tenants stems from DSS' own practices. Landlords are reasonably concerned that there will be administrative problems with the DSS paying the rent.

After a client finds an apartment and a landlord willing to take a rental voucher, it can take months for that apartment to be approved by the DSS for voucher use. One reason for this delay, is that for clients in shelter seeking to use a voucher, shelter housing specialists or caseworkers process the application and act as an intermediary between DSS and the landlord. Clients report a frequent breakdown of information between their shelter caseworkers, DSS, and the landlords. If a willing landlord makes a mistake on the application (as often happens), it can take many days or even weeks before that information is relayed from DSS to shelter caseworkers and then back to the landlord. The landlords do not work directly with DSS, and information is often lost in the process. Clients report situations where forms are filled out incorrectly multiple times and landlords are not able to obtain clarification on how to correct issues with the forms. This confusing and time-consuming process creates significant deterrents for landlords.

Clients also report that often DSS is not able to schedule apartment inspections in a timely manner. Even when a landlord is willing to hold an apartment to complete the process, often after several weeks they will be forced to rent that apartment to someone who can start the lease quicker. NYLAG clients report having to wait months between finding an apartment with a landlord willing to take a voucher and

actually getting DSS's approval to execute the lease. Many times, such apartments are lost in the process.

Even after an apartment is approved and the client moves in, problems with DSS persist. NYLAG clients who rely on both the FHEPS and CityFHEPS vouchers report that DSS often does not pay their rent on time, and sometimes will discontinue paying rent without notice to the client or the landlord. Indeed, landlords have created a website, [www.nycfheps.com](http://www.nycfheps.com), to warn each other about the pitfalls of renting to voucher holders. Although some of the stories posted complain about so-called "difficult" tenants, most complaints state that they will not rent to voucher holders because of DSS's slow processing and late rental payments. Evidently, much of the reluctance to rent to voucher holders is attributable to DSS' administrative failures, which is entirely within the City's control. We urge this Council to pass the current legislation and to create further legislation aimed at DSS' administrative practices and procedures.

**7. Mandated Trainings for All Shelter Staff in Professionalism, Cultural Sensitivity, De-escalation of Conflict, Trauma-informed Theory and Customer Service are Essential to Protect the Safety of Shelter Residents**

Int. 0276-2022 would require DHS to conduct trainings on techniques to improve professionalism, increase cultural sensitivity, de-escalate conflict and use trauma-informed theory for all public facing DHS employees and contractors and Int. 0431-2022 would require DHS to provide customer service training to all public facing staff members and contractors. These are sorely needed measures to protect the physical and mental health of people experiencing homelessness (and that of the staff). While

NYLAG wholeheartedly supports mandating this training, we recognize it as a necessary first step. This Council 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. 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. We recognize there is both a lack of cultural competency for staff working with diverse populations and a lack of recourse for these 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 navigate the difficult intake process successfully. Clients report that intake staff is often rude and aggressive and, at worst, physically threatening. Clients can spend upward of 24 hours at the intake centers. For instance, I represented two clients who had a violent encounter at the Adult Family Intake Center (“AFIC”). This couple had been discovered sleeping outside under scaffolding by a 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. When the client continued yelling, a DHS police officer punched both members of the couple in the face, resulting in one of them losing consciousness. Throughout the incident, the outreach worker tried to de-escalate the situation but was told repeatedly by DHS police that he was not allowed to help. Unsurprisingly, the couple returned to street homelessness.

Numerous clients have reported that staff at the AFIC and PATH intake centers use threats and intimidation to dissuade clients for 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 their application, a complaint would be made against 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 – those meant to help these individuals in crisis.

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. 0276-2022 and Int. 0431-2022 are important steps in the right direction, and ones that we support, we recommend that DHS must maintain a robust complaint system where reports of abuse are recorded, investigated, and if warranted, penalties are imposed for bad actors and penal violations.

8. Additional Reporting on Statistics Involving Families with Children Residing in Shelter is a Welcome First Step, But Ultimately the Eligibility Process for Families with Children Must Be Changed

Int. 0421-2022 would require DHS to produce a regular report on the total number of families with children living in shelter or entering the shelter system disaggregated by shelter type; percentage of families found eligible disaggregated by number of applications submitted; the number of families and placed in shelter based on their individualized needs; the average length of stay for families and the total number of families leaving shelter to permanent housing; and metrics concerning school enrollment and attendance for children living in shelter. While much of this information is already publicly available<sup>12</sup>, additional reporting requirements will serve to shine a light on the weaknesses in the current process, particularly with regard to the percentages of families found ineligible for shelter, the number of applications each family has to submit in order to eventually be found eligible for shelter, and the average length of stay for families in shelter.

The eligibility process for family shelter appears designed to find families experiencing homelessness ineligible for shelter. In New York City, the application process for family shelter is extremely onerous. Families must provide a complete

---

<sup>12</sup> See Local Law 37 DHS report <https://data.cityofnewyork.us/Social-Services/Local-Law-37-DHS-Report/2mqz-v5im>

history of all the places they have lived for the last two years, as well as third-party contacts to verify the family actually lived in those locations (this may be an impossible feat for many families who have frequently moved around often or “couch surfed”). If the verification contacts provided do not answer the phone, or DHS cannot speak with them within 10 days, then the client is found ineligible for shelter for “not cooperating” with the investigation, and the family must reapply for shelter. Prior to COVID-19, when families applied for shelter, every family member had to be present for the 10-20 hours of the initial application, but currently DHS has allowed a temporary Covid-era easement of this policy to allow all subsequent applications after the first one to be completed over the telephone.

Reapplying for shelter entailed restarting the process from the beginning by having the family return to the intake site and spend another 10-20 hours completing a new application for shelter, typically identical to the prior application, and then waiting on-site for a new temporary shelter placement<sup>13</sup>. Prior to COVID-19, this happened frequently to my clients, and, for some families, they would have to return to the PATH intake center every 10 days for months before DHS could verify their housing history. Currently, clients still must reapply for shelter approximately every 10 days, but they may do so over the telephone rather than returning to the PATH office. Still, the vast majority of applications for family shelter are denied. In July of 2022, 5% of families with children who were found eligible for shelter had previously

---

<sup>13</sup> While children technically did not have to be present for subsequent applications, because the applications took so long children most often had to come along, because their parents would not be able to leave the intake process to pick them up at school.

submitted **six or more** applications.<sup>14</sup> In that same month, **only 18%** of applications for family shelter were deemed eligible.<sup>15</sup>

While state regulations mandate some of the eligibility investigations, if DHS performed them in a different way (for instance, complying with its duty to assist the applicant in obtaining necessary documentation, or even better, allowing applicants to self-attest to their housing histories), the process would be much more efficient, and it would allow eligible homeless families to obtain shelter and stability more expeditiously. The current approach of investigating every aspect of our clients' applications for shelter, and the repeated denials necessitating reapplication is extremely traumatic for these struggling families and a waste of government resources. If a family was not, in fact, homeless, they would not seek to enter the shelter system.

Moreover, any reporting that shines a light on the immense length of stay that most families in shelter endure is very welcome. As I discussed above, in July of 2022 the average length of stay for families with children in DHS shelter is 504 days, or over 16 months.<sup>16</sup> This is far too long for children to live without stable housing.

#### 9. On-site Mental Health Providers in Family Shelter Would be a Tremendous Gain But Protections Must be Added To Avoid Coercion and Misuse of Private Information

Int. 0522-2022 would require mental health professionals to be available in every shelter that housed families with children. NYLAG enthusiastically supports the

---

<sup>14</sup> [https://www1.nyc.gov/assets/operations/downloads/pdf/temporary\\_housing\\_report.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/temporary_housing_report.pdf)

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

provision of mental health services, because losing one's housing is a traumatic event and the experience of homelessness itself creates trauma. Additionally, by the age of 12, 83% of children experiencing homelessness have experienced violence, children experiencing homelessness have three times the rate of emotional and behavioral problems of their housed peers, and approximately 63% of homeless women have been victims of domestic violence.<sup>17</sup> Most families who are experiencing homelessness are led by single women, and these women experience posttraumatic stress disorder, depression, and substance use at a rate higher than the national average.<sup>18</sup> Clients who opt for mental health counseling should have every opportunity to receive accessible counseling on site.

However, protections must be added to this bill to ensure that these mental health services are only provided to those families that voluntarily seek out such treatment. Residents should not be coerced into entering mental health treatment and must understand that mental health treatment is voluntary and not mandatory. Shelters must make clear that residence in shelter is not contingent on accepting mental health services, and there cannot be any retaliation for those families who opt not to participate.

Protections must also be added to ensure the privacy of shelter residents who do opt for mental health counseling and to ensure compliance with HIPAA. Information gleaned in counseling sessions must never be shared with shelter staff or DHS and in

---

<sup>17</sup> [https://stopchildhomelessness.org/the-facts/?gclid=Cj0KCKQjwjvaYBhDIARIsAO8Pke0ydImPjToK5\\_AEVsOn8WgXmUlnafxOMRMhGXl3Aj0CCMeoXEZVj7saAr-YEALw\\_wcB](https://stopchildhomelessness.org/the-facts/?gclid=Cj0KCKQjwjvaYBhDIARIsAO8Pke0ydImPjToK5_AEVsOn8WgXmUlnafxOMRMhGXl3Aj0CCMeoXEZVj7saAr-YEALw_wcB)

<sup>18</sup> <https://www.samhsa.gov/homelessness-programs-resources/hpr-resources/trauma>

no circumstances referenced in other documentation created or maintained by the shelter. If the mental health provider shares a computer system with the shelter provider or DHS, a fire-wall system must be created so that shelter staff and DHS do not have access to this confidential health information. Privacy of shelter residents' medical information is vital, and this privacy must not be violated because these medical appointments will happen on-site.

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. We hope we can continue to be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group



Safety  
Net  
Project



**Testimony Of:**

Craig Hughes  
Senior Social Worker for Policy and Client Advocacy  
Urban Justice Center - Safety Net Project

Nora McCarthy  
Director  
New York City Family Policy Project

Helen Strom  
Benefits and Homeless Advocacy Director  
Urban Justice Center - Safety Net Project

Center for Family Representation

Jeanette Vega and Bianca Shaw,  
Rise

**Hearing:**

Multiple meeting items  
Hon. Diana Ayala  
Committee on General Welfare

Tuesday, September 13<sup>th</sup>, 2022

Thank you, Deputy Speaker and Committee Chair Ayala for the opportunity to testify before you today. This testimony is submitted jointly between Urban Justice Center's Safety Net Project, NYC Family Policy Project, Rise and Center for Family Representation.

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

The New York City Family Policy Project is a think tank that works from the perspective that child welfare involvement emerges as a symptom when communities are under stress and duress. FPP develops policy briefs, original research and data analysis to support the work of activists, government, philanthropists and media to reverse overspending on child welfare and under-investment in families and communities.

Center for Family Representation (CFR) is the county-wide assigned indigent family defense provider for parents who are facing ACS prosecutions in Family Court Act (FCA) Article 10 proceedings in Queens and New York counties and an assigned family defense conflict provider in the Bronx. CFR also represents youth charged in the Youth Parts and in Family Court Act Article 3 delinquency proceedings. CFR employs an interdisciplinary model of representation, marrying in court litigation to out of court advocacy: every client is assigned an attorney and a social work staff member. Teams are supported by paralegals, supervisors, and parent advocates, who are parents who have direct experience being investigated and prosecuted by ACS. To address collateral issues that often undermine family stability, CFR provides families with additional holistic assistance in immigration, housing and public benefits, as well as criminal matters.

Rise is an organization that is led by parents impacted by the child welfare system, Rise's mission is to build parents' leadership to dismantle the current child welfare system, eliminate cycles of harm, surveillance and punishment and create communities that invest in families and offer collective care, healing and support. Rise envisions families living free from injustice, family regulation and separation, and a society that cultivates life-affirming ways of preventing and addressing harm. Our primary focus is to create well-resourced and supportive communities that invest in parents and families and reduce the overuse of the child welfare system.

We are testifying today in regard to three bills:

First, we support Intro 229 because the bill will further strengthen the CityFHEPS voucher and expand housing access for many households. We have proposed additional amendments below to Intro 229 to further strengthen the bill.

We also strongly support the intention of Intro 276, which would mandate training in cultural sensitivity, de-escalation and trauma-informed theory across frontline staff at DHS. However, the bill should be significantly strengthened to make it as effective as possible. We make suggestions below.

Third, we share significant concerns about Intro 522. We are concerned that the legislation will add a further layer of surveillance and policing to families of color in the DHS system, that it raises significant privacy concerns, and that it will lead to investments focused on pathologization rather than housing.

### **Intro 229**

We offer strong support for Intro 229, which will ensure that the utility allowances do not reduce the purchasing power of the CityFHEPS housing voucher. CityFHEPS is one of the main tools available to help individuals and families move out of the shelter system, and the increased voucher amounts secured with Intro 146 have made a significant difference in the housing search for many families. However in late 2021, HRA announced that they would be implementing a utility allowance that would reduce the purchasing power of the CityFHEPS voucher for apartments that did not include utilities in the rent (which is as the case for most apartments in NYC). This rule puts thousands of apartments just barely out of reach for many households, and caused many individuals and families to lose apartments.<sup>1</sup>

Given the current housing crisis in NYC and rising rent costs, it is critical that homeless New Yorkers and those at risk of eviction be able to use the full value of the CityFHEPS voucher, without unnecessary reductions. CityFHEPS voucher amounts already often limit voucher holders to searching for apartments in the least-expensive and most remote neighborhoods in the City, regardless of where their resources, community, or schools are. This bill will restore the CityFHEPS rent levels to their full amounts, increasing the number of apartments that voucher holders are able to access and helping more people get out of shelter and into permanent housing at a time when homelessness is sharply on the rise.

To further strengthen the impact of this bill, we are proposing an additional amendment specifying that the utility allowance should be used to reduce the household rent contribution when a tenant rents a unit where utility costs are not included in the rent. This change will achieve the goal of helping households afford both rent and utilities in their apartments in units where utilities are charged separately, without limiting the effectiveness of the CityFHEPS voucher in a very difficult rental market.

### **Intro 276**

---

<sup>1</sup> See “Administrative Obstacles Jam Up Moving Process for NYC Shelter Residents,” *City Limits*, <https://citylimits.org/2022/01/31/administrative-obstacles-jam-up-moving-process-for-nyc-shelter-residents>

We strongly support the intention of Intro 276, which would mandate that all staff who work directly with DHS clients receive training in de-escalation, trauma-informed theory and cultural sensitivity annually. This bill could help catalyze a sea change in culture at DHS. Instituting trauma-informed practice and cultural sensitivity training would help to alleviate some of the most painful and mean interactions that individuals engaging with DHS (or DHS-contracted) staff go through. De-escalation training across staff lines is long overdue.

However, the bill should be strengthened. Rather than merely an annual training, the bill should be amended to require a much more intensive approach to staff training, as well as administrative oversight, to support frontline staff and ensure fidelity to a trauma-informed, culturally sensitive model. Specifically, DHS should add permanent clinical positions in DHS administration whose sole task is to provide consultations across shelter programs, and monitor the ways in which programs are implementing trauma-informed, culturally sensitive practices.

Finally, the bill should be amended to require this training and oversight across DHS administration. Commissioners at every level of DHS, program administrators, program analysts, and others supervising specific programs often set the tone of what is acceptable by frontline staff. In our experience over the years, it is not the case, at all, that administrative staff always make trauma-informed considerations. The bill should require training and supervision to DHS administration so they can build this capacity at the level of formal leadership.

### **Intro 522 Bill and Context**

Intro-522 was introduced to the Council on June 6<sup>th</sup>, 2022. The bill would require the Department of Homeless Services (DHS) to provide on-site “mental health services” in each DHS families-with-children shelter. Specifically, these services would be “(i) providing psychotherapy services, (ii) providing psychiatric assessments to diagnose mental illness, conduct diagnosis follow-up or coordinate clinical treatment plans, (iii) liaising with or providing referrals to emergency medical or psychiatric care providers or (iv) providing medication management.”<sup>2</sup> The bill would then require an annual report of data culled from the effort.

While there is no document of legislative intent for this bill, a week after the bill was introduced, the *Daily News* ran a piece that added context from the bill’s leading advocate, whose organization drafted the bill text:

"The head of Win... said that because there’s currently no requirement on the books to provide mental health workers at family shelters, mothers are forced to seek help outside of shelters after getting a referral from a social worker or case manager.

That’s a problem for several reasons, she said, and pointed to long waits, **an inability to assess family dynamics off-site and the fact that families often don’t take advantage of services offered away** from where they’re being housed.

---

<sup>2</sup> Details of the bill are available on the City Council site: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5698207&GUID=3559DF6D-04FA-4A55-A701-AF45CA274033&Options=&Search=>

“If we want to really end family homelessness, if we want to do that, we need to address the mental health crisis in family homelessness,” she said. “Otherwise, people will leave shelter, get an apartment and destabilize — or be overwhelmed by the new responsibilities that they have. And we don’t want that to happen.”<sup>3</sup>

We acknowledge that, on its face, this legislation may seem compassionate, and as such has attracted significant Council support. However, as longtime advocates working directly with families impacted by homelessness and the shelter system, we want to raise the unintended consequences likely to result from this bill.

In a better world the option of seeking mental health supports would be neutral and would not carry concerning historical and political context. Ideally, families wouldn’t even have to enter shelter. However, that is not the world we live in.

We raise (4) concerns with Intro-522, as follows:

1. Privacy
2. Coercion and Compliance
3. Expansion of the shelter-to-ACS pipeline
4. Service fragmentation
5. Increased pathologization of homelessness

It’s striking that these proposed mental health professionals would be used to “assess family dynamics” on-site. For families in shelter, this would require the presence of mental health professionals in their homes. This bill pushes the idea that a leading reason for families entering shelter is mental illness, which is not borne out by available research.<sup>4</sup> Further, no evidence is offered for the claim that recently housed families destabilize. While we support investments in community mental health programs and clinics to ensure that families who do want mental health treatment can access it, this bill misidentifies current needs and adds multiple layers of risk for homeless families, which are additional burdens they do not need.

### **The Risks of Requiring the Presence of “Mental Health Services” on-site at DHS Shelters**

Family homelessness in New York City has been researched in great detail, as have the drivers of families into the municipal shelter systems. Historically, families entering the DHS system tend to come from poor neighborhoods, and leading events triggering entry into the shelters have

---

<sup>3</sup> Article available at:

<https://www.nydailynews.com/news/politics/new-york-elections-government/ny-nyc-councilman-eric-bottcher-chris-quinn-mental-health-homeless-shelters-20220615-mfcpdanqjjh45ijye6nzl74wa-story.html>

<sup>4</sup> See, for example, the 2019 Comptroller report:

<https://comptroller.nyc.gov/newsroom/comptroller-stringer-releases-sweeping-new-report-showing-domestic-violence-is-the-leading-driver-of-homelessness-and-proposes-comprehensive-roadmap-to-support-survivors/>

included eviction, domestic violence, unsafe housing conditions and overcrowding.<sup>5</sup> To be clear, three out of four reasons relate to poverty conditions.

For at least the past 20 years there has been a marked increase in the number of families entering shelter because of domestic violence (DV). A 2019 report from the New York City Comptroller's Office found that some 41% of families enter DHS shelter due to domestic violence, with 27% entering due to eviction.<sup>6</sup> Many of these families are already served by the Human Resources Administration's DV-specific shelter system. These providers are legally required to have staff who can conduct crisis counseling and to offer support groups on-site. Crisis intervention and support is much different from the assessment and monitoring of families that is proposed in this bill.<sup>7</sup> DV shelters are also required to have linkage agreements with medical professionals.<sup>8</sup> A number of programs also require that staff are trained in trauma-informed practice. There also has been significant work done by providers to institute trauma-informed models in shelter programming at DYCD-administered sites for homeless youth. These are approaches we support.

However, the legislation under review is specific to the City's main shelter system, which is run by the Department of Homeless Services (DHS), and poses significant potential harms to residents of these shelters.

We discuss each of these in turn.

### ***Privacy***

There is no serious evidence that most families want to have a mental health professional in their home, much less one assigned to "assess family dynamics." Yet, that is what this bill will require. Shelters are temporary homes, the goal of which legally is to link families to permanent housing as soon as possible. Families face a housing crisis, but they do not necessarily face a parenting crisis, nor a crisis of family dynamics. However, in times of crisis, homeless families, like housed families, may face struggles and benefit from supportive care. It is not, however, the case that these families necessarily or even typically require therapeutic intervention or other mental health treatment. If this bill passes, because a family faces a housing crisis they will become subject to a psychiatric gaze in moments where they may be at their most vulnerable.

---

<sup>5</sup> See, for example, the Vera Institute's 2005 report, "Understanding Family Homelessness in New York City," at: [https://www.vera.org/downloads/publications/Understanding\\_family\\_homelessness.pdf](https://www.vera.org/downloads/publications/Understanding_family_homelessness.pdf); The 2014 Independent Budget Office's report, "The Rising Number of Homeless Families in NYC, 2002–2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From," available at: <https://www.ibo.nyc.ny.us/iboreports/2014dhs.pdf>; and the aforementioned 2019 report from the Comptroller's office.

<sup>6</sup> *Ibid.*

<sup>7</sup> The State's Office for Children's and Family Services (OCFS) oversees the domestic violence shelters run by HRA. The regulations governing these shelters are found at 18 NYCRR 452.1 Section 452. Crisis counseling obligations are found at 18 NYCRR 452.12(d), specifically: "Counseling refers to crisis intervention, emotional support, guidance and counseling services provided by advocates, case managers, counselors or mental health professionals." Support groups requirements are found at 18 NYCRR 452.12(f).

<sup>8</sup> See 18 NYCRR 452(h), "Medical services which means: (1) The program having an established linkage, documented by a letter of agreement, with a fully accredited medical institution or clinic or with qualified medical personnel, which include a physician, physician's assistant or nurse practitioner, for the referral of residents for health examinations where necessary, and follow-up visits."

That gaze may not lend help, but may introduce new complications into their lives – merely by virtue of being homeless – that they never asked for.

Mental and physical health care are afforded significant privacy rights in our country, and mental health care is usually provided under particularly private conditions that emphasize patients' control and consent. Therapists do not typically visit clients' homes or have the opportunity during treatment to observe patients during everyday interactions with their families and neighbors. Instead, therapy is constructed as a space apart. Further, patient consent to involvement of family members or others in the therapeutic relationship is carefully constructed. The comments made to the *Daily News* about the purpose of this bill make clear that its purpose is to ensure that mental health professionals on-site would have access to the private moments of families in shelter, in effect monitoring clients outside of the therapeutic contract and under conditions that do not allow for meaningful consent. This is a violation of privacy for families with few or no choices during a crisis moment in life.

Further, it is wise to be careful about diagnosis and medication of families during shelter stays. Just as depression should not be diagnosed after a funeral, mental health evaluations during a time of dislocation and upheaval are likely to misdiagnose the problem. Instead, support, comfort and dignity should be priorities in crisis moments.

Another significant privacy concern is that this mandate will be incorporated across the DHS portfolio. While medical and mental health documents are covered by privacy law, it is routinely the case that in singles-shelters these evaluations end up in the social service records of shelter residents. We regularly work with residents in DHS singles-shelters who find that their private medical information is being broadly shared without their consent, and in other cases have worked with shelter residents who are being coerced to sign HIPAA consent forms that they otherwise would not sign as a condition of conducting intake in a shelter. It is difficult to believe that providers or the City will not craft a consent form that will facilitate sharing of these records, even if a resident doesn't feel such sharing is beneficial or doesn't fully understand the potential risks of having their mental health records shared with DHS or its contracted agencies (whose shelter files are DHS files).

In sum, while there is not evidence supporting resident interest in this mandate, there are very serious concerns about access to private mental health and medical results that will likely result with the increased incorporation of mental health services mandatorily made available on site in family shelters.

### **Coercion and Compliance**

How will residents be linked to these services? The bill does not address this, but it does *not* state that such services will be voluntary. This poses very real risks for homeless families.

With the permanent presence of on-site “mental health services,” DHS could begin inserting required visits to the relevant professional in OTDA-mandated Independent Living Plans (ILP's). ILP's, which set out the service plan for a family, are highly-subjective documents (“tailor[ed]...to the individual needs of the individual/family to promote self-sufficiency”), and

which carry penalties for non-compliance. Per OTDA, “An individual or family does not have the right to a fair hearing to challenge the contents of the ILP.”<sup>9</sup> The consequence is set forth by the state: “When an individual or family unreasonably fails to comply with the independent living plan requirements, the social services district must discontinue temporary housing assistance.”

Residents in shelter have often told us how ILP’s are used as disciplinary tools to get them to do what a case manager or DHS wants them to do. Of historic note, under the Bloomberg administration, the City implemented the NextStep program that relied on an “intensive case management” model that was widely experienced and seen as shaping case management to function as a type of harassment and punishment. While the program was discontinued in 2014, there is little reason to believe that it, or a version of it, couldn’t be implemented again, and that mandated engagement with mental health providers could come to play a role.<sup>10</sup>

There is also the risk that families will be pressured in other ways to engage on-site mental health providers. For example, with on-site mental health services across the DHS system, it is increasingly likely that families will likely face pressure to engage in therapy or diagnosis from that provider, even if they don’t believe they need it, or even if they’d prefer to use a mental health resource outside of the shelter system.

Moreover, it is likely that the on-site mental health will become a way for caseworkers and/or housing specialists to respond to clients they find difficult, to pathologize normal client behavior they dislike or have judgements about (see below), and to channel families into supportive housing who don’t want or need that type of housing, but would benefit much more significantly from independent housing. It is well known that in the singles system, individuals are often steered by social service staff toward supportive housing, even if they would prefer independent housing.

The mandated presence of mental health professionals on-site at DHS facilities will likely intensify coercive tactics and distrust between DHS (and its contractors) and residents. It is already the case that many shelter residents distrust DHS providers, who they often experience as abusive or unhelpful. It will likely lead to compliance mechanisms that harm families and add to family precarity.

---

<sup>9</sup> ILP’s are mandated under NYCRR 352.35(b)(2) and the required framework is detailed in OTDA administrative directive 16-ADM-11, <https://otda.ny.gov/policy/directives/2016/ADM/16-ADM-11.pdf>.

<sup>10</sup> On Next Step, see: Department of Homeless Services (2008), “A Progress Report on Uniting for Solutions Beyond Shelter,” p. 14 at: [http://www.nyc.gov/html/endinghomelessness/downloads/pdf/progress\\_Report.pdf](http://www.nyc.gov/html/endinghomelessness/downloads/pdf/progress_Report.pdf); Sarah Murphy’s article, “The Next Step Punishment” at: <https://www.coalitionforthehomeless.org/the-next-step-punishment/>. The program was briefly described in 2008 in testimony by then-Commissioner Robert V. Hess: “To the degree that we have some number of families with children in this case that are unwilling to go look for apartments or go down that path toward permanency, that we then will have a process, they may move to a next step facility. They may beyond that go through a client responsibility process that could find them before an administrative law judge at some point in time explaining why they’re not working towards permanency.” See the transcript of his testimony to the General Welfare Committee on September 23, 2008.

## ***Expansion of Shelter-to-ACS Pipeline***

Families in shelter already experience painful and excessive monitoring of their personal lives that can have enduring repercussions, including over-involvement with the child welfare system. Housing loss is a predictor of child welfare involvement<sup>11</sup> and a 2016 report documented that 25% of families in shelter were involved with the city’s child welfare system, the Administration for Children’s Services (ACS).<sup>12</sup>

Public perception is that child welfare involvement is rare and results from serious abuse or neglect, but in fact it is extraordinarily common in New York City. By age 18, 44% of Black children and 43% of Latino children in New York City experience a child welfare investigation<sup>13</sup>. The majority of these investigations end without a finding of neglect or abuse, yet an ACS investigation is stressful and destabilizing to families, even when the investigation is unfounded. For families needing to stabilize economically and search for acceptable housing, unnecessary child welfare investigations are time-consuming and stressful, as families fear the system’s power to separate families. Further, ACS investigation and family court involvement often serves as a barrier for families to obtain housing. As parents jump through hoops for ACS, or children are unnecessarily removed, housing vouchers expire, families are kicked out of their shelter placement, and families are even less able to obtain stable housing outside the shelter.

Finally, over-surveillance harms families as the threat of child welfare involvement prevents parents from seeking help. Parents report going to extraordinary lengths to shield their families from unnecessary ACS involvement. As one mother wrote in the report *Someone to Turn To* by the parent advocacy organization Rise:

“I was in a shelter with three kids and...we didn’t have food. I didn’t tell anybody what was going on because I was scared to get an ACS case because I didn’t have the necessities for my kids. We ate peanut butter for six days...It could have escalated. They finally came in while I was food shopping— they are able to come in whenever they want. I’m glad that while they were in there, I was bringing in the food because the caseworker said, ‘I was going to call ACS because there was no food here.’ I wasn’t really aware of pantries at that time.”<sup>14</sup>

Another Rise parent wrote:

“Being scared of the child welfare system has an impact on almost everything I do. Every move I make has to be given careful thought—what doctors I go to and what I tell a

---

<sup>11</sup> For multiple studies on housing loss and instability as a driver of child welfare involvement, see Chapin Hall: <https://www.chapinhall.org/wp-content/uploads/Economic-Supports-deck.pdf>

<sup>12</sup> See: K. Hurley, “Adrift in NYC: Family Homelessness and the Struggle to Stay Together,” Center for New York City Affairs.

[https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5914bdd92994ca8427bac01b/1494531564473/AdriftinNYC\\_Final\\_11May.pdf](https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5914bdd92994ca8427bac01b/1494531564473/AdriftinNYC_Final_11May.pdf)

<sup>13</sup> See the study by Edwards et. al. (2021), “Contact with Child Protective Services is pervasive but unequally distributed by race and ethnicity in large US counties.” <https://www.pnas.org/doi/10.1073/pnas.2106272118>

<sup>14</sup> The report can be found at: <https://www.risemagazine.org/item/someone-to-turn-to/>

doctor or therapist...A therapist who I was mandated to see once told me that, no matter what, I would never be truly safe from the child welfare system. Because I have mental health issues, my son could be taken back by CPS at any time, for any reason.”

Given the interplay of shelter involvement and ACS involvement that has long been a reality in New York City, it’s likely that therapy provided on-site under conditions that appear coercive and threatening to parents are unlikely to have a therapeutic impact. Instead, non-compliance and family monitoring can drive unnecessary child welfare involvement.

### **Fragmented Care**

This mandate will contribute to fractured and fragmented care that can be detrimental to parents’ and children’s mental health and well-being. Starting a mental health diagnosis, treatment and medication plan through a clinician located in a place that is designed to be temporary will likely be harmful. Family members who do open up and establish a trusting relationship will have that attachment broken when they move out and must find a new provider. Treatment will be interrupted. Medication may be interrupted, which can be harmful and destabilizing.

It is more effective for family shelter residents who do want mental health care to engage it through a community provider that can offer continuity of care. No mental health professional would suggest engaging in psychotherapy and medication management through a site where families will be unable to continue services upon accessing housing. This kind of discontinuity in mental health care is harmful. The Council can address waiting lists and/or prioritization of shelter-involved families at community mental health programs rather than guarantee fractured and discontinuous care.

### **Increased Pathologization of Homeless Families and Homelessness**

For decades there has been a steady move toward policy and service interventions that pathologize homelessness and homeless people.<sup>15</sup> Specifically this means policies and service interventions that frame the cause of homelessness as an outcome of mental illness, and interventions that focus on viewing homeless people through the lens of mental illness, even as the lack of affordable housing in New York City is well known. One outcome of this has been an ever-growing push for supportive housing as the solution to homelessness, with new variations of the pathology framework to secure funding.<sup>16</sup> While supportive housing is helpful for some people who want it, it is also the case that homeless people, particularly single adults, are steered

---

<sup>15</sup> For a broad overview of this trend see: Vincent Lyon-Callo, *Inequality, Poverty, and Neoliberal Governance: Activist Ethnography in the Homeless Sheltering Industry* (Broadview, 2004). Also see: China Mills, “The Psychiatricization of Poverty: Rethinking the Mental Health–Poverty Nexus,” *Social and Personality Psychology Compass* 9(5), pp. 213-222; Erin Dej, *A Complex Exile: Homelessness and Social Exclusion in Canada* (UBC Press, 2020).

<sup>16</sup> See, for example, Branca et. al (2012), *BuildingFutures: Creating More Family Supportive Housing in New York City*. Report available at <https://shnny.org/uploads/Building-Futures.pdf>. Of note is the concept of “rescuing high-risk families” via the lens of fiscal savings: “However the majority of research has been focused on homeless and disabled individuals, and none of it has attempted to capture the more complicated, long-term savings associated with ending the cycle of family homelessness. The true ‘payback’ of rescuing high-risk families is spread across multiple systems and over decades.”

in the direction of supportive housing by providers, because this is the main type of housing that has been made available for chronically homeless individuals in New York City.<sup>17</sup> Clients at the Safety Net Project have for years complained about being pushed into or toward supportive housing rather than independent housing, and being pressured to go through psychiatric evaluations for that purpose.

For individual family members and families entering shelter, there is no question that all staff should work within a trauma-informed model. Homelessness is often traumatizing, and the factors that lead to homelessness are also often traumatizing. Frontline staff should be trained in how to interact with shelter residents in ways that consider what they've been through and are going through, be trained in crisis support and de-escalation, and know how to spot and avoid triggers. However, this bill doesn't get us there. The presence of on-site mental health professionals as a requirement within the DHS system will likely cause many people who are experiencing housing crises to enter into a realm of mental health engagement they don't want or need. It will likely be the case that residents will be increasingly shuffled onto the caseloads of mental health professionals, while the main intervention they need is assistance getting out of shelter. Rather than ensuring all staff are trained in trauma-informed practice, with the supervision to ensure fidelity to that framework, clients will be sent to an on-site psychiatrist.

### **What would be helpful?**

There is no doubt that families entering DHS shelters are facing a housing crisis, and that many have experienced significant trauma. Many will also continue to experience traumatic events while in shelter – including but not limited to abrupt transfers from one facility to the next with little notice or justification, mistreatment from DHS or DHS-contracted staff members, the heavy weight of surviving homelessness in a system based on a “personal responsibility” framework that constantly tells people homelessness, economic setbacks and financial poverty are their faults. However, the solution to this trauma isn't to mandate clinicians on-site. Here are some alternative options that we believe would provide more tangible assistance to homeless families:

#### **Trauma and Mental Health**

**1. DHS should institute a trauma-informed practice curriculum across the agency and hire clinical staff at the administrative level** so that every staff member and administrator is trained to work within this framework. The agency could then hire trained clinicians to supervise staff, agency-wide, to ensure fidelity to this model. Some programs, particularly in domestic violence shelters, already have some version of this in play, which may help provide a model to work from. Please also see our suggestions regarding Intro 276 above;

---

<sup>17</sup> As a result of organizing and advocacy work there has been an increasing willingness by journalists to write more carefully and critically about the difficulties encountered by supportive housing tenants. See various testimony given at the 04/28/2018 General Welfare Committee hearing “Oversight - Update on the NYC 15/15 Initiative,” as well as David Brand, “‘It’s Like a Slum’: Supportive Housing Tenants Cope with Violation-Filled Homes. Provider Blames Underfunding.” *City Limits*, July 13, 2022.

<https://citylimits.org/2022/07/13/its-like-a-slum-supportive-housing-tenants-cope-with-violation-filled-homes-provider-blames-underfunding/>

**2. Develop clear linkages to outside resources serving domestic violence survivors.** Since so many people entering DHS shelters are coming there because of domestic violence, DHS should focus on ensuring that all family shelters have clear linkages to offer people to community-based groups serving domestic violence survivors;

**3. At the administrative level, DHS should hire parent peer supporters<sup>18</sup>, social workers or other staff across the shelter system whose role it is to create and maintain direct linkages to community-based mental health providers and other community programming that can support family well-being during a housing crisis.** Very often what happens in DHS shelters is that shelter residents who want mental health treatment are simply told to go find a provider with little support or guidance. New York City has high-demand citywide for these services and it's a high-burden for people to have to wait on the phone for hours or get a 'no' when they reach out. Hiring staff at the administrative-level at DHS to ensure concrete linkages and a warm handoff so that there is a clear referral path would make a significant difference for people who want mental health treatment. The City could also hire additional mental health professionals within existing health care systems and offer priority to homeless or recently homeless New Yorkers seeking appointments. In addition, family mental health benefits from involvement in afterschool sports and arts programming, advocacy organizations, youth employment, peer support and social opportunities, and other forms of enrichment. Community referrals beyond direct mental health care can bolster overall family mental health.

*DHS itself maintains policies that harm family mental health and cause stress and distress:*

**1. DHS must end its policy of uprooting and transferring people from shelter to shelter.** For many years DHS has abused its power to involuntarily transfer shelter residents from one place to another. DHS should reign-in this process and allow people to stay in place when they want to, so that they can achieve some sense of stability until they find housing.

**2. DHS must address visiting policies that increase family stress.** DHS limits families from babysitting for one another, bringing in guests including sitters, or allowing family members to spend the night outside the shelter. These rules intensify the isolation and overwhelm of families. DHS should work with community members with shelter experience to develop pro-social policies that protect the mental health and well-being of families in shelter.

### *Housing*

**1. DSS should end the 90-day rule and provide vouchers upon entry to shelter.** Currently, residents of DHS shelters must wait 90 days to access a CityFHEPS voucher. This rule should be repealed so that as soon as a family enters shelter a voucher is made available to them.

---

<sup>18</sup> See Rise's report on peer care at: <https://www.risemagazine.org/item/someone-to-turn-to/>

**2. The administration must seriously combat source-of-income discrimination to help people get housed.** In recent months, the Adams administration shuttered one of the two City units charged with challenging source-of-income discrimination (the unit that was at HRA), then transferred those staff lines to the remaining unit charged with challenging SOI-discrimination at CCHR. This is nowhere near the investment needed to adequately challenge landlords who refuse to accept tenants with vouchers. The City must massively expand its efforts to combat SOI discrimination.



**Testimony**  
**New York City Council**  
**Committee on General Welfare**  
**September 13, 2022**

Good afternoon, Chair Ayala and members of the Committee. My name is Nicole McVinua, and I am the Director of Policy at Urban Pathways. Thank you for the opportunity to testify at today's hearing in support of Introductions 229, 276, 431 and 190, and to comment on Introductions 108 and 092.

Urban Pathways is a nonprofit homeless services and supportive housing provider. We serve single adults through a unique combination of street outreach, drop-in services, Safe Havens, extended-stay residences, and Permanent Supportive Housing. We also offer a wide range of additional programming to meet the needs of our clients, including our Total Wellness Program and UPwards Employment Program. Urban Pathways serves over 3,900 New Yorkers in need annually across four boroughs.

**Int. 229-2022** Fundamental to our organization's mission is getting people permanently housed, and the biggest barrier that our clients face to finding housing is a financial one. This is why rental assistance programs are an essential tool for helping people exit homelessness and for providing access to the private market for low-income New Yorkers. We also know that rental subsidies help households maintain their housing and prevent homelessness in the first place. At the end of last year, a major step was made towards making the CityFHEPS rental subsidy program more effective by increasing the maximum rental rates to the Fair Market Rent (FMR) through the implementation of Introduction 146-2018. This substantially increased the value of the CityFHEPS voucher, which was intended to also increase the number of apartments on the market accessible to voucher holders.

**Unfortunately, the City's application of the utility allowance has effectively decreased the value of the CityFHEPS voucher by requiring that the total rental amount include utilities, and when utilities are not included, deducting a utility allowance off the top of the overall voucher value. This has created a situation where the maximum allowable rent is below the FMR, which means the number of apartments the increase to FMR was thought to bring access to has not been the case.** An apartment might be just \$30 or \$50 above the allowable

monthly rent, despite it being listed at the FMR. What's more, is that the City is essentially retaining the excess of the voucher when they deduct this utility allowance because it is not credited back to the voucher holder in any way. **The current application of the utility allowance effectively excludes CityFHEPS recipients from accessing a majority of the apartments on the market renting at FMR because most do not include all utilities, at a time when the City is experiencing the largest average monthly rent increases ever. This undermines the effectiveness of the voucher and prolongs homelessness.**

**Urban Pathways strongly supports Int. 229**, sponsored by Council Member Tiffany Cabán, which will prohibit the deduction of a utility allowance from the maximum monthly rent when calculating the monthly rental assistance that DSS provides to an owner or landlord on behalf of households with rental assistance vouchers. **This legislation will maximize the voucher amount and allow voucher holders access to a greater number of apartments.**

A recommendation for the implementation of Int. 229 is to mirror the Section 8 utility allowance. Section 8 does not decrease the value of the subsidy, and when utilities are not included in the rent, the utility allowance is credited back to the renter in the form of a utility reimbursement subtracted from the tenant's share of rent. This allows maximum access to the market while accounting for utilities in the total rental budget.

**There are a number of additional challenges negatively impacting CityFHEPS' effectiveness, which we hope the Administration and City Council will take action to fix, as well.**

- Lack of transparency of the voucher process, where the client is at in the voucher process, and access to a HRA to ask questions. We recommend creating an electronic system that both the client and their case manager or housing specialist can log into to check the status of their application and having a single, clear point of contact for questions.
- Long timelines for processing lease-ups of apartments. The full process should be no more than 30 days to prevent loss of apartments that landlords are unable to hold.
- Eliminate 90 day wait time for shelter residents to be able to apply for the voucher. Those who are ready to complete the application should be able to do so immediately to move households out of shelter as soon as possible.
- Source of income discrimination against voucher holders significantly impacts the effectiveness of all types of rental subsidies. Enforcement of source of income protections and funding to the City Commission on Human Rights (CCHR) Source of Income Unit must be prioritized in the FY24 budget.

**Int. 0108-2022** We are not opposed to increased reporting or transparency, as outlined in Int. 108. However, we are concerned that the increase in reporting will create an administrative burden that will be passed down to providers without any additional resources. We cannot have another unfunded mandate that strains our already limited resources.

We also want to clearly state that **the success of the City's shelter system in getting people housed quickly will be based on the City's investment in the system. The only way to have high quality services is for contracts to be fully funded by City agencies to meet the true costs of running these programs and to invest in our workforce who are the backbone of these services.** On top of contracts needing to be registered on time, the budgets need to meet the reality of the costs and needs of the workforce.

For example, our DHS contracts budget minimum wage for maintenance staff. \$15/hour is not a livable wage, making it impossible to hire and retain qualified employees. The City must invest in its human services workforce. Our organization has had an overall 32% staff vacancy rate for months. While there is a push to open more Safe Havens, the contract rates are untenable. We recently opened a new Safe Haven and have been unable to fully staff it, with 20 vacant staff positions that force us to outsource key positions at higher costs.

**Only when staff doing this tremendously challenging work on behalf of the City have the support they need and do not have to worry about how they will feed their own families or pay their own rent, will we have a workforce who can dedicate their full selves and focus towards those they serve. Until then, we will continue to see high staff turnover, which invariably has a negative impact on the progress of our clients.** The high turnover of case managers and the high vacancies in this critical role mean clients are continuously set back when someone new comes in who is unfamiliar with their story and their housing application status. In a competitive national job market and astronomical inflation, **the City has not included a cost-of-living adjustment for the human services workforce in the past three budgets.**

Urban Pathways supports the asks of the #JustPay Campaign, which include implementing an annual, automatic, and funded cost-of-living adjustments, a starting wage of no less than \$21/hour, and a wage and benefits scale comparable to City and State employees for all contracted human services workers.

**Int. 0276-2022 & Int. 0431-2022** We support requiring de-escalation and trauma-informed training for direct and contracted DSS employees. We ask that this not be an unfunded mandate for providers, and that providers be able to retain their current trainings that meet the requirements of the legislation. Urban Pathways already provides trainings on de-escalation and cultural sensitivities. We recommend that the City consider the State's Partnering for Safety training as a model for best practice in de-escalation training, which takes a therapeutic approach to addressing confrontational and agitated behaviors that could lead to unsafe interactions.

**Int. 0190-2022** We support the creation of a homeless bill of rights to ensure that New Yorkers experiencing homelessness know all of their rights while accessing and receiving services through DHS.

**Int. 0092-2022** We would like to see more persons with lived experience required to be included on the proposed advisory board for accessibility at shelters, since their lived experience will be the most valuable input.

I look forward to continuing to work with the Committee on General Welfare to improve the City's homeless services and ensure that all of our neighbors can access the quality housing they deserve. Thank you again for the opportunity to provide testimony today.

**For questions or further information, please contact:**

Nicole McVinua, Director of Policy

[nmcvinua@urbanpathways.org](mailto:nmcvinua@urbanpathways.org)

212-736-7385, Ext: 233



**Testimony to the New York City Council Committee on General Welfare  
September 13, 2022**

**Introduction and Thanks:**

My name is Patrick Boyle and I am the Assistant Vice President for Public Policy for Volunteers of America-Greater New York (VOA-GNY). We are the local affiliate of the national organization, Volunteers of America, Inc. (VOA). I would like to thank Chair Ayala, as well as the other members of this Committee, for the opportunity to offer the following testimony.

**About Us:**

VOA-GNY is an anti-poverty organization that aims to end homelessness in the New York area by 2050 through housing, health and wealth building services. We are one of the region's largest human service providers, impacting more than 11,000 adults and children annually through 65 programs in New York City, Northern New Jersey, and Westchester. We are also an active nonprofit developer of supportive and affordable housing, with a robust portfolio of permanent supportive housing, affordable and senior housing properties—with more in the pipeline.

**Shelter Legislation Feedback:**

Volunteers of America is one of the largest operators of transitional housing in the City. Our portfolio includes assessment shelter, Safe Haven, Tier II family residences and residences for domestic violence survivors. We also own or manage a large supportive housing portfolio where we serve many clients who formerly experienced homelessness.

We thank Chair Ayala and the Committee for focusing this hearing around the shelter system and clients served in that system. We take our responsibility to those we serve seriously and look forward to engaging with this Committee moving forward on ways to improve the client experience.

We would like to offer the following feedback about a number of specific bills being heard today.

Int. 0092 (Ayala)

As a provider, we do not object to further review of accessibility in the shelter system. Currently, NYS Office of Temporary and Disability Assistance (OTDA) Division of Shelter Oversight and Compliance reviews shelters for Americans with Disabilities Act (ADA) compliance and either approves sites or issues waivers. Spaces that are fully ADA compliant are sought after for transitional housing opportunities, but issues of demand and aging available infrastructure leads to accessibility challenges systemwide.

Importantly, any issues identified by a new advisory board process that require corrective action in the form of capital improvements would need to be fully funded for providers to be compliant.

Int. 0108 (Holden)

As a leading provider with a good reputation, who has partnered with City and State agencies on numerous homelessness programs throughout the years, we are concerned with the provisions of Int. 0108. A report of this kind will necessarily be unable to capture all the important context and nuance of the important work we do, leading to data that is easily open to misinterpretation. These misinterpretations could in turn lead to unfair criticism or scrutiny of providers.

Metrics like length of stay, critical incidents and rates of return vary widely based on many factors, including the population of clients served and the location of the program. Some programs work with a client base that is on average more challenging from a social service or building management perspective—yet these programs are necessary and the City needs strong providers to run them. A report detailing a variety of metrics that are likely to be analyzed on a “good-bad” spectrum may disincentivize providers from certain populations or clients.

We support and welcome oversight of the City’s non-profit partners but do not feel this legislation is the most productive step in that direction.

Int. 0124 (Salamanca)

Housing specialists are important in moving people from temporary to permanent housing. VOA-GNY currently employs five housing specialists across its DV shelter portfolio, and understands and appreciates their importance to our overall mission.

However, any legal requirement such as this needs to be met with funding to ensure compliance. This funding must be consistent, reliable and allocated with input from the human services industry to ensure salaries are realistic for providers to attain strong talent in the labor market.

Finally, housing specialists’ jobs are made difficult by a lack of new housing, specifically affordable housing. If the pool of hiring specialists is expanded, but the overall supply of housing is not, then their impact will be lessened, as they will be all be directing clients towards the same limited vacancies. The top priority toward a goal of getting individuals into permanent housing is to create more permanent housing, through more capital funding, zoning changes, reduction of regulatory barriers, and leadership to overcome local NIMBYism.

Int. 0132 (Ung)

VOA-GNY supports this legislation. Intake shelter availability in every borough would reduce hardship for many families seeking their legal right to housing assistance. Previous attempts to reach this goal faced predictable political obstacles; we encourage the Council and City leadership to again work toward this laudable goal.

Int. 0190 (Public Advocate Williams)

As an organization, VOA-GNY is committed to ensuring every one of the thousands of clients it serves are aware of their rights and in possession of the information they need to seek further assistance, receive services, file complaints, and more.

To that end, we welcome attempts to streamline this process and support the concept of a “Homeless Bill of Rights.” However, it is critically important that the rights enumerated in such a document reflect existing rights in statute or policy that are applicable to all programs where clients would be receiving the document. It would cause providers and clients significant issues if rights were promised in a document that conflicted with existing regulations or were otherwise impossible for the provider to comply with. This legislation contains incidents of rights with an unclear basis in law or policy and therefore requires amendment with input from the homeless services industry.

Int. 0522 (Bottcher)

Mental health professionals are important for meeting the needs of clients in family shelters, which in the past year have seen newfound challenges. We support the intent of this legislation and believe every family shelter in the system would be improved with mental health experts. Any move to solidify this policy goal into law, however, raises concerns about the availability and consistency of funding in an uncertain financial future for the City. Any such law that is less than ironclad in an agreement to match with accompanying funding runs the risk of an unfunded mandate, which would be deeply problematic for providers who already struggle to retain and adequately pay shelter staff.

VOA-GNY supports matching this legislation with consistent and ample funding, and with input and participation from the full human services industry.

Thank you for your consideration.

*Respectfully submitted by:*

Volunteers of America - Greater New York  
135 West 50th Street, 9th Floor  
New York, NY 10020

Testimony of Win (formerly Women In Need, Inc.)  
for the New York City Council Committee on General Welfare  
in Support of Intro 522

Thank you to Chair Ayala and to the esteemed members of the General Welfare Committee for the opportunity to offer testimony. My name is Christine Quinn and I am the President and CEO of Win. I am here to express our strong support for, and discuss the importance of, Intro No 522, which would require the city to fund onsite mental health clinicians at every shelter for families with children, at a ratio of one clinician for every 50 families.

Win is New York City's largest provider of shelter and services to families with children experiencing homelessness. We operate 14 shelters and nearly 600 supportive housing units across the five boroughs. More than 6,200 people call Win 'home' every night, including 3,490 children — in total, we house over 10 percent of homeless families with children in New York City.

Becoming homeless and experiencing homelessness in and of itself is a traumatic experience. Every family living in New York City shelters, including those that Win operates, have experienced trauma — from being evicted, to fleeing an abusive partner, to navigating the City's onerous intake system for homeless families. Many of those families also have unaddressed mental health needs, such as PTSD, depression, or substance use disorders.

Homeless shelters should be more than a roof over a family's head. The time a family spends in shelter is an opportunity to eliminate barriers to mental health care by uncovering their needs, reducing the stigma, and initiating treatment. To truly support families in their journey toward wellness and permanent housing, family shelters need clinical resources to offer their residents. That is why Win worked hand in hand with Council Member Bottcher, our clients with lived experiences, shelter and mental health providers, and advocates to develop Int. 0522-2022.

As mothers experiencing homelessness fight structural barriers, many also face complex personal histories. Trauma can impact people in ways that are subtle, insidious, and destructive in both the short and long term.<sup>i</sup> Mental health and substance use issues are more prevalent among adults with exposure to traumatic events and circumstances.<sup>ii</sup> Given the intersectionality of trauma and homelessness, it is not surprising that mothers experiencing homelessness are disproportionately likely to suffer mental health needs and substance use disorders than those who are not. Research repeatedly finds alarmingly high rates of psychiatric disorders among homeless mothers,<sup>iii</sup> most commonly post-traumatic stress disorder (PTSD), major depression, and bipolar disorder.<sup>iv</sup> In one seminal study, homeless women with children were found to be 2.5 times more likely to meet the criteria for a major depressive episode and three times more likely for PTSD.<sup>v</sup>

In 2016, New York City began to recognize homeless families' mental health needs by introducing social workers into family shelters. But even with this valuable resource, the scope of services available in shelters is extremely limited — and more support is needed. The funding amount and social work staffing pattern provided by the Department of Social Services allows for specialized assessment, brief counseling, and referral to external clinics, which often have monthslong wait times. But staffing levels and Department of Social Services directives preclude social workers in family shelters from providing

ongoing therapy or other recurring services. The current social work program in family shelters is a first step, but it does not address families' mental and behavioral health needs.

Win recognizes that homelessness is traumatic, which is why we have committed to becoming a trauma informed organization. Thanks to the support of the New York City Council Speakers Initiative, the Children and Families in NYC Homeless Shelters Initiative, and other discretionary funds, Win provides trauma informed care training for all our staff members. That initiative has resulted in real gains in staff-client interactions and client experience. We have seen the tremendous shift that a trauma informed approach can facilitate and know that for shelters to become a place of healing, they need both onsite clinical mental health services as well as staff that are trained in trauma informed care and de-escalation. So, in addition to Intro 522, we also strongly support Intro 276. By requiring DHS employees and contractors to be trained in trauma informed care, cultural sensitivity, and de-escalation, shelters will be much better equipped to provide services and help clients achieve their goals.

Shelters are uniquely equipped to eliminate many of the barriers that prevent mothers from receiving mental health care by providing space on site, eliminating the need to refer patients to offsite clinics, and ensuring clients have access to other wraparound services that complement treatment, especially when staff are trained in trauma informed care. Passing Intro 522 and requiring the equivalent of one, full-time, on-site mental health clinician for every 50 families would allow each mental health clinician to provide comprehensive, on-going services such as regular follow-up visits, therapy, and, for qualified clinicians, medication management. The addition of more clinical support and supervision would also help alleviate some of the burden on the social workers currently in shelter, allowing them to focus on the specialized work they are contracted to do. Another key aspect of Intro 522 is that all the services provided under the legislation would be one hundred percent voluntary and all information shared would be confidential and covered by the protections of HIPAA. The services provided will act as an additional resource for healing and support and cannot be used for punitive actions under any circumstances.

In addition to the healing benefits of onsite mental health services for families, we expect a variety of other positive impacts from the passage of Intro 522. For instance, access to onsite mental health services should reduce the number of "critical incidents" in shelters, which will in turn reduce the utilization of costly emergency services for clients facing mental health crises. Additionally, as families begin to address unresolved trauma and other mental health issues through their work with onsite mental health clinicians, we expect to see an increase in successful moveouts, and a reduction in the number of families returning to shelter, reducing the strain and cost on the shelter system.

Importantly, mental health clinicians can also complete the psychosocial assessments required for supportive housing applications, helping quickly fill the backlog of vacant supportive housing units and ensuring that qualified families with ongoing needs are connected to permanent supportive housing where they will have the resources needed to thrive.

Although it can be challenging to fill vacancies for mental health clinicians, special care was taken in drafting Intro 522 to ensure that the \$40 million annual cost of implementation would guarantee competitive wages for the mental health clinicians hired to provide these critical services. Providers need adequate resources to attract culturally competent clinicians and compete with wages paid in private practice. Beyond ensuring that wages are competitive, we are also very interested in seeing capacity increased. Win is exploring the idea of working with CUNY to find a way to increase the number

of mental health clinicians similarly to the work I did with the nursing shortage while I was Speaker of the New York City Council. We are also open to extending the implementation time to help cope with any recruitment challenges. Additionally, the bill language allows providers flexibility in the types of licensed mental health clinicians they hire based on need including but not limited to psychiatric nurse practitioners, licensed clinical social workers, psychiatrists, and psychologists. Further, the bill was drafted with the expectation that most shelter operators will work with existing mental health providers to hire clinicians at a prorated level based on the number of families they serve.

Right now, tens of thousands of our neighbors are living in family homeless shelters — staying for an average of a year and a half — while many also face unmet mental health needs. Passing Intro 522 would ensure these New Yorkers have the clinical mental health services they need and deserve — turning their experience in shelter into a time of healing that will make a lasting difference in their lives and help them move in to and stay in permanent homes.

We urge you to pass Intro 522 and give homeless families the resources they need.

Thank you.

---

<sup>i</sup> Slesnick, N., & Erdem, G. (2013). Efficacy of ecologically-based treatment with substance-abusing homeless mothers: substance use and housing outcomes. *Journal of substance abuse treatment*, 45(5), 416–425. <https://www.ncbi.nlm.nih.gov/books/NBK207191/2>

<sup>ii</sup> Forman-Hoffman, V. L., & Bose, J. (2016, April). Correlates of Lifetime Exposure to One or More Potentially Traumatic Events and Subsequent Posttraumatic Stress among Adults in the United States: Results from the Mental Health Surveillance Study, 2008-2012. Substance Abuse and Mental Health Services Administration. Retrieved June 27, 2022, from <https://www.samhsa.gov/data/sites/default/files/CBHSQ-DR-PTSDtrauma-2016/CBHSQ-DR-PTSDtrauma-2016.htm>

<sup>iii</sup> Welch-Lazoritz, M. L., Whitbeck, L. B., & Armenta, B. E. (2015). Characteristics of Mothers Caring for Children During Episodes of Homelessness. *Community mental health journal*, 51(8), 913–920. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4722539/>

<sup>iv</sup> Welch-Lazoritz, M. L., Whitbeck, L. B., & Armenta, B. E. (2015). Characteristics of Mothers Caring for Children During Episodes of Homelessness. *Community mental health journal*, 51(8), 913–920. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4722539/>

<sup>v</sup> Bassuk, E. L., Buckner, J. C., Perloff, J. N., & Bassuk, S. S. (1998). Prevalence of mental health and substance use disorders among homeless and low-income housed mothers. *The American journal of psychiatry*, 155(11), 1561–1564. <https://pubmed.ncbi.nlm.nih.gov/9812118/>



Breaking the Cycle of Homelessness  
for Women and their Children

## Questions and Talking Points for City Council on Bills Related to Homelessness

General Welfare Committee  
September 13<sup>th</sup>, 2022

### Talking points on Intro 522

- a. Homelessness is a trauma in and of itself, and all families, both adults and children in NYC family shelters would benefit from having access to on site mental health services.
- b. But far too often, the mental health of homeless families goes overlooked or untreated — not because providers don't want to provide services, but because family shelters do not have the funding to provide onsite mental health services and referring families out for services leads to long wait times and barriers to continuity of care.
- c. Research repeatedly finds alarmingly high rates of psychiatric disorders among homeless mothers,<sup>i</sup> most commonly, post-traumatic stress disorder (PTSD), major depression, and bipolar disorder.<sup>ii</sup>  
in response, this bill would require the Department of Homeless Services to serve homeless families' mental health needs by maintaining a ratio of at least one full-time mental health professional for up to every 50 families with children in NYC shelters. Addressing this unmet need would cost just \$40 million annually.
- d. We expect that addressing mental health issues in shelter will:
  - i. Reduce critical incidents requiring less costly emergency service visits to shelters.
  - ii. Increase successful moveouts by facilitating psychosocial supportive housing screenings and helping families address underlying challenges, reducing the cost of lengthy shelter stays.
  - iii. Reduce the number of families returning to shelter after moving out.
  - iv. Build on and support the work of the existing Thrive program by creating direct access to ongoing services such as therapy and group counseling onsite.
- e. New York City introduced social workers into family shelters in 2016. But even with this valuable resource, the scope of services available in shelters is extremely limited. The funding amount and social work staffing pattern provided by the Department of Social Services allows for specialized assessment, referral, and brief counseling. But staffing levels and Department of Social Services directives preclude social workers in family shelters from providing therapy or other ongoing services.
- f. The bill has the support of 37 New York City council members. Additionally, 20 leading homeless service, mental health, and advocacy organizations support the idea of bringing clinical mental health services into family shelters.
- g. Although it can be challenging to fill mental health clinician vacancies, one of the major causes is historical underpayment. The \$40 million annual cost would ensure



Breaking the Cycle of Homelessness  
for Women and their Children

competitive wages for clinicians. Beyond ensuring that wages are competitive, we are very interested in seeing capacity increased. Win is exploring the idea of working with CUNY to find a way to increase the number of mental health clinicians similarly to the work Chris Quinn did with the nursing shortage while she was the Speaker of the NYC Council. We are also open to extending the implementation time to help cope with any recruitment challenges.

- h. All the services provided under the legislation would be one hundred percent voluntary and all information shared would be confidential and covered by the protections of HIPAA. The services provided will act as an additional resource for healing and support and cannot be used for punitive actions under any circumstances.
- i. We expect most providers to work with existing mental health providers to contract out for mental health clinicians to staff their shelters. The fulltime FTE should be prorated to the number of families being served to ensure that providers can efficiently provide the correct level of service for their sites.

## Questions

### 1. Intro 522 –

- a. Without funding for onsite mental health services, trauma, and other mental health issues of families in shelter often go unaddressed.
  - i. What steps has DSS taken to ensure that homeless individuals and families have access to the mental health services they need?
  - ii. What objections if any does the administration have to shelters providing mental health services on site?
  - iii. **Will the administration commit to supporting onsite mental health services in family shelters?**
- b. Although social workers were introduced into family shelters in 2016 the work they are able to do is limited. The funding amount and social work staffing pattern provided by the Department of Social Services allows for specialized assessment, referral, and brief counseling. But staffing levels and Department of Social Services directives preclude social workers in family shelters from providing therapy or other ongoing services.
  - i. What percentage of Thrive positions are currently filled?
  - ii. What is the current caseload for the average Thrive social worker?
  - iii. What is the average salary of a Thrive funded social workers?
  - iv. What type of clinical supervision is provided to Thrive social workers?
  - v. Do you agree that adding more clinical supports and oversight in shelters could help improve the efficacy of the Thrive program?
- c. We know that homeless families face higher rates of mental health challenges than their neighbors with permanent housing.
  - i. Does DSS track any data regarding homeless families mental health needs?
  - ii. Do you have any data on the number of mental health emergency calls from family shelters?



Breaking the Cycle of Homelessness  
for Women and their Children

- iii. Does DSS track how many families are referred to external mental health providers? Do you track follow through and successful treatment?
2. Intro 276 - Homelessness is a trauma, and families entering PATH face a system that often adds to, rather than ameliorates, the trauma they have experienced.
  - a. **Will the administration commit to supporting permanent and mandatory Trauma Informed Care training for all staff, including DHS contracted security firms at PATH?**
  - b. What specialized trainings are staff at PATH currently required to have?
3. Intro 229 - CityFHEPS is one of the most important tools the city has to move people out of shelter. Yet numerous administrative rules and issues leave people with the voucher waiting in shelter far longer than necessary.
  - a. The deduction of the utility allowance from the total CityFHEPS amount when utilities are not included effectively reduces the amount a voucher holder can pay in rent. **Will the administration commit to eliminating the utility deduction and allowing people with vouchers to utilize the full amount?**

---

<sup>i</sup> Forman-Hoffman, V. L., & Bose, J. (2016, April). Correlates of Lifetime Exposure to One or More Potentially Traumatic Events and Subsequent Posttraumatic Stress among Adults in the United States: Results from the Mental Health Surveillance Study, 2008-2012. Substance Abuse and Mental Health Services Administration. Retrieved June 27, 2022, from <https://www.samhsa.gov/data/sites/default/files/CBHSQ-DR-PTSDtrauma-2016/CBHSQ-DR-PTSDtrauma-2016.htm>

<sup>ii</sup> Welch-Lazoritz, M. L., Whitbeck, L. B., & Armenta, B. E. (2015). Characteristics of Mothers Caring for Children During Episodes of Homelessness. Community mental health journal, 51(8), 913–920. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4722539/>

I urge you to pass Intro 124, which would require the Department of Social Services (DSS) to designate housing specialists for all transitional housing facilities. As an Upper West Side resident for 17 years, I care deeply about my housed and unhoused neighbors. In 2020 I began volunteering with UWS Open Hearts. We help the residents of local shelters through donation drives and advocacy. The folks I've met during this work are some of the toughest, smartest people I know. While some have found permanent housing, many haven't.

In particular, one older woman has been in the system for years. She has Section 8 and CityFHEPs vouchers, and she's mastered the complex system of regulations and procedures surrounding them. But she still hasn't found an apartment. She says that her shelter doesn't have a housing specialist on staff to help complete paperwork, search potential listings, and answer questions. Instead, a case manager juggles too many needs of too many residents.

Finding an affordable apartment in NYC is never easy, but it can be especially difficult for people in the shelter system, who face extra challenges like voucher amounts that limit the number of apartments in their price range, and illegal discrimination by landlords against voucher-holders. Housing specialists are trained to deal with these challenges. Shelters are supposed to be a short-term means of housing New Yorkers. We all want people to find permanent housing as soon as possible. Requiring a housing specialist at every shelter would help bring us closer to this goal.

This legislation is a great first step—and I also urge the Council to require that the housing specialist be a full-time position, not just another responsibility added onto a case manager who is already overworked. As my friend's story illustrates, a busy case manager can't help with the technical requirements and provide the one-on-one assistance that she needs.

Thanks,

Anne Kemper

Katrina Corbell

Kat.corbell.19@gmail.com

Bronx, NY

Written testimony for Committee on General Welfare's 9/13 Hearing on Intro's 92, 108, 124, 132, 190, 229, 276, 421, 431, 513, and 522.

To Chairperson Diana Ayala and other members of the Committee on General Welfare;

Thank you for hearing me speak on Tuesday, September 13th. This is additional testimony to share further examples, testimony as a Peer from when I tried to assist friends seeking housing assistance, and more details from my lived experience as to what I hope can happen from these various Intros, compared to what DSS/DHS is saying (as many other public testimony providers had also countered on Tuesday!). I am involved with numerous organizations in the fields of healthcare, housing, shelters, advocacy but as many still find it difficult to officially testify, or if shelters relate to them (even if they can only accept clients from shelters or only offer 75% of housing to shelter residents), I write as a peer with lived experience, as much as I spent years trying to avoid the shelters initially.

My experience as one who has lived through this and now as a Peer advocate helping others navigate this at times is why I am trying to encourage many of these to be passed, stressing the need of such accountability, preferably more than fines that just get paid by the city/taxpayers that will pay the shelters. Stronger accountability. Perhaps periods of ineligibility for new RFPs until old violations have been ethically dealt with? DSS/DHS may say such mechanisms are in place, but I still have 2 pending lawsuits from mechanisms not in place. DHS/DSS will say they train shelters to know the laws and provide customer service but it is the need to enforce the contract providers and sub-contract providers with the will to be ethical supporters that I'm betting DHS will say is impossible to do. The shelters need to be doing this more than 2 days a year and more than when inspections are coming. They need to be wanting to do this, wanting to be treating clients with dignity and respect, not just because of a poster on a wall encouraging them to do so.

Two friends have sought housing assistance, each having a young child. Contrary to what DSS testified to, neither were offered any alternative to PATH family shelters. Trust me, my friends tried. They tried contacting Homebase. By the definition of shelter prevention, homeless prevention, it sounds like FHEPS and other housing vouchers and assistance may be available. Instead, shelters are all that is offered. I myself was denied any voucher both before becoming homeless in 2018 and then while in the shelter. Initially, I was "not homeless enough" and then told I "should have contacted them before becoming homeless." So, which is it? I was also told I could only receive support to stay in an apartment where a roommate threatened to kill my Emotional Support Animal and my ex had almost killed me, hence knew where the location was. I was, again, not offered any support by police or HRA or DSS other than to enter the intake center for shelter. I finally did after sleeping on subways again, and then my ex found me. I risked my life by entering shelter, as three in my shelter did die. But I wasn't going to be killed by my ex. All because the system and handfuls of nonprofits including ones "trained" in disability

and paid by the city all couldn't find a way to offer a person with a disability either a then-FEPS or SEPS or other voucher, mention the NYCHA waiting list/profile, or assess into the system for DV assistance. Because we aren't homeless enough or our lives aren't at enough risk while we spend every night desperately blending in to not be attacked.

One night I was attacked by a stranger while waiting for the city's Consortium to come and "document" me despite the 2 years they had already known I was street homeless. Those who had always seen us were only allowed to work with young adults though. So, in 2018 I tried to have a street outreach team find/see me as they said they'd need to do so about 10 times before even offering to help. That night, a stranger on Restaurant Row attempted to sexually assault me. Thanks to self-defense classes and counseling via friend at Judson, and NYPD that tried to let him walk away, the perp did get arrested. This is what happens to those seeking shelter. This is also what happens in shelters which is why many do any and everything to avoid shelters and keep trying to find alternative ways to get into stable low-cost housing.

Originally I was told numerous agencies were to help me with housing placement including WeCare's FedCap. It all led to needing to enter the shelter system years later to be safe from DV, as a womxn's shelter could guarantee my ex would not be able to enter. I, like a friend, were denied DV shelter protections and safe guards despite still encountering our exes because someone in DSS overlooks or miscalculates our risks. (We are usually told it is a computer system's point based program; perhaps more human involvement is needed? More DV shelters? More humanity? More compassion?) A story recently came out over a young mother dying in similar circumstances. I hope my friend does not meet similar fate, nor I. And I do hope more trauma-focused care is especially provided for all DV inclusive cases that wind up in homeless/shelter cases.

Despite testimony heard on Tuesday, one friend \*does\* have to physically return to the PATH intake shelter every 10 days to reevaluate her need for shelter, despite changes claimed due to shelter. Despite still being homeless. Despite covid. Despite the inconveniences of shelters not being ADA accessible and their demanding what baby furniture (say, cribs, playpens) can and cannot be in a room hence how an infant may or may not sleep, nap, crawl while parents are pushed to work, yet how are they to work while having young infants? Despite infants, toddlers needing naps. Despite covid still spreading on maskless buses, subways, and trains. Despite many caseworkers not offering "car fare reimbursement" in the form of a 2-trip MTA ticket. And needing to check in with PATH every 10 days? And keep a job? And somehow also go on housing interviews? All other appointments HRA will require while not losing their job, housing, or child(ren)? I've heard stories from friends of ACS visits in the middle of the night. It traumatized them and made them fear that shelter was not safe.

I've also been able to assist peers from numerous soup kitchens around Manhattan. There have been challenges with providers accepting ESAs, others having bad experiences at intake shelters, once I tried to call 311 and 311 never heard of BE HEARD. When they agreed to send Manhattan Consortium (after sending me to a supervisor who had to lookup what this service even was) to help a person blocking a sidewalk passed out, a Bodega owner had already called 911. 911 sent an ambulance and cops and cops spoke to me saying they knew him and he wasn't going to comply with treatment. Even the NYPD had not heard of BE HEARD or the alternatives to the cops (not surprised) or/and inpatient psychiatric treatment. Rather, developing a rapport with a person, meeting them where they were, and gradually learning how to offer assistance as far as what they may accept to perhaps go to a transitional shelter, drop in center, or safe haven. 311 supervisor finally was able to locate how to contact the Consortium

but it would take an hour. 40 minutes later a police car returned and said something to startle the person making him freak out and run away, hence when the Consortium arrived, no one was there. Making it look like a waste of time, energy, and resources while NYPD gets to say they needed to spend at least twice as much for the same incident. While no rapport was established, and more mistrust of cops was made. On many levels.

I do hope many of these measures will be able to be implemented, perhaps combined if it helps. Some of the reasons DSS naysayed them are nearly identical to reasons they naysayed ones in the past that are current local laws.

**Int 92** proposes an accessibility advisory board. I do hope this will have consumer oversight versus wind up like other housing networks, as others have little consumer oversight. I hope that the council pays attention to the years of experience that led to Butler needing to be created where shelters subject to ADA laws were not compliant with them, and that usually the morning of Callahan inspections shelters might suddenly have disability accommodations ready for show-and-tell, but then remove or disable them the minute inspectors leave for another 6 months. For positions on an advisory board for those with current or past lived experience, I hope the length of one's stay in shelter(s) is also taken into consideration, as many remain in shelters for many years under the current system especially those of us applying for or receiving SSI/SSD. This seems to be discriminatory to me if not a form of housing discrimination, but I will save that for future hearings. Some with disabilities are able to work, others are not. Some with disabilities are in family shelters; some may be trying to start families. Please be mindful of this as well as those who may be in LGBTQ2S+ and youth shelters when the time is appropriate for selecting a future disability advisory board, and not exclusively asking shelters for whom they deem the best clients/residents. Shelter's own favoritism is risky, and often will yield clients not ready or able to expose flaws that need to be addressed.

**Int 108**, Creating an annual report on the performance of DHS service providers, I urge to pass but in a way that all contracted and subcontracted providers are included. All who are counted in the nightly city's homeless total. As I previously stated, in prior years DSS/DHS submitted testimony re their shelters' food and after Council's digging it was finally exposed the testimony provided was referring to DHS' own 2 or 3 shelters, not to any of the contracted or subcontracted shelters including the family shelters, ie only a few hundred people versus the 10s of thousands of people in the nightly shelter system.

Also, DSS complained about the cost of something similar last year (State the Law) and then realized there wasn't a significant cost. I am curious if this is following in those footsteps, especially if this information is gathered for similar grants and other funding, and would just be presented in a tidier report?

Re **Int 124**, Housing Specialists are desperately needed in shelters if not also apart from shelters. Some argue they need a higher wage for retention. My personal experience was housing specialists enjoyed higher wages than case workers, but had no intention of remaining employed there, had no specialized training in real estate, social work, psychology, or human

services. Basic education needed was a high school diploma. One intended to become a chef—so why wasn't she applying to work in the shelter's cafeteria? So many times meeting with my housing specialist all we talked about was if DHS had sent over any referrals. I did my 2010e with an outside agency. Obtained referrals and interviews from an outside agency. Finally did receive a few from DHS via the shelter, but so many times case workers and housing specialists were impossible to reach. My lawyer will not let me talk about a pending lawsuit of what happened during one such incident. Some housing specialists are still misleading shelter clients into giving them a \$500 deposit to "hold" listings for them as part of their FHEPS vouchers. I refer all such persons to Coalition for the Homeless and Legal Aid Society to report those Housing Specialists and Shelters as that is not legal. Some also are claiming \$100 background checks for a single person or one and a child, far more than the \$20 per person, up to \$60 per household. Others are still refusing the once-per-30 days. I cannot guarantee they are personally profiting off of these, but some seem to know the people they are referring their shelter clients to, who never hear back from the "landlords" they deposit the \$500 holding fees from and remain in shelter months later. So, re housing specialists, please make sure some type of training, specialized work dedication and follow up is done. Not a hiring of more people determined to get extra pay to just rip off more people in desperate situations.

Re **Int 132**, I support this. I have accompanied a Peer to the PATH Intake Center in the Bronx. It lasted over 8 hours before she reached the point where I had to leave due to security. During those 8 hours, there was no chairs for children, toddlers, let alone adults to stand. No meals, water offered for parents or children. Taking a run to the bathroom without someone holding your place was a gamble as some in the line may not have held your spot for you. The intake my Peer was doing acted as though DV was unheard of and still wanted to know where she lived for the past 2 years as though she was going to list her ex's contact info. Not wise when it comes to someone who has tried to kill you and has threatened to kidnap a child. I have heard rumors there are interventions for when this situation comes up, but it seemed to have missed intake. Perhaps more intake centers could help by having more workers hired with more training to help reduce the amount of time families have to wait? My peer's time lasted an additional 6 hours before being transferred to a shelter that was still under construction and did not receive support or adequate services needed. Perhaps more sufficient intervention could have helped that family and other families in their similar circumstances, such as ones we hear about in the news who wind up dying.

**Int 190** reminds me of the Supportive Housing Bill of Rights. Many times while I was in City Shelters the staff denied me what my rights were as a convenience to them. When I did call the DHS/DSS Ombudsman it would take at least a month before intervention and one person was terminated after I was denied a bed three nights (following the shelter's food sending me to the hospital on advice of an urgent care, and yes, I notified my case worker who was unable to reach the rest of the shelter's staff \*and\* the ER also contacted the shelter). It should not have taken a month, and to be honest, living in the shelter I had forgotten by then as in 30 days there are already other survival mechanisms at hand. DHS/DSS showed up during Callahan inspections and that's when they addressed what had happened the month prior and staff whined at me for reporting it. It was on one of the posters, faded, but seeing all of our rights with how and when to document them is much more concise. Knowing who to call when DHS is too busy to get back to us is helpful. Shelter directors often do not comply with the law, so we need

to know how and when to seek guidance for when to call either the Commission on Human Rights or another attorney or the Public Advocate's office. Perhaps it needs to be the Mayor or Governor's office. Who can do what enforcing of each and every right, as some shelters will refuse to offer toilet paper, shampoo, towels, proper food despite Callahan.

(Int 229 I have little experience surrounding.)

**Int 276** involves the de-escalation and trauma informed training for DHS employees. Echoing my Int 108 comment, I do hope this will apply to all DHS locations meaning all places that contractors and subcontractors are operating under NYC and NY State budgets for adults, families, drop in, transitional, any and every version of homeless shelter housing. The 14 months it took for me to be placed, although I was by paper policy eligible to be placed not needing a day of shelter, the staff were at times worse than the other residents. I was placed at a shelter near hospitals and ADA compliant (which are two rare features of the city shelters) which DHS did not disclose to the provider were the reasons I was placed there, not because of other services other residents receive/needed. One staff member threatened to bring her "hood" pals over to show everyone she knew how to take care of us. It had built up to that and after that night she no longer returned, or at least to our location.

The incident my lawyer will not let me talk about, yet, please contact me once it is settled by either the attorneys or a judge. Just look at all of the settlements that have to happen due to accidents or other incidents; likely many of them could/would have been handled better by staff trained to respect clients versus mocking, laughing at, ridiculing the people they are paid to either assist, look after, protect, or another task relating to these people who if it were not for, they would not have a job. Period.

Re **Int 421** does seem to echo 108 a bit, unless Family shelters are considered another provider than who Int 108 would cover. Even though I believe DSS claims or would claim this would cost money or/and time, it seems like this data is already gathered for other reasons, such as grant fulfillment or reimbursement, knowing where opening are, etc. The metrics re school may also be kept under another name so this may just be re-reporting under a new name which doesn't seem impossible to do. One thing that may be a challenge is if it would be limited to children in shelter or/and applying for shelter, based on the stories we heard about how many applicants at PATH being denied eligibility. Also would be interesting to try and follow statistics on families in doubled up type housing where 2-4 generations live under one roof while some are on affordable housing or/and NYCHA wait lists to move into their own housing. That may need its own Intro # and its own mechanism of outreach, but last I heard that had about 150,000 NYC DOE students alone that lived in double up housing, on top of those that were in shelter or/and streets.

**Int 431** is reminiscent of Int 276. Although DSS did speak of some training already offered or/and encouraged, it would be interesting to have training developed by those of us with lived experience or/and other types of effective training with focuses on client-centered models, housing-first models, and simple compassion. The minute I entered a shelter I was mistaken as

a person from the neighborhood and treated with respect; then when they realized I was sent from 116 Williams Street it was a whole different can of worms until the day I left. The day I testified at City Council re the food sending me to the ER hence sacrificing a bed for three nights despite NY State law et al I met someone from my former shelter's parent group's culinary provider and she was willing to work with me; so why did no case worker or program director ever offer assistance before testifying before city council? How can we get 60,000 shelter residents to testify before city council for how they were treated? Such as one friend in a WIN shelter who has to return to PATH intake every other week despite what PATH, DSS, or WIN says is more convenient for clients currently?

Testimony provided said things are back to the way they were pre-covid? I was in shelter pre-covid. They were not decent then. Reasonable Accommodations took longer than 7 working days, for instance. I had to keep sleeping on subways for those 7 days after DHS refused to allow my ESA into Franklin despite my having a letter from my doctor. I had to keep fighting with Coalition for the Homeless and finally find Crisis Respite beds in between sleeping on buses and subways before Coalition had to threaten a lawsuit before DHS finally decided to "Reasonably Accommodate" which is code for comply with the law... then hide under HIPPA to not tell the shelter I was sent to that I had approval for the ESA delaying my housing interviews 2 months trying to deal with if my ESA was legal as no one had told them it was approved. That is what I remembered as DSS' customer service, pre-covid. And why my stay was so much longer than average. Let alone why HRA, DHS, and DSS denied me FHEPs not once but twice. I was not disabled enough once and too disabled a second time. Had to stay in shelter 12 months, then 3 months. So what did my 14 months count as? I have been placed for 2 years in an unsafe supportive housing but even they refused to help me relocate and say my only option was to go back to Franklin and start the process all over again.

When I was placed, I never received a furniture allowance. I was cut off from SNAP, CA, and Medicaid. In the shelter I was denied DV intervention I was promised. One friend was denied DV intervention at a family shelter as well. This is needed to be flagged, desperately. I was able to receive my Restraining order through the assistance of a non-profit and a court appointed attorney only after my ex continued to stalk, lurk, and harass me for years during and after my shelter stay. Zero support, guidance from the shelter staff.

**Int 513** is interesting to me. I am less familiar with who runs the men's shelter at Bellevue, but it seems similar to how non-profits such as Help Womens Center run the 116 Williams Center and deal with DHS, and how BRC, Breaking Ground are 2 providers that handle transitional shelters for subways and street homeless, respectively among many across the 5 boroughs. So, it can be done. Families are delicate as far as confidentiality and background checks of who works with them, yes. But it seems like the similar background checks used for DOE employees could be used for whichever agencies would be selected for this Intro. Similar also to the 2010e. More agencies are able to prepare the 2010e although it still gets sent to a central hub, right? There needs to be more family-based supportive housing, especially as family based supportive housing can be for when only one person in the family unit needs the support. Perhaps a model for this could be a family unit version of the 2010e that is more family-friendly, more holistic and integrative based on the testimony. How so many are seeking health care including mental health but DHS/DSS wants outside providers to offer it, so why not have outside providers also be a part of assisting with the shelter intake? I run into the debate even with supportive housing

allies how shelter is not supportive housing and supportive housing is not shelter, but there is an overlap. Many in or in need of shelter could and would benefit from supportive housing and there are so many degrees, levels, types of supportive housing. Some are very basic having a case worker on hand if something is ever needed, and others are more intensive meaning on site therapy and medicine management. So many levels in between. I love the idea of affordable having with optional, flexible support for if/when it is needed for all tenants as well. I know, future Intros. But in this sense, the support is ready and waiting for when it is needed, not requiring threats of eviction and shelter placement and months waiting before a parent seeks assistance.

Re **Int 522**, some shelters for families with children may say they already have this, but I know of ones that do not, or are underfunded or for whatever other reasons never get around to talking to the parents/children. Some may say it is due to lack of funds or the shelters were new so they did not have time to train staff. I know this led to one friend leaving because there was zero assistance received in over two months. Zero. As far as seeking housing, as far as seeking mental health support, as far as assistance for medical support. Zero.

Thank you again for considering these, and I look forward to working with you in the future with various hats on.

Katrina

NYC Council Committee on General Welfare, Chair Ayala  
September 13, 2022, 1pm

My name is Lydia Shestopalova. I am a resident of Central Harlem; a volunteer with the Open Hearts Initiative; formerly an adjunct faculty at a community college in the CUNY system; and currently an intern at the NYC Health and Hospitals Peer Academy, where I am training to continue my public service as a peer advocate.

Thank you, Chair Ayala, for convening this committee specifically to review this set of bills. I've been tracking all of them ~ yes, all ~ for OHI's Policy Committee for the last 14 weeks, continuing the work of volunteers before and alongside me. And while I am prepared to go through them one by one, expanding on the advantages of passing each and pointing out opportunities for improvement, I write to you instead with a glimpse of the bigger picture.

It is unconscionable that people are left to languish in the system, some for years!, while there are vacant apartments and hotel rooms abound. It is utterly ridiculous that the city will swallow and thereby defend the continuously increasing expenses of the shelter system, instead of dropping the obstacles that block people from moving smoothly into permanent housing, such as the utility deduction for City FHEPS (Int. 229) and the lack and/or inadequacy of housing specialists to effectively support that transition (Int. 124).

Homelessness affects the most vulnerable people in our society, creating trauma. So it should be no surprise that people seeking shelter are in need of additional services, ones that DHS and DSS seem to see as a burden instead of expected as reasonable accommodations; ones that their clients have to earn by enduring discomfort and inconvenience, hassles and delays, insult and denigration based on their particular needs. It is no wonder that people require and deserve mental health professionals and wrap-around care (Int. 522) and need assistance in the process of securing housing (Int. 124).

If shelters are to be a funnel to permanent housing, then the entire pathway must be free of hurdle, from the very start, for instance, the point of intake for families (Int. 132) and accessibility for individuals with disabilities (Int. 92). But let's also look upstream: what is the city doing to create more, no, enough! truly affordable housing? Who is reining in the rents and making sure that even low-wage-earning New Yorkers can actually pay them? What mechanisms are in place to prevent illegal evictions and keep people in their homes? What educational, vocational, and supportive services are widely available *before* the crisis of homelessness even creates the need for an extensive intake/shelter/transition infrastructure?

While dreaming big, and encouraging you to do the same, I can't ignore the dire realities of people who are in immediate need of shelter and more. That is why I urge the Council members to support all of these bills, perhaps with amendments after further discussion. At the same time, I would appreciate a wider perspective as you conceive future bills. To make it plain, there is no need for homeless services if there is no homelessness. I implore this Committee to do your best to make it so. Thank you for considering my input.

Thank you for the opportunity to testify. My name is Sharifah Harvey. I am a current resident in a single adult homeless shelter and I have the “distinction”, so I was told recently by Shelter Administration and a DHS Official, that I am the longest term resident of all time for this shelter provider. The “distinction” should be theirs for failing to actually assist a client for the longest amount of time. And they should be held to account for it.

I am addressing Intros 108, 124, 190, and 229 in my testimony. I can speak directly to the matters of Housing Specialists, the difficulty in using a CityFHEPS voucher and how they are related.

I have been in shelter since June 2018, and at this particular shelter, under this particular provider, since July 2019. The first scheduling by any housing specialist at any shelter for me to view an available apartment was in March this year, 2022.

I met with several housing specialists at this provider prior to that date, but had never been scheduled for an apartment viewing. I can also say that I had reason to believe that I would not be served well by the Housing Specialists, and my experience with them throughout these recent months has borne that out.

One major difficulty in using the CityFHEPS voucher begins with the search itself, made unnecessarily difficult because of the way utilities are calculated and paid. Intro 229 addresses this.

Source of income discrimination, as well as other illegal forms of discrimination, is rampant. Many apartment listings are themselves illegal, and brokers and agents have discontinued communication when they learn I intend to use a voucher. Without enforcement, the illegalities continue.

I agree with the intent of Intro 124, but my lived experience, and clearly the lived experience of the majority of shelter clients – as evidenced by the already-known, woefully low statistics for successful shelter-to-permanent-housing move-outs within a 6-,12-,and even 18-month timeframe – is that shelter residents are not being served well by Housing Specialists.

- Housing Specialists have never once, not once, consulted me as to my schedule and availability when setting an appointment. They have never set up a viewing in consultation with me, so that I can advise them of my availability. I have actually gone on the majority of the viewings, which have been an absolute waste of my time, including:
- Broker/landlord/managing agent no-shows to the viewing, so we never get to actually view the apartment
- Gutted, or soon-to-be gutted apartments, to undergo renovation, and not available for viewing (although the viewing was actually scheduled by HRA)
- Viewings in which 30 to 100-plus shelter residents (including families with babies and children) wait in line to see 1 apartment (which no one was allowed to see because it was under renovation). In the other case, we weren't told the rent amount until we saw

the apartment. The rent was the maximum amount of the voucher and didn't include utilities.

- Being told there were 2 apartments to view in the building, and upon arrival, being told there was only 1.
- Viewings of illegal basement apartments.
- Housing Specialists not providing the necessary details to attend an apartment viewing
- Being shown apartments with illegal security bars on the windows (providing no emergency exit).
- Mis-described units (Is it a studio, 1-bedroom? It's neither or both. You decide.)
- Mis-described units in the poorest neighborhoods, with the landlord asking the maximum voucher amount, which they would never be able to get from local renters in the neighborhood paying out-of-pocket.
- When I asked about the lease amount, being told by Housing Specialists it doesn't matter because HRA is paying for it. That's not ignorance. That's ridiculous. I'm going to have to pay rent on that unit, even if it is a portion in the beginning. 30% of \$1,700 (\$510) is very different from 30% of \$2,218 (\$665) to someone in extreme poverty, with debts to repay and a timeline of 5 years to become completely self-sufficient. I have the right to know the rent amount.

The list goes on, but isn't this more than enough? Clients in shelters don't need Housing Specialists. We need housing. There's all the evidence that housing specialists are not the way to get clients into safe, stable, dignified housing in a timely manner. They certainly haven't for me.

Following are my recommendations for the committee. Thank you for taking the time to consider and address these matters.

**Intro 0108-2022, sponsored by Robert F. Holden, Creating an annual report on the performance of department of homeless service providers.**

**Recommendations**

1. Reports should be quarterly, biannually and annually.
2. Any committee that determines the metrics, reporting mechanisms, oversight authorities, and suggested penalties for non-compliance should be composed of no less than 60% committee members with either current or former lived experience in shelter homelessness.
3. Committee must contain at least 1 member from each category of shelter and include people with disabilities.

**Intro Int 0124-2022 \*Rafael Salamanca, Jr. Housing specialists within the human resources administration and department of homeless services.**

**Recommendations**

1. Apartment viewing notices should include all of the following information:
  - a. Unit size (studio, 1-bedroom, 2-bedroom, etc.)
  - b. Correct address (including unit number)
  - c. Lease amount
  - d. Whether utilities are included, and if so, which
  - e. Application Fees
  - f. The name, title (landlord, broker, managing agent) and contact number of the person the client is supposed to meet at the unit (if unescorted by Housing Specialist)
  - g. The means of client transport to the viewing location and additional information or directions, if applicable
  - h. If unescorted, the transportation fare (i.e. MetroCard). If going by car service, all relevant details regarding pick-up, drop-off, and return to shelter.
2. Housing Specialists are to schedule viewings in consultation with the client. Scheduling viewings without speaking to the client in advance about client availability is disrespectful. When scheduling a viewing, Housing Specialists must provide the mandated items from Recommendation #1. They must give the client all of the necessary information.
3. There should be shelter Housing Specialists regularly staffed for late afternoon, early evening, and weekend apartment viewings, not just 9-5. Clients should be able to go to any Housing Specialist for assistance, not just the one to which they are assigned by the shelter, including outside community partners. (See Recommendation #5.)

4. Housing Specialists metrics and success rate needs to include a 60% ranking component by the clients using their services, not HRA. In other words, 60% of the metrics by which they are assessed should be scored by the clients using their services.
5. Independent Housing Specialists should be available through community partners.

**Intro 0190-2022 \*Public Advocate Jumaane Williams: Creation and distribution of a homeless bill of rights.**

**Recommendations**

1. A committee to include persons currently and/or formerly experiencing homelessness to advise on all matters to be included in the document.
2. All services that are to be provided by all shelters should be listed. This includes information regarding:
  - a. meals and restaurant allowances
  - b. access to, or funds for, laundry services
  - c. transportation fares for eligible trips
  - d. rights regarding hospital stays and return to shelter after hospital discharges
  - e. safe storage of medications (such as diabetes medications)
3. Services that are specific to particular types or categories of shelters should be listed by type.
4. A client should receive documentation upon intake stating the type and category of shelter to which they have been assigned.
5. An online self-reporting tool for clients who feel they have been denied their rights or access to eligible services. This tool automatically collects data and goes to a variety of agencies outside of HRA/DHS/Provider for reporting, and to ensure oversight, follow up, and compliance.
6. Clients have a right to know the current minimum and maximum cash assistance grants amounts and the general conditions under which they apply.
  - a. For example, if a shelter provides meals, the Cash Assistance grant is reduced to \$45 per month (minus any HRA recoupment). This grant is to cover all other living expenses such as clothing and footwear, toiletries, menstrual supplies, general transportation fares, etc.
  - b. Clients have a right to know if they are entitled to receive additional benefits or services, such as toiletries (such as soap and deodorant), menstrual supplies, etc. They have the right to know the frequency and quantity of disbursement.

My name is Shiniqua Bryan. I'm a formerly homeless member leader at Neighbors Together. I have had my CityFHEPS voucher for over a year.

In conjunction with raising my rent, my landlord refused both LINC and CityPHEPS as payment methods. After fighting to stay in my apartment and working with city agencies like Homebase, I became homeless a couple of days before thanksgiving with my two teenage children.

Thankfully, I am currently in an apartment that suits my needs. However, that is primarily due to the help of Neighbors Together. Neighbors Together worked with the press to shine a light on my circumstance, which helped me tremendously. Working as a teacher and aide for the City of New York, people were baffled that a person like me could become homeless. I do not believe that I could have found an apartment that suited my needs on my own in large part due to the utility deduction.

While in the shelter system, it took me over eight months to find an apartment with my cityFHEPS voucher. I believe that the utility deduction was a huge reason why it took me so long to find an apartment. It limited what apartments were available to me. The utility deduction being a massive hurdle is not an isolated issue with just myself. When I was in the shelter system, I heard so many other people having the same problems with the utility deduction reducing the overall price of the voucher, making it less effective.

With a utility allowance similar to what is utilized in the Section 8 voucher, I might not have had to languish in the shelter system for months. I hope the utility deduction is removed entirely from the CityFHEPS voucher and that a more reasonable utility allowance can be implemented.

Thank you so much for your time.

Shiniqua Bryan

For 2022 September 13 meeting of Committee on General Welfare

James Lee's written testimony:

Re: [Int 0124-2022](#) Housing specialists within the human resources administration and department of homeless services, [Int 0229-2022](#) Monthly rental assistance payments for households with rental assistance vouchers:

These bills are improvements, but administrative issues and payment delays must be addressed to restore landlord and broker faith in the voucher system. Even those that don't discriminate based on race or income won't accept vouchers if they don't think they'll be paid.

As reported in the New York Times, and by my ongoing personal experience over months attempting to obtain housing with a CityFHEPS voucher,

<https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>

Vouchers provide for one month of processing time, but landlords and brokers have told of delays of several months, lost time landlords never get paid for. Even when landlords are paid, the city doesn't need to pay on the first of the month, leaving voucher holders at a disadvantage to other prospective tenants. There are sometimes issues with monthly payments not being made at all. These and others are issues with the administration of the vouchers that voucher holders cannot change; this written testimony is made to reach out to those that can make a difference.

I've found landlords and brokers are usually actively resistant to making their concerns known. They have no interest in spending unpaid time getting involved in an investigation, and any complaint they make identifies them as possible participants in income discrimination. It's much easier for landlords and brokers to simply claim a voucher holder is "in consideration" for the apartment, or "we are considering another applicant" or whatever excuse, then simply stop communicating. This, especially as the income discrimination unit is understaffed and underfunded.

When voucher holders are disadvantaged compared to other applicants, landlords and brokers find ways to not rent to the voucher holders, especially when there are other applicants for an apartment. So voucher holders are left stuck in the shelter system unless they agree to move into the worst neighborhoods. Being unable to use vouchers to obtain safe housing results in shelter residents staying in shelter, straining the shelter system and increasing costs. Even voucher holders that accept unsafe housing suffer from income discrimination. Income discrimination may not be the intent of policies in place, but when voucher holders can only find housing in bad areas, it is the effect.

I've been in DHS's shelter system since December of 2021. I have no criminal record and a good credit rating, but despite months applying to apartments have had no success trying to use

a CityFHEPS voucher for an individual adult.

In verbal testimony it was claimed DHS has good coverage of housing specialists in shelters. Another testimony referenced three housing specialists being insufficient to serving a hundred clients, but that may have been from a different time and/or shelter system. Both testimonies are not consistent with my recent experiences in a DHS shelter for individual adults. I believe the DHS shelter I'm in has something like 140 clients, and did not have even a single housing specialist from December 2021 through September 2022. Though I believe one is incoming, they have not yet arrived.

I am not surprised the DHS shelter I am in lacks a housing specialist. In my research into why I have been and continue to be unable to secure housing with a CityFHEPS voucher for an individual adult, I attempted to trace who exactly is responsible for what duties. Since I repeatedly received completely conflicting information, not just from different parties, but from the \*same\* parties over and over again over a course of months, I tried tracking funding and responsibilities. From what I have read, the city cannot respond quickly to changing demand for labor, due in part to candidates needing to pass through a lengthy process before being able to be hired. Additionally, I understand the city does not pay competitive rates from multiple sources. It would be expected these issues would leave openings in positions to be filled, and that expectation is consistent with my experience.

A shortage of competent employees willing to work in the positions available for the compensation being offered leads to other issues. Though there are some highly competent and compassionate individuals working for DHS, there are some that abuse their position of authority, and many others that stand by doing nothing about such abuses. This is consistent with a system that is overworked and underpaid. Even good employees necessarily turn a blind eye to excesses, as they know firing bad employees would result in even fewer workers to handle the load, and there's no competent staff ready to replace them, nor \*will\* there be such staff for a long time.

As to the availability of a housing specialist in the DHS shelter I'm currently in, I repeatedly requested a housing specialist, asking whether I could access other shelters' housing specialist, whether I could go anywhere, do anything, access a housing specialist by any means. The responses ranged from "It's not your business" to "Housing specialists are nothing special, you could be a housing specialist, I could be a housing specialist" to "Your needs are being taken care of" (which was in the midst of a discussion where I was pointing out how, precisely, my needs were not being met, this was from one of the abusive DHS workers I mentioned).

As to the verbal testimony that DHS has housing specialists in all shelters - I am quite willing to believe that is what DHS's internal reports reflect, or perhaps it was optimistically thought measures taken to address a lack of actual housing specialists were adequate to the situation. But that is not consistent with the fact of the lack of actual competent housing specialists in all shelters.

As to internal DHS reports, there is quite a difference between internal “investigations” that rely on DHS workers to report themselves (they won’t) and actual practice. My personal experience living in DHS shelters for nine and a half months is when there are issues with DHS workers, coverups and retaliation are often the result, so I hardly expect internal DHS investigation and self-reporting issues to be accurate. Though I am cautiously optimistic about current leadership in the DHS shelter I am in, I question how the issues I’ve seen in my time living in DHS shelters came about in the first place. If DHS’s internal monitoring and correction system were really up to the task, abuses, negligence, and the complacent attitudes I witnessed would not exist. One must conclude there are indeed issues with DHS’s internal monitoring if DHS’s position is there are no issues past or present.

As to the testimony that CityFHEPS vouchers are supposed to be working towards how Section 8 is implemented, I do not see how the current CityFHEPS implementation makes progress towards that end. I believe the overall CityFHEPS voucher amount may have increased in 2022 even factoring for the utility reduction, but whether that increase was due to a planned increase from other legislation and the utility subtraction a decision by DHS, I cannot say.

But I can say what happens to a low-income CityFHEPS voucher holder that secures an apartment that does not include utilities in the rent. Reading my current voucher that expires in late December, and the Laws of the City of New York, the voucher holder will have to pay 30% of their income, and since I see no provision for the voucher covering the rent where the utilities are not included in the rent, the voucher holder will have to pay the utility bills as well. This is not consistent with my understanding of how Section 8 housing is implemented from the verbal testimony today. Added complications in determining voucher amounts also increase the burden of understanding for voucher holders, landlords, brokers, and even administrators of the system.

<https://codelibrary.amlegal.com/codes/newyorkcity/latest/NYCrules/0-0-0-110020>

“§ 10-06 Calculation of CityFHEPS Rental Assistance Payment Amount – Apartments and SROs.

(a) Where the CityFHEPS unit is an apartment or SRO, the monthly CityFHEPS rental assistance payment amount will equal the actual monthly rent for the CityFHEPS unit, up to the maximum monthly rent less the utility allowance, as described in 68 RCNY § [10-05](#), minus the base program participant contribution as calculated pursuant to 68 RCNY § [10-06\(b\)](#).

(b) The base program participant contribution is calculated as follows:

(1) Where no members of the household receive PA, the base program participant contribution is 30 percent of the household's total monthly gross income at the time of approval or renewal. However, if at renewal, or at the time of a recalculation of the CityFHEPS rental assistance amount pursuant to 68 RCNY § [10-09\(a\)](#) or RCNY § [10-09\(b\)](#), the household reports no income, the base program participant contribution will equal the maximum PA shelter allowance for the household size.

(2) Where the household includes one or more members receiving PA, the base program participant contribution is the sum of the following:

(A) 30 percent of the PA household's total monthly gross income at the time of approval or renewal, or the maximum monthly PA shelter allowance for the total number of PA household members, whichever is greater; and

(B) 30 percent of the monthly gross income of any NPA members.

(c) Except as provided in 68 RCNY § [10-09](#), the CityFHEPS rental assistance payments will not change until renewal, regardless of changes in household composition, income, the maximum monthly rent, or the actual rent for the CityFHEPS unit.”

The Council should pass Int 0124-2022 and Int 0229-2022, but should also consider issues with the administration of vouchers, particularly those factors that make landlords and brokers reluctant to accept vouchers. If it costs \$4000 to house an individual adult at a shelter and \$2000 to pay for a voucher, my staying in the shelter system for nine and a half months instead of three (due to landlords and brokers effectively refusing to accept vouchers) represents a preventable loss of \$13,000 to the system, plus I take up a shelter bed in a system that's short of shelter beds. I've read of an initiative to negate the 90 day waiting period to transition homeless people to housing, which would in my case possibly have resulted in a further reduction of cost of \$6,000 to the system. I encourage reviewing the reasons for the 90 day waiting period and perhaps revising it to less time and/or to have considerable latitude for defined exceptions, as an additional consideration to simultaneously cut costs and improve outcomes.

Re: [Int 0190-2022](#) Creation and distribution of a homeless bill of rights.

DHS creating and administering a homeless bill of rights is like the police investigating itself, even a competent job would be suspect due to conflict of interest. The homeless bill of rights should be independently reviewed, and provision made for regular review and revision.

Certain claims were made in verbal testimony regarding the efficacy of posted DHS notifications. The claims may have been well-intended, and even consistent with internal DHS reports, but were misinformed. I do not expect internal DHS reports to reflect shortcomings in their own system. The pervasive attitude in DHS (though there are notable exceptions) is not “what are the best practical steps to improving the system”, but “nothing is wrong”. Verbal testimony from DHS today stated “studies are expensive” (which is true! And in light of \$615 million in budget cuts (about 22%), it is expected that DHS will be looking to cut costs)

<https://citylimits.org/2022/02/18/mayors-budget-plan-cuts-615m-from-homeless-services-as-subway-crackdown-intensifies/>

But in later verbal testimony, it was claimed that there was insufficient data to act on certain issues. DHS has to take its pick, enact changes with data, enact changes without data, or don't change anything and don't get data.

In the case of a homeless bill of rights, my understanding is DHS chooses not to change anything and not get data, as they claim to have data indicating no change is necessary. But actually, DHS may be relying on internal reports that incorrectly indicate “nothing is wrong”. Public Advocate Jumaane Williams is absolutely correct that there should be a single document, a document that actually works, that actually informs homeless of their rights, as opposed to what we have actually have right now in DHS, loads of different documents with different wording that have nothing to do with actual practice that don’t inform homeless of their rights.

In practice, a lot of signage is devoted to rules, regulations, and penalties, rather than rights. The rights document that does exist is buried in mountains of other signage, and what is posted has no information as to who to appeal to in case supposed rights are violated.

At the main entrance of the DHS shelter I am in, the following signage is posted. First is the overall picture so viewers may see the overall presentation, then pictures of each of the five signs from left to right.



## **BANNED ARTICLES AND SUBSTANCES**

### **THE FOLLOWING ITEMS ARE NOT PERMITTED IN SHELTER FACILITIES**

- WEAPONS INCLUDING GUNS, BRASS KNUCKLES, KNIVES, AND FIREARM AMMUNITION
- DANGEROUS INSTRUMENTS AND MATERIALS INCLUDING, BUT NOT LIMITED TO, STICKS, ICE PICKS, SCISSORS, BATS, BOX CUTTERS, NEEDLES, MATCHES/LIGHTERS, FIREWORKS, CAUSTIC CHEMICALS, AND FLAMMABLE LIQUIDS
- HAZARDOUS TOOLS AND UTENSILS INCLUDING HAMMERS, SCREWDRIVERS, AND CARVING FORKS  
*(PLEASE SEE YOUR CASEWORKER IF YOU HAVE TOOLS NEEDED FOR YOUR EMPLOYMENT OR TRAINING.)*
- REPLICAS OF WEAPONS
- ALCOHOLIC BEVERAGES
- ILLEGAL DRUGS OR DRUG PARAPHERNALIA INCLUDING K-2, SPICE, SYNTHETIC MARIJUANA, AND SIMILAR PRODUCTS

**POSSESSION OF THE ABOVE CONTRABAND ON SHELTER PREMISES MAY RESULT IN CONFISCATION OF THE ITEM(S), ARREST, SUSPENSION OF SERVICES FOR UP TO 7 DAYS, OR DISCONTINUANCE OF SHELTER SERVICES FOR 30 DAYS**

**NOTICE TO SHELTER CLIENTS  
REGARDING LOCKER INSPECTIONS**

PLEASE BE ADVISED THAT THE LOCKER  
ASSIGNED TO YOU IS SUBJECT TO BEING OPENED  
AND INSPECTED BY SHELTER STAFF PURSUANT TO  
AGENCY PROCEDURES.

CONTRABAND FOUND IN LOCKERS WILL  
BE CONFISCATED.

POSSESSION OF DANGEROUS OR ILLEGAL ARTICLES  
OR SUBSTANCES MAY RESULT IN ARREST,  
SUSPENSION OF SERVICES FOR UP TO 7 DAYS, OR  
DISCONTINUANCE OF SHELTER SERVICES FOR 30 DAYS.

**AVISO PARA LOS CLIENTES  
SOBRE LAS INSPECCIONES DEL  
ARMARIOS**

POR FAVOR TENGA EN CUENTA QUE EL ARMARIO  
QUE SE LE HA ASIGNADO ESTÁ SUJETO A  
APERTURA Y INSPECCIÓN POR PARTE DEL  
PERSONAL DEL REFUGIO, DE ACUERDO A LOS  
PROCEDIMIENTOS DE LA AGENCIA.

CONTRABANDO EN ARMARIOS SERÁ CONFISCADO.

LA POSESIÓN DE ARTÍCULOS O SUSTANCIAS  
PELIGROSAS O ILEGALES PUEDE CAUSAR SU  
ARRESTO, SUSPENSIÓN DE SERVICIOS POR HASTA  
7 DÍAS O INTERRUPCIÓN DE LOS SERVICIOS  
DEL REFUGIO POR 30 DÍAS.

## WHAT TO EXPECT WHEN ENTERING SHELTER

- 1 Shelter is temporary and not a permanent residence. You must work with staff to overcome any barrier to housing and identify all suitable housing options available.
- 2 All clients entering the New York City shelter system are expected to attain self-sufficiency and permanent housing as quickly as possible.
- 3 Curfew is 10 PM daily. You must sign for your bed each night. If you are working late, you should provide documentation of your work schedule to your case manager to receive a late pass.
- 4 You must safeguard all of your personal belongings at all times. Your belongings must fit in your assigned locker. Excessive belongings can be stored offsite. See your case manager for the appropriate referral. At no time, can belongings, including but not limited to, food, ashtrays, urine containers, shopping carts, suitcases, chairs, throw rugs/carpets, candles, hot plates, be kept on top of lockers or under or around your bed. Lockers cannot be decorated (posters, stickers, magnets, etc.) in any way or defaced (graffiti, scratchiti, etc.).
- 5 You will be required to work with your case manager to develop an independent living plan (ILP), which will include tasks/goals necessary to achieve self-sufficiency and permanent housing as soon as possible.
- 6 You will receive assistance and referrals from a case manager and other staff members to achieve the tasks/goals outlined in your independent living plan (ILP). Referrals will be made to address issues concerning but not limited to, public assistance, mental health, substance abuse, and gambling, as needed.
- 7 If you do not have an income, you are required to go to the Human Resources Administration (HRA) to apply for full public assistance benefits. You will receive a referral form from staff to apply for these benefits.
- 8 If you have income, either through work or a federal disability benefit such as Social Security Income (SSI), you may be required to open a public assistance case at HRA to qualify for a current housing subsidy. You will receive a referral form from staff to apply for these benefits.
- 9 Failure to comply with the shelter rules and regulations may result in a suspension or discontinuance of shelter services.

If you have any questions or concerns, please speak with your case manager or any shelter staff.

# ADULT SHELTER RULES AND RESPONSIBILITIES

- Identification must be carried at all times.
- Alcohol, unauthorized medicine, illegal drugs, or drug paraphernalia are not permitted in the shelter.
- Weapons or instruments/material potentially dangerous to other residents or staff are not permitted.
- Stealing or entering unauthorized areas is not permitted.
- Fighting, the use of abusive or threatening language, harassing, and intimidating other clients or staff is not permitted.
- You must sign the bed roster daily. Changing beds is not allowed without prior staff approval.
- You must observe posted curfew rules and vacate your bed/dorm during the hours posted.
- Smoking is only permitted in authorized (posted) areas. Absolutely NO smoking in dorms.
- Eating is only allowed in designated areas. Cooking or bringing food into sleeping areas is not allowed.
- The use of electrical appliances, incense, candles, or other items that can be considered a fire hazard are not permitted.
- Your cooperation and participation during a fire or safety evacuation drills is required.
- Engaging in sexual behavior in the shelter facility is not permitted.
- Meeting with social service staff on a regular basis, and developing and following an independent living plan (ILP) designed to help you build resources and obtain housing outside of the shelter system is required.

**FAILURE TO FOLLOW THESE RULES AND RESPONSIBILITIES MAY SUBJECT YOU TO SUSPENSION OF SHELTER SERVICES.**

You have the right to receive a copy of these rules and responsibilities.

## ADULT SHELTER CLIENT RIGHTS

### AS A SHELTER CLIENT, YOU HAVE THE RIGHT TO:

- Exercise your civil and legal rights, including freedom of speech and worship.
- Private written and verbal communication, including sending and receiving mail or other correspondence, without interception or interference.
- Present complaints for yourself or other clients to shelter administrators or anyone else without fear of reprisal.
- Join with other clients or individuals to work for improvements in resident care.
- Manage your own finances, in accordance with shelter requirements and financial eligibility standards.
- Privacy in treatment and caring for your personal needs.
- Have your shelter records protected in accordance with confidentiality standards.
- Leave from your assigned shelter and return there (by curfew).
- Courteous, fair, and respectful treatment by staff.
- Have your version of an incident in which you are involved included in an incident report.

### YOU ALSO HAVE THE RIGHT NOT TO:

- Be restrained or locked in a room at any time.
- Be made to perform work by force or threat. However, you must comply with all work requirements mandated by the Human Resources Administration (HRA) Public Assistance regulations and with any work-related participation in particular shelter programs.
- Be made to give tips or gratuities to any shelter employee, guard, or other resident. *If anyone should ask for such payment, report it immediately to the shelter director.*

There is no detail on what one's civil or legal rights are; it is assumed shelter residents already know but they don't. My mail was opened and/or went missing multiple times and I was retaliated against for even bringing the matter up, packages were opened, and nothing was ever done about any of it. When I did find out how to file grievances and did so for other incidents, I suffered reprisals, when I even spoke about abuses I suffered reprisals. Speaking with other clients or individuals about abuses or potential improvements in resident care earns a reputation

as a troublemaker. Private client information is routinely shown to other clients by a particular DHS employee, and extensive rights are signed away as a condition of receiving services. Interaction with DHS staff is often not courteous, fair, or respectful. The right to have one's version of events put on record is not carried out in practice, threats and mischaracterizations are routine practice for some employees, and I've received insinuations and hints that gratuities would be appropriate combined with threats and sneers.

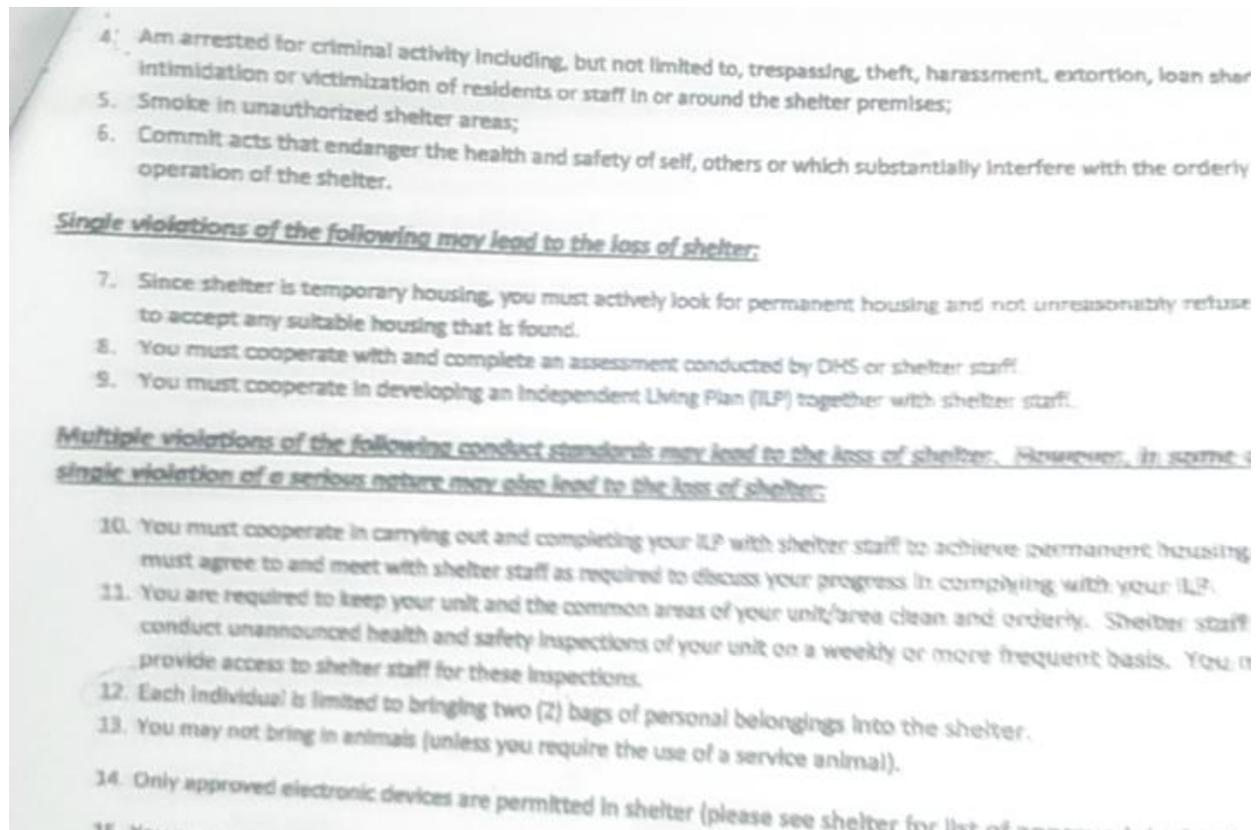
A piece of paper doesn't do much to stand up against abuses in practice, and even less so when there's absolutely no indication about what a homeless client is supposed to do about any of it. Of course abusive workers aren't going to volunteer information about how to appeal issues, other workers don't want to get involved because they don't want to be a "snitch", and nowhere on the supposed bill of rights that's posted is there any contact information about who may be contacted or how if abuses are carried out. The posted sign is an absolutely toothless document; clients don't have any belief in nonsense that clearly doesn't apply, when those clients can see what's happening around them with their own eyes.

Above, I put up pictures of various signs to give an idea of how much attention is paid to shelter resident rights, as opposed to rules, restrictions, regulations, and penalties. The operation of bureaucracy makes it all the more important that simple clear signage be available. Since entering the shelter system, I've amassed a good bit of paperwork.



What is in that paperwork? Very little of rights, and much additional paperwork about rules, regulations, restrictions, and penalties, plus copies of documents where one must sign away rights. The supposed rules, regulations, and restrictions listed, especially when it comes to client rights, often has nothing to do with actual practice.

Besides dealing with issues that caused homelessness in the first place, one must also deal with loads of conflicting documentation that has little to do with reality. The need for a single clear document is apparent.



The above text was used to threaten me when I refused to accept unsafe housing. It was argued that I was “unreasonably” refusing to accept “suitable” housing, that sole determination being made by an abusive DHS worker.

# TRANSITIONAL HOUSING PROGRAMS



# RESIDENT HANDBOOK

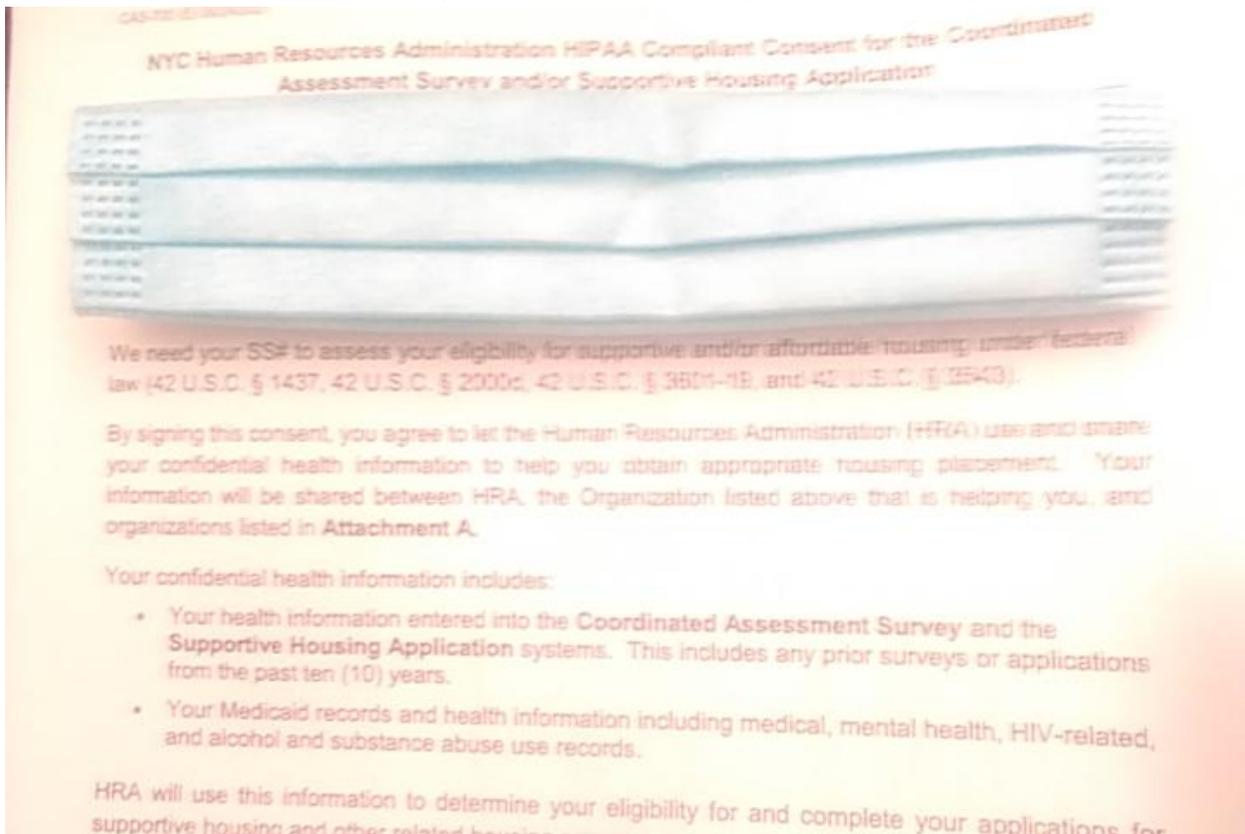
## RESIDENT RIGHTS

From 401.7 ASY (Office of Temporary and Disability Assistance), you are afforded the following rights:

- Not be infringed upon.
- Not be discriminated against on the basis of race, ethnicity, sex, age, religion, or disability.
- Have private, written, and verbal grievances.
- Present a grievance on your behalf or the behalf of anyone else without fear of retaliation.
- Join with other clients or individuals to manage your own financial affairs.
- Follow the LHAS Procedure 90-411 (Policy on saving for personal needs, confidential treatment of personal records).
- Be culturally and linguistically competent.
- Be courteous, fair, and respectful.
- Be housed in a room at any time.
- Receive mail or any other communication.

The cover page is followed by page 15. A lot of supposed documentation shelter residents

receive simply isn't complete, it's quite obvious there's large chunks missing.



Your confidential health information includes:

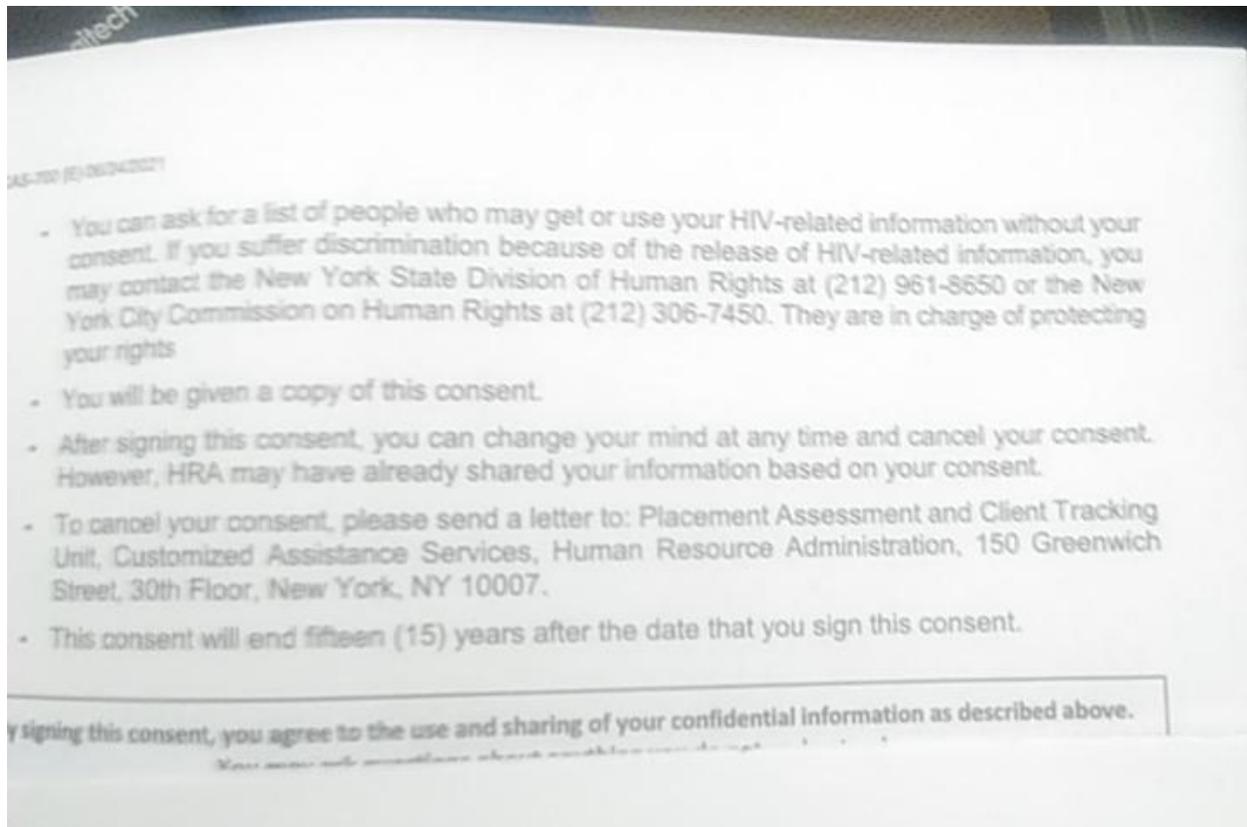
- Your health information entered into the **Coordinated Assessment Survey** and the **Supportive Housing Application** systems. This includes any prior surveys or applications from the past ten (10) years.
- Your Medicaid records and health information including medical, mental health, HIV-related, and alcohol and substance abuse use records.

HRA will use this information to determine your eligibility for and complete your applications for supportive housing and other related housing programs.

We may share your confidential health information with the organizations listed in **Attachment A** for purposes related to referral, placement, evaluation, and tracking. We will only share your information with the organizations that are related to the housing types and rental subsidies that you may qualify for. These organizations may re-share your confidential health information to the housing and subsidy providers that you may be referred to.

Before Signing, You Should Know:

- You must sign this consent to apply for supportive housing. If you do not sign, your treatment, payment, enrollment in a health plan, or eligibility for non-Supportive Housing benefits will not be affected.
- Your health information is protected by the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
- Your confidential information may be re-released by HRA or the other organizations listed in **Attachment A**. The privacy of this information may no longer be protected by federal or state law.



The above document references an "Attachment A". No such attachment was in provided documentation. I mentioned a particular DHS employee has no hesitation to show other client information, and apparently that employee has access to my personal confidential medical records.

What is not shown in pictures above is a document that states a client refusing to sign a release of medical information may be refused services. It was bad enough that I carried it around with me to show others; I must have lost it somewhere along the way.



You have up to seven (7) days to return your personal items (i.e., birth certificates, social security cards, medication, etc.). If you do not claim your belongings, we log the removal date and discarded items. If you cannot pick them up yourself, you may designate someone to pick them up. The designee must have a written authorization signed by you, and proper identification such as a driver's license or non-drivers ID.

### K. COMPLAINTS

You have the right to file a complaint report regarding your concerns. The complaint is submitted to the Security Director, who has *10 days* to respond to the complaint.

### L. RIGHT TO FAIR HEARING

You have the right to ask for a fair hearing concerning any decision made by DHS that affects your continued residency at our facilities.

### M. RESIDENTS' BILL OF RIGHTS

The shelter I was in had no security director for quite a while. Though the director handled the issue in that particular case, the written documentation above provides no information about any other appeal that may be made in case of exceptional circumstances, such as if both a security director and site director are involved in a complaint. Reference is made to a fair hearing in the written document, but exactly how that may be accomplished is not mentioned.

of visiting with...  
 the nude; displaying your nude body; touching yourself or others;  
 If you are non-compliant, you will be subject to disciplinary actions,  
 including ILP violations, infractions, suspensions, arrests, or sanctions.

## H. PROHIBITED ITEMS

The following items are not permitted in our facilities:

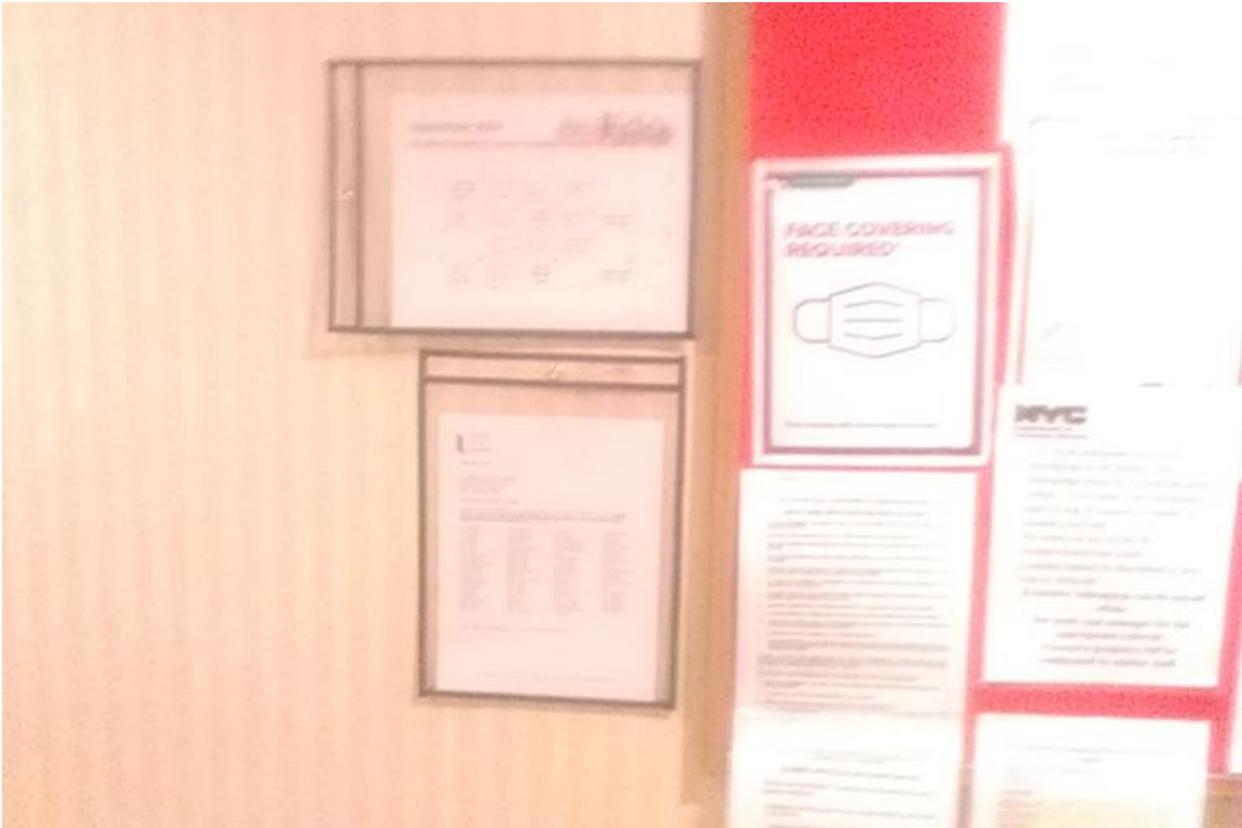
- Computers/Laptops
- Cameras
- Bluetooth Speakers
- CELEBRATED Players
- Game Consoles
- TV's / Radios
- Extension Cords
- Hair Dryers
- Hair Clippers
- Nail Clippers
- Locks
- Food/Beverages
- Alcohol
- Firearms
- Knives
- Razors & Irons  
(stored w/security)
- Tobacco/Cigars
- Lighters/Matches
- Narcotics

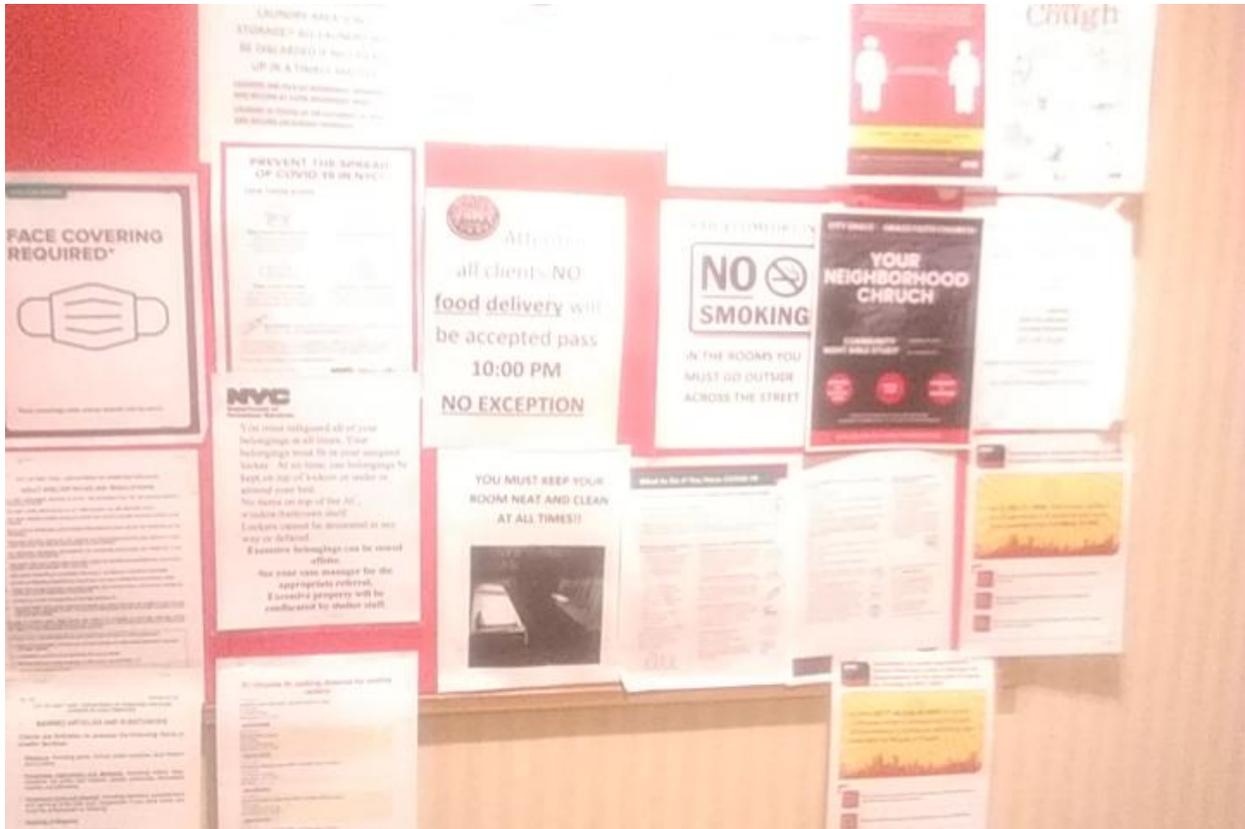
If you bring any of these items, staff will confiscate them. You must pick up the item(s) by the next morning. At the same time, narcotics, alcohol, and firearms will not be returned. If necessary, we may contact outside entities for follow-up. Security will store your razor and/or iron; you must obtain permission from security to use them.

Laptops are listed as prohibited. In this day and age, laptops are not a luxury but a tool, should a shelter resident be lucky enough to have one, it should not be prohibited or confiscated. It may be that DHS has reviewed its internal policies and allows laptops, but this documentation above shows what's on paper and given to shelter residents.

Returning to the matter of signage, I mentioned shelter resident rights are really not emphasized. Case in point, the bulletin board on each floor of the DHS shelter I am in does not

have anything like a bill of rights.





(Closeups of individual documents in Appendix A).

A lot of what's posted on the bulletin board above is nonsense. It's claimed theft and assault may result in ejection from a shelter and additional charges. Not true, as far as I saw incidents are even actively covered up to the extent I considered filing for accessory after the fact on multiple felonies carried out against me - not that I expect the police to prioritize incidents taking place in shelters, but that's another matter entirely. The grievance process is glossed over to the extent I had no idea what to do when various violations were visited upon me, you can see there's no mention of any grievance process on that board. I've seen repeated claims that there is no retaliation, but there actually is retaliation, blatant, unrestrained, and even joyous retaliation. Clients are not told they may or should file in Small Claims for material losses sustained under certain conditions. So much of the posted documentation is quickly found to be blatantly not true that the few things that might actually apply are lost in the mix, and a shelter resident wastes so much time being bounced around and finding out what actually doesn't apply that they really don't have any faith that anything posted will apply and certainly aren't interested in wasting time on it.

Verbal testimony was made regarding sockets for wheelchair users; I believe something was said to the effect clients only need "file for reasonable accommodation". This was frankly astonishing to me, I literally could not believe the level of nonsense I was hearing. When rails for handicapped people are broken off and not repaired, when people are getting physically

assaulted and nothing's done about it, when people are actively retaliated against for even bringing those things up, nobody is going to waste their time "filing for reasonable accommodation". It's literally more productive to file a request for a rainbow unicorn that farts twenty dollar bills, at least then you might get a laugh instead of retaliation. When a shelter resident hears "Yes, let me get right on it", I expect it's a sarcastic rejoinder rather than an acknowledgment of urgency. But it's not that I'm entirely unsympathetic, DHS knows what happens in the shelters and I expect they know there are more urgent priorities. When you have ambulances pulling up every so often, people shouting threats about stolen things or just whatever got them irritated, brokers and landlords demanding to meet at particular times and not being able to be put off, or whatever else I don't even know about, that's how it is.

I'll say again, it's not just about shelter residents knowing filing paperwork is a complete waste of time. Active retaliation intimidates shelter residents into not filing reports, and as you might expect, in such an environment shelter residents are hardly being given information about what to do about abuses, or even allowed to ask about such information without penalties. After a shelter resident is framed for supposed repeated violations, they can get kicked out of a shelter. I suspect I only barely avoided having that situation inflicted upon myself as it's known I keep careful records and am in communication with others outside the shelter - yet exactly that was \*still attempted\* against my person by a frankly evil DHS employee. Someone more easily intimidated than I, less confident, less well-spoken, or less experienced wouldn't stand a chance - and they don't.

A good rule of thumb is if something involves work being done on a homeless client's behalf then it won't happen, and the client will be retaliated against for even making a suggestion. If a homeless client is put in danger, nothing will be done and there will be active resistance to filing reports. Troublemaking staff back one another up while other staff do nothing. That's my experience in multiple shelters. As one DHS staff member put it, laughing, "You in da shelter now, baby!"

Recent changes in staff at the DHS shelter I'm in has addressed some of the more egregious issues I've experienced, but another change in staffing could see the situation get much worse than it was to begin with, and shelter residents in other shelters most certainly have very nasty experiences.

The council should pass Int 0190-2022, but with provisions for independent review of the homeless bill of rights, and additional provision made for regular review and revision. The bill of rights should include actionable steps a shelter resident may carry out to improve their situation, with multiple levels of appeals. Internet links to resources should be included. Shelter residents may not have easy access to computers, but a link to information is better than absolutely nothing at all, which is what we have right now.

Re: [Int 0276-2022](#) De-escalation and trauma-informed training for dept of homeless services employees, [Int 0431-2022](#) Requiring the dept of homeless services to provide customer service training.

When DHS staff handle matters poorly, clients that lose trust in the system leave or become less compliant. Sometimes, a staff member won't have answers that a traumatized client can accept, and the staff member may lie, bully, or condescend so they won't have to deal with issues in the short term. But creating an adversarial relationship creates long-term issues.

I was housed with a roommate that stole my personal information by opening my locker and going through my wallet, who set up an account in my name and tried to steal from accounts in my name. I was told by a DHS employee that it was all my fault. When I reported being physically threatened and said I would have to defend myself at some point, I was threatened with being put on report for "premeditating violence." When I was moved to another room and another roommate attempted to physically assault me, though there was a RA and guard present that saw I hadn't instigated anything, I was told I was to blame. After weeks with nothing done, I asked why nothing happened to either person, I was told it wasn't my business and that filing police reports wasn't necessary.

In a DHS shelter, stealing and physical assault are completely fine, any incident is covered up. It's worse than useless to file reports of bad behavior as you are actively singled out for punishment. This is my direct experience living in a DHS shelter.

I saw one resident say his clothes had been stolen while he was in the shower; though it was very early in the morning and hardly anyone was moving around, the guards refused to even look at the cameras or file any report, saying the thief would have hidden what they stole from cameras. At another shelter, when my belongings were stolen by one of the guards, the same attitude prevailed; it's gone, too bad, I didn't know how to file a grievance at the time and I was not informed of my rights. One guard kept trying to start fights with other residents, other guards called residents "crazy" and otherwise disrespected them when told of legitimate grievances, the list goes on and on.

When a DHS worker repeatedly pressures me to live in certain areas (possibly due to financial incentives) and I say I there's high crime rates, gang activity, or other issues, I'm repeatedly told there are no apartments cheap enough for the voucher to cover in the areas I'm trying to live in, even when I repeatedly show that is not the case with lists of specific apartments. I'm asked to my face repeatedly if I'm in a gang or have a criminal history that gives me particular reason not to live in a high-crime area, when I repeatedly say I don't, I'm told my concerns are ridiculous, the areas are safe (despite footage of bullet holes and testimony by area residents to the contrary), that I'm the problem, that I probably do have a criminal history and all sorts of nasty insinuations. I'm told refusing to accept a bad apartment means my record will be permanently marked, that I'll be kicked out of shelter, that I have no choice but to accept whatever situation they decide to put me into.

I've seen DHS workers lie so often that I think they're told to tell clients they're "safe" in a shelter. But when a client figures it out, a client \*knows the worker will not hesitate to lie\*, the client knows \*the worker has their own interests in mind and NOT the client's\*.

Staff often trivialize client concerns over literally anything. Sometimes I think it's well-intended, trying to give clients perspective to be grateful for what they have. But well-intended or not, it comes off as dismissive and has traumatized clients escalating matters as they try to be taken seriously.

Int 0276-2022 and Int 0431-2022 should be passed.

Re: [Int.0522-2022](#)

Some verbal testimony was made to the effect that some period without mental health services is "not that long", and that social workers provide care.

Besides dealing with the stress that made someone homeless in the first place and the added stress of homelessness itself, shelter residents are also dealing with the stress of dealing with an often unsympathetic bureaucracy. "Not that long" is a perfect example of the dismissive attitude some DHS staff have. Bridges in New York City are easily and quickly accessible, and I think it would take about thirty seconds to climb over barriers and inflict irreversible harm on oneself. I have no intent of self-harm, I am making the point that "not that long" to people in stressful situations without mental health care can literally mean the rest of their lives.

The single best predictor of positive mental health outcomes is not "positive thinking" or even pharmacological treatment, but actual improvement in life circumstances. Consider someone that's recently homeless, dealing with the stresses of being homeless, the stresses from the situations that caused homelessness, then the additional stress of dealing with an uncaring bureaucracy that denies there's even any issue. Homeless people don't deserve mental health services. They're happy and healthy, and also aren't even really human, so why waste expensive medical treatment? This is a sentiment I've seen expressed repeatedly in the attitudes of some DHS staff. Yes, your clothes were stolen, it's not that serious (that you lost literally half the clothes you own over repeated robberies), yes your roommate hasn't let you get more than an hour a night of sleep a week and you're literally going insane but it's not that serious, oh, and have you ever considered you're the problem here, after all you're homeless, you know, and you should be grateful for the food that's provided even if over half of it does give you diarrhea, which I actually find quite funny so I'm going to have a laugh in your face for a couple minutes. "You in da shelter, baby!" One can truly see how DHS shelters are a safe, calm, and relaxing place where clients have a chance to recover their faculties. If this small amount of sarcasm and contempt is found in poor taste, imagine it multiplied, institutionalized, and ground into you over a period of months or years.

"It's not that long"? Even if we're not talking suicides, adversarial conditions result in mental states that have harmful outcomes, whether substance abuse, lashing out at others, noncompliance, or whatever negative behaviors one may care to mention. Exactly how long is considered "not too long" and where are the studies that back that assessment up? I'm aware of studies that report improvement in mental health outcomes after someone transitions from a

homeless shelter to housing. I'm aware of reports citing dangers of leaving mental health problems untreated. I'm not familiar with studies that cite how long it's safe to leave mental health conditions untreated. I expect we may look forward to DHS's report.

As to the claim DHS social workers provide adequate mental health services, it is known in the homeless community that you just don't get involved with that. The perception is it's not only a complete waste of time, it's also dangerous. A waste of time, because the social worker isn't going to give you any helpful leads as to how you can actually do something about your situation, they're going to waste time telling you to "be accepting" and "be positive" and other useless garbage victim mentality claptrap. Someone physically assaults you because they think you're a victim, repel them with the power of positive thinking! Or report it to DHS staff, which gets you retaliated against! Anything you say can go in the report, and who can see that report and use that information against you? I've seen one DHS worker routinely and repeatedly openly expose other clients' information, I don't have particularly high expectations about information security at DHS. But those are all best-case scenarios, in the reasonably likely worst-case, a social worker is just one more person that can potentially mess with your life in very nasty ways for whatever reasons of their own (they want to make false claims so it looks like they're doing hard work so get a promotion, or they have incentives to file false claims so they can get kickbacks, and if a social worker says they don't have any reason to make false claims, then what recourse does a homeless client have to investigate that claim or to make any sort of appeal? As far as I know clients can't even find out what social workers write about them. Which is more support for the homeless bill of rights 0190-2022 but I digress.) The expectation is social workers won't improve conditions at all and you're just giving the system one more way to screw with your life, so just don't do it.

As if that weren't enough reason, I've personally seen multiple so-called counselors that are supposed to be providing guidance bragging about how they survived drugs, gangs, or whatever violence, claiming whoever else's problems aren't so bad, they just have a bad attitude. It's just the most toxic sort of nonsense, the power of positive thinking is all you need, your problems aren't real, in fact you're lucky and blessed to be in a homeless shelter. Physical assault, robbery, diarrhea, skin rashes, blisters, threats, verbal abuse, going day to day and unable to make any real improvement to one's conditions while going around and around in the wheels of bureaucracy, those are all petty and trivial concerns! You just need to realize how lucky you are to still be breathing. And the counselors are doing better than "listening", they are "HEARING" you, except they can't tell you one thing you told them and they won't stop talking, and you need to realize just how lucky you are because they've helped so many people and you're just bad and toxic and refusing help, you're definitely a problem.

If a shelter resident is going to place their trust in mental health services, absolutely it should be an independent mental health professional from outside DHS's system, and not a social worker.

I do not say all DHS social workers are bad; some are quite good. But I do say if someone states they're a social worker with DHS, there's going to be a certain perception by clients, whether right or wrong. If DHS finds issue with costs associated with improved access to

independent mental health professionals, though there's been a 22% budget cut DHS must understand the condition of a system that has generally been allowed to decay to the point it is not trusted by those it is supposed to service. When equipment is not maintained it breaks down and is expensive to repair, the parallels are quite exact.

As to dealing with budget cuts, I expect DHS staff are well aware of the decades-long history of budget cuts to mental health services. The price had to be paid sometime and somewhere. Yet despite budgeting during deBlasio's administration

<https://www.archives.nyc/blog/2022/5/20/oq2ongk62te2ht5zrnlikfg0g6qv98>

There were certain questions over how budgeting was allocated and used.

<https://www.cityandstateny.com/policy/2021/06/after-de-blasio-will-nycs-mental-health-thrive/182779/>

“The mayor dedicated over \$2 million to an ad campaign trying to get people who have ‘anxiety, depression or need someone to talk to’ to call a referral line,” D.J. Jaffe, former executive director of the Mental Health Policy Org., [wrote](#) in the Daily News six months after ThriveNYC's launch. “The ads don't ask those who are psychotic, delusional, and eating out of dumpsters to call.”

“We are having trouble looking at what Thrive is,” Stringer [wrote](#). “One of the basic questions we are trying to figure out is, what is Thrive?”

Stringer noted that almost half of the 54 programs had disappeared from ThriveNYC's most recent budget, and asked for an accounting of the number of people it had reached and helped.

At a City Council [oversight hearing](#) the next month, McCray distanced herself from the program's day-to-day operations, [saying her role is to take its “message to the public” rather than execute its goals](#). She deflected questions about ThriveNYC's budget and outcomes to its incoming chair, Herman. In a [letter](#), Herman told Stringer ThriveNYC was not “yet affecting a citywide metric on mental health” because it was too early in the program.

Under pressure, the Office of ThriveNYC released 472 metrics related to the success of its various programs, but few metrics on patient outcomes. Some initiatives struggled to attract and retain staff. The Mental Health Service Corps, for example, had only been able to fill [263](#) of the allocated 395 slots for clinicians to conduct outreach to needy communities.”

I do not expect interdepartmental cooperation to be easy, but in the face of a clear and pressing need for services after decades of budget cuts elsewhere leaving DHS with increased burden, and a 22% budget cut to DHS itself, I suggest DHS reconsider unprecedented levels of interdepartmental cooperation as a possible solution, or at least provide detailed explanations of why such solutions are not feasible, so those details may be examined and addressed.

In case DHS claims that homeless people do not commit suicide under their watch, I expect when a homeless person steps into the path of a train, or falls off a bridge, perhaps under the influence of drugs, that such is characterized as misadventure, rather than suicide. After all, when I was robbed on one occasion and physically assaulted on another, I was strongly discouraged by multiple DHS staff from filing any police report. Though I only speculate to the reasons - perhaps official reports outside DHS's control may reflect negatively on DHS when they are not in control of the narrative - I \*do\* know I was discouraged from filing reports and actively and nastily retaliated against. So when I question how many suicides actually occur on DHS's watch, how many are covered up, I strongly suspect statistics are underreported. Certainly there's no shortage of substance abuse or self-destructive behavior either.

The council should pass Int 0522-2022.

# \*NOTICE\*

LAUNDRY SHOULD BE PICKED UP BETWEEN THE FIRST OR SECOND DAY OF RETURNING.

LAUNDRY AREA IS NOT STORAGE!! ALL LAUNDRY WILL BE DISCARDED IF NOT PICKED UP IN A TIMELY MATTER.

LAUNDRY ARE PICK UP WEDNESDAY MORNING AND RETURN AT 11PM WEDNESDAY NIGHT.

LAUNDRY IS PICKED UP ON SATURDAY AT 3PM AND RETURN ON SUNDAY MORNING.



## Attention all clients

PER DHS POLICY –All personal hygiene products/property etc. Must be properly stored away into your lockers.

NAICA will not be responsible for any personal items that come up missing.



## Attention all Residents

to avoid any kind of infestation with rodents, insects etc. NAICA we not hold any type of food Items behind the security desk or behind the safety Monitors.

Submitted for everyone's attentions

TOP OF THE SPREAD OF CORONAVIRUS:  
**MAINTAIN SIX FEET  
OF DISTANCE**

All New Yorkers must wear a face covering when  
outside their home if unable to maintain at least  
6 feet of distance between themselves and others.

New York State Executive Order No. 202.17



Text **COVID** to **692-692** for real-time updates  
or visit [nyc.gov/coronavirus](https://nyc.gov/coronavirus)

Call **311** to report harassment, discrimination, or violation

# Cover your Cough



Cover your mouth and nose with a tissue when you cough or sneeze.

Or cough or sneeze into your upper arm, not your hands.



Put your used tissue in a waste basket.



You may be asked to wear a surgical mask in public. Don't worry if you see staff and others wearing masks.

They are preventing the spread of germs.



## Wash your Hands

after coughing or sneezing



Wash with soap and water or clean with alcohol-based hand cleaner.



NYC health

The City of New York  
Department of Health & Mental Hygiene



APK

# September 2022



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	1	2	3
4	5 <b>LABOR DAY PROGRAMS CLOSED</b>	6 Assurance Wireless 11am Empowerment Group 2pm-4pm	7 Alimony Management Workshop 5pm-8pm	8 Housing Readiness Workshop 2pm-5:30pm	9	10
11 Employment Readiness Workshop 2pm-5:30pm	12	13 Assurance Wireless 11am Empowerment Group 2pm-4pm	14 <b>HOUSE MEETING 5pm</b>	15 Conflict Resolution Workshop 12pm-2pm	16 <b>MOVIE NIGHT 6pm-10pm</b>	17
18	19	20 Assurance Wireless 11am Empowerment Group 2pm-4pm	21 Expenses RV & High C Testing 12pm-4pm	22 Housing Readiness Workshop 2pm-5:30pm	23	24
25 Employment Readiness Workshop 2pm-5:30pm	26	27 Assurance Wireless 11am Empowerment Group 2pm-4pm	28 <b>HOUSE MEETING 6pm</b>	29	30 <b>GAME NIGHT 6pm-10pm</b>	1
2	3	Notes				

6

PLEASE USE INFORMATION

**FACE COVERING  
REQUIRED\***



Face coverings with valves should not be worn.

# PREVENT THE SPREAD OF COVID-19 IN NYC!

## TAKE THESE STEPS:



### Stay home if you're sick

Only leave for essential medical care and testing or other essential errands.



### Keep physical distance

Stay at least 6 feet away from other people.



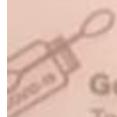
### Wear a face covering

You can be contagious without symptoms. Protect those around you by wearing a face covering.



### Keep your hands clean

Wash your hands often with soap and water or use hand sanitizer if soap and water are not available.



**Get tested:** There are COVID-19 testing sites in all five boroughs. To find a site, visit [nyc.gov/covidtest](https://nyc.gov/covidtest) or call 311.

If you are at increased risk of severe illness from COVID-19, you should still stay home as much as possible. Those at increased risk are adults age 50 or older (adults 65 and older are at the highest risk), and those who have other health conditions.

For the latest information, visit [nyc.gov/coronavirus](https://nyc.gov/coronavirus).



Attention

all clients **NO**

**Good delivery** will

be accepted pass

**10:00 PM**

**NO EXCEPTION**

MAXIMA COMFORT IN

**NO**



**SMOKING**

IN THE ROOMS YOU  
MUST GO OUTSIDE  
ACROSS THE STREET

COMMUNITY GRACE & GRACE FAITH CHURCH

# WISDOM FOR LIFE CHALLENGE

**COMMUNITY  
NIGHT BIBLE STUDY**

THURSDAYS 7PM

65 CHRYSIE ST.

WISDOM  
FOR LIFE  
CHALLENGE

WISDOM  
FOR LIFE  
CHALLENGE

WISDOM  
FOR LIFE  
CHALLENGE

COME BY ON SUNDAYS! YOU'RE WELCOME HERE  
WORSHIP AT 10:30AM (FOOD TO FOLLOW FOR PARTICIPANTS)

Your gross income (including all other income) must not exceed \$2265 monthly or \$27,180 yearly.

Below are the Federal Poverty Guidelines

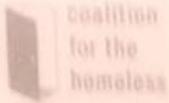
200% FPL (Annual)	200% FPL (Monthly Rounded)
\$27,180	\$2,265

Reduce hours of work or use (EO5D) Enhance One Shot Deal.

See your Case Manager for information.

12

13

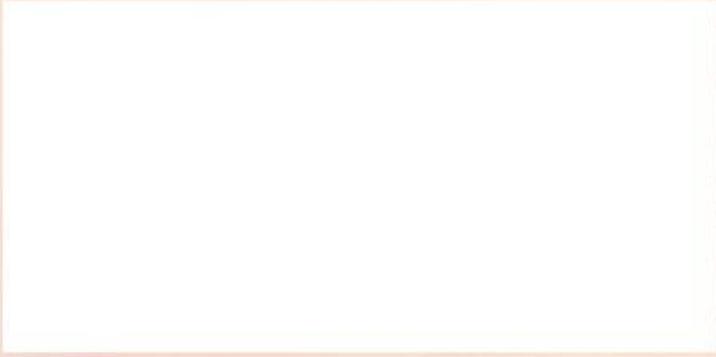


September 1, 2022

Mr. Rodriguez, Deputy Commissioner  
Department of Homeless Services  
33 Beaver Street, 18th Floor  
New York, New York 10004

Dear Deputy Commissioner Rodriguez:

Below please find the Coalition for the Homeless monitors list for September 2022. As in the past, Coalition members have 24-hour access to the New York City shelter system and are not to be escorted by staff security guards during monitoring shifts. Please distribute ASAP.



14

CITY OF NEW YORK • DEPARTMENT OF HOMELESS SERVICES

ADULT SHELTER RULES AND REGULATIONS

1. ALL BED ASSIGNMENTS ARE MADE BY STAFF. BED ASSIGNMENTS MAY NOT BE CHANGED WITHOUT APPROVAL OF STAFF.
  2. YOU MUST CARRY IDENTIFICATION AT ALL TIMES AND SIGN THE "BED REGISTER" DAILY.
  3. YOU MUST OBSERVE CURFEW RULES AS POSTED, AND VACATE YOUR BED OR ROOM DURING HOURS POSTED.
  4. NO ALCOHOLIC BEVERAGES, UNAUTHORIZED MEDICINES OR ILLEGAL DRUGS ARE PERMITTED ON THE PREMISES.
  5. STEALING, PHYSICAL ASSAULTS, OR ABUSIVE OR THREATENING BEHAVIOR WILL RESULT IN YOUR EJECTION FROM THE SHELTER AND POSSIBLY IN YOUR ARREST.
  6. NO WEAPONS, DANGEROUS INSTRUMENTS, OR HAZARDOUS SUBSTANCES ARE PERMITTED TO BE BROUGHT INTO THE SHELTER.
  7. YOU MUST TURN IN ALL TOOLS USED FOR EMPLOYMENT OR TRAINING FOR SAFEKEEPING, AND YOU MAY REDEEM THEM WHEN NEEDED FOR YOUR JOB.
  8. SMOKING IS PERMITTED IN AUTHORIZED AREAS ONLY. NO SMOKING IN SLEEPING QUARTERS.
  9. EATING IS PERMITTED IN DESIGNATED AREAS ONLY; NO FOOD IS PERMITTED IN SLEEPING AREAS.
  10. ITEMS THAT CAUSE ELECTRICAL OR FIRE HAZARDS, SUCH AS ELECTRICAL APPLIANCES, INCENSE OR CANDLES ARE NOT PERMITTED IN THE SHELTER.
  11. NO SEXUAL ACTIVITY IS PERMITTED IN THE SHELTER FACILITY.
  12. YOU MUST MEET WITH A SOCIAL SERVICE WORKER ON A REGULAR BASIS AND AGREE TO AND FOLLOW A SERVICE PLAN DESIGNED TO HELP YOU DEVELOP RESOURCES AND OBTAIN OTHER HOUSING OUTSIDE THE SHELTER SYSTEM.
- FAILURE TO COMPLY WITH THESE RULES MAY RESULT IN TRANSFER TO ANOTHER SHELTER AND/OR SUSPENSION OF ALL SHELTER SERVICES FOR UP TO SEVEN DAYS. REPEATED VIOLATIONS OF THESE RULES MAY RESULT IN DISCONTINUANCE OF SHELTER SERVICES.

PLEASE NOTE: SHELTER SERVICES MAY BE SUSPENDED FOR THE FOLLOWING BEHAVIOR:

- A. ASSAULTS OR PHYSICAL ATTACKS ON ANOTHER PERSON, OR THREATENING BEHAVIOR TOWARDS ANOTHER PERSON;
- B. POSSESSION, USE OR SALE OF WEAPONS OR ILLEGAL DRUGS;
- C. SETTING FIRES OR CAUSING DAMAGE TO THE FACILITY OR EQUIPMENT; OR
- D. INTERFERENCE FOR CRIMINAL ACTIVITY.

# NYC

Department of  
Homeless Services

15

You must safeguard all of your belongings at all times. Your belongings must fit in your assigned locker. At no time, can belongings be kept on top of lockers or under or around your bed.

No items on top of the AC, window/bathroom shelf.

Lockers cannot be decorated in any way or defaced.

**Excessive belongings can be stored offsite.**

**See your case manager for the appropriate referral.**

**Excessive property will be confiscated by shelter staff.**

Page 1 of 1

AT 100-11011

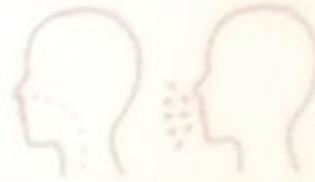


# HOW TO TAKE CARE OF YOURSELF AND OTHERS AT HOME

## Are the Symptoms of COVID-19?

There are a wide range of symptoms, ranging from mild to severe. Some people do not have any symptoms.

Common symptoms include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, loss of smell, sore throat, congestion or runny nose, nausea or vomiting, and diarrhea.



## Who is Most At Risk for Serious Illness from COVID-19?

Among adults, the risk of serious illness increases with age, with older adults at the highest risk.

People of any age that have underlying health conditions, such as:

- Cancer
- Chronic kidney disease
- COPD (chronic obstructive pulmonary disease)
- Weakened immune system from organ transplant
- Obesity
- Serious heart conditions
- Stable and unstable angina
- Type 2 diabetes
- If you have an underlying health condition that increases your risk of severe COVID-19 or any flu or other respiratory virus, you should take as much as possible to protect yourself.



## What Should I Do if I Have COVID-19 Symptoms?

- **Stay home!** Do not leave home except to get COVID-19 testing and other essential medical care or to get basic needs such as groceries, if someone can't get them for you. Do not go to work, even if you are an essential worker.
- **Consult with your health care provider!** Use telephone or telemedicine when possible.
- **Get tested!** If your provider doesn't offer testing, visit [www.gov/COVID19test](https://www.gov/COVID19test) or call 911 to find a testing site near you. Many sites offer free testing.
- **Call 911 in an emergency!** If you have trouble breathing, pain or pressure in your chest, are confused or cannot stay awake, have bluish lips or face, or any other emergency condition go to the hospital or call 911 immediately.
- **If you must leave your home:**
  - Avoid crowded places.
  - Stay at least 6 feet from others.
  - Wear a face covering.
  - Wash your hands before you go out and use alcohol-based hand sanitizer if available.



WE'RE HERE FOR YOU! [WWW.CITYGRACENY.COM](http://WWW.CITYGRACENY.COM)

If you have COVID-19 or symptoms of COVID-19 and live with others:

Create physical distance:

- Do not have visitors.
- Stay at least 6 feet from others. Stay in a separate room if possible.
- Sleep head-to-toe if you share a bed, or have someone sleep on the couch.
- Keep people who are sick separate from others, especially from people at increased risk for serious illness.
- Consider staying at a COVID-19 Hotel, free of charge. Visit [nyc.gov/covid19hotel](http://nyc.gov/covid19hotel) or call 844-NYC-4NYC (844-692-4692).

Cover up:

- Wear a face covering, especially when you are within 6 feet of others.
- Cover your cough or sneeze with a tissue or your arm.

Keep it clean:

- Throw tissues into the garbage immediately after use.
- Wash your hands often with soap and water for 20 seconds, especially after you cough or sneeze.
- Use alcohol-based hand sanitizer if you are unable to wash your hands.
- Frequently clean surfaces you touch, such as doorknobs, light switches, faucet handles, phones, and remote controls.
- Wash towels, sheets and clothes at the warmest possible setting with your usual detergent, and dry completely.
- Do not share food or utensils with others and wash them after every use.

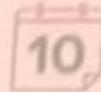


### When Can I Leave My Home After Being Sick?

If you have been sick, stay home until:

- It has been at least 10 days since your symptoms started.
- You are fever-free for the prior 24 hours without taking fever-reducing medication.
- Your overall illness has improved.

If you tested positive for COVID-19 by a rapid or saliva diagnostic (virus) test but have never had symptoms, stay home for 10 days from the date you were tested.



### ? NEED HELP?

If you do not have a doctor but need one, call 844-NYC-4NYC (844-692-4692). New York City provides care, regardless of immigration status or ability to pay.

For more information about COVID-19, call 311 or visit [nyc.gov/coronavirus](http://nyc.gov/coronavirus).



## Announcing an Important Change to Department of Homeless Services Cu

As of July 11, 2022, DHS shelter curfews  
for Single Adults and Adult Families have  
been extended from 10 PM to 11 PM.



Please note, all other DHS shelter rules and policies remain  
the same.



This will allow greater flexibility for you to manage your  
own schedule.



If you have any questions, please speak with your case manager  
or a shelter employee.

nte al  
ergue del  
s Personas

JULY 2022

- A. ASSAULTS OR PHYSICAL ATTACKS ON ANOTHER PERSON, OR THREATENING BEHAVIOR TOWARD ANOTHER PERSON;
- B. POSSESSION, USE OR SALE OF WEAPONS OR ILLEGAL DRUGS;
- C. SETTING FIRES OR CAUSING DAMAGE TO THE FACILITY OR EQUIPMENT; OR
- D. VIOLATING ANY CRIMINAL ACTIVITY.

Rev. 7/97

PETER D'AMICO

CITY OF NEW YORK - DEPARTMENT OF HOMELESS SERVICES  
DIVISION OF ADULT SERVICES

### BANNED ARTICLES AND SUBSTANCES

Clients are forbidden to possess the following items in shelter facilities:

- **Weapons**, including guns, knives, brass knuckles, and firearm ammunition.
- **Dangerous Instruments and Materials**, including axes, bats, scissors, ice picks, box cutters, caustic chemicals, flammable liquids, and fireworks.
- **Hazardous Tools and Utensils**, including hammers, screwdrivers and carving forks (see your caseworker if you have tools you need for employment or training).
- **Replicas of Weapons**
- **Illegal Drugs and Drug Paraphernalia**
- **Alcoholic Beverages**

Possession of the above contraband items on shelter premises may result in arrest, suspension of services for up to seven days or discontinuance of shelter services for 30 days.

The following goods and articles are also not permitted in shelters and will be confiscated:

- **Electric Appliances**, including hairdryers, hair curlers and electric heaters.
- **Incense and Candles**

21

## 61 Chrystie St. walking distance for cooling centers

• 0.12 mi •

### UJCES Lunch Club OAC - OLDER ADULTS ONLY

0.12 miles  
15 Wilett Street  
Manhattan, NY 10002

**(212) 673-9328**

• 0.19 mi •

### Seward Park Library

0.19 miles  
192 East Broadway  
Manhattan, NY 10002

**(212) 477-9279**

• 0.21 mi •

### Weinberg Neighborhood NSC - OLDER ADULTS ONLY

0.21 miles  
197 East Broadway  
Manhattan, NY 10002  
6th floor

**(646) 395-5270**

• 0.25 mi •

### Grand Coalition of Seniors NSC - OLDER ADULTS ONLY

0.25 miles  
175 Delancy St 4th Fl  
Manhattan, NY 10002

**(646) 291-5251**

• 0.25 mi •

### Henry Street Settlement NSC - OLDER ADULTS ONLY

0.25 miles  
234 Madison St.  
Manhattan, NY 10002  
Take ramp to basement

**(212) 388-2779 x1205**

• 0.30 mi •

### Yan Bridges Community Center

0.30 miles  
200 South St.

**Annunciamos un cambio importa  
horario límite para volver al albergue del  
Departamento de Servicios para Personas  
en Vivienda de NYC (DHS)**

A partir del 11 de julio de 2022, el horario  
límite para volver al albergue del DHS para  
adultas solteras y familias de adultos ha sido  
extendida de 10 p.m. a 11 p.m.



Es importante tener en cuenta que las otras reglas y políticas de albergue  
del DHS siguen siendo las mismas.



Esto le permitirá manejar su propia agenda con mayor flexibilidad.



Si tiene preguntas, por favor habla con su administrador  
de caso o con el personal del albergue.

No.

---

---

**In the Supreme Court of the United States**

---

TOWAKI KOMATSU,  
Petitioner,

v.

CITY OF NEW YORK, ET AL.

Respondents.

---

ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

---

**PETITION FOR A WRIT OF CERTIORARI**

---

TOWAKI KOMATSU  
802 Fairmount Pl.  
Apt. 4B  
Bronx, NY 10460  
(347) 316-6180

---

---

## LIST OF PARTIES

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- |     |                                      |     |  |
|-----|--------------------------------------|-----|--|
| 1.  | THE CITY OF NEW YORK                 | 14. | JEFFREY MOSCZYC                                      |
| 2.  | RONALD ABAD                          | 15. | THE NEW YORK STATE OFFICE<br>OF COURT ADMINISTRATION |
| 3.  | MARILYN ANDZESKI                     | 16. | THE NEW YORK STATE<br>UNIFIED COURT SYSTEM           |
| 4.  | STEVEN BANKS                         | 17. | KISHEA PAULEMONT                                     |
| 5.  | NANCY BANNON                         | 18. | ANN MARIE SCALIA                                     |
| 6.  | KRISTIN BENJAMIN-SOLIS               | 19. | AVRAHAM SCHMEIDLER                                   |
| 7.  | SHARON COATES                        | 20. | FREDERICK SHACK                                      |
| 8.  | CUBESMART                            | 21. | NANCY SOUTHWELL                                      |
| 9.  | DANIELS NORELLI CECERE &<br>TAVEL PC | 22. | BRENDA SPEARS  |
| 10. | MARIN GERBER                         | 23. | ERIC TAVEL   |
| 11. | ALLISON HEILBRAUN                    | 24. | URBAN PATHWAYS, INC.                                 |
| 12. | LISA LOMBARDI                        | 25. | WENDELL VAUGHAN                                      |
| 13. | MOLLY MCCRACKEN                      |     |  |

## RELATED CASES

1. *Komatsu v. City of New York*, No. 20-6510 (LLS)(S.D.N.Y. Oct. 21, 2020)
2. *Komatsu v. City of New York*, No. 21-cv-11115 (LTS)(S.D.N.Y.)
3. *Komatsu v. City of New York*, No. 22-501(2d Cir.)
4. Petitioner's ongoing appeal of *Komatsu v. New York City Human Resources Admin.*, 2021 N.Y. Slip Op 3410 (App. Div. 2021) to the New York State Court of Appeals that has not yet been assigned a case number by the New York State Court of Appeals, was dismissed for want of prosecution on January 18, 2022, and is pending a decision by the New York State Court of Appeals as to whether to grant Petitioner's motion to vacate that dismissal.
5. *Urban Pathways, Inc. v. Komatsu*, No. LT-304821-22/BX (Civ. Ct., Bronx Cty.)

## QUESTIONS PRESENTED

1. Since the New York State Office of Temporary and Disability Assistance (“OTDA”) ordered the New York City Human Resources Administration (“HRA”) in February or March of 2022 to investigate whether HRA’s personnel created a forgery from the apartment lease agreement that I signed on 2/16/16 with Urban Pathways, Inc. (“Urban”) in response to highly incriminating information that I had prior to 10/22/20 and shared with OTDA on 2/16/22 and on 4/11/17, is that sufficient to warrant reconsideration and reversal of Judge Stanton’s 10/22/20 dismissal order as well as the Second Circuit’s 1/31/22 and 12/20/21 orders for my appeal about that?
2. Was I materially prejudiced by inability to learn about and fully respond to the objections that the Second Circuit and U.S. District Court Louis Stanton had about my amended complaint in the district court action before Judge Stanton dismissed it and the Second Circuit upheld that?
3. Did Judge Stanton prejudicially and extensively get critical matters of fact and evidence wrong in the district court action?
4. Was the issue of whether HRA sufficiently controlled and had coercive power over vendors it contracts with to provide shelter and housing to people to control how such business partners operate a key matter that warranted meaningful discovery in the district court action instead of its premature and prejudicial dismissal?
5. Did Judge Stanton violate my First and Fourteenth Amendment rights by discriminating against me by allowing 3 other pro se plaintiffs with lawsuits against Urban to file an amended complaint in them after being apprised of his objections by not letting me do so too?
6. Is it reasonable to infer from information on page 18 in my amended complaint that HRA and HRA’s deliberate indifference about complaints that I reported to it since March of 2016 about having been victimized by a bait-and-switch fraud and forgery scheme that HRA personnel were involved in a conspiracy with Urban to commit, condone, and cover-up that crime?
7. Are those who commit, condone, and cover-up bait-and-switch fraud and forgery schemes that apply to apartment lease agreements liable for the snowball effect of harm that is caused by that?
8. Are lease agreements binding and fully-enforceable once they’re signed by the parties and are other agreements that are issued by a party and signed by them to a beneficiary of them also binding and fully-enforceable upon receipt by the beneficiary?
9. Must litigation be commenced to void or modify the terms of a lease after it’s issued and signed by the parties to cause that to occur during the term that lease covers in instances in which consent hasn’t been provided by one of the parties to allow that to occur?
10. Is HRA and its personnel prohibited from reassigning one publicly-subsidized apartment for another in violation of the terms of a binding and fully-enforceable apartment lease

agreement that is applicable to a specific apartment with the consent of all of the parties who signed that lease and without commencing litigation to allow that reassignment?

11. Is HRA and its personnel prohibited from reassigning an application that someone submits to it with a signed lease agreement for a specific apartment to receive a government rental subsidy from HRA for that specific apartment to cause that subsidy application to be reassigned to apply to some other apartment without the applicant's knowledge nor consent?

12. Have my Fourteenth Amendment equal protection rights, estoppel, and the unclean hands doctrine applied and prohibited HRA and its personnel from refusing to reimburse me for storage unit rental expenses that HRA fraudulently induced me to pay in 2016 to a storage unit rental company while I resided where I still reside while I was eligible and legally entitled to have HRA pay for those expenses instead that it may be reimbursed for partly through federal funds?

13. Since Urban subjected me to a bait-and-switch fraud and forgery with HRA pertaining to the apartment lease agreement that I signed with Urban on 2/16/16 that swindled me out of my right of possession of the specific apartment of 4C for which I signed my 2/16/16 lease, did Urban commit fraud and have unclean hands each of the 3 times that it sued me while lying by claiming that I signed some other lease with it that I actually never signed nor agreed to?

14. Does the continuing violation doctrine and apply to the illegal bait-and-switch fraud and forgery that HRA and Urban committed against me that concerns my 2/16/16 lease to cause equitable tolling to be warranted for all claims that I have against Urban about that since Urban commenced a new frivolous lawsuit against me in February of 2022 that is tied to that bait-and-switch?

If a tenant falls victim to such an illegal bait-and-switch fraud and forgery and thereafter suffers repercussions from a snowball effect from that, do overlapping claims that a tenant has about that bait-and-switch and repercussions from it that share a common nucleus of operative fact about root causes belong in one lawsuit against those against those who perpetrated the bait-and-switch?

15. After Steven Banks personally and in his capacity as HRA's Commissioner caused HRA's Senior Deputy General Counsel Ann Marie Scalia in July of 2017 to contact me that led to her issuing me a binding and fully-enforceable agreement on 8/1/17 in which she agreed to assist me "in any way possible" while speaking for herself and HRA, did that impose a special-duty partly upon her to cause me to be provided all discovery material that I thereafter sought from her and HRA that they could possibly provide to me and otherwise assist me in other all possible ways?

16. Does immunity cover the pretextual theft by a government attorney of both an oral arguments hearing and an adversary's constitutional rights that result from illegal *ex-parte* communications with a judge that results in the secretive adjournment of an oral arguments hearing and blocks the adversary from testifying about identical matters from a hearing in parallel litigation one day later in what would otherwise have been the oral arguments hearing?

17. When a government attorney and a legal adversary share the same religion, can that religion be used to discriminate against one of them in the context of litigation by granting an illegal *ex-parte* adjournment request that likely was pretextual instead of due to a religious observance?

18. Does immunity cover a government attorney's use of a fake lease agreement that is a forgery as a false instrument in litigation in furtherance of an ongoing scheme and conspiracy to pretextually deny someone government benefits and damages to which he is entitled?

19. Did immunity cover lies that HRA's attorneys expressed in litigation against me partly by claiming that I wasn't eligible to have HRA to pay for storage unit rental expenses on my behalf while I resided where I still reside as HRA's actual practices proved that they were lying by virtue of the fact that HRA was paying for that before, as, and longer after those attorneys made those fraudulent claims that had nothing to do with legal advocacy?

20. Does a court clerk have immunity for covering-up a judge's illegal dismissal of a case in which claims were still pending at the time of its dismissal when the clerk refuses to allow a plaintiff to keep possession of clear evidence and a public record of that illegal dismissal by refusing to hand back to the plaintiff the original order that the judge issued that confirmed he dismissed that case prior to issuing an amended order to undo that?

21. When a judge who presides over an article 78 proceeding acts in concert with a government attorney to steal a plaintiff's oral arguments hearing one day before it would occur, ignores material and admissible evidence, and lies about the plaintiff's claims, how does that comport with First and Fourteenth Amendment rights?

22. Is it manifestly unjust for courts to allow OTDA and HRA personnel to run roughshod over federal constitutional rights, the Supremacy Clause, mail and wire fraud statutes, and New York State regulations with impunity?

**TABLE OF CONTENTS**

LIST OF PARTIES ..... ii

RELATED CASES ..... ii

QUESTIONS PRESENTED ..... iii

TABLE OF AUTHORITIES .....viii

PETITION FOR A WRIT OF CERTIORARI ..... 1

OPINIONS BELOW ..... 1

JURISDICTION ..... 1

PRELIMINARY REMARKS ..... 1

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS ..... 2

STATEMENT OF THE CASE ..... 4

REASONS FOR GRANTING THE PETITION ..... 13

CONCLUSION ..... 23

## TABLE OF AUTHORITIES

Cases	Page
<i>Alabama Association of Realtors v. Department of Health and Human Services</i> , 594 S. Ct. (U.S., August 26, 2021).....	13
<i>Board of Regents of State Colleges v. Roth</i> , 408 U.S. 564, 92 S. Ct. 2701, 33 L. Ed. 2d 548 (1972) .....	13
<i>Deutsch v. Shein</i> , 597 S.W.2d 141 (Ky. 1980).....	4
<i>Elgalad v. New York City Department of Education</i> , No. 17-cv-4849 (VSB) (S.D.N.Y. Sept. 30, 2019).....	9
<i>Elrod v. Burns</i> , 427 U.S. 347, 373 (1976).....	6
<i>Forcelli v. Gelco Corp.</i> , 109 A.D.3d 244, 972 N.Y.S.2d 570 (App. Div. 2013) .....	18
<i>Holland v. Florida</i> , 130 S. Ct. 2549, 560 U.S. 631, 177 L. Ed. 2d 130 (2010) .....	1
<i>Jallow v. City of New York</i> , No. 20-cv-8871 (LLS)(S.D.N.Y. Dec. 28, 2020) .....	6
<i>Jones v. City of New York</i> , No. 20-cv-6788 (LLS)(S.D.N.Y. Jan. 5, 2021).....	4
<i>Kaye v. Grossman</i> , 202 F.3d 611 (2d Cir. 2000).....	18
<i>Kerman v. City of New York</i> , 374 F.3d 93 (2d Cir. 2004).....	22
<i>Komatsu v. City of New York</i> , No. 20-3676-cv (2d Cir. Dec. 20, 2021) .....	<i>passim</i>
<i>Komatsu v. City of New York</i> , No. 20-3676-cv (2d Cir. Jan. 31, 2022) .....	<i>passim</i>
<i>Komatsu v. City of New York</i> , No. 20-cv-6510 (LLS)(S.D.N.Y. Oct. 22, 2020) .....	<i>passim</i>
<i>Komatsu v. City of New York</i> , No. 21-cv-11115 (LTS)(S.D.N.Y.) .....	ii, 14
<i>Komatsu v. City of New York</i> , No. 22-501 (2d Cir.).....	ii
<i>Komatsu v. New York City Human Resources Administration</i> , No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020).....	17
<i>Komatsu v. New York City Human Resources Admin.</i> , 2021 N.Y. Slip Op 3410 (App. Div. 2021) .....	ii

<i>Lee v. Kucker &amp; Bruh, LLP</i> , 958 F. Supp. 2d 524 (S.D.N.Y. 2013).....	15
<i>Maness v. Meyers</i> , 419 U.S. 449, 95 S. Ct. 584, 42 L. Ed. 2d 574 (1975).....	7
<i>Monsky v. Moraghan</i> , 127 F.3d 243 (2d Cir. 1997).....	21
<i>Oquendo v. Apex Asset Management, LLC</i> , No. 450077/18 (Sup. Ct., New York Cty.).....	15
<i>People of the State of New York v. Balsamo, Rosenblatt &amp; Hall, P.C.</i> , No. 509311/2022 (Sup. Ct. Kings Cty.).....	16
<i>Rex Medical LP v. Angiotech Pharmaceuticals (US)</i> , 754 F. Supp. 2d 616 (S.D.N.Y. 2010).....	18
<i>Roman Catholic Diocese of Brooklyn v. Cuomo</i> , 592 S. Ct. (U.S. 2020).....	13
<i>Rosenberg v. City of New York</i> , 20-cv-4012 (LLS) (S.D.N.Y. July 13, 2020).....	16
<i>Triestman v. Federal Bureau of Prisons</i> , 470 F.3d 471 (2d Cir. 2006).....	10
<i>Trump v. Vance</i> , 591 S. Ct. (U.S. 2020).....	14
<i>US v. Aleskerova</i> , 300 F.3d 286 (2d Cir. 2002).....	12
<i>United States v. James Daniel Good Real Property</i> , 510 U.S. 43, 114 S. Ct. 492, 126 L. Ed. 2d 490 (1993).....	13
<i>Urban Pathways, Inc. v. Komatsu</i> , No. LT-304821-22/BX (Civ. Ct., Bronx Cty.).....	15
<i>United States v. James Daniel Good Real Property</i> , 510 U.S. 43, 114 S. Ct. 492, 126 L. Ed. 2d 490 (1993).....	13
<i>United States v. Robin</i> , 553 F.2d 8 (2d Cir. 1977).....	11
<i>Vega v. Hempstead Union Free School Dist.</i> , 801 F.3d 72 (2d Cir. 2015).....	11
<i>Whalen v. County of Fulton</i> , 126 F.3d 400 (2d Cir. 1997).....	6
<i>Williams v. Urban Pathways, Inc.</i> , No. 20-cv-2007 (LLS)(S.D.N.Y. April 21, 2020).....	6
<i>Winfield v. City of New York</i> , No. 15-cv-05236 (LTS)(KHP) (S.D.N.Y. Nov. 27, 2017).....	15

### U.S. Constitution

First Amendment.....	<i>passim</i>
Fourth Amendment.....	2

Fifth Amendment.....	2
Fourteenth Amendment.....	<i>passim</i>
Contracts Clause.....	3
Supremacy Clause.....	3

**Federal Statutes and Regulations**

24 CFR §578.3.....	8
15 U.S.C. §1692.....	4, 15, 16
18 U.S.C. §1341.....	18
18 U.S.C. §1343.....	18, 21
18 U.S.C. §1512.....	6
18 U.S.C. § 1964.....	18
28 U.S.C. §1254.....	1
28 U.S.C. §1446.....	16
28 U.S.C. §2201.....	4, 18
28 U.S.C. §2202.....	4, 18
42 U.S.C. §1985.....	3
42 U.S.C. §1986.....	3

**Federal Rules of Appellate Procedure**

FRAP Rule 34(a)(2).....	6
-------------------------	---

**New York State Statutes and Regulations**

18 NYCRR §352.6(f).....	8
-------------------------	---

## PETITION FOR A WRIT OF CERTIORARI

Petitioner Towaki Komatsu respectfully petitions for a writ of certiorari to review the judgments that were issued by **a)** the U.S. Court of Appeals for the Second Circuit (“Second Circuit”) on 12/20/21 and 1/31/22 in *Komatsu v. Cubesmart, Daniels Norelli Cecere & Tavel PC*, No. 20-3676-cv (2d Cir. Jan. 31, 2022) that is hereinafter referred to as “K1” and **b)** U.S. District Judge Louis Stanton on 10/22/20 in *Komatsu v. City of New York*, No. 20-cv-6510 (LLS)(S.D.N.Y. Oct. 22, 2020) that is hereinafter referred to as “K2”.

### OPINIONS BELOW

The Second Circuit’s 12/20/21 opinion (Pet. App. 1a) in K1 is published on its website at [https://www.ca2.uscourts.gov/decisions/isysquery/76aa2e32-2e2a-4785-af0e-02eb68be2445/1/doc/20-3676\\_so.pdf](https://www.ca2.uscourts.gov/decisions/isysquery/76aa2e32-2e2a-4785-af0e-02eb68be2445/1/doc/20-3676_so.pdf). I’m unaware whether its 1/31/22 opinion (Pet. App. 28a) in K1 and the 10/22/20 opinion (Pet. App. 7a) in K2 are otherwise published.

### JURISDICTION

The judgment of the Second Circuit was entered on 1/31/22 (Pet. App. 1a). This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

### PRELIMINARY REMARKS

I urge this Court to promptly grant me equitable and injunctive relief partly in the form of an exception for its requirements for this petition that would otherwise apply or to otherwise authorize me to cure the defects with this petition that don’t comply with its requirements while granting me injunctive relief against the New York City Human Resource Administration (“HRA”) and Ann Marie Scalia to cause me to be promptly provided resources to which I’m legally entitled to enable me to do that. This Court’s findings in *Holland v. Florida*, 130 S. Ct. 2549, 560 U.S. 631, 177 L. Ed. 2d 130 (2010) support this request by confirming that it may

avoid “mechanical rules” to “relieve hardships” that “arise from a hard and fast adherence” to more absolute legal rules” “to accord all the relief necessary to correct... particular injustices”. This need exists because it’s not possible for me to satisfy those requirements due to ongoing and severe financial hardships that stem from widespread and longstanding employment blacklisting of me and ongoing wage-theft that I’m experiencing. That is depriving me of sorely-needed resources with which to fully comply with this Court’s requirements partly about this petition’s inclusion of all relevant constitutional and statutory provisions that I would have otherwise fully complied with. The New York City Department of Social Services (“DSS”) is comprised of HRA and the New York City Department of Homeless Services (“DHS”). Throughout this petition, all references to HRA that I make will interchangeably refer to it, DSS, and DHS in the interests of brevity.

#### **RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS**

The First, Fourth, Fifth, and Fourteenth Amendment as well as the Contracts and Supremacy Clauses of the U.S. Constitution include the following relevant provisions:

- a) **First Amendment:** “Congress shall make no law... abridging the freedom of speech...the right of the people peaceably to assemble, and to petition the government for a redress of grievances”.
- b) **Fourth Amendment:** “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable...seizures, shall not be violated...but upon probable cause”
- c) **Fifth Amendment:** “No person shall be...deprived of life, liberty, or property, without due process of law; nor shall private property be taken...without just compensation.”
- d) **Fourteenth Amendment:** “No State shall make or enforce any law which shall abridge the privileges...of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

- e) **Contracts Clause:** “No State shall...pass any...Law impairing the Obligation of Contracts”
- f) **Supremacy Clause:** “This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”

The following is a relevant part of 18 U.S.C. §1964(c):

“Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit”

The following is the text of 18 U.S.C. §1964(a):

“The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.”

42 U.S.C. §1985(3) includes the following relevant provisions:

“If two or more persons in any State or Territory conspire...or go on the premises of another, for the purpose of depriving, either directly or indirectly, any person...of the equal protection of the laws, or of equal privileges...under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws;...in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.”

42 U.S.C. §1986 includes the following relevant provisions:

“Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses

so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action...But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued.”

The following is a relevant part of 15 U.S.C. §1692(k)(a):

“Except as otherwise provided by this section, any debt collector who fails to comply with any provision of this subchapter with respect to any person is liable to such person in an amount equal to the sum of—

- (1) any actual damage sustained by such person as a result of such failure;
- (2)
  - (A) in the case of any action by an individual, such additional damages as the court may allow, but not exceeding \$1,000”

The following is a relevant part of 28 U.S.C. §2201:

“any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.”

The following is a relevant part of 28 U.S.C. §2202:

“Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.”

### **STATEMENT OF THE CASE**

This case arises from many things that can and did go horribly wrong for me and caused me tremendous and irreparable harm. That was largely a result of a vicious snowball effect that was proximately caused by personnel of HRA and Urban having jointly committed, condoned, and covered-up an illegal bait-and-switch fraud and forgery against me that is hereinafter referred to as “the B&S”. Liability for causing a snowball effect of harm is addressed in *Deutsch*

*v. Shein*, 597 S.W.2d 141 (Ky. 1980). The bait-and-switch fraud and forgery part of that scheme and conspiracy occurred between 2/16/16 and March of 2016. The B&S concerned the binding and fully-enforceable apartment lease agreement that I signed on 2/16/16 with Lisa Lombardi of Urban. That lease is hereinafter referred to as “my Urban lease” and I signed it in HRA’s offices located at 33 Beaver Street in Manhattan in the presence of witnesses to be issued sole possession by Urban shortly thereafter of apartment 4C in its entirety with no roommate and in a fully-furnished condition that is located in the building in which I reside that is hereinafter referred to as “my building” and is located at 802 Fairmount Place in the Bronx. The apartment in which I reside is hereinafter referred to as “my Urban apartment” and corresponds to apartment 4B that is located in my building. The fake lease and forgery that Urban’s personnel issued to me on or about 3/7/16 in the Bronx near where I reside is for Room 1 in my Urban apartment and is hereinafter referred to as “my BS Urban lease”. The B&S and the harm I have experienced from its snowball effect have been heavily litigated by me since 2016 in various legal forums. However, my efforts to vindicate my claims about that have been prejudicially stymied at every turn largely due to a cover-up and violations of my First and Fourteenth Amendment rights in such litigation. I clearly pointed that out in my 9/8/20 amended complaint in K2 and was prejudicially ignored partly about that by Judge Stanton and the Second Circuit. The B&S is the underlying root cause for my claims in K1 and K2.

Although **a)** my claims in K2 were partly against Urban, the City of New York Steven Banks while he was HRA’s Commissioner that matched the circumstances in *Jones v. City of New York*, No. 20-cv-6788 (LLS)(S.D.N.Y. Jan. 5, 2021), **b)** there are similarities between some of my claims with the plaintiff in *Jones*, **c)** the plaintiff in *Jones* was a pro se plaintiff, and **d)** Judge Stanton was assigned to *Jones*, Judge Stanton discriminated against me in violation of my

Fourteenth Amendment equal protection and due process rights as well as my First Amendment rights by allowing the plaintiff in Jones to be apprised about his objections to her complaint in that case before he allowed her to file an amended complaint in it in response. The same is entirely true about the fact that he also discriminated against me in that way by allowing the pro se plaintiffs in *Williams v. Urban Pathways, Inc.*, No. 20-cv-2007 (LLS)(S.D.N.Y. April 21, 2020) and *Jallow v. City of New York*, No. 20-cv-8871 (LLS)(S.D.N.Y. Dec. 28, 2020) to also be apprised about his objections to their complaints in their lawsuits partly against Urban before he allowed them to file amended complaints in them in response. He instead simply dismissed K2 without first upholding my clear due process and equal protection rights by first apprising about his objections to my 9/8/20 amended complaint in K2 (ECF #) that is hereinafter referred to as “my FAC”. By not allowing apprising me about his objections to my FAC in K2 before dismissing K2, Judge Stanton subjected me to obstruction of justice in violation of findings that appear in *Whalen v. County of Fulton*, 126 F.3d 400 (2d Cir. 1997) about that. *Whalen* states that the “constitutional right of access is violated where government officials obstruct legitimate efforts to seek judicial redress.” He also violated findings in *Elrod v. Burns*, 427 U.S. 347, 373 (1976) and *Calvary Chapel Dayton Valley v. Sisolak*, 140 S. Ct. 2603 (U.S. 2020) by doing so. *Elrod* states that the “loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Calvary* states that “respecting some First Amendment rights is not a shield for violating others” by doing so.

After Judge Stanton baselessly, biasedly, prejudicially, and prematurely dismissed K2 and the Second Circuit rubber-stamped that in K1 while similarly violating my First and Fourteenth Amendment rights by denying me oral arguments in violation of Federal Rule of Appellate Procedure Rule 34(a)(2), that amounted to having my First and Fourteenth

Amendment right to have access to the courts to petition for redress and be accorded proper due process and equal protection in doing so, I sent an e-mail message on 2/16/22 at 4:16 pm partly to Nigel Marks of OTDA and Ann Marie Scalia of HRA. Both of them are attorneys who were defendants in K2. Mr. Marks works for OTDA as a Director for its Office of Administrative Hearings that oversees how OTDA conducts fair hearings. Ann Marie Scalia is the Senior Deputy General Counsel for HRA. The e-mail that I sent then contained extremely detailed and highly incriminating information that included a 13-page PDF file. As a result of that e-mail, I received a notice on 3/9/22 from Craig Crist of OTDA in his capacity as a Deputy Counsel. He informed me in that letter that OTDA had directed HRA to investigate whether HRA's personnel created a forgery from my Urban lease. He sent me that letter long after OTDA conducted a fair hearing on 4/11/17 that OTDA and I both legally recorded on audio. OTDA's audio transcript of that hearing confirms that the administrative law judge who presided over it clearly told me that she was then looking at a copy of my Urban lease and that it indicated that it was signed by me on 2/16/16 and was for apartment 4C in my building. OTDA ignored that key fact then and thereafter as its personnel issued baseless and biased fair hearings in HRA's favor against me only after OTDA issued a fair hearing decision on 9/15/16 about that same storage unit expense matter that it illegally didn't enforce and HRA illegally didn't fully comply with. I clearly pointed this out too in my FAC. The fact that HRA never complied with OTDA's 9/15/16 fair hearing decision for fair hearing number 7316477K prejudicially violated findings in *Maness v. Meyers*, 419 U.S. 449, 95 S. Ct. 584, 42 L. Ed. 2d 574 (1975) that require decisions and orders that judges issue to be complied with promptly and fully. HRA violated that 9/15/16 fair hearing decision's terms by not reimbursing me for storage unit rental expenses that I paid to a storage unit rental company named Cubesmart while I resided in my Urban apartment. I paid for those

expenses only because HRA fraudulently induced me to do so by fraudulently denying an application that I submitted to it in May of 2016 to have it do so instead. HRA was required by my Fourteenth Amendment equal protection rights, 18 NYCRR §352.6(f), and 24 CFR §578.3 to pay for that instead. 18 NYCRR §352.6(f) confirms that those who reside in temporary shelter are eligible to have HRA issue those payments and that HRA is required to make them when people are eligible to have it do so. 24 CFR §578.3 confirms that those who in my position while residing in an apartment can be regarded as residing in “permanent housing” only if they have a valid apartment lease agreement for their apartment. Mootness applies to this point due to the B&S that cost me my ability and right to have and use an apartment lease agreement for apartment 4C in my building instead of some other apartment. In short, the B&S caused my residency in my building throughout the entire time that I have resided there to be that of temporary shelter and that entitled me to continuously have HRA to pay for storage unit rental expenses on my behalf while I resided in my Urban apartment. HRA was estopped from objecting to that due to its unclean hands in perpetrating and condoning the B&S against me.

Page 19 in my FAC shows a screenshot from HRA’s records about me that confirm that I reported a complaint to HRA on 3/16/16 about the B&S. Page 18 in my FAC shows another screenshot from HRA’s records about the fact that HRA’s personnel recorded on or about 2/18/16 that HRA’s personnel were involved in committing the B&S against me by changing an apartment number that was associated with me just 2 days after I signed my Urban lease. Since I hadn’t resided in an apartment after October of 2015 prior to March of 2016, there was no reason for HRA’s personnel to have reported on or about 2/18/16 that they made a change to an apartment number that was associated with me as opposed to a street address. A clear distinction exists between the two. All efforts that I have made to have HRA’s personnel provided me

detailed information about what exactly prompted HRA's personnel to report that information about me on or about 2/18/16 has been met with stonewalling and rejections in furtherance of a criminal cover-up about HRA's joint involvement in and liability for the B&S with Urban's personnel.

After I received the 3/9/22 letter from Mr. Crist of OTDA, I filed a very detailed, well-organized letter motion (ECF # 15 in K2 on 4/26/22 in which I requested retroactive authorization for leave to file that letter motion for reconsideration about Judge Stanton's 10/22/20 dismissal order in K2. *Elgalad v. New York City Department of Education*, No. 17-cv-4849 (VSB) (S.D.N.Y. Sept. 30, 2019) confirms that judges may grant retroactive extensions of deadlines for motions for leave for reconsideration. Relevant new facts and circumstances emerged after the Second Circuit issued its 1/31/22 and 12/20/21 orders in K1 and Judge Stanton issued his 10/22/20 dismissal order in K2 that warrant reconsideration and partial reversal of all of those orders. On page 13 of that 4/26/22 letter motion, I included a screenshot from a video recording that was recorded on 4/4/22 that showed Iris Rodriguez of HRA as she testified in a public hearing that the New York City Council conducted as I enabled the closed-captioning in that video. That video and screenshot from it confirms that she then made remarks that confirmed that HRA needed people who sought to be issued a government rental subsidy from HRA for their apartments to have a valid lease agreement for them in order for HRA to issue a subsidy for them. This point is critically significant because the information that I reported on 2/16/16 to Mr. Marks and Ms. Scalia was partly about the fact that diligent handwriting analysis confirms that my BS Urban lease certainly has always been a fake lease and forgery that was illegally manufactured from my Urban lease.

Sara Hyler of HRA and I jointly completed a government rental subsidy application on 2/16/16 that was submitted to HRA with a copy of my Urban lease to try to have HRA issue me a government rental subsidy for strictly for apartment 4C in my building. Handwritten information exists in that subsidy application and on the first page of my Urban lease where my name is written that wasn't written by me. That handwritten information in both of those documents are a sufficient match to cause it to be reasonable to believe that the same person wrote all of that information. No handwritten information exists on the first page of my BS Urban lease. Additionally, the same sentence fragment that appears in the first paragraph on page 1 of my Urban lease is split across 2 lines in the same paragraph on page 1 of my BS Urban lease. Those are some of the telltale signs that my BS Urban lease has always been a forgery. The signature pages from my Urban lease and my BS Urban lease are identical. Both Ms. Lombardi and I signed our names on that page on 2/16/16 in the actual lease that I signed. It's extraordinarily rare that 2 people sign their names identically on the same page in multiple documents. I don't do so and instead quickly scribble my signature. This is another telltale indication that my BS Urban lease has always been fake and a forgery. What all of this means is that when Judge Stanton stated the following on page 20 of his 10/22/20 dismissal order, he prejudicially lied and imposed a patently illegal prior restraint on my First Amendment rights:

“Because the defects in Plaintiff’s amended complaint cannot be cured with another amendment, the Court declines to grant Plaintiff leave to file a second amended complaint.”

Hindsight confirms that the Second Circuit similarly lied on page 4 of its 12/20/21 order in K1 as the Second Circuit followed Judge Stanton in subjecting me to despicable scapegoating instead of properly acknowledging their failure to pay proper attention to detail and comply with the findings in *Triestman v. Federal Bureau of Prisons*, 470 F.3d 471 (2d Cir. 2006) that

obligated both of them to construe and interpret my submissions to raise the strongest arguments that they suggested and to also accord me special solicitude:

“Komatsu asserts that the HRA was likely involved in Urban’s misconduct, or engaged in a conspiracy with it, but he does not point to any facts in the complaint from which the district court could have arrived at the conclusion that his assertions were supported by a plausible claim. Likewise, Komatsu argues that the district court erred in concluding that he had not adequately pleaded that he was harmed pursuant to City policy, practice, or custom (as required to state a claim against a municipality under Section 1983), but he does not identify any facts in the complaint from which the existence of such a policy, 16 practice, or custom could plausibly be inferred.”

*Vega v. Hempstead Union Free School Dist.*, 801 F.3d 72 (2d Cir. 2015) contains findings about how conspiracies operate and the fact that judges are required to **a)** use common sense in making plausibility determinations, **b)** proceed at all times in a fair and deliberative fashion while alert to any unconscious bias that could affect decision-making”, and **c)** be mindful of the elusive" nature of intentional discrimination in making the plausibility determination. *Vega* further points out that **d)** “the plaintiff’s burden is "minimal" — “he need only plausibly allege facts that provide "at least minimal support for the proposition”, **e)** “plaintiffs usually must rely on "bits and pieces" of information to support an inference of discrimination, i.e., a "mosaic" of intentional discrimination”, **f)** “rarely is there "direct, smoking gun, evidence of discrimination”, and **g)** “clever men may easily conceal their motivations”.

I need to be properly respectful of the fact that this Court is inundated with petitions for writs of certiorari instead of verbose. For that reason, I incorporate my 4/26/22 filing in K2 by reference as though fully set forth herein. Its sum and substance leave no doubt that I should have prevailed in K1 partly by having Judge Stanton’s 10/22/20 dismissal order in K2 mostly reversed on the merits while having K1 reassigned to a different judge in response to the fact that Judge Stanton clearly demonstrated a prejudicial inability or refusal to pay proper attention to relevant facts and refrain from illegally discriminating against me. *United States v. Robin*, 553

F.2d 8 (2d Cir. 1977) contains findings about the fact that such reassignment is appropriate in instances in which judges make erroneous findings and are adamant about them. My 4/26/22 filing in K2 enables this Court to easily and quickly make a fully-informed decision on the merits as to whether to deny or grant this petition and grant me further relief that largely corresponds to what the Second Circuit alluded to in its 1/31/22 order in K1.

*US v. Aleskerova*, 300 F.3d 286 (2d Cir. 2002) points out that a defendant's knowing and willing participation in a conspiracy may be inferred from circumstantial evidence that includes his "presence at critical stages of the conspiracy that could not be explained by happenstance", "a lack of surprise when discussing the conspiracy with others" a defendant's participation in "conversations directly related to the substance of the conspiracy", the defendant's possession of "items important to the conspiracy", and receiving or expecting to receive a share of the profits from a conspiracy. Since Urban gave me a copy of my BS Urban lease that is a forgery that was created from my Urban lease I actually signed on 2/16/16, it's natural to follow and scrutinize the evidence trail from that backwards to when I signed my Urban lease with Ms. Lombardi on 2/16/16 to determine things that include how it was exactly that Urban came into possession of my BS Urban lease to give me a copy of on or about 3/9/16, who manufactured that forgery and directed that to be done, how communications occurred about that forgery by Urban's personnel amongst themselves and with HRA as well as when those communications occurred, what precise information did HRA rely upon to report on or about 2/18/16 that it changed an apartment number associated with me after I hadn't resided in any apartment since October of 2015, and who directed that change to an apartment number associated with me to be made as when and how.

## REASONS FOR GRANTING THE PETITION

1. Both the Second Circuit and Judge Stanton prejudicially rushed to judgment as the violated my First and Fourteenth Amendment right of access to the courts in K1 and K2. U.S. Supreme Court Judge Neil Gorsuch made it crystal clear in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 592 S. Ct. (U.S. 2020) that he and all other judges cannot allow such First Amendment violations to stand. Again, this really isn't about me. This is about every single litigant having their fundamental First and Fourteenth Amendment rights properly accorded to them. *Singh v. US Dept. of Justice*, 461 F.3d 290 (2d Cir. 2006) similarly confirms that agencies must follow rules their own rules and that people rely on them to do so.” This applies to the fact that judges are among those who must follow their own rules that I relied upon in K1 and K2. As I stated, I was entitled to an oral arguments hearing in K1 and was prejudicially denied that by the Second Circuit.

2. The Castle Doctrine is discussed in *United States v. James Daniel Good Real Property*, 510 U.S. 43, 114 S. Ct. 492, 126 L. Ed. 2d 490 (1993) and includes findings about the right that people have to exclude others from their property. I talked about the fact that I was viciously assaulted on 7/2/16 in the living room of my Urban apartment in my FAC in K2. That would never have occurred but-for the B&S because I wouldn't have had a roommate. *Alabama Association of Realtors v. Department of Health and Human Services*, 594 S. Ct. (U.S., August 26, 2021) confirms that agencies are prohibited from acting “unlawfully even in pursuit of desirable ends.” Among other things, this confirms that HRA was prohibited from swindling me out of my right of possession of apartment 4C in my building and reimbursing me for storage unit rental expenses that I paid to Cubesmart while I resided in my Urban apartment. *Board of Regents of State Colleges v. Roth*, 408 U.S. 564, 92 S. Ct. 2701, 33 L. Ed. 2d 548 (1972)

confirms that the Fourteenth Amendment includes the right to contract, establish a home, and receive useful information. By granting this petition, this Court clearly can and should reinforce its own findings that subordinate courts and judges have ignored.

3. *Trump v. Vance*, 591 S. Ct. (U.S. 2020) explicitly states that “the public has a right to everyman’s evidence.” I wouldn’t be filing this petition if the Second Circuit and Judge Stanton, other judges, and HRA complied with and otherwise upheld this Court’s findings. As I stated, this petition certainly isn’t just about me. It’s instead in response to systemic constitutional deficiencies that I have experienced firsthand in both state-court and federal court legal proceedings as I pursued my legal remedies in them for claims that I asserted that were closely related to those in K1 and K2 because they all shared a common nucleus of operative fact in regards to the B&S and its consequences. This petition is the end of the line for those legal fights. Such antecedent and related legal fights consisted of state-court legal proceedings that were assigned to the New York State Supreme Court in Manhattan, the New York State Supreme Court’s Appellate Division’s First Department, the Bronx Housing Court, and OTDA as a New York State administrative appellate forum for claims asserted against HRA. K1, K2, and the ongoing case of *Komatsu v. City of New York*, No. 21-cv-11115 (LTS)(S.D.N.Y.) that is hereinafter referred to as “K3” and is assigned to U.S. Chief District Judge Laura Taylor Swain have also proved to be afflicted with constitutional deficiencies. K3 is about backward-looking claims pertaining to K1 and K2 in response to the fact that HRA personnel engaged in a cover-up that sabotaged my ability and diligent efforts to be provided discovery material by HRA to better articulate and substantiate my claims in K2. Judge Swain’s 3/2/22 order in K3 confirm that he prejudicially ignored critically significant information that I clearly presented in my complaint in that case as she did so partly about information that I presented on pages 6 and 10.

4. Whether it's me or others, everyone has a clear right pursuant to the First and Fourteenth Amendment right for judges to pay proper attention to relevant facts, matters of law, and evidence irrespective of who is being sued and who the plaintiff is. The same is true about following relevant evidence wherever it leads instead of making prejudicial and premature assumptions about matters and relying on stereotypes that simply don't always apply. The adage about justice being blind needs to have its day continuously to maintain a level playing field in litigation instead of tilted due to bias. The finding in *Winfield v. City of New York*, No. 15-cv-05236 (LTS)(KHP) (S.D.N.Y. Nov. 27, 2017) that states the following is entirely true:

"Litigation is not a game. It is the time-honored method of seeking the truth, finding the truth, and doing justice."

5. The case of *Oquendo v. Apex Asset Management, LLC*, No. 450077/18 (Sup. Ct., New York Cty.) has clear parallels to the system in which people who reside in my building are issued apartments by Urban through a master lease and a subleasing arrangement. My building is a scatter-site shelter military veterans, according to a remark that was made on 4/25/22 by an attorney for Urban named Harold Rosenthal in *Urban Pathways, Inc. v. Komatsu*, No. LT-304821-22/BX (Civ. Ct., Bronx Cty.) that is hereinafter referred to as "Urban3" and the third entirely frivolous lawsuit Urban commenced against me that is assigned to the Bronx Housing Court. Urban's attorneys commenced Urban3 by wire and fraudulent remarks in its petition in that case partly by fraudulently claiming that a lease between Urban and I for my Urban apartment expired and that I owe Urban rent for my Urban apartment. When Urban's attorneys made that claim, they were contending that my BS Urban lease" was a copy of my Urban lease. They lied. That is defamation, wire fraud, and a violation of 15 U.S.C. §1692 by claiming that I owe a debt to Urban that I never have owed to it due to the B&S and its unclean hands about that as well as estoppel. *Lee v. Kucker & Bruh, LLP*, 958 F. Supp. 2d 524 (S.D.N.Y. 2013) contains

relevant findings about violations of violation of 15 U.S.C. §1692. Urban3 is a continuing violation by Urban that warrants equitable tolling for claims that I have against it, its personnel, and its attorneys that are about the B&S and its consequences. The New York State Attorney General's Office that is hereinafter referred to as "the NYAG" somewhat recently filed a lawsuit against attorneys for landlords that corresponds to *People of the State of New York v. Balsamo, Rosenblatt & Hall, P.C.* No. 509311/2022 (Sup. Ct. Kings Cty.). The basis for that lawsuit is also partly in response to frivolous lawsuits by the defendants against tenants in which they claimed that tenants owed debts to landlords that they didn't owe. That lawsuit was filed after the NYAG twice sent me notices in which it refused to assist me about the B&S and the frivolous litigation that Urban commenced against me. That outcome has me still seeking remedies for actual law-enforcement partly about the B&S. This further affirm that this Court should grant this petition while also issuing an order that immediately stays the proceedings in Urban3, removes it pursuant to 28 U.S.C. §1446 and Judge Stanton's remarks about consolidating overlapping claims in one lawsuit in *Rosenberg v. City of New York*, 20-cv-4012 (LLS) (S.D.N.Y. July 13, 2020) to K2, and consolidates it with K2. I previously and timely asked Judge Swain on or about 3/14/22 to do that in K3, but she has prejudicially ignored that request.

6. Before she, one of her colleagues named Muhammed Umair Khan, and Letitia James became senior personnel of the NYAG, Jennifer Levy was the General Counsel for the New York City Public Advocate's Office in April of 2017 while Ms. James was the New York City Public Advocate. Ms. Levy and Mr. Khan both looked into matters about the B&S between 4/24/17 and 4/25/17 after I met with Mr. Khan and discussed the B&S while I also provided him relevant documents about that. While talking with Ms. Levy then on 4/25/17, she condoned the fact that an attorney for HRA named Jeffrey Mosczyk stole my scheduled 4/12/17 oral arguments

hearing in *Komatsu v. New York City Human Resources Administration*, No. 100054/2017 (Sup. Ct., NY Cty. Feb. 26, 2020) that is hereinafter referred to as “my HRA lawsuit” by having illegal *ex-parte* communications with New York State Supreme Court Judge Nancy Bannon while she was then running for re-election. My HRA lawsuit was largely about the snowball effect from the B&S. That theft by Mr. Mosczyk also violated my clear right to submit opposition in response to Mr. Mosczyk’s 4/5/17 adjournment application that I discovered in the court file for that case and to have my opposition considered before a decision was made to grant Mr. Mosczyk’s 4/5/17 application. Mr. Mosczyk’s claimed in his application that he couldn’t participate in my scheduled 4/12/17 oral arguments hearing because of Passover that week. However, the bar mitzvah that I had when I was a kid confirms that my Fourteenth and First Amendment rights that apply to that blocked him from relying on religion to support his request. Ms. Levy merely told me that attorneys for the City of New York often submit adjournment requests in litigation in an *ex-parte* fashion in spite of the fact that is illegal because it violates First and Fourteenth Amendment rights.

7. HRA and its personnel are still subjecting me to a war of attrition partly to sabotage my ability to prevail on the merits in litigation that includes this appeal partly against them. Their sabotage is starving me of resources to satisfy this Court’s requirements for this petition. That is in response to and retaliation for entirely valid litigation I commenced partly against them and dates back to 2016 that corresponds to litigation that was assigned to OTDA. On page 4 for Judge Stanton’s 10/22/20 order, he commented about the binding, fully-enforceable, and permanent agreement that Ms. Scalia issued to me on 8/1/17 as he quoted an operative part from the last sentence in that agreement that is hereinafter referred to as “my HRA contract” as he stated, “to assist [him] in any way possible”. My HRA contract appears in

Exhibit B8 on page 123 in the PDF file for my 4/26/22 filing in K2. Judge Stanton baselessly, biasedly prejudicially, and unlawfully refused to allow me to pursue a claim against Ms. Scalia for committing wire fraud against me for lying in my HRA contract and to be granted relief about that partly pursuant to 28 U.S.C. §2201, 28 U.S.C. §2202, and 18 U.S.C. §1964 (civil RICO). The fact that Ms. Scalia lied when she wrote that “We will continue to try to address your concerns and assist you in any way possible” as the last sentence of my HRA contract as she was then speaking for herself and the rest of HRA largely explains why I have to ask this Court to be granted an exception to its rules for this petition. That and other remarks by her in my HRA contract together with hindsight confirms that Ms. Scalia and other HRA personnel committed mail and wire fraud against me partly about the matter pertaining to the payment of storage expenses that is also discussed in my HRA contract. No disclaimer, caveat, qualifying remark, nor expiration date exist in my HRA contract nor the e-mail that I received from Ms. Scalia at 5:58 pm on 8/1/17 in which she issued me my HRA contract. These facts and findings in **a) *Rex Medical LP v. Angiotech Pharmaceuticals (US)*, 754 F. Supp. 2d 616 (S.D.N.Y. 2010), b) *Forcelli v. Gelco Corp.*, 109 A.D.3d 244, 972 N.Y.S.2d 570 (App. Div. 2013), and c) *Kaye v. Grossman*, 202 F.3d 611 (2d Cir. 2000)** confirm that my HRA contract and another agreement that HRA issued to me on 1/27/17 that I discussed on page 25 of my FAC both were and otherwise remain fully-enforceable, binding, and permanent agreements. Since issuing me my HRA contract, Ms. Scalia and all others to whom its terms are also have confirmed that she committed wire fraud against me on 8/1/17 whose effects persist as a continuing violation that causes equitable tolling to apply by lying by claiming that she and HRA would assist me “in any way possible”. They have instead chosen to flagrantly, continuously, materially, and unlawfully

violate the clear and explicit commitment and special-duty to assist me “in any way possible” by not doing so.

8. The Exhibits B1 and B2 that appear on pages 109 and 110 in the PDF file for my 4/26/22 filing in K2 are letters dated 3/22/22 and 3/9/22 that I received from Nigel Marks and Craig Crist of OTDA. I already discussed the 3/9/22 letter from Mr. Crist. Mr. Marks’ 3/22/22 letter to me provided me the New York State regulation that allows HRA to investigate itself. The letters that I received on 3/22/22 and 3/9/22 from Mr. Marks and Mr. Crist materially discredit key findings that the Second Circuit in its 12/20/21 order in K1 on page 4 between lines 10 and 17 as it baselessly, biased, and prejudicially stated the following:

“Komatsu asserts that the HRA was likely involved in Urban’s misconduct, or engaged in a conspiracy with it, but he does not point to any facts in the complaint from which the district court could have arrived at the conclusion that his assertions were supported by a plausible claim. Likewise, Komatsu argues that the district court erred in concluding that he had not adequately pleaded that he was harmed pursuant to City policy, practice, or custom (as required to state a claim against a municipality under Section 1983), but he does not identify any facts in the complaint from which the existence of such a policy, practice, or custom could plausibly be inferred.”

9. Judge Stanton prejudicially lied on page 3 in his 10/22/20 order by making the following claims before the Second Circuit prejudicially ignored that and also biasedly made remarks on page 3 of its 12/20/21 order between lines 16 and 20 as it downplayed the significance of the fact that he lied elsewhere in his 10/22/20 order:

a. I signed a lease with Urban in 2016 to rent my Urban apartment. This is a clear lie because my Urban lease was for all of apartment 4C with no roommate instead of any part of some other apartment and I reside in apartment 4B that was issued to me with a roommate in March of 2016. This is what the B&S was all about and Judge Stanton prejudicially ignored that.

b. The lease that I signed was altered to allow a roommate after I signed it. This is a lie because that alteration wasn't made in a valid lease and I never signed any other lease with Urban than my Urban lease.

c. Judge Stanton baselessly insinuated that my former roommate was still residing in my Urban apartment. He instead was forced to move out of it prior to 11/1/16 due to an Order of Protection that I was granted. I didn't suggest in my FAC that he resided in that apartment after 2016.

d. The fact that litigation that I was involved in that was assigned to Bronx Housing Court Judge Steven Weissman was dismissed in 2019 confirms that Judge Stanton lied by suggesting in his 10/22/20 order in K2 that I continued to be involved in litigation that was assigned to Judge Weissman when Judge Stanton issued his 10/22/20 order.

10. Between pages 11 and 12 in his 10/22/20 order in K2, Judge Stanton lied as he stated the following about litigation that I commenced against HRA that partly concerned its fraudulent refusal to pay and otherwise reimburse me for storage unit rental expenses that I were owed and that I otherwise paid to a storage unit rental company named Cubesmart while I resided exactly where I still reside:

“Assuming that the payment of his storage fees are a property interest protected by procedural due process, Plaintiff has alleged nothing to show that the state procedures (the fair hearings or the Article 78 proceedings) in which he is still participating are inadequate.”

11. Contrary to a lie by Judge Stanton in the preceding excerpt, the article 78 proceeding that I was involved in to which he referred finished on 1/31/18. *See* my FAC ¶92 on page 39 for my clear remarks about the fact that New York State Supreme Court Judge Nancy Bannon illegally dismissed my HRA lawsuit on 1/31/18 in its entirety while I continued to have claims in it that were pending to be addressed by a different judge in that multifaceted hybrid

article 78 proceeding. The fact that illegally dismissing that case flagrantly violated my First and Fourteenth Amendment rights proves that Judge Stanton prejudicially lied in the preceding excerpt. I also stated in my FAC ¶13(c)(iii) on page 8 that Judge Bannon was one of the judges in that case who illegally ignored evidence that I submitted in it on a USB thumb drive. She did so on 5/19/17 while that thumb drive included a copy of the audio recording that I recorded on 4/11/17 of the fair hearing that OTDA conducted between HRA and I about storage unit rental expenses for fair hearing number 7406570N. The administrative law judge who presided over that hearing made remarks in it as she stated that she was looking at a copy of the lease that I signed with Urban on 2/16/16 and that it showed that it was for apartment 4C in the building in which I reside and that it was signed by me. Moreover, the text that appears at the top of page 26 in my FAC was about the fact that OTDA allowed HRA to get away with violating res judicata during my 4/11/17 OTDA fair hearing that Judge Stanton and the Second Circuit both ignored.

12. *Monsky v. Moraghan*, 127 F.3d 243 (2d Cir. 1997) contains findings in which the Second Circuit affirmed “that hostile action toward a litigant could be so offensive as to effectively drive the litigant out of a courthouse and thereby become the functional equivalent of a denial of access. The succinctly sums up what my experiences have been in litigation against HRA and Urban since 2016 that Judge Stanton and the Second Circuit prejudicially chose to ignore in K1 and K2. I discussed this point quite well in my 4/26/22 filing in K2. In fact, my FAC ¶88 on page 36 contains detailed information about the material fact that Judge Bannon and Jeffrey Moczyc of HRA criminally stole my scheduled 4/12/17 oral arguments hearing in my HRA lawsuit through illegal ex-parte communications that cost me my right to testify in my HRA lawsuit as scheduled on 4/12/17 partly about what was discussed during my 4/11/17 OTD fair hearing against HRA during which Marin Gerber of HRA committed wire fraud with no

immunity. The preceding discussion about the findings in *Monsky* relate to the fact that this case also is about the material fact that I'm still waiting to be properly accorded my First and Fourteenth Amendment rights by a legal forum to hold those who were involved in committing, ratifying, and covering-up the B&S liable for both that and the consequences from its snowball effect.

13. It's objectively to infer that HRA may have used its coercive power over Urban to jointly perpetrate the B&S against me. HRA has such power and influence over Urban by virtue of the contract that exists between HRA and Urban for the building in which I reside that allows HRA to replace Urban as that landlord with a different vendor.

14. *Kerman v. City of New York*, 374 F.3d 93 (2d Cir. 2004) is controlling law that states that an "error will be deemed fundamental in a civil case only if it is "so serious and flagrant that it goes to the very integrity of the trial." The information that I have presented up to this point in this petition makes clear that both Judge Stanton and the Second Circuit prejudicially committed fundamental error in K1 and K2 in violation of my First and Fourteenth Amendment rights that warrants immediate reversal for both K1 and K2. Such relief is urgently needed partly to end and otherwise irreparable and substantial harm that I'm experiencing, am otherwise facing partly because of Urban<sup>3</sup>. Also, my Mom is contending with substantial and irreparable harm while being severely incapacitated due to strokes that may still be reversible to a degree. She is my sole surviving parent after my Dad passed away in Japan on 9/23/21. She is also the spectacular woman and fighter for whom I'm a legal guardian. My Mom's medical needs are urgent and continuous due to severe strokes that cost her most of her speech and paralyzed the right side of her body. Intense and continuous rehabilitation may be able to reverse those disabilities for her to a degree, but I sorely need as much employment as I can get and all

other resources that I may possibly be able to obtain to cause her to be provided such speech and physical therapy among others. My will to fight and stubbornness in doing so is from and for her. I badly need the win on the merits in the district court action to harness and direct the vast majority of the damages that I may receive from that for my Mom's care. She has a medical condition that is known as aphasia that the actor Bruce Willis recently caused to gain public awareness of by disclosing that he also suffers from it. Ms. Scalia, HRA, and HRA's other personnel certainly have the ability to hire me for jobs with HRA and otherwise introduce me to vendors that HRA uses to help me to be granted job interviews by them possibly to be among personnel to provide services to HRA as a contractor. Ms. Scalia and HRA have the ability to let me use printers they use to print resumes and legal filings. The violations by Ms. Scalia and HRA of my HRA contract's terms are also unconscionably and excruciatingly not letting me properly grieve for my father in Japan after he passed away there on 9/23/21 by allowing me to obtain the resources necessary to travel there to be with him to do so.

### **CONCLUSION**

For the foregoing reasons, the orders that the Second Circuit issued on 1/31/22 and 12/20/21 in K1 as well as the dismissal order that Judge Stanton issued on 10/22/20 in K2 must be reversed.

Respectfully submitted,

Date: May 1, 2022

Towaki Komatsu

802 Fairmount Pl.  
Apt. 4B  
Bronx, NY 10460  
(347) 316-6180  
Towaki\_Komatsu@yahoo.com

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Scott Hutchins

Address: Greene Ave

I represent: VOCAL/Neighbors Together

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 6522-2022 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/13/22

(PLEASE PRINT)

Name: Kimberly Blair MPH

Address: see below

I represent: National Alliance on Mental Illness of

Address: 307 W 30th St, 8th Fl, New York, NY 10018

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 276 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/13

(PLEASE PRINT)

Name: Sarah Wilson

Address: W 182 St Bx 10453

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Douglas Powell

Address: Ward Island

I represent: VOC NY Br.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Milton Perez

Address: 160 New Lots

I represent: Bx PR VOCAL NY Homeless Union

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Deborah Berkman, NYLAG

Address: West End Ave, New York NY 10024

I represent: New York Legal Assistance Group

Address: 100 Pearl St., 19th Fl., New York, NY 10004

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0124-2022 Res. No. \_\_\_\_\_

in favor  in opposition

Date: September 13, 2022

(PLEASE PRINT)

Name: SHARIFAH HARVEY

Address: Sheltered Homeless (do not announce in order to

I represent: myself protect myself and other

Address: \_\_\_\_\_ residents: \_\_\_\_\_

NY, NY 10062

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 229 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/13/22

(PLEASE PRINT)

Name: Nicole McVinga

Address: \_\_\_\_\_ Pinehurst Ave, New York, NY

I represent: Urban Pathways 10040

Address: 575 8<sup>th</sup> Ave, New York, NY 10018

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/13/22

(PLEASE PRINT)

Name: Touafic Kouatli

Address: \_\_\_\_\_

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 229 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/13/2022

(PLEASE PRINT)

Name: Robert Desir

Address: \_\_\_\_\_

I represent: Legal Aid Society

Address: 199 Water Street, 3rd floor, New York NY 10038

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/9/13/22

(PLEASE PRINT)

Name: Molly Park

Address: \_\_\_\_\_

I represent: Department of Homeless Services - D.H.S.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 124 Res. No. 229

in favor  in opposition

Date: SEPTEMBER 13, 2022

(PLEASE PRINT)

Name: JAMES LEE

Address: CHRISTIE ST.

I represent: MYSELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/13/22

(PLEASE PRINT)

Name: Marricka Scott McFadden

Address: \_\_\_\_\_

I represent: Department of Social Services - DSS

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

*Appearance Card*

I intend to appear and speak on Int. No. 522 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/13/2022

(PLEASE PRINT)

Name: Christine Quina

Address: \_\_\_\_\_

I represent: Win

Address: \_\_\_\_\_

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