



**Testimony of Annette Holm
Chief Special Services Officer, New York City Human Resources Administration**

**Before the New York City Committee on General Welfare
Oversight Hearing: Supportive Housing
December 14, 2020**

Good morning. Thank you Chairperson Levin and members of the City Council’s General Welfare Committee for the opportunity to testify today about Supportive Housing, a critically necessary resource in the fight against homelessness. I’m Annette Holm, Chief Special Services Officer at the New York City Human Resources Administration. Today, I am joined by colleagues from the Department of Housing Preservation and Development (HPD) Emily Lehman, Assistant Commissioner for the Division of Special Needs Housing, and from the Department of Health and Mental Hygiene (DOHMH) Gail Wolsk, Senior Director, Office of Housing Services as well as my Human Resources Administration (HRA) colleagues Deputy Commissioner of the Office of Supportive and Affordable Housing and Services Jennifer Kelly, Deputy Commissioner of Customized Assistance Services Michael Bosket, and Erin Drinkwater, Deputy Commissioner of Intergovernmental and Legislative Affairs.

Supportive Housing

It has been forty years since the first supportive housing project residence in New York City opened its doors. While much has changed since that time, we continue to rely on and benefit from this proven, evidence-based resource which combines permanent affordable housing with supportive social services, so individuals and families are able to achieve their maximum level of independence and health in a safe supportive environment. Supportive Housing projects provide high quality independent living environments for vulnerable New Yorkers who might otherwise find themselves in more restrictive and more expensive institutional settings such as psychiatric hospitals, emergency rooms, jails and shelter. This permanent housing model includes voluntary services that are focused on positively impacting tenants’ quality of life, assisting in their personal path of addressing mental health challenges and/or substance use. Services are customized to meet the unique needs of each resident and can include mental health and substance use services, employment services and resources, and education services and resources. For families with children, the program provides the supports needed to maintain a safe home environment conducive to healthy development of their children

In 1990 the NY/NY I agreement between the Dinkins and Cuomo Administrations created 3,615 units of supportive housing. This first of its kind agreement licensed permanent and transitional housing for individuals experiencing homelessness who have been diagnosed with mental illness in New York City.

NY/NY I population groups targeted single New Yorkers experiencing homelessness with a Serious Mental Illness (SMI) or who individuals with Serious Mental Illness with a co-occurring substance use disorder.

The second NY/NY II in 1999 under the Giuliani and Pataki Administrations created an additional 1,500 units of supportive housing for individuals experiencing homelessness who have been diagnosed with mental illness. This Agreement resulted in \$45.7 million and \$85 million in State and City capital funding for supportive housing, respectively.

Finally, the NY/NY III agreement in 2005 between the Bloomberg and Pataki Administrations committed to create 9,000 units of supportive housing in New York City over ten years. As of September 2020, of the 9,000 planned units for NY/NY III, 8,900 have been awarded. Of those 8,900 awarded units, 8,487 are fully developed for occupancy.

Of those 8,487 ready units, the overall State-City occupancy rate is 90%, with a total of 7,593 New Yorkers moving into NY/NY III units between January 2014 and September 2020 —and the remainder having moved in prior to 2014. The occupancy rate for the City-contracted NY/NY III units is 95%, as it has been for many years.

These 14,115 units were not enough to meet the need of vulnerable new Yorkers, and in November of 2015 Mayor de Blasio announced NYC 15/15, which is the largest municipal commitment to Supportive Housing. NYC 15/15 will result in the development of 15,000 units of supportive housing over 15 years and is modeled on the New York/New York agreements.

Over 15 years, the City will create 7,500 newly-built congregate units and obtain an additional 7,500 scattered-site units. These residential units are equipped with on-site case management and supportive services and adhere to safety and quality standards in accordance with local, state, and federal laws and regulations. Funding for 5,306 NYC 15/15 units has been awarded, which is more than a third of the 15-year total. Through September 2020, more than 2,300 people had already moved into nearly 1,800 NYC 15/15 units, and another 109 were linked to homes and in the process of moving in.

In supportive housing, a family or individual pays 30 percent of their income towards rent, participation in services is not required to maintain their tenancy, but many tenants do, in fact, take advantage of the comprehensive services including:

- Case management;
- Educational, vocational, and other recovery-oriented services;
- Individualized service planning and supportive counseling;
- Assistance in navigating and gaining access to community services and government benefits, such as food stamps, legal advocacy;
- Referrals to medical and behavioral health care and treatment; and
- Recommendations and support in developing skills for financial self-sufficiency.

This stable and permanent housing for New Yorkers with mental illness and substance use challenges who have experienced homelessness, as well as other vulnerable populations such as New Yorkers with HIV, provides an environment of support and increases connections to services, increasing positive outcomes for those living in Supportive Housing. Supportive Housing reduces the City's reliance on homeless shelters, hospitals, mental health institutions, and incarceration, setting up these individuals and families for success and in the long-term saves the taxpayers higher costs.

The Role of HPD

The Department of Housing Preservation and Development, DHS, and HRA communicate daily to coordinate our response to the homelessness crisis. One of the major avenues is through our efforts to refer and place homeless households out of shelters and into permanent housing. For supportive housing projects, HPD, DOHMH and HRA conduct regular meetings so that HRA knows when specific HPD buildings will be completing construction and when apartments will become available.

HRA also attends marketing and lease-up kick-off meetings with HPD and the project development teams so that they are aware of construction and marketing timelines. When an apartment is available, HRA refers three eligible shelter clients to the apartment, and the service provider makes their decision. Communication between our agencies occurs at several points during the referral and placement process. Our agencies will continue to seek ways to streamline the supportive and homeless housing referral process such as partnering on the design and implementation of CAPS and ensuring that the shelter system's most vulnerable clients receive the housing and the rental assistance they need.

It is essential that we continue the progress we have made to create even more supportive housing, and the Council has been a critical partner in helping us build more of it. The administration is extremely grateful to the Council Members here today for helping us educate New Yorkers about the benefits of supportive housing and for welcoming a number of wonderful supportive housing developments throughout the neighborhoods you represent. Together, since the start of Housing New York, we have financed more than 6,250 supportive housing homes with many more being closed on this month, in NYC 15/15 and other programs.

The Role of DOHMH

The NYC Department of Health and Mental Hygiene (DOHMH) has been contracting and providing program monitoring and technical assistance to supportive housing providers since the initial development of programs in the Mid-1980's. Currently, DOHMH plays a lead role in contracting, monitoring and evaluation of services for individuals in 9,718 units of the City's supportive housing units. These units are in 170 congregate site buildings and 80 Scatter Site programs. These units were developed under the following program initiatives: NY/NY I, II & III, High Service Need I & II, Justice Informed Supportive Housing (JISH) and NY 15/15. Additionally, HRA oversees services to 1,000 units for individuals with HIV/AIDS, while services in 4,150 units are supported by State agencies.

In addition to working with HRA and HPD to develop units in the NYC 15/15 initiative, DOHMH is currently monitoring provision of services in this program to more than 2,300 people who have already moved into 15/15 supportive housing through 12 contracts providing congregate housing, and an additional 26 contracts of scattered site housing. Moreover, HRA works to refer clients to these units while confirming that the recommendations from the 2016 Mayor's Task Force on Supportive Housing are fulfilled. As mentioned, DOHMH will continue to provide programs the technical and contract management support necessary to ensure services meet the needs of tenants, are evidence-based, and focus on the recovery of individuals and families.

Service evaluation plays a critical part in the City's supporting housing program, and DOHMH coordinates with partners at the City and State level to measure a wide range of quantitative and qualitative data on the programs above. With DOHMH's support, we are able to gather and understand the health, social and fiscal impacts of these supportive housing programs via feedback collected from tenants and providers. Based on this information, which is highlighted by the NY/NY III interim evaluation report, we have seen net savings at above \$10,000 annually for single adults housed in supportive housing.

The Human Resources Administration's Office of Supportive and Affordable Housing and Services

The Human Resources Administration's Office of Supportive and Affordable Housing and Services (OSAHS) is focused on permanent housing solutions for individuals and families who have experienced homelessness.

OSAHS works closely with other divisions of HRA, our sister agencies, particularly DOHMH and HPD, as well as service providers to establish new housing programs and to serve as the centralized source for the referral of applicants to supportive housing. OSAHS' coordination and collaboration with our sister agencies and non-profit partners are geared to ensure that the people we serve are able to achieve their maximum functional capacity in a safe supportive environment.

Reforms to Date

In early 2016, a Supportive Housing Task Force, including City agencies, supportive housing providers and advocates, was convened and in December of that year issued a report which included 23 recommendations for NYC 15/15 to expand and improve upon the previous NY/NY agreements. The recommendations were grouped into 4 categories: data and evaluation; referral process; services models; and streamlining development. Today we are well underway in the implementation of those recommendations; more than 90% of the recommendations are either completed or ongoing, and the remaining recommendations are in the process of being implemented.

I want to highlight a few important reforms today including updates to the NYC Coordinated Assessment and Placement System (CAPS), the Standardized Vulnerability Assessment (SVA) and COVID-19 related reforms.

NYC Coordinated Assessment and Placement System (CAPS)

On October 26, 2020, pursuant to the federal Department of Housing and Urban Development's requirements, HRA implemented a Coordinated Assessment & Placement System (CAPS). CAPS is the comprehensive re-design of the Placement Assessment and Client Tracking (PACT) system to better incorporate the HUD requirements for coordinated entry in NYC and now integrates all application, eligibility determination, referral and placement activities into one system. The CAPS system also interfaces with DHS, HASA, DYCD, and Medicaid systems for data, additional interfaces with DOC and other entities is planned throughout 2021. These interfaces provide demographic, homeless status, and other data to support and facilitate application and eligibility determination completion. We anticipate this will increase efficiencies in placing individuals and families experiencing homeless as they transition to permanent housing. Other enhancements include:

- An easy to complete Coordinated Assessment Survey for users and clients of the types of housing and housing subsidies and supports clients may be eligible for.
- Retrieval of prior applications and copies of documents HRA is in receipt of that are required for placement.
- Prepopulating application fields from system integrations with DHS, HASA, DYCD and HRA's systems.
- Electronic 2010e Supportive and General Population Housing Applications.
- A Standardized Vulnerability Index that assists DHS/HRA to focus on those clients with the highest vulnerability and likelihood for continued homelessness.
- A Vacancy Control system which, upon release, had over 30,000 units of supportive and other housing units captured within it and allows HRA/DHS the ability to monitor vacancies and increase the speed at which we are able to make placements.
- Electronic referrals, appointments, and documentation transmission for clients to be referred to for interviews with housing providers.
- The ability for housing providers to act on referrals in the system and relay the outcome of the client interview and acceptance of placement.

In addition to coordinating the NYC 15/15 supportive housing efforts, HRA is working with our New York State partners to make referrals of households experiencing homelessness into units that NY State has developed as part of their Empire State Supportive Housing Initiative (ESSHI). Our collaborative work includes developing requirements and assessing eligibility for some distinct State ESSHI categories and working with our DHS shelter providers and Street Homeless programs to refer eligible candidates to these units. Working with our State partners and their non-profit providers has expanded supportive housing opportunities for DHS clients in many areas (i.e. frail and elderly populations, individuals with mental health diagnoses, and survivors of domestic violence). This is a meaningful complement to the existing supportive housing portfolio.

We recently partnered with the NYS Office of Mental Health on an initiative to house clients experiencing street homelessness. NYS identified more than 200 units in their ESSHI portfolio specifically for this population. To date, we have linked almost 90% of the units to clients experiencing street homelessness

and in need of permanent supportive housing, and the remaining clients are waiting for the State's providers to locate scattered site units.

Last year HRA, DHS, HPD, and DOHMH worked in collaboration with community stakeholders to create several key recommendations to increase access to supportive housing. Recommendations include streamlining the housing application process, expanding the pool of professionals who can submit psychiatric evaluations, and expediting the housing application process. The goals of these recommendations are to reduce client barriers and enhance the client experience throughout the application, interview, and move-in process for supportive housing.

Finally, in our continued effort to better serve New Yorkers in need of supportive housing, we are assessing and updating the online supportive housing application, completed by a referral agency, known as the 2010(e) application. For example, we are ensuring that questions regarding preferred spoken language and ethnicity include the top 30 languages in New York City and a comprehensive listing of ethnicity choices, respectively. We are also ensuring that more responses, such as nonbinary and gender nonconforming, are included under gender identity so that clients can properly express how they identify.

Standardized Vulnerability Assessment (SVA)

Developed through the work of the Supportive Housing Task force during 2016, the NYC Standardized Vulnerability Assessment (SVA) is conducted on all approved HRA Supportive Housing Application Referrals. This assessment takes into consideration the applicant's living situation (current and history), Medicaid utilization, challenges impacting their independence, and functional limitations, and from those metrics determines the level of continued vulnerability of homelessness. The SVA uses a categorical system of High, Medium, and Low Vulnerability.

HRA continues to work with our government, community, provider and advocacy group partners — and from these collaborative efforts in 2019 further refined the SVA to better assess uniquely vulnerable groups including unsheltered individuals, survivors of Domestic Violence/Intimate Partner Violence, families with children, and young adults.

COVID-19 Related Reforms

COVID-19 required us as an agency to take look at our processes so that we could continue to serve clients in a means that prioritized their health and safety as well as that of our staff. As such, in the early stage of the pandemic we set up processes with housing providers and DHS staff -to conduct clinical interviews remotely. We also set up a system and process for property management interviews to be conducted virtually wherever possible. Our partners at HPD also transformed their manual processes to include e-signatures on documents in lieu of original signatures as well as remote briefings. We see a great benefit to our clients in conducting interviews in this manner, including "no-shows" to interviews. We have worked with our partners at DOHMH to support increased capacity for congregate programs to isolate tenants onsite or to utilize the City's hoteling program. DOHMH has supported providers use of virtual services to ensure service provision that supports the health and wellness of all tenants and staff. This includes virtual meetings, increasing access to Wi-Fi for tenants and support with PPE supplies for

providers. Additionally, there are added efficiencies for DHS-funded programs and supportive housing providers alike. We intend to continue these changes post-COVID when we are no longer required to social distance and limit in-person interactions.

Progress to Date

Overall, there have been 11,883 total supportive housing placements from DHS shelter from the beginning of this Administration in January 2014 through September 2020. Included in these numbers are recent supportive housing placements from DHS shelter across various programs. In the CY20 through September 2020, DSS-DHS-HRA placed 1,035 households into permanent supportive housing from DHS shelters. This includes ongoing placements into the various congregate and scatter-site supportive housing programs (including NY/NY I – III, General Population Supportive Housing, NY State licensed programs, and ESSHI (Empire State Supportive Housing Initiative)) and placements into the new NYC 15/15 program.

Progress on this Administration's ambitious NYC15/15 plan is also on target. Construction awards through September 2020 are as follows. We have awarded 5,306 15/15 units to providers, including 1,255 scattered site and 4,051 congregate units.

Across all City agencies, through September 2020, nearly 1,800 households comprised of more than 2,300 New Yorkers have been connected to 15/15 supportive housing units, including more than 1,700 households, comprised of more than 2,200 people who'd already moved into homes and another 109 households who were linked to homes and in the process of moving (as of September 28, 2020).

As of September 2020, HRA's HASA program has:

- A contracted supportive housing portfolio of 5,362 units of which 4,924 units are already occupied. HASA spends about \$141.5 million annually for these units.
- 2,672 scattered-site units, including NY/NY III and non-NY/NY III, of which 93.4% (2,496) are occupied, and the remaining units are in the process of development or rent-up.
- 2,690 permanent congregate units, including both NY/NY III and non-NY/NY III, of which 90% (2,428) are occupied.

Legislation

I would now like to turn to the legislation being heard as part of today's hearing. Int. No. 2177, sponsored by Chair Levin would amend the administrative code of the City of New York, in relation to outreach to unsheltered individuals. This bill if enacted would limit outreach to unsheltered individuals to Department of Homeless Services staff or staff contracted by the department to contact and offer services to unsheltered individuals experiencing homelessness. The Administration is reviewing the impact of this legislation that has just been introduced; upon initial review and preliminary discussions with providers and sister agencies, we have concerns. Based on these conversations, we believe as drafted, this bill impacts the work of agencies other than DHS, including the FDNY/EMS, DOHMH, and the Parks Department. While our teams of experienced outreach providers are generally able to build relationships

with street homeless individuals, that is not always the case. For example, where a Client has previously been violent, or credibly threatened violence against outreach workers, but needs to be checked on for his or her own safety. Our outreach workers are trained to deescalate dangerous situations and work with individuals who have a history of violence. However, even the most rigorous training will not always enable an outreach worker to safely interact with a client. Our work includes balancing the interests of our staff, our clients and the general public. We have strong concerns that this bill will impede us from achieving that responsibility and servicing some of our most in need individuals. We look forward to further discussions with the Chair and the Council.

Int. 2176, also sponsored by Chair Levin would amend the administrative code of the City of New York, in relation to requiring the Department of Social Services to create a written notice for supportive housing residents of their rights pursuant to various state and local laws, as well as certain information about the building's regulatory scheme. The bill would require every provider of supportive housing to provide every resident this notice at the time of initial occupancy, at each lease renewal, and upon request. Additionally, the bill would subject any provider who violates the notice requirement to a civil penalty of \$250. The Administration is reviewing the impact of this legislation that has just been introduced and we look forward to further discussions with the Chair and the Council. Upon initial review, it appears this bill would set a different standard for City-contracted projects compared to those administered by the State. While we are supportive of the general intent of the bill, to increase transparency and provide tenants with useful information, we hope to work with the sponsor and stakeholders to address concerns.

Conclusion

Supportive Housing is a proven resource for individuals and families experiencing homelessness; voluntary services coupled with quality permanent housing results in positive impacts for tenants' quality of life. This housing first model benefits individuals and families as well as neighborhoods and communities at large. The biggest failure of supportive housing is that there is simply not enough of it to address the need. This is why this Administration made the single largest municipal commitment to develop 15,000 units over 15 years and continue to work with our State partners to ensure an equal commitment. We look forward with our continued work with the Council to ensure that each community is playing their part to welcome this permanent affordable housing model to their neighborhoods. And additionally, we look forward to our work together to ensure the State renews its commitment and funds the ESSHI program in the FY22 budget.

Thank you again for this opportunity to testify and I welcome your questions.



Testimony Submitted to the New York City Council Committee on General Welfare
Re: Supportive Housing Oversight

December 14, 2020

On behalf of the New York State Association for Affordable Housing (NYSFAH), I would like to thank Chair Levin and members of this Committee for the opportunity to provide the following comments on today's remote hearing.

NYSFAH is the trade association for New York's affordable housing industry, with nearly 400 members, including developers, lenders, investors, attorneys, contractors, architects and others active in the financing, construction, and operation of affordable housing.

We would like to thank the Committee for its interest in and advocacy for supportive housing, a hugely important pillar of the affordable housing world. We know that the best answer to homelessness is a home, and the supportive housing model provides that home and the support services that are so vital to allowing families to thrive.

Seeing funding maintained for this housing, reducing barriers to its creation, combating the NIMBYism that too often accompanies its development, and supporting nonprofit service providers are all important priorities that we thank the Council for its support on.

LS. 8909.: Supportive Housing Bill of Rights

We also support the intent of LS. 8909, which seeks to increase transparency and clarity for supportive housing residents. The funding streams, rent structure, the involvement of the many government agencies and their various oversight roles—these can all be very complicated for even seasoned affordable housing professionals, let alone residents.

However, NYSFAH does have concerns about the approach taken by this legislation:

- The amount of information being requested, which appears to fall on the providers, is extensive, which is problematic given the severity of the fines that are contemplated. This request should be made easier to comply with in the form of a clear, streamlined and universal template that could be followed.
- The definition of supportive housing in the legislation should mirror the definition in Local Law 212 of 2019 (prevailing wage for building service workers), rather than a new definition. As written, this requirement would seem to encompass homeless set-asides in HPD-financed projects, otherwise traditional affordable housing,

because those units come with what is sometimes called “light touch services.” This has traditionally not been considered or defined as supportive housing with full services and does not function the same way.

- A “contact person” at the various government agencies is not always immediately clear for the purpose of tenant relations.
- The implementation deadline of 120 days is not reasonable, particularly given the penalties. In the midst of this pandemic, providers of affordable and supportive housing are struggling to stay afloat given challenges with rent collection, staffing, funding for nonprofits, higher utility bills and more. To layer a complicated new regulatory requirement on top of that without adequate time is unfair.
- The penalties are severe. It is unclear what is meant by a single violation. If one provider’s packet misinterprets the law and is missing several of the many components, do those accumulate or is that a single violation?
- The public posting on the Department’s website of complaints and violations is very troubling. Complaints do not equal violations, and after investigation may be dismissed. In the meantime, the supportive housing provider has been identified on a problematic public list. We are fearful that, as some communities are very creative in their tactics to thwart supportive and homeless housing, these complaints may be weaponized and this list may be used against providers seeking to develop or site projects.

Thank you for your consideration of the above comments, and again for your support of supportive housing.

REBNY Testimony | December 15, 2020

The Real Estate Board of New York to The Committee on General Welfare of the New York City Council Concerning Intro 2176-2020

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Committee on General Welfare for the opportunity to provide feedback in support of Intro 2176-2020, legislation to create a supportive housing bill of rights. We are supportive of the City Council's efforts and offer a number of recommendations to improve this legislation.

For a Supportive Housing Bill of Rights to be effective, it must be presented to the resident in plain language and should ensure that all owners have a resource to direct residents towards if they need further assistance. Principally, the bill should designate an appropriate city agency to promulgate and create a standard, plain language template so that the required information is provided in a manner that is intelligible to the resident, and makes clear that additional resources are available to tenants to help them in understanding the rights outlined. We believe a form that is written in dense legal terms is not in the best interest of residents. This would also ensure consistency across portfolios and ownership structures, and should be required in any supportive housing site, private and public.

Information regarding programs and supportive services administered should clarify what benefits a tenant can access. Again, language would need to be included in the standard form that also directed a tenant as to where they could seek out more information if desired. However, it is unclear what benefit is incurred by providing any and all information regarding financing or funding streams for the entire project, and could cause confusion and detract from the laudable goal of focusing attention to tenancy rights. Alternatively, it would be more wholly appropriate for the state and city to report on funding stream allocation if that is the goal of this bill clause. Lastly, as a drafting correction, please note that if a tenant is residing in a rent stabilized unit, the bill should be clarified to mention the requirement of a 1 year lease minimum pursuant to stabilization law.

Lastly, by definition, residents in supportive housing have access to supportive services through a service provider. Ideally, those supportive service providers should already be able to assist residents who are having difficulty understanding their rights. If there is a need to help persons in supportive housing understand their rights it is unclear whether a single piece of paper will truly be sufficient, and raises the question as to whether efforts would be better directed to ensuring outreach by the providers themselves on how to help the residents and advocate for them. There are also a number of existing non-profit and government resources available to help people, such as the HomeBase program.

Thank you for the opportunity to submit comments on this legislation.

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Testimony by the New York Legal Assistance Group (NYLAG), Oversight - Supportive
Housing, Int 2177-2020, and Int 2176-2020,

Before the New York City Council Committee on General Welfare

December 14, 2020

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

Founded in 1990, NYLAG is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. Our services include comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. NYLAG exists because wealth should not determine who has access to justice. We aim to disrupt systemic racism by serving individuals and families whose legal and financial crises are often rooted in racial inequality. NYLAG goes to where the need is, providing services in more than 150 community sites (e.g. courts, hospitals, libraries) and on our Mobile Legal Help Center. During COVID-19, most of our services are virtual to keep our community safe. NYLAG's staff of 300 impacted the lives of nearly 90,000 people last year.

I am the Coordinating Attorney of the Shelter Advocacy Initiative at NYLAG. The Shelter Advocacy Initiative provides legal services and advocacy to low-income people in and trying to access the shelter system, and advocates for those experiencing street

homelessness. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. Additionally, we assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings.

The proposed local laws (Int. 2177-2020 and Int. 2176-2020) would have a dramatically positive impact on my clients' lives, and NYLAG wholeheartedly supports them.

Int. 2177-2020 would remove police officers from engaging in the outreach process to individuals experiencing street homelessness. This is an important step towards making outreach to those individuals more effective. Quite simply, police officers are not licensed social service providers. Clients experiencing street homelessness generally do not just end up on the street; rather most have stayed in shelters before, and often in other institutional settings as well (such as foster care, hospitals, residential treatment, jail and prison, halfway and three-quarter houses, etc.) and have found it intolerable to be there.¹ There are many reasons why this may be the case, but quite a few clients describe violent interactions with shelter police, staff and other residents and fear for their safety. Outreach efforts need to speak to those fears; however, police officers are trained to respond to emergencies, not to address the fears of traumatized people.

In general, most, if not all, of my clients experiencing street homelessness are extremely afraid of contact with the police. As stated above, many of them have had violent interactions with shelter police or the NYPD, and as a result actively avoid police

¹ <https://www.brc.org/why-would-homeless-person-not-want-go-shelter>

contact. If the goal of outreach is to convince people to enter shelter, employing people they actively avoid to attain that goal is counterproductive.

Moreover, some of NYLAG's clients who are experiencing street homelessness have serious mental illness. In fact, people with serious mental illness comprise an estimated one-third of the total people experiencing homelessness in the United States and an even higher percentage of adults who experience chronic homelessness.² Clients describe the presence of police officers as increasing their anxiety and exacerbating the symptoms of their mental illnesses.

Additionally, while homelessness itself is not a crime, the laws criminalize conduct inherent in living on the street, such as public urination and other quality of life issues. Clients have described interactions with police officers purportedly engaging in outreach that have ended in a citation or even an arrest. For someone experiencing street homelessness, even getting a ticket can be devastating. If they do not pay their ticket (most likely because they cannot afford to do so), and do not appear in court, they may be subject to a bench warrant. An arrest may also lead to job loss and difficulty obtaining a job, either because they are not able to attend work or because of their interactions with the criminal law system. Both of these consequences also erode employer faith in hiring people experiencing homelessness because "they don't show up," or because they have "records".³ Contact with the criminal legal system also can result in a criminal record that can prevent people from qualifying for NYCHA housing. In this way, "criminalization

² <https://www.treatmentadvocacycenter.org/evidence-and-research/learn-more-about/3629-serious-mental-illness-and-homelessness>

³ <https://www.nationalhomeless.org/publications/crimreport/problem.html>

actually perpetuates homelessness: if our goal is to eliminate homelessness from our city streets, criminalization is counterproductive.”⁴

Another reason that clients are hesitant to engage with the police is that some clients experiencing street homelessness have had their belongings taken or destroyed by the police as part of “sweeps” or, as they are referred to in New York City, “clean-ups”. When an encampment is scheduled to be “cleaned up”, clients have no choice but to carry away what possessions they can hold in their arms. This has led to my clients’ losing life-saving medications, treasured family mementos, and other property that they value. In fact, Int. 2177-2020 specifically addresses this distrust by defining outreach as “including but not limited to the removal of an individual’s personal property.”

For all of these reasons, many of my clients experiencing street homelessness deeply mistrust the police. Therefore, the reliance on police to carry out outreach with the goal of connecting individuals experiencing homelessness with services is counterproductive. The resulting avoidance and perceived reluctance to accept assistance from the police can lead to individuals being seen as “service resistant,” when in fact they do want services and housing, but feel threatened by police involvement.⁵

Int. 2177-2020 is an important step in the right direction, and NYLAG fully supports the removal of the police from the outreach process. We further strongly encourage this Council to enact legislation creating more private spaces in shelters, expand

⁴ <https://www.cohsf.org/Punishing.pdf>

⁵ <https://scholars.org/contribution/why-cities-must-end-their-reliance-police-manage-homelessness-and-how-they-can-do-it>

protections for shelter residents, and create more pathways to permanent housing from shelter.

NYLAG also supports Int. 2176-2020, requiring the Department of Social Services to create a written notice for supportive housing residents of their rights pursuant to various state and local laws. We welcome any measure this Council takes to strengthen the autonomy and improve the quality of life of residents of supportive housing. However, a more pressing issue for our clients is that the number of supportive housing units available is woefully insufficient. In New York City, four out of every five people found eligible for supportive housing were not able to obtain it because there are too few supportive housing units available.⁶ Thus, these people have no choice but to remain in shelter or street homeless. Recognizing that the lack of supportive housing results in homelessness, NYLAG hopes this Council will create additional supportive housing opportunities in New York City.

We thank the Committee on General Welfare for the work it has done to assist vulnerable New Yorkers and we hope we can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group

⁶ <https://www.coalitionforthehomeless.org/supportive-housing-ends-homelessness/>



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Oversight: Supportive Housing

presented before

The New York City Council's Committee on General Welfare

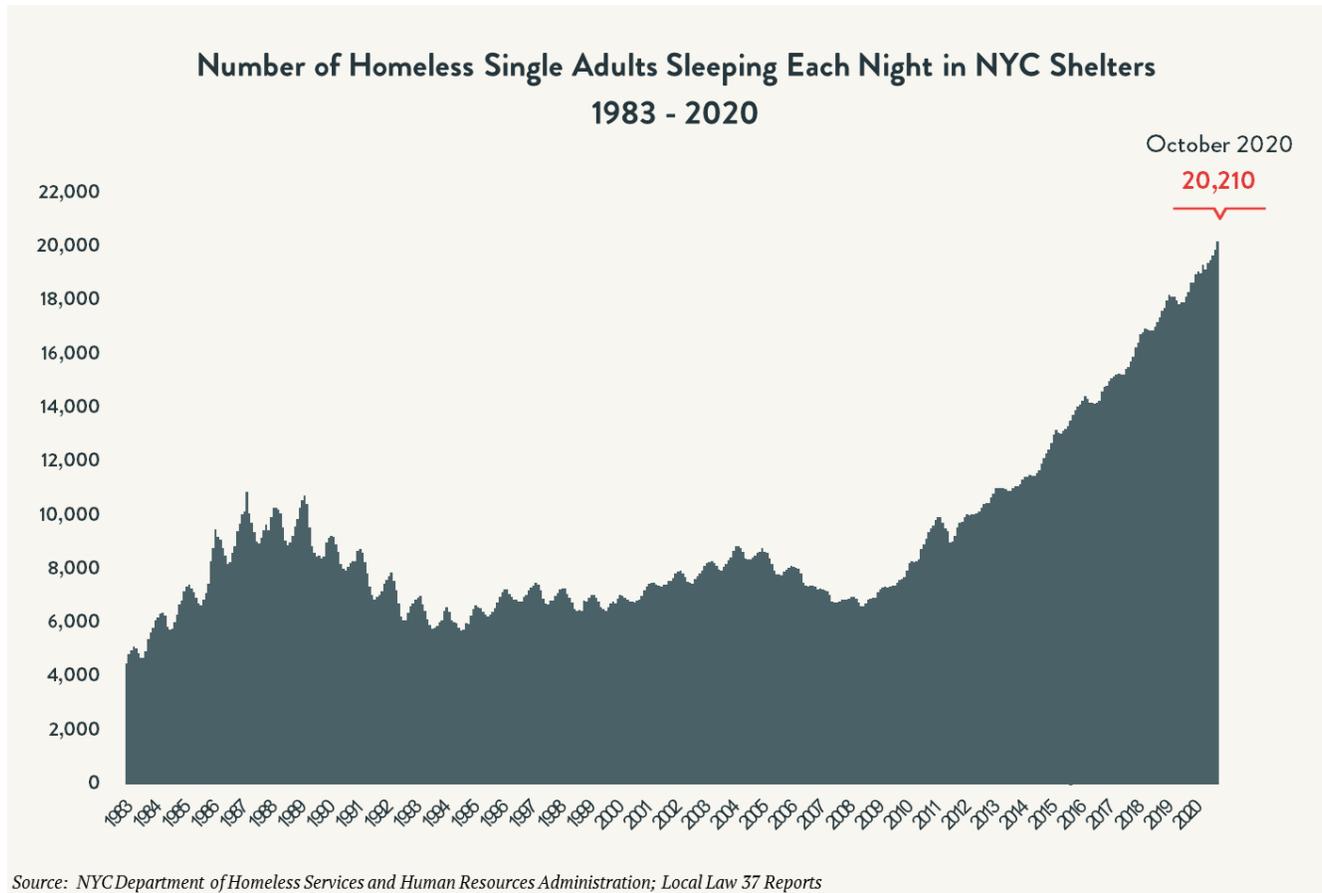
Giselle Routhier
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Coalition for the Homeless

Josh Goldfein
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The Legal Aid Society

December 14, 2020

Overview: Homelessness in New York City

In October 2020, the number of single adults sleeping in Department of Homeless Services shelters each night reached an all-time record 20,210. This marked the first time ever that the number of homeless single adults in the shelter system topped 20,000. The reasons for this drastic increase are rooted in multiple economic and policy failings, including the lack of affordable housing for single adults, and particularly the lack of supportive housing for individuals living with serious mental illnesses, substance use disorders, and/or other disabilities.



A large portion of single adults sleeping in shelters have one or more disabilities. Many of these individuals undoubtedly are able to live independently with the provision of affordable housing – a desperately needed resource. Others need support services to help them manage their mental illnesses, substance use disorders, or other challenges to daily living. In 2017, DHS conducted a survey to determine the number of shelter residents with a disability or condition requiring a reasonable accommodation, as required by the *Butler v. City of New York* settlement. The agency estimated that 67 percent of all single adults sleeping in the shelter system have some type of disability that requires a reasonable accommodation to ensure they have meaningful access to shelters and shelter-related services. DHS data also show that 16 percent of single adults receive Federal disability benefits

(Supplemental Security Income or Social Security Disability Insurance).¹ Currently, only one in five applicants deemed eligible for supportive housing actually receives it.

Supportive Housing: Eligibility, Placement, and Services

As we reported at the last oversight hearing on supportive housing in 2018, our clients continue to encounter many issues relating to the application process, eligibility criteria, and placement logistics when applying for supportive housing. The process of applying for and obtaining supportive housing is needlessly complex, bureaucratic, and rife with problems for the vulnerable individuals meant to benefit from this critical resource.

To access supportive housing, a prospective tenant must complete an HRA 2010e application, which requires a psychosocial assessment, a separate psychiatric evaluation, and the assistance of professional and trained staff who must submit the application. The eligibility determinations allow for significant clinical and administrative latitude from HRA administrative staff who have no contact with applicants and, as a result, there is much inconsistency in the review process and eligibility outcomes. Often, an application will be returned as “unable to review,” effectively denying an individual access to supportive housing until they can produce additional documentation or rework entire sections of the application. No assistance is offered with this process, and the reasons for the returned application are often opaque. Furthermore, the client is not given access to the application and therefore receives no notice of the denial or status of the application. This can extend the application process for months – while the individual continues to languish in a shelter or on the streets. In particular, we have encountered numerous problems documenting the length of time applicants have been sleeping on the streets, for the purposes of establishing supportive housing eligibility, because of the onerous and inconsistent documentation standards. Notably, there is no official, impartial appeals process for an applicant wishing to challenge an eligibility determination. Some staff are knowledgeable enough to know that they can reach out to the reviewer to dispute an eligibility determination, but because no formal process is documented on the decision or anywhere else during the application process, this type of additional *ad hoc* advocacy cannot be relied upon to address the systemic weaknesses that are denying homeless individuals access to supportive housing.

Once an application is approved, a prospective tenant faces a new set of hurdles before receiving keys to an apartment. Applicants must undergo an interview with a supportive housing provider, where experiences vary widely. There is no central oversight to ensure consistent best practices among housing providers – a negative byproduct of having multiple sources of government funding and regulations for supportive housing. This inconsistency is extremely challenging for many applicants. For example, although homeless applicants have already submitted extensive documentation with their 2010e applications, some supportive housing providers ask them to submit additional materials. We have also

¹ Coalition for the Homeless. (2020). State of the Homeless: Governor and Mayor to Blame as New York Enters Fifth Decade of Homelessness Crisis, via <https://www.coalitionforthehomeless.org/state-of-the-homeless/>

encountered examples of providers violating local laws in refusing to provide translation services and, in some cases, refusing to consider a client for a particular housing development because the provider does not want to secure language access for the client. Some applicants report having to complete complex forms during the interview or even to be considered for an interview, including paperwork that, once signed, waives their right to manage their own money and benefits. In addition to creating unnecessary and potentially exploitative requirements for accessing supportive housing, this documentation follows clients even if they do not secure the particular apartment for which it was required, and may therefore negatively impact them in the future. On occasion, and without advance notice, applicants are required to undergo an additional mental health evaluation, or to demonstrate their ability to evacuate a building in a very short amount of time. Matching applicants to units that can accommodate their disabling conditions has been problematic, and the evacuation requirements often do not take into consideration the applicant's physical disabilities. Because of inconsistencies between providers, applicants are often left confused, overwhelmed, and unprepared for the interview process. All of these barriers illustrate how far supportive housing has moved away from a true Housing First model.

Although supportive housing is a vital resource in the fight to end homelessness, we continue to encounter issues related to both the application and placement process (as documented above), as well as the level of services tenants receive once they are in a supportive housing program. We have worked with many residents of supportive housing who are at great risk of leaving their placements because of a lack of appropriate services. In some supportive housing, case management is cursory and focused only on those requirements necessary for the provider's financial billing – as opposed to the tenant's actual and expressed needs. This includes requiring that clients allow a housing provider to manage their benefits so the provider can be paid for doing so, even when it is not clinically necessary. Because supportive housing staff may not have longstanding working relationships with clients or they provide only cursory services, we have frequently seen that staff are unable or unwilling to identify when a client is at risk of harm or has decompensated. Additionally, while health and mental health treatment is not required to live in supportive housing, nor should it be, case managers do not always raise the benefits of getting connected to care which could greatly assist with some of the problems that arise in supportive housing. Relatedly, we have also found that some providers are quick to initiate court proceedings against tenants or threaten their tenancies, but do not proactively offer to help a client resolve rental arrears and the issues that led the arrears to accumulate in the first place.

These systemic issues could be mitigated through additional funding and oversight, as well as empowering supportive housing residents with information about their rights and how to seek assistance. We continue to call for the City and State to fully fund their historic commitments to increasing the supportive housing stock, and to ensure that this important solution to homelessness can better serve our neighbors in need.

Intro. 2176: Supportive Housing Bill of Rights

Many people living in supportive housing apartments are not aware of their tenancy rights or the rules applicable to their program. It can be difficult to ascertain which regulatory schemes in the patchwork of supportive housing programs govern a particular building. Supportive housing residents often do not know where to turn when their tenancies are threatened or when they need help with various program requirements. As the City and the State work to increase the supply of supportive housing, it is important to ensure that residents are fully informed of their rights and know where to obtain assistance when they need it.

Therefore, we fully support Intro. 2176, which will create a bill of rights for supportive housing residents. This bill will provide a much-needed uniform information resource for individuals moving into and currently living in supportive housing, including information about tenants' rights, the regulatory and financing schemes for the unit, and relevant points of contact for any problems an individual living in supportive housing may encounter.

We have a few technical comments on the language in the bill. First, the bill's use of the word "tenant" poses several challenges. The bill proposes a new definition of "tenant" that does not match the definition in the Real Property Law.² Further, not all current residents of supportive housing have their tenancy rights recognized but all would benefit from understanding what rights they do have, especially as supportive housing residents may end up being sued in housing court for rent arrears, thereby placing them at risk of homelessness again. Because the bill uses the word tenant, some individuals may be left out of receiving critical information about their rights. Using the term resident in lieu of tenant would ensure that the bill of rights would reach the largest possible number of people, including those occupants³ who live with tenants, while not confusing anyone with a contrary definition. To be clear, we fully support the goal of making sure all supportive housing residents have tenancy rights, but this bill does not actually create any new rights. It is structured only to provide notice of people's existing rights, a critical and much-needed resource, which we want every person living in supportive housing to receive. Second, Section 11 should be clarified. As written, it is repetitive of Section 3 and implies universal access to legal services – a goal not yet realized because of the phased-in approach to the right to counsel. Furthermore, we recommend that the notice of rights also be presented to prospective residents at the interview phase, so that they are equipped with important information about the unit for which they are interviewing.

Intro. 2177: Outreach to Unsheltered Individuals

We support this bill, which would prohibit police involvement in outreach to unsheltered homeless individuals. We have long decried the criminalization of homelessness, and the presence of police

² RPL § 235-f(1)(a) defines "Tenant" as "a person occupying or entitled to occupy a residential rental premises who is either a party to the lease or rental agreement for such premises or is a statutory tenant pursuant to the emergency housing rent control law or the city rent and rehabilitation law or article seven-c of the multiple dwelling law."

³ RPL § 235-f(1)(b) defines "Occupant" as "a person, other than a tenant or a member of a tenant's immediate family, occupying a premises with the consent of the tenant or tenants."

officers in outreach erodes the trust that is essential to helping people move indoors. This bill is a long overdue shift away from addressing homelessness as a policing matter.

We thank the Council for the opportunity to testify today, and for your steadfast commitment to addressing homelessness.

About The Legal Aid Society and Coalition for the Homeless

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

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

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

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

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness.

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 the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness 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 about 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, is now regularly serving more than 1,100 meals per night and distributing 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 (212-776-2177) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

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



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Center for Court Innovation Testimony
New York City Council
Committee on General Welfare

December 14, 2020

In 1993, the **Midtown Community Court**, a project of the Center for Court Innovation, opened its doors to address low-level crimes and violations that defined the Times Square/Hell's Kitchen neighborhood at the time. Over one-quarter of a century later, the Midtown Community Court continues to operate, serving people who are facing critical challenges, even during a global pandemic.

Poverty, housing insecurity, unemployment, the justice system, and now COVID-19 disproportionately and devastatingly impact People of Color. Since March, with the onset of COVID, City Council, local nonprofits, and the Center for Court Innovation (“Center”) have been on the frontlines of the effort to bring vulnerable New Yorkers, and often BIPOC people, to safety. During this time, the Midtown Community Court has adapted in myriad ways to ensure accessibility, completion of court mandates, and provide for the basic needs of our communities.

Thanks to Council support of Midtown Community Court, our Midtown team was able to purchase and prepare hundreds of bags of food to distribute in and around Midtown. We were able to purchase and distribute PPE to communities in need of masks and gloves. Additionally, Midtown Community Court’s staff has hosted 8 different outreach events where we distributed clothing, socks, underwear, shirts, shoes, duffel bags, and Naloxone kits, including at International Overdose Awareness Day and World Mental Health Day.

Next Steps: Community Engagement and Assistance. The pandemic has exacerbated the needs of the communities we serve. We know that during this time feelings of isolation, food insecurity, and homelessness/housing instability and mental health concerns are on the rise. In response, Midtown Community Court has developed two pilot programs, tentatively named Community First, and the Midtown Rapid Engagement Initiative. Each program aims to prevent arrest and further involvement in the criminal justice system by offering individuals much needed services at distinct and separate intercept points.

The pilot programs aim to either provide holistic services to prevent arrest (Community First), and to provide rapid engagement into services immediately post-arrest (Midtown Rapid Engagement Initiative). Instead of routing individuals into the criminal justice system, the goal of the programs are to provide much-needed and holistic treatment services.

Community First

The Times Square Alliance (“the Alliance”) reported that the pandemic has caused an increase in the number of people who are housing insecure, homeless, and/or living with severe mental health issues and/or substance use disorders gathering in and immediately around the Times Square area. Starting in January 2021, to respond to these issues, Midtown Community Court, in partnership with the Alliance, Breaking Ground, and Fountain House, is piloting Community First. This initiative will connect individuals who are gathering in Times Square, often homeless, to the critical services they may need.

Although police interventions can be the appropriate response for some public safety matters, the Alliance and Midtown felt it was important not to employ or rely solely upon traditional policing to solve these emerging community concerns. This pilot program will be a holistic community response, working to link individuals to social and wellness services. Specifically, Community First will employ teams of Community Navigators, partnering them with community-based organizations, and engaging them in social services, substance use and mental health services.

Community Navigators will facilitate linkages to services and/or help individuals gain access to spaces that are otherwise denied to them, like bathroom facilities. The Navigators will be a staple in the Times Square community, building meaningful connections with individuals frequenting Times Square. The Community Navigators’ consistent presence and engagement will also allow them to gain credibility with local businesses, community-based organizations, and other Times Square entities, which will result in creating opportunities for supportive services and access to those who need it. Navigators will also connect individuals to Midtown’s programs and clinical services, as needed.

The program would draw from the Center for Court Innovation’s Save Our Streets (“S.O.S.”) program, which seeks to end gun violence at the neighborhood level. S.O.S. employs “Violence Interrupters,” who use their intimate knowledge, along with their credibility and their relationships, to mediate and de-escalate conflicts. The success of S.O.S. is in large part because of the credibility and presence of Violence Interrupters in neighborhoods.

Like S.O.S.’s Violence Interrupters, Community Navigators will form trusting relationships with people in need frequenting Times Square. Navigators will learn the needs of the people the program seeks to serve, and successfully secure meaningful support for those individuals. Midtown, the Alliance, Breaking Ground, and Fountain House, designed a phased approach for this program. **Phase 1** will be a trust-building and information gathering period that will last approximately three months during which our team will also work to build out a Community Navigator Welcome Center to act as a hub for people in need of services in or around Times Square. **Phase 2** will be the period of time during which we synthesize all of the data collected during the first phase and secure more long-term funding. During **Phase 3**, Midtown will begin hiring a team of Community Navigators to staff the large-scale launch of Community First.

Midtown Rapid Engagement Initiative

The Midtown team has been working in partnership with Fountain House, Midtown North Precinct and the NYPD's Behavioral Health Unit to create a precinct-based intervention called Midtown's Rapid Engagement Initiative ("the Initiative"). The Initiative seeks to respond to the needs of individuals arrested for low-level crimes, who sometimes overlap with street homelessness, by connecting them with an on-call social worker or peer navigator at the precinct to directly pair arrest with same-day social service support.

The Initiative would serve as a dedicated resource for the precinct to help rapidly engage individuals who may have complex needs on the same day of an arrest. The Initiative would offer individualized care to people arrested on cases that are Desk Appearance Ticket-eligible who want to connect to services by employing a highly-skilled social worker from Midtown as the precinct's "on-call" social worker and peer navigator. This timing is critical because often an arrest of someone may be the direct result of that person's dire need for mental health services and/or harm reduction services, along with other services. The Initiative intervention team would include coordination between a social worker, a peer navigator, Midtown's long-standing community-based partners, and city agencies such as DHS, DOHMH and HRA.

Beyond the immediate engagement at the precinct, the assigned social worker or peer navigator will continue to be a point of contact for individuals who participate in the Initiative and will be tasked with meaningfully engaging with them beyond the point of their arrest. They will provide case management services, individual counseling, and make additional referrals as needed. The social worker will also help to ensure that clients avoid the more serious consequences that come with having a warrant issued against them by reminding them of their obligation to attend their DAT arraignment date and by helping facilitate their attendance.

While this program is still in its pilot phase, we are confident in its potential to positively impact individuals' lives. We will provide individuals in need with individualized care. Individuals will also rapidly engage with critical services, and we will ensure that ongoing outreach is achieved so that we help eliminate the possibility that someone will miss their court date and be subject to the threat of being issued a warrant. Our hope is to create an intervention team that can be expanded to serve individuals in need from precincts across the entire borough. _

Conclusion

The Center for Court Innovation thanks the City Council for its long standing partnership. The Center stands ready to continue implementing its proven programming and to assisting Council Members in forging creative solutions and adaptations in this extraordinary time.

**The Bronx
Defenders**

**Redefining
public
defense**

**New York City Council
Committee on General Welfare
Supportive Housing Tenants Bill of Rights**

December 14, 2020

**Written Testimony of The Bronx Defenders
By Emily Friedman and Rosa Jaffe-Geffner, LMSW**

Good afternoon, Chair Levin and Committee Members. We are Emily Friedman, Staff Attorney, and Rosa Jaffe-Geffner, Social Work Coordinator, from the Civil Action Practice at The Bronx Defenders (“BXD”).¹ Thank you for your attention to these critical matters and for the opportunity to testify before you today.

A. Introduction

In the Civil Action Practice, access to stable, quality, housing is an urgent need for many of our clients. We meet clients two ways: First, through our interdisciplinary model, we work with clients who are facing housing consequences due to criminal legal system or other court system entanglement. The second way is through direct referrals from Housing Court as Right to Counsel providers in the Bronx. Through our housing work, we are familiar with the problems, deficiencies, and challenges tenants living in supportive housing experience—either because our clients are fighting to access supportive or other subsidized housing or because we are helping our clients defend against displacement from their supportive housing.

¹ The Bronx Defenders is a public defender non-profit that is radically transforming how low-income people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, and team administrators, who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called *holistic defense* that achieves better outcomes for our clients. Each year, we defend more than 20,000 low-income Bronx residents in criminal, civil, child welfare, and immigration cases, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

What is most troubling about these cases is that our clients have already fought through perhaps the hardest parts of their lives to be deemed eligible for supportive housing, only to face losing it because of the very issues that made them eligible in the first place. They have significant histories of chronic homelessness, serious mental illness, and persistent substance use. With little income, often relying on social security benefits or public assistance, supportive housing is one of their few opportunities to access transitional or permanent housing. When we meet our clients, it is because they are at-risk of losing that critical opportunity.

We support the Supportive Housing Tenant's Bill of Rights as a necessary first step toward ensuring that those who live in supportive housing are informed of the rights they already have. This legislation will protect the most vulnerable New Yorkers because:

- The Bill requires written notice that centralizes and makes explicit tenant rights, including grievance procedures and reasonable accommodations that will provide protections against discrimination as well as alternatives to eviction; and
- The Bill's promotion of transparency, access to legal services, and meaningful notice of rights will prevent evictions.

We urge the Council to consider going even further. Specifically:

- The Supportive Housing Tenant's Bill of Rights would be improved with meaningful oversight and expanded protections.

With additional accountability measures in place, New York City will take another important step toward ensuring that all city residents have safe and stable housing.

B. A Supportive Housing Bill of Rights is Necessary to Protect the Most Vulnerable New Yorkers from Eviction

Eviction has devastating consequences on any tenant's life. Evictions are traumatic, violent, and wreak havoc on those subjected to the process. Once families and individuals become homeless they often have no choice but to enter the shelter system; it can take years for them to enter permanent housing again. Evictions cause tremendous strain on people's finances and stability. They deeply impact people's physical and mental health. And in New York, people of color are disproportionately subjected to eviction from their homes.² These harms of eviction are often magnified for tenants in supportive housing, who are also predominantly people of color who already experience mental illness and histories of homelessness, with very few options for where to go.

² See, e.g., CASA & UJC, *Tipping the Scales: A Report of Tenant Experiences in Bronx Housing Court*, March 2013, at 6. Available at: http://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Report_CASA-TippingScales-full_201303.pdf

The COVID-19 pandemic has made clear that housing is a human right and a necessary component of public health. As advocates for the same populations that have been disproportionately impacted by COVID-19—low-income people of color—we have always known this to be true. While the pandemic has given rise to new protections for tenants across the country, however, New York City’s supportive housing tenants have been left out. Because eviction moratoriums focus on tenants who have been financially impacted by the collateral consequences of COVID-19, supportive housing tenants, who often have fixed incomes, cannot prove financial impact. Supportive housing tenants who are brought to Housing Court on holdover cases—often for no reason at all or because the tenant’s behavior is considered a “nuisance” to the apartment or building—also may not receive protections under the moratoriums.

We know stable, affordable housing is essential for those struggling with mental health issues. With supportive housing tenants less protected, now more than ever, their rights as tenants need to be recognized. Under current law, people residing in supportive housing are considered “tenants” with every right that exists within the traditional landlord-tenant relationship, plus additional rights that derive from city and state contracts with the supportive housing providers. But too often we see supportive housing providers operate as if they are exempt from providing even the basic protections that all tenants in New York City have under federal, state, and city law.

Supportive housing providers regularly bring cases in Housing Court without providing any due process to the tenants before terminating them from the program. Moreover, supportive housing providers often bring these cases without notifying the court of the tenant’s supportive housing status, denying them additional protections that may be available. In the most egregious cases, we have seen supportive housing providers change the locks on tenants and discard all of their possessions without any court proceeding or even any notice.

The Supportive Housing Tenant’s Bill of Rights asserts additional tenants’ rights that would help prevent evictions. First, it would make sure that tenants and supportive housing programs are aware of their rights and legal requirements from the outset of the tenancy, which would prevent issues from escalating to the point that eviction appears to be the only option. Second, it would ensure that tenants in supportive housing receive the due process protections in eviction proceedings that are afforded to them by federal, state, and city law, and by the contracts through which they are housed.

1. The Bill Requires Written Notice to Tenants of their Rights, Including Grievance Procedures and Reasonable Accommodations that Will Provide Protection Against Discrimination and Alternatives to Eviction

It is far too often the case that we see allegations levied against supportive housing tenants in eviction proceedings based on issues that should have been resolved through an alternative, less draconian intervention. Through our model of client representation, we are able to get involved early and provide advocacy to seek such alternatives. BxD clients have expanded access to housing representation because we receive direct referrals from the Criminal Defense and Family Defense Practices within our organization. Through this holistic process, we often engage with clients in supportive housing before their case has reached the Housing Court stage. In pre-litigation advocacy, we can help clients to resolve their issues and prevent the need for court intervention and the stress of an eviction proceeding. Other legal service organizations, however, do not usually have an opportunity to connect to supportive housing tenants until they are already in Housing Court. With a lack of consistent and formal procedure for alternatives to eviction for supportive housing tenants, the process on which we rely is inconsistent, resulting in inequitable outcomes. The creation of grievance procedures and promotion of reasonable accommodations through the Bill of Rights will create meaningful alternatives to eviction.

i. Grievance Procedures

We have seen a troubling trend of supportive housing providers trying to evict supportive housing tenants in holdover proceedings where ongoing conflicts between staff and roommates escalate to the point of police involvement. Oftentimes, we learn about these cases through our Criminal Defense Practice when the criminal cases are arraigned. These cases are a prime example of criminalization of the mentally ill, since the tenant behavior is directly related to the mental health diagnosis that made the tenant eligible for living in a setting with higher supports in the first place. It is not uncommon in reviewing the petition or speaking with our client that we note missed opportunities for alternatives to eviction. The grievance policy in the Bill of Rights will bring us closer to holding supportive housing providers more accountable when such situations occur. With a grievance policy, supportive housing tenants will be given the tools from the beginning of their occupancy to address such conflicts. If an advocate becomes involved, there will be a process that will ensure that the supportive housing provider has done everything in their power to address the concerns of the tenant before the situation escalates to calling the police, filing a Housing Court petition, or both.

ii. Reasonable Accommodations and Protections Against Discrimination

Another troubling trend is supportive housing evictions based on allegations that are directly related to the reason the individual qualified for supportive housing in the first place. Programs

often claim that a tenant is “disruptive” or failing to comply with program rules and try to kick them out. These allegations fail to recognize the relationship between a tenant’s mental health diagnoses and their conduct, running the risk of evicting clients based on their eligibility for the program. In 2018, Intro 147 was introduced in the City Council to advocate against “creaming” or screening out potential tenants who exhibited the most significant mental health concerns during the application process. We are now gravely concerned that this recreates the “creaming” process to remove people from supportive housing. When the symptoms of the supportive housing tenant require a higher level of care, they should be properly accommodated, not evicted. Otherwise, the basis of the eviction is actually disability discrimination against supportive housing tenants. Such evictions are against the law and subvert the purpose of supportive housing. We believe that the Bill of Rights’ reference to reasonable accommodations under the human rights law is a step in the right direction to addressing this issue. This normalizes the need for accommodation within supportive housing and presents another option as an alternative to eviction.

Such accommodations would be taken a step further with creating a transfer system that focuses on moving supportive housing tenants from one level of care to another. We understand that supportive housing is limited and we are not naive to the constraints of supportive housing providers around identifying available housing. Nonetheless, eviction and homelessness cannot be the solution to this problem. Transfers as a reasonable accommodation are possible, even with limited available housing. While immediate housing may not be offered, at minimum such a system would recognize that the social problems of tenants should be addressed through transferring units, not evictions. A transfer system would be another way for supportive housing providers to be accountable to the needs of tenants through providing accommodations.

2. The Bill’s Promotion of Transparency, Access to Legal Services, and Meaningful Notice of Rights Will Prevent Evictions

We believe eviction from supportive housing is never an appropriate remedy. New York City’s most vulnerable populations should not have to experience the trauma of losing the stability of their home. However, if supportive housing tenants can be subjected to eviction, then it should only be as a last resort. This bill being considered today will at a minimum ensure due process for supportive housing tenants in eviction proceedings.

Most importantly, the Bill of Rights makes explicit that tenants in supportive housing may only be evicted through a court proceeding, rather than through self-help or other informal processes. It also mandates that providers put information about the tenant’s supportive housing status and compliance with the requirements of the Bill of Rights into the court papers. This requirement will eliminate the risk that the Housing Court and advocates are unaware of the special protections that may apply.

As advocates for supportive housing tenants in Housing Court, the lack of transparency around the rules governing supportive housing programs is a constant barrier to effective representation. It is an uphill battle to obtain even the most basic information about supportive housing programs necessary to defend against an eviction. Advocates need to engage in extensive investigation, including FOIL requests to multiple city and state agencies, just to figure out who funds the program, and by extension what regulations apply to the tenant. Providing this information from the start, as required by the Bill of Rights, would allow tenants and their advocates to more effectively exert their rights in eviction proceedings.

Even with expanded transparency, supportive housing tenants need legal representation to determine the scope of their defenses, given the complex regulatory structure of these programs. Without a lawyer, tenants in Housing Court are regularly pressured into unfavorable settlements, including agreeing to leave their homes without understanding their rights.³ This risk is even higher for the population living in supportive housing. The Bill of Rights will mitigate this risk by requiring providers to notify tenants of the right to Housing Court attorneys from the start of their tenancy.

C. The Supportive Housing Tenant’s Bill of Right Would Be Improved with Meaningful Oversight and Expanded Protections

For the Bill of Rights to provide tenants with adequate notice of their rights, we see the need for guidance and training around both the contents of the Bill of Rights and how the information is disseminated. Both supportive housing tenants and supportive housing case workers should receive support to ensure they are aware of and meeting the requirements in the Bill of Rights. Specifically, the content in the Bill of Rights must be accessible to tenants. Providers should be responsible for ensuring that tenants properly receive the information in a timely manner. For the Bill of Rights to be effective, it must be more than a piece of paper. There must be tailored education and the information must be distributed during a time where the supportive housing tenant is fully available.

Further, in order for the Bill of Rights to be effective in enhancing protections of tenants in supportive housing, there must be meaningful oversight and accountability. While the bill’s suggested \$250 monetary penalty for lack of compliance (proposed as § 21-145(d)) may ensure that supportive housing providers share the Bill of Rights, there must also be greater oversight to

³ See, e.g., CASA & UJC, *Tipping the Scales: A Report of Tenant Experiences in Bronx Housing Court*, March 2013. Available at: http://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Report_CASA-TippingScales-full_201303.pdf; Office of Civil Justice, *Universal Access to Legal Services: A Report on Year Two of Implementation in New York City*, Fall 2019. Available at: <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-Annual-Report-2019.pdf> (showing dramatic reduction in evictions when tenants are represented by counsel).

make sure that supportive housing providers are not violating those rights. City-funded programs meant to serve disabled New Yorkers with a history of homelessness must be held accountable for discriminating against the tenants in their programs and otherwise violating their right to a safe, stable, and habitable home.

Finally, while we see the Bill of Rights as an essential first step, supportive housing tenants should be entitled to broader protections against eviction. Access to empowering information such as supportive housing tenants' right to an attorney will be enhanced by establishing a consistent, enforceable pre-termination process prior to commencing an eviction proceeding. There must be an outlined process consistent amongst all supportive housing providers that makes transparent the efforts taken in preventing eviction. Furthermore, the supportive housing provider should be held accountable for doing so. We applaud the proposed Bill of Rights for including policy and procedures for tenants' complaints and ask that the same framework is applied to evictions from supportive housing. Prior to eviction, supportive housing tenants should be entitled to a full process to determine if the underlying issues could be addressed with additional supports or accommodations. Policy and procedures applied in this way will increase the likelihood of stopping evictions proceedings before they even begin.

D. Conclusion

We implore the City Council to use this as an opportunity to enforce the rights of supportive housing tenants to the fullest. The Bill of Rights recognizes those residing in supportive housing have an actual contractual right to live as tenants in the supportive housing site, rather than merely stay there. We know that this Bill of Rights can be enhanced in the interest of supportive housing tenants through such suggestions as 1) increasing the level of enforcement and oversight; 2) expanding due process; and 3) tailoring the distribution of information to the needs of those that are struggling with recovery. In order for the Bill of Rights to be truly meaningful and execute the extent of its fullest power of protection, we urge the City Council to strongly consider our recommendations.

Thank you for your time and opportunity to speak on such important matters.

Testimony to the New York City Council

General Welfare Committee December 14, 2020

Submitted by Housing and Services, Inc.

Housing and Services, Inc. wishes to submit the following testimony for the General Welfare Committee's December 14, 2020 hearing.

HSI is a not-for-profit developer and operator of three permanent supportive housing projects in Manhattan serving 518 formerly homeless single adults with disabilities. HSI also operates 100-unit HASA-funded scattered site program for formerly homeless households with a member with HIV/AIDS. Lastly, HSI currently has a 107-unit NYC 15/15 project under construction in the Bronx.

THE CITY MUST BEGIN ISSUING HPD SOFT COMMITMENT LETTERS

In order to secure private sites and keep the pipeline robust, supportive housing providers rely on the soft commitment letters from HPD to acquire sites. Soft commitment letters have been suspended for nine months.

HSI has participated in the City's successful NY 15/15 program which was created to stream line the development funding process for urgently needed supportive housing. However, the current lack of HPD soft commitment letters and the shortage of HPD capital funds has stalled HSI's ability to purchase new supportive housing development sites. HPD soft funding commitment letters are required to leverage acquisition and predevelopment funding from other sources. Without access this HPD funding pipeline, it has been impossible for NYC's supportive housing providers to start new projects. HSI has struggled without success to find acquisition funding sources that do not require a HPD soft commitment letter.

The silver lining of COVID-19, if there is one, is that real estate prices are lower. The downside is that without HPD commitment letters HSI is unable to take advantage of the depressed market. Additionally, we are at a significant competitive disadvantage compared to for-profit developers with quick access to capital. HSI identified two sites suitable for development that acquisition funders were excited about, but the sites were snatched up by for-profits. HSI is now eyeing a third very promising site, but are unable to submit a letter of intent to the seller. Without an HPD soft commitment letter, HSI and other providers have no pathway to acquisition funding.

The City is losing out on bargain land acquisition prices that result in lower per unit total development costs. It is shortsighted to not see the value of issuing soft commitment letters now that lock in HPD capital funds 36 months or more down the line. With interest rates at historic lows, 36-month closings are financially feasible and the not-for-profit acquisition lenders are open to this new reality.

ADDRESS HPD CAPITAL CUTS OF \$583 MILLION

When HSI learned this spring that \$1 billion had been cut from HPD's capital budget, it joined forces with other advocates to demand immediate restoration. We were pleased to see the partial restoration of \$466 million for FY 21 that occurred in October, but we remain concerned about the \$583 million cut from FY 20. We need to see a realistic plan for these FY 20 cuts will be restored so that we do not lose progress on our affordable and supportive housing goals.

The lack of HPD capital funding essentially shuts down the pipeline for new supportive housing developments. This will not save money, but rather increase in real time less humane and more costly alternatives to supportive housing such as overflowing shelters, increased emergency room care, more hospital stays, overcrowded jails and other expensive stop-gap, band aid solutions.

Beyond the monetary cost, the pandemic highlights the ever mounting cost borne by the City's most vulnerable, most of whom are also primarily people of color. Now more than ever, the City needs supportive housing to relieve the misery of living on the streets and in over-crowded shelters. The threat of a looming pandemic-created eviction tsunami further serves to exacerbate the crisis. The City's homeless and near homeless need HPD soft commitment letters and restoration of HPD's FY 20 capital now. Rather than reducing the HPD supportive housing funding pipeline, now is the time to supercharge it for both fiscal and humane reasons.

EMPIRE STATE SUPPORTIVE HOUSING INITIATIVE (ESSHI) NEXT ROUND FUNDING

ESSHI is the State's commitment to develop 20,000 units of supportive housing over the next 20 years. Similar to NYC 15/15, are now in year six of ESSHI, with no commitment from the Governor to continue funding the program. Without this commitment, the city is in danger of seeing a drastic reduction in the number of supportive and affordable units being developed in the city. The ESSHI programs serves a wide variety of demographics, including seniors exiting homelessness, one of our most vulnerable populations. HSI calls on the City to show its support of the program and encourage the next five years of funding from the State. The continuation of ESSHI is essential to fill-in the gap created by the uncertainty of the availability of the City's NY 15/15 funding.

NYC 15/15 INITIATIVE: EITHER INCREASE THE SCATTERED SITES REIMBURSEMENT FUNDS OR RELOCATE SCATTERED SITES FUNDING TO CONGREGATE HOUSING:

Upon the issuance of the RFP Provision of Scattered-Site Housing in June 2017 HSI explored the possibilities of submitting a proposal and decided that then current conditions within the NYC rental apartment market and conditions of the RFP did not lend themselves a viable proposal.

HSI has operated scattered sites programs since the mid 1990's and currently is contracted with HRA/HASA for a 100-unit program it has operated since April 2011.

In HSI's experience both congregate and scattered sites programs require a critical mass of housing units to be programmatically rich and financially viable. At the time of the RFP, HSI considered that a minimum of approximately 70 housing units met that those criteria.

In operating its own program HSI has struggled to find adequate and affordable apartment replacements for its own portfolio and, accordingly, believes that cobbling together a 70 plus-unit program from various landlords and holding them until contract registration was not a viable approach. Instead, HSI has approached affordable housing developers with projects scheduled to go on line who were interested in a supportive housing component to their tenant populations. However, these developers wanted rent in excess of FMR offered in the RFP.

While HSI will continue to approach developers for scattered sites opportunities, it has primarily focused its attention to viable congregate sites.

While HSI firmly believes that scattered sites programs are an essential component of the permanent supportive housing continuum, current reimbursement rates for existing contracts and the RFP simply do not reflect the market realities of the costliness and scarcity of available viable apartments.

HSI believes that either reimbursement rates be significantly increased or that a significant portion of the available Scattered Sites RFP units be reallocated to the congregate RFP.

Further barriers to viably operate scattered sites programs are discussed in the section Existing Scattered Sites Programs Are in Need of Additional Rate increases below.

EXISTING SCATTERED SITE PROGRAMS ARE IN NEED OF ADDITIONAL RATE INCREASES

As stated above, HSI operates a HASA funded 100-unit scattered site program for households with a member with HIV/AIDS. Our clients reside in private apartments in 47 different buildings scattered throughout Northern Manhattan and the Bronx.

On the positive side HSI's HRA/HASA contract have allowed for 2% rent increases since FY 18 and the Housing Stability and Tenant Protect Act of 2019 (the "Act") made scattered sites program leases existing as of the date of the act subject to rent stabilization. However, these positive developments have not slowed the relentless increase of HSI's program rents and resultant decrease of social services as a percentage of total annual contract budgets.

In the period from January 1, 2017 to December 31, 2019, HSI's Scattered Sites program rent increased a cumulative 8.7% vs, HASA's cumulative 6.0%. Actual rents increased at a greater rate than the HASA allowable rate due to both 1) landlords being able to charge higher rent increases than allowable under rent stabilization prior to the June 2019 Act and 2) the lease portfolio that HSI inherited upon its April 2011 contract award contained a substantial number of leases with rents under FMR. Accordingly, replacing those leases results in significant rent increases.

A new additional complication in the viable funding of scattered sites program is the application of MOCS Cost Policies and Procedures Manual in the development of the indirect direct cost rate under which rent expense is an allowable cost but is deemed distortive and, therefore, ineligible for application of the internal direct cost rate. This one-size-fits-all approach to real estate costs does not reflect the financial and programmatic realities of scattered sites programs where the Manual considers approximately 70% of the contract's cost to be distortive. The result is that HSI is not fully reimbursed for the indirect costs associated with its scattered sites program.

The City needs to work with providers to develop a rental reimbursement that more realistically reflects providers' actual lease portfolios vis-à-vis FMR and the sufficient funding of indirect costs if it wants to continue viable scattered sites programs. Until these issues are resolved, most providers will avoid developing new scattered sites programs as evidenced by the tepid response to the June 2017 Scattered Sites RFP.

FULLY FUND INDIRECT COST RATE INITIATIVE

Without reimbursement for indirect costs, not-for-profit providers are compelled to perform on contracts at a fully-costed loss and subsidize them with other agency resources, a practice that would not be considered sound business practice in the private section.

HSI applauds the City's initiative to fund indirect costs and after following MOCS cost allocation guidance has applied and received the 10% de minimis rate on its FY 20 and FY 21 contracts. However, HSI was alarmed by the delayed announcement that FY 20 and FY 21 City budgets funding the indirect cost rates were cut and that providers requesting more than the de minimis rate would receive only the greater of 60% of their requested rate or the 10% de minimis rate. While HSI expects that its indirect rates will be fully funded, in solidarity with its peer providers, HSI asks that the indirect cost rate budgets be fully funded so all providers can receive their requested rates.

From its own experience, HSI knows that development and implementation of the cost allocation methodologies required by the MOCS Cost Policies and Procedures Manual is a time consuming process and that many providers incurred additional costs to have their rates reported upon by their CPA firms.

After finally allowing contracting providers to implement sound business practices for their contracts, the cuts to the indirect cost rates is a significant promise broken.

HSI notes that, while its funding agencies have indicated that its request indirect costs rates will be funded, to date there have been no timelines for FY 20 and FY 21 implementation. Accordingly, FY 20 and FY 21 budgets and claims are still being accounted for on pre-indirect cost rate methodologies; essentially requiring HSI to keep two sets of accounting records to control and account for costs on both the pre-indirect cost rate and indirect cost rate bases.



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December 14, 2020

Committee on General Welfare
Attn: Council Member Stephen T. Levin
City Council of the City of New York
New York City Hall
City Hall Park
New York, New York 10007

Re: Comments on Oversight: Supportive Housing, and Intro 2176-2020, a Local Law to amend the administrative code of the City of New York in relation to a supportive housing tenant's bill of rights.

Dear Council Member Levin and Committee Members:

Thank you for inviting Mobilization for Justice, Inc. (MFJ) to testify today and provide comments on the proposed local law to amend the administrative code of the City of New York in relation to a supportive housing tenant's bill of rights.

For almost 30 years, MFJ's Mental Health Law Project, funded by the New York City Department of Health and Mental Hygiene, has been the largest civil law practice for people with mental health disabilities in the United States. Our attorneys and paralegal provide counsel and representation to more than 1,400 people with mental health disabilities each year. While providing direct client services, we simultaneously work to end the root causes of inequities through impact litigation, law reform, and policy advocacy in coalition with community partners.

MFJ has long recognized the essential role of supportive housing in ensuring vulnerable New Yorkers with mental health disabilities can afford safe, stable housing that is integrated in the community. However, throughout New York City, the need for both affordable housing and social services greatly exceeds the supply. More housing units, as well as a more robust support infrastructure, is necessary to make a meaningful change in the lives of New Yorkers living with mental health disabilities.

MFJ strongly supports greater oversight of supportive housing programs to ensure that tenants are afforded the necessary supports to live and thrive in the community. While congregate care supportive housing units, also known, as community residences are generally licensed and

regulated by the New York State Office of Mental Health, there is currently no oversight by any City agency over evictions from scattered-site supportive housing nor any City administrative review process. Scattered-site supportive housing programs are not required to report when they evict a tenant- either by court process or through unilateral “discharge” or “termination of sublease.” While at least some City contracts explicitly require a scattered-site supportive housing provider to create all possible opportunities for corrective action by the tenant prior to commencing an eviction case, there is no mechanism in place to monitor what, if any, preventive measures the providers actually take.

In addition to increasing oversight, MFJ strongly supports empowering tenants themselves to assert their rights in supportive housing by ensuring that tenants have adequate and accurate information regarding the regulatory status of their apartment, associated rights and responsibilities, and the respective roles of the various government agencies involved. Many supportive housing programs operate through a patchwork of different funding streams that can be confusing for an advocate, let alone a tenant, to untangle. For example, MFJ often receives calls from residents in scattered-site housing who may have a sublease agreement with a non-profit supportive housing provider and do not know who to contact if they need repairs- the supportive housing provider or the building management office. Or, in some supportive housing programs, an individual’s rent subsidy may be administered by Section 8, but support services are provided by a separate agency under a separate contract. Tenants often do not know whom to contact to request a rent adjustment or an apartment transfer, what to do if their family composition changes, or whom to contact to report a grievance.

MFJ applauds the City Council for proposing this much-needed legislation that would finally require supportive housing programs to provide a tenant’s bill of rights outlining the regulatory status of the apartment or applicable regulatory schemes, a tenant’s right to habitable housing and how to request repairs, and protections against harassment and discrimination, including how to request a reasonable accommodation. Knowledge is power, and by arming tenants with information about their legal rights, the City is taking an important step towards ensuring that New Yorkers with mental health disabilities have the tools they need to ensure their housing remains safe, habitable, and supportive.

Towards that end, we suggest the following minor changes to the bill’s current language to achieve an even more meaningful impact on the lives of tenants in supportive housing.

Section b, Subsection 1: Rent Stabilization Status

Recent changes to rent stabilization laws by Part J of the Housing Stability and Tenant Protection Act have expanded the rights of tenants in supportive housing. These expanded rights are not yet widely known and can be subject to a complex legal analysis. We recommend the language in this subsection emphasize these recently added legal protections and advise tenants on how to access legal services in order to obtain additional information.

Whether the dwelling unit is subject to the rent stabilization laws pursuant to section 26-504, et seq., including Part J of the Housing Stability and Tenant Protection Act, and if not, the reason for exemption. For dwelling units that are subject to the rent stabilization laws, the notice shall also provide information on how to obtain a rent history from the state division of housing and community renewal. The notice should also instruct tenants on how to access free legal services to help determine whether a dwelling is subject to rent stabilization.

Section b, Subsection 5: Discrimination

Tenants who experience discrimination prohibited by the New York City Human Rights Law, including those whose request for a reasonable accommodation from their provider has been denied, have the right to seek redress in various venues including the New York City Commission on Human Rights.

The tenant's right to be request reasonable accommodations and the right to be protected against discrimination pursuant to section 290 et seq. of the human rights law and section 8-101 et seq. and to file a complaint with the federal Office of Fair Housing and Equal Opportunity, the New York State Division of Human Rights, and/or the New York City Commission on Human Rights in the event that discrimination takes place.

Section b, Subsection 10: Building's regulatory scheme

To help supportive housing tenants have meaningful access to information about their provider and their tenancy, they will need the ability to request and review the occupancy, funding, and regulatory agreements entered into by the provider. We recommend that the city council require providers to provide instructions to tenants on how to access these agreements.

(a) Each funding stream used to provide social services, subsidize rents, or underwrite the development of the unit or property and the location, either physical or electronic, where the tenant may access relevant documents including occupancy agreements between the tenant and the provider and funding contracts between the provider and the administering agencies;

Section d: Penalties

To ensure that providers who violate the provisions of this bill are sufficiently deterred from violating its requirements we recommended that the city council provide for additional penalties for providers with repeat violations.

Any provider who violates the provisions of subdivision b of this section shall be liable for a civil penalty of \$250 for each violation. The civil penalty amount shall be doubled for each year that a provider remains out of compliance.

In addition, we recommend clarifying that a provider who supplies an incomplete or materially inaccurate notice will be subject to the same penalties.

For purposes of this section, (i) each dwelling unit for which a provider fails to provide the notice required pursuant to this section shall be deemed a separate violation; (ii) a provider who supplies an incomplete or materially inaccurate notice will be deemed to have violated subdivision b of this section.

Section e: Investigations

Time is of the essence for tenants who report violations of this proposed bill and it is crucial for the department to review complaints expeditiously and to ensure that violations are corrected by the provider. We propose that the department complete its investigation as efficiently as possible and that deadlines be set for any redress required.

The department shall receive, investigate, and respond to complaints concerning violations of this section within sixty days of receiving the complaint about the provider. All complaints, responses, and violations issued by the department will be posted on the department's website and will include the identity of the supportive housing provider, the date the complaint was submitted, any results of the complaint, the date of the conclusion of any investigation resulting from the complaint, and the number and amount of penalties assessed. The department shall also notify the complainant of the results and conclusions of the investigation and in the event that a violation is issued order the provider to supply the tenant with a bill of rights within ten days of the order.

Conclusion

While Intro 2176-2020 is a significant step to achieving greater transparency and equity for tenants residing in supportive housing, ultimately, a bill of rights is only effective where there are clear mechanisms for enforcement and avenues for seeking redress. Under the current supportive housing structure, no single governmental agency is tasked with enforcement of supportive housing operations citywide. Collectively, the city agencies that fund and oversee supportive housing must (i) create and publicize a clear process for reporting violations or complaints, (ii) designate an individual or a group at the agencies to review and respond to reports from tenants in a structured and consistent manner, and (iii) identify penalties for supportive housing providers that violate the rights of their tenants.

Thank you for providing us the opportunity to submit these comments on the proposed legislation. Supportive housing is of vital importance to MFJ's clients and to New Yorkers with disabilities. Again, we are confident that the proposed legislation will make significant improvements in transparency and accountability of supportive housing providers and is an important step in improving the lives of tenants in supportive housing.

Sincerely,

Sandra Gresl

Sandra M. Gresl

Senior Staff Attorney, Mental Health Law Project
Mobilization for Justice, Inc.

City Council Hearing: General Welfare Committee

Testimony by Joseph Whitley, Neighbors Together member In Support of Intro 2176

December 14, 2020

My name is Joseph Whitley, and I am a supportive housing resident and member of Neighbors Together. I have lived in supportive housing on and off since 2012. Thank you to the New York City Council General Welfare Committee and Chair Levin for holding a hearing on supportive housing. It is a critical source of affordable housing in New York City, and it is important to make sure it is serving its function effectively.

I support Intro 2176, which would require that supportive housing residents be given a bill of rights upon move into their supportive housing unit. Having a notice to make me aware of my legal rights would have been helpful to me in my past experiences as a supportive housing tenant. Often, supportive housing providers take the attitude that once you've gotten housed with them you should be grateful and just put up with things that cause hardship to you as the tenant. Without the information listed in the bill of rights, it is hard to know exactly what your rights are or where to find out information about your program.

During one of my tenancies with a supportive housing provider, I had a difficult roommate. Sharing space with him became extremely challenging, stressful, and took a toll on my mental health. Despite raising the issue more than once with the provider, nothing was done, no actions were taken and I was simply told to "make it work." The situation with my roommate became so stressful that I ended up deciding to leave the supportive housing residence and go to the shelter. I would rather have risked homelessness than continued to stay in the situation I was in. But that's not a choice anyone should have to make. If this bill, Intro 2176 had been law at the time, I would have known how to file a formal complaint, and what the policies and procedures related to complaints and grievances were. I could have seen the process through via proper administrative channels instead of feeling disempowered and ignored.

I ended up homeless for nearly two years. Living in the shelter was rough- it was depressing feeling like none of the staff cared to help and that my chances of finding new housing were slim. It was by connecting with Neighbors Together and working with their supportive housing specialist that I was able to reapply for and secure supportive housing with a new provider. I am happy to say that I have been stably and safely housed through that provider since September 2019, and have had no problems since then. However, I know that not everyone is lucky enough to find a good supportive housing provider, or to access supportive housing at all. The number of people who need supportive housing is so much greater than the units available, and so in order to avoid unnecessary cycling or recidivism to homelessness, it is important that the City do everything in its power to make supportive housing units places of longevity, security, and support for supportive housing tenants. In the midst of an unprecedented homelessness

crisis, this is one small but important step that the City can take to ensure that people who are lucky enough to secure affordable housing are less likely to lose it. By giving supportive housing tenants clarity on the details of their supportive housing unit and the rights they have there, Council will be helping to ensure that tenants have the knowledge they need to make supportive housing work for them. I ask Council to pass Intro 2176 to help keep supportive housing tenants housed with increased agency, dignity and power.

Thank you for your time and consideration.

For questions related to this testimony, please contact Amy Blumsack, Director of Organizing & Policy at Neighbors Together: amy@neighborstogether.org, (718) 498-7256, ext 5003.

TAKEROOT JUSTICE

TESTIMONY

IN SUPPORT OF

INTRO 2176: A LOCAL LAW TO AMEND THE
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK,
IN RELATION TO A SUPPORTIVE HOUSING TENANT'S
BILL OF RIGHTS

INTRO 2177: A LOCAL LAW TO AMEND THE
ADMINISTRATIVE CODE OF THE CITY OF NEW YORK,
IN RELATION TO OUTREACH TO UNSHELTERED
INDIVIDUALS

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL'S
COMMITTEE ON GENERAL WELFARE

PRESENTED BY:

JENNY AKCHIN
TAKEROOT JUSTICE

DECEMBER 14, 2020

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TakeRoot Justice provides legal services, participatory action research, and policy support to grassroots and community-based organizations in New York City to dismantle racial, economic and social oppression. Our Housing unit partners with tenant organizing groups and base-building organizations across the five boroughs to support tenants to fight harassment, obtain repairs, and push back against the gentrification and displacement plaguing New York City. As part of this work, we represent tenant associations in rent-stabilized buildings containing a significant and growing number of scattered-site supportive housing units.

Intro 2176:

We write today to register our strong support for the Supportive Housing Bill of Rights, and to offer constructive suggestions to strengthen the protections outlined in the legislation. In particular, we are grateful to Councilmember Levin and his staff for ensuring that the legislation accurately reflects the status of supportive housing tenants as tenants, clarifying and codifying supportive housing tenants' legal status after years of ambiguity. Additionally, we are encouraged to see the bill take steps towards greater transparency between supportive housing tenants, nonprofit service providers, landlords and state agencies regarding the programs, subsidies, and regulatory statuses that impact their housing.

Building on this foundation, TakeRoot offers the following suggestions to strengthen the impact of this bill for supportive housing tenants:

1. Include a Mechanism to Enforce the Bill of Rights

The creation of the bill of rights is an important step in creating a community of informed and empowered Supportive Housing Tenants, however, much work needs to be done to ensure that these rights are meaningfully enforceable. While several of the provisions in the bill reference available legal relief against landlords, there is nothing in the legislation that currently requires non-profit supportive housing providers to comply with any of its provisions. TakeRoot strongly recommends that the bill include a clause requiring non-profit service providers to comply with the rights outlined in the legislation, both in policy and in practice. This could include expanding the proposed grievance structure to include not only violations of the legislation itself, but also violation of any of the rights outlined in the legislation.

2. Incorporate the Right to Organize and Strong Anti-Retaliation Protections

Although the legislation includes many of the applicable provisions of New York State tenants' rights law, the Right to Organize is conspicuously absent from this bill. As legal services providers who work directly with organized tenants associations, this protection is critical to our work; it is also a right which we know to be important for supportive housing tenants, and scattered-site tenants in particular. We urge the council to incorporate this right into the final version of this bill.

Additionally, we strongly encourage the Council to incorporate an anti-retaliation provision into the text of the bill for tenants who seek to enforce their rights, through organizing or filing a grievance, against their supportive housing providers. Such a provision should impose significant sanctions against providers who engage in retaliatory tactics, and contemplate a range of harassing tactics, from verbal harassment to involuntary transfers and evictions.

3. Protections Against Involuntary Transfers

Finally, TakeRoot encourages the Council to include a provision guaranteeing supportive housing tenants a right to stable housing without risk of involuntary transfer. Fundamentally, the practice of involuntarily transferring tenants from their permanent apartments goes against the guiding principle of this bill: that tenants in Supportive Housing are tenants with the same rights and protections as all other tenants in New York State. If interpreted in light of supportive housing tenants' rights under Article 7 of the RPAPL, an involuntary transfer would likely rise to the level of an illegal eviction. To prevent any ambiguity in court interpretations of supportive housing tenants' rights going forward, we recommend that a provision be added explicitly identifying the right against involuntary transfers.

Intro 2177:

TakeRoot also supports this long overdue legislation to remove law enforcement from all homeless outreach programs. Law enforcement presence in homeless outreach is dangerous and antithetical to the goals of outreach programs--building trust and offering services--and we are grateful that the Council has recognized and addressed this issue.

In addition, TakeRoot is strongly opposed to the practice of "sweeping" homeless people's possessions from the street, which has been an increasingly prominent component of DHS's street-outreach policies in recent years. Beyond the inhumanity and cruelty of destroying the limited possessions of people surviving without shelter, the practice also goes against CDC guidance on the treatment of unsheltered communities during COVID-19. We are grateful that this legislation will remove police from the practice of sweeps, however, we call on the Council to bring forward legislation that ends this abhorrent practice altogether.

Thank you for the opportunity to testify.



**Testimony Submitted to the
New York City Council General Welfare Committee
Regarding Int. No. Int 2176-2020
In Relation to Supportive Housing Tenant’s Bill of Rights**

December 17, 2020

This testimony is submitted on behalf of Legal Services NYC (“LSNYC”). We want to thank the City Council for its continued support of our work and for this opportunity to address the Committee on General Welfare on the proposal to codify a bill of rights for tenants of supportive housing.

LSNYC is the largest organization devoted to providing free civil legal services in the United States, with neighborhood offices in every borough of New York City. We fight poverty and seek racial, social, and economic justice for low-income New Yorkers.

Housing is LSNYC’s largest practice area and continues to expand as NYC implements its Universal Access to Legal Services initiative. LSNYC also has population-based practices serving low-income veterans, the LGBTQ community, seniors, and other vulnerable constituents. We represent supportive housing tenants across these practices and have substantial experience in both eviction defense and affirmation litigation on their behalf.

There is Tremendous Need for the Creation of a Bill of Rights for Supportive Housing Tenants

With an ever-increasing number of New Yorkers living in supportive housing with the ongoing implementation of NYC 15/15 and the Empire State Supportive Housing Initiative, it is essential for the City Council to ensure that these tenants are made aware of their rights.

The term “supportive housing” is used to describe a variety of models that are funded and overseen by numerous governmental agencies, including the New York State Office of Mental Health (OMH), the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Department of Health (DOH) and the New York City Department of Homeless Services (DHS). Supportive housing programs are contracted to serve people in particular need of stability, including chronically homeless individuals coping with serious mental illness and/or substance abuse disorder, people living with HIV, young adults with High Service Utilization, and youth aging out of foster care. New

York City's and State's increasing commitment of this type of housing acknowledges the need not only to house vulnerable people, but to provide supports that will enable them to thrive in the community.

The sheer number of housing programs, governmental contractors, populations served, program models, and regulatory requirements results in a complicated network of rights and obligations for the people living in supportive housing and the providers. The creation of a comprehensive Bill of Rights will have significant benefits to tenants, who are often lacking even some of the most basic information about their own tenancies and the programs serving them. Disclosure of information as basic as the existence of a grievance procedure is significant to people accustomed to having very little power over their own lives.

We are particularly gratified to see that the Bill of Rights requires providers to inform tenants of their right to know the funding streams used to provide social services, subsidize rents, or underwrite the development of the unit or property; the name(s) of the program(s) pursuant to which the resident is occupying the dwelling unit; and the name of the agency administering the program and/or providing services or assistance. Tenants and their advocates often struggle to obtain straightforward answers to these basic questions.

The proposed Bill of Rights is an important and necessary first step to providing supportive housing tenants with the opportunity to understand and enforce their rights, thereby increasing their housing stability and leading to better long-term outcomes. Based upon our organizational experience, however, we believe that this supportive housing Bill of Rights should go further.

In Housing Court, LSNYC attorneys regularly face supportive housing providers who fail to alert the court that the tenant resides in a supportive housing program and allow tenants to be defaulted without informing the court that the person is disabled. Providers frequently disregard the steps that funders mandate them to complete prior to commencing an eviction proceeding. We even see supportive housing providers brazenly flout the law and lock clients out of their apartments without an order from the court.

Providers also regularly fail to accommodate tenants with disabilities, which in turn leads to unnecessary eviction proceedings. LSNYC has been forced to sue supportive housing providers in federal court to force them to comply with anti-discrimination laws, provide reasonable accommodation for our clients, and develop clear policies and procedures for handling tenants in need of accommodation. These shortcomings are reflected by how many of our clients have not received appropriate, or sometimes any, supportive services from the provider, although such services might have alleviated the problematic behavior.

Below are specific proposals, which we believe would aid our clients, prevent evictions, and make the Council's oversight efforts more effective.

Eviction-related information

We agree that it will be very helpful for residents to be informed of the nature of the contracts governing their program, contact information for the supervising agency, and applicable grievance procedures. Because so many eviction proceedings can be avoided by recourse to a program's existing rules and procedures, we recommend that the notice requirements be expanded to include:

- Procedures the supportive housing provider must utilize prior to initiating eviction proceedings against an individual tenant, including contractual and regulatory requirements
- Procedures to assist residents in obtaining financial assistance to secure rental arrears and/or providing financial management to ensure future rent payments
- Right to request and be provided with current and historical annual income recertifications, leases, and/or occupancy agreement, including, written accounting of calculation of tenant's rent share, information tenant is required to provide upon recertification, and separate notice to tenant of any change or increase in rent, including any interim changes which occur between recertifications or lease/occupancy renewal.
- Right to current accounting of rent payments and rental arrears to date of last "zero balance."
- Right of the tenant to designate a representative to review or receive the information and documentation on their behalf.
- Notice that evictions can only be obtained in a Housing Court proceeding

Defending supportive housing tenants in Housing Court can be, in a word, a nightmare. If the supportive housing provider refuses give the tenant the relevant information, it can be almost impossible to unravel which funds are paying for the tenancy and the attendant rights that those funds should be providing to the tenant. Requiring the above notice in the Bill of Rights will not only enable residents to avoid eviction proceedings, but will assist residents and their advocates in swiftly resolving any eviction cases that are filed.

In one example, Sidala received no notices when her supportive housing provider filed a non-payment petition against her. Because the provider is her representative payee, she had no idea that she was in arrears. Because she hadn't been served, she failed to appear in Housing Court and the judge issued a default judgment against her because the judge was unaware of her disability. The petition did not acknowledge that the landlord is a not-for-profit that serves the mentally disabled; that the subject premises is a supportive housing facility licensed for the housing and care of extremely mentally disabled residents; or that the building is subject to a regulatory agreement with OMH. The supportive provider offered her no supportive services or accommodations, such as help obtaining arrears, financial management, or assistance getting to court. With intervention by counsel, the arrears were eventually paid, but the process was lengthy and extremely stressful for Sidala, who is already managing a serious mental illness. No supportive housing tenant

should be faced with eviction for rent arrears that, with assistance, could have easily been obtained.

Right to Supportive Services

Supportive housing is premised on the idea that housing and support are mutually dependent for many vulnerable people. In addition to its intrinsic value, supportive services are an important but often forgotten eviction prevention tool. We believe that this Bill of Rights is an unprecedented opportunity to re-center the service-provision role of supportive housing providers and acknowledge its fundamental worth in keeping people in their homes.

To strengthen tenants' rights to access available services, we recommend that the Bill of Rights should include:

- Right to notice of available supportive services, the substance of these services, and the policies for requesting or changing services;
- Right to view and timely receive copies of records pertaining to occupancy and services upon request;
- Right to reasonable accommodation of a disability, including prohibition of eviction for a reason related to a disability;
- Right to notice of and description of grievance procedure

Supportive services are often intimately entwined with the ability of disabled tenants to function in their environment. These services are at the heart of the entire concept of supportive housing and have the ability to interrupt behaviors that can lead to eviction. For example, many tenants are placed in supportive housing specifically because they have a serious mental illness. Nonetheless, when the tenant engages in objectionable behavior, which is often a manifestation of their mental illness, providers frequently make no effort to accommodate or acknowledge the disability, but begin proceedings to evict them. This should never be the starting point. In the event of a disability-related violation of occupancy, eviction should be a last resort after supportive services and efforts to accommodate the disability have been exhausted. Various types of social and medical services can help minimize problematic behavior. In this respect, supportive services can sometimes function as an accommodation.

A Bill of Rights should require providers to provide tenants with clear procedures and policies for obtaining reasonable accommodations, including transfers that are reasonably related to a disability. The need for this information is demonstrated by Michael—a musician with a diagnosis of schizophrenia who cannot maintain interpersonal relationships free from paranoia and requires conflict-management support. He had ongoing conflict with his roommate, whose substance abuse relapses triggered Michael's anger and hindered his own sobriety.

When Michael came to BLS, he had made numerous verbal requests for a reasonable accommodation to live alone or with a roommate whose disabilities did not exacerbate his own. Instead, his case manager threatened that he could be “kicked out of supportive housing.” BLS discovered that Michael’s supportive housing records documented a number of alleged violations of his occupancy agreement—all referring to interpersonal conflict—that he had never had the opportunity to dispute as a symptom of schizophrenia. Only then did we learn that his provider actually offered numerous self-management support services that might have benefited Michael if he’d known they existed. It is too common to see supportive housing residents who are unaware of services that could improve their self-management and reduce their daily struggle to interact with others.

Finally, tenants also should be informed that they have the right to view and timely receive copies of their entire occupant file upon request, including all health-related information, personal financial records, and alleged violations. The records maintained by supportive housing providers are often key documentary evidence in support of our clients’ applications for disability benefits as well as other rights and services.

The need for access to this information is demonstrated by Richard’s story. Richard was denied Social Security disability benefits because he was unable to demonstrate that he was enrolled mental health care. Richard actually received weekly counseling through his level II supportive housing program, but they refused to provide records either to him or to the Social Security Administration. As a result, Richard could not obtain a disability benefit which he was entitled to receive. Although the provider released the records after being contacted by BLS, Richard’s application had already been denied and he was embroiled in a lengthy two-year appeals process. Richard should have been informed that he had a right to his own records.

These proposed additions to the Bill of Rights are not new obligations for supportive housing providers, but it is crucial for tenants to have clear information about their rights. Many of the populations in supportive housing have spent their lives being mistreated, ignored, and on their own. Written information would alert tenants and, if necessary, their advocates, to the types of assistance available to them.

We appreciate the opportunity to be heard on this important matter.

Sincerely,

Cathy Bowman
LGBTQ & HIV Advocacy Director, Brooklyn Legal Service
Legal Services NYC
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**Testimony to the New York City Council
General Welfare Committee
Submitted by the Supportive Housing Network of New York
December 14, 2020**

Good morning Chairperson Levin and members of the General Welfare Committee. My name is Laura Mascuch and I am the executive director of the Supportive Housing Network of New York. Thank you for the opportunity to testify before you today regarding the state of supportive housing during the Covid-19 pandemic and beyond.

The Supportive Housing Network (“The Network”) is a membership organization representing more than 200 nonprofit developers and operators throughout the state. Collectively, our members operate over 50,000 units of supportive housing; 35,000 of which are in New York City alone. Supportive housing is the most effective intervention for homelessness and our providers are committed to serving the most vulnerable members of our community: those living with chronic health conditions, mental illness and/or substance use dependency. As the city saw all too clearly this year, when attempting to address the rapid onset of transmission of the coronavirus: a safe, affordable home is one the most important factors in addressing health needs. A recent study showed that after twenty-seven states lifted their eviction moratoriums, covid-related deaths in those states increased by 10,700.¹ At a time when we have been told that one of the most effective ways to stem the tide of the virus was to stay home, thousands of people died because they were forced from theirs. As a society, we have the capacity to address the homelessness crisis- we just need the will.

The supportive housing community has adapted rapidly, developing innovative ways to deliver services and keep tenants safe. Our providers are maintaining the highest levels of sanitation, encouraging social distancing practices, and providing critical care to residents impacted by COVID-19, while also maintaining their normal case management appointments, connecting tenants to services and helping reduce isolation during an extremely trying time. While we have not been spared, it is because of the commitment of our providers and the resiliency of the tenants.

It is impossible to examine the state of supportive housing in this city without noting the racism that undergirds the lives of most of its tenants and frontline staff, who are predominantly Black and people of color. According to the last Point in Time count, 74% of homeless people in New York City are Black. Systems of white supremacy have conspired for hundreds of years to make this shameful statistic a reality. And this year we saw Black and brown New Yorkers disproportionately likely to contract COVID-19 and die from it. While New Yorkers rallied in the streets chanting “Black Lives Matter” this

¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576

summer, affordable housing budgets were cut and supportive housing programs remained consistently underfunded. While repairing the harm caused by centuries of racism is an enormous task, investing in communities via affordable and supportive housing is a humble start. Our priorities, as outlined below, are aimed to ensure marginalized communities have access so safe, quality, affordable housing and services.

NYC 15/15 INITIATIVE

The Network remains appreciative to the City and its commitment to develop 15,000 units of supportive housing over 15 years. We are pleased with the progress of development for congregate housing, and HRA's ability to move applications through the RFP process. However, we understand that the allocation for Scattered Site programs are falling below their goal, and would like to offer a few alternatives to ensure the city is adequately addressing the need:

REALLOCATE THE BALANCE OF SCATTERED SITE UNITS TO CONGREGATE

Over the past few decades, scattered site contract rates have become insufficient to cover the costs of rent and services, and many providers are hesitant to continue embracing the program which has led to less interest in the NYC 15/15 scattered model. Therefore we recommend shifting the scattered site allocation to congregate by changing the ratio from 50/50 to 25/75. This will ensure the city is able to reach its goals, as providers are able to piece together various funding opportunities with congregate development.

REALLOCATE FUNDS FROM SCATTERED SITE TO PRESERVATION

The city has an existing stock of supportive housing funded by legacy programs, such as DHS SRO Support Services, that are grossly underfunded, some with only about \$2,400 per unit for support services annually (for comparison, 15/15 rates for congregate are \$17,500 annually). Many of these programs are housed in buildings with significant capital needs and some are approaching the end of their regulatory periods with HPD. These programs are often serving high-need clients, but are not receiving the funding to serve them effectively. While HPD may be able to provide resources for preservation of the physical building, a prudent, sustainable preservation strategy would also address the service funding. These buildings also tend to be in high opportunity areas, where new construction of affordable housing would be unrealistic given land costs. While reallocating NYC 15/15 funds to preservation does not create new units, it can save critical supportive housing units from being lost. Using these funds for this critical purpose is far preferable to losing them if the scattered site RFP remains undersubscribed.

EXISTING SCATTERED SITE PROGRAMS ARE IN NEED OF ADDITIONAL RATE INCREASES

In general, scattered site rates are not keeping up with rents and service demands. While the Network and its members appreciate the increase to rates for existing DOHMH scattered site programs last year, these programs are still underfunded in comparison to NYC 15/15. While we can hope that the COVID economy will bring rents down, this remains to be seen for the apartments available to scattered site programs. In fact, Fair Market Rent for a studio apartment is set at \$1760 in FY 21, a nearly 6% increase over FY 20. This translates to \$21,120 per year, which is more than many scattered site rates, meant to include rent and services. Most scattered site programs are currently spending the vast majority of their budget on rent, at a time when the service needs are only going to increase

due to an exacerbation of mental health issues, substance dependency and physical health concerns as a result of the COVID-19

ADDRESS HPD CAPITAL CUTS OF \$583 MILLION

When the Network learned this spring that \$1 billion had been cut from HPD's capital budget, we joined forces with other advocates to demand immediate restoration. We were pleased to see the partial restoration of \$466 million for FY 21 that occurred in October, but we remain concerned about the \$583 million cut from FY 20. We need to see a realistic plan for how these FY 20 cuts will be restored so that we do not lose progress on our affordable and supportive housing goals. It is not an exaggeration to say that these units are a life and death matter for New Yorkers. Additionally, the City's economy needs stimulus. Affordable and supportive housing construction is an ideal way to create jobs while adding value to our communities. While the City's bond rating remains strong and cash balance is secure, we see no reason to abide cuts to affordable housing. Quite the opposite: now is the time to invest more.

HPD MUST BEGIN ISSUING SOFT COMMITMENT LETTERS

In order to secure private sites and keep the pipeline robust, nonprofit developers rely on soft commitment letters from HPD to acquire sites for supportive housing. Soft commitment letters have been suspended for nine (9) months. Without these commitment letters, development will stall in 3-5 years, once the existing pipeline is cleared. A dip in affordable and supportive housing construction will cause the homeless census to balloon with no exit strategy for the long term stayers, again risking New Yorkers lives. It will also impact our nonprofit developers financially, as their developer fees dry up.

ENACT ZONING MODIFICATIONS TO INCENTIVIZE SUPPORTIVE HOUSING PRODUCTION

Supportive housing development is constrained by land scarcity and strict zoning policies.

- *LOWER FAR*: Supportive housing uses are classified as a subcategory of community facility use known as philanthropic or non-profit institutions with sleeping accommodations (NPISA), which are allowed less density - in the form of lower floor area ratio (FAR) - than other community facility uses.
- *REQUIRES ULURP*: The only way for supportive housing NPISA developments to achieve the floor area that is afforded to other community facility uses is through a special permit (74-903), triggering a Uniform Land Use Review Procedure (ULURP).
 - ULURP delays a project 12-24 months and can cost hundreds of thousands of dollars.
- *NO ZQA BONUS*: Affordable and Independent Residences for Seniors (AIRS) granted developers a zoning bonus for including units for seniors, however, it did not include any density bonuses for supportive housing residences.
- *SENIORS OVER SUPPORTIVE*: This puts traditional supportive housing development at a disadvantage. With more units on the same site, AIRS buildings are more financially feasible than a supportive housing residence with no age restriction.

Adjustments to the zoning code could expedite supportive housing production. The City should consider the following:

MAKE THE SPECIAL PERMIT AS-OF-RIGHT

With this, developers would be able to build more units without triggering ULUPR, expediting construction and limiting costs. Additionally, the Special Permit significantly increases the number of homes available for vulnerable individuals and families, in some cases by as much as 85%. (See Appendix II).

APPLY THE SAME FLOOR AREA RATION (FAR) AFFORDED TO SENIOR HOUSING TO SUPPORTIVE HOUSING RESIDENCES

Affordable and Independent Residences for Seniors (AIRS) granted developers a zoning bonus for including units for seniors, however, it did not include any density bonuses for supportive housing residences. This puts traditional supportive housing development at a disadvantage. With more units on the same site, AIRS buildings are more financially feasible than a supportive housing residence with no age restriction. AIRS significantly increases the number of units for vulnerable individuals and families, in some cases by as much as 42%. (See Appendix II).

ELIMINATE ULURP TRIGGERS

The only way for supportive housing developments to achieve the floor area that is afforded to other community facility uses is through a special permit, triggering a Uniform Land Use Review Procedure (ULURP). ULURP delays a project 12-24 months and can cost hundreds of thousands of dollars. Additionally, ULURP requires Community Board approvals, which are highly subjective and often lead to concentration of supportive housing in communities that are more receptive to affordable developments, which are more likely communities of color with higher rates of poverty.

CALL ON COMMUNITY BOARDS, CITY COUNCIL AND BOROUGH PRESIDENTS TO HELP IDENTIFY PUBLIC SITES FOR SUPPORTIVE HOUSING DEVELOPMENT

The cost of developing supportive housing is driven by the cost of private land, which we have not seen drop as a result of COVID. Supportive housing built on public sites uses less public subsidy, so that our tax dollars can stretch farther. We call for a collaborative process, where Community Boards, City Council and Borough Presidents work with the Administration to identify public sites suitable for supportive housing across the City. Not only would this help the City reach its target for 15/15, it would also ensure that developments are not concentrated in districts that are historically less expensive to develop.

EMPIRE STATE SUPPORTIVE HOUSING INITIATIVE (ESSHI) NEXT ROUND FUNDING

ESSHI is the State's commitment to develop 20,000 units of supportive housing over the next 20 years. Similar to NYC 15/15, are now in year six (6) of ESSHI, with no commitment from the Governor to continue funding the program. Without this commitment, the city is in danger of seeing a drastic reduction in the number of supportive and affordable units being developed in the city. The ESSHI programs serves a wide variety of demographics, including seniors exiting homelessness, one of our most vulnerable populations. We call on the City to show its support of the program and encourage the next five (5) years of funding from the State.

FULLY FUND ICR

As nonprofit providers working for and alongside our city's most vulnerable residents, we appreciated the City's foresight in committing to paying providers their true indirect cost rate. Our agencies spent considerable time and resources to adhere to the city's requirements, only for the city to renege on these promised funds. For the City to retract on this commitment, and only fund a portion of the true rate, diminishes trust in the City and damages nonprofit infrastructure. The City must fully fund indirect cost rates, as promised.

SUPPORTIVE HOUSING BILL OF RIGHTS

The Network appreciates the spirit of transparency in Int 2176 and supports informing and educating tenants on their rights. We look forward to working with Council Member Levin and the sponsors to ensure a bill that can be implemented fairly and without unintended consequences. Some of the issues we would like to discuss include:

- The bill requires lots of collaboration between our providers and city agencies, yet the onus of compliance is solely on nonprofit providers with no mechanism to compel city agencies to collaborate in a timely manner.
- This is a huge administrative undertaking at a time when our providers are short-staffed, still working remotely, and still grappling with the pandemic. Assembling all the information currently required in the bill within the implementation period proposed is not realistic.
- It is unclear exactly how the penalty for non-compliance would be levied and it is potentially exorbitant.
- More discussion is needed on how they bill would be implemented in congregate vs. scattered site programs and in other situations where the nonprofit social service provider is not the landlord.

Thank you for the opportunity to testify.

Appendix I

Existing FAR

Supportive housing is severely stymied by its NPISA classification. Below is a breakdown of FAR allowances for each zoning category.

| | NPISA ² | Community Facility / NPISA Special Permit ³ | AIRS ⁴ |
|-----------------|--------------------|--|-------------------|
| Zoning District | Max FAR | Max FAR | Max FAR |
| R5 | 1.27 | 2 | 1.95 |
| R6 | 2.43 | 4.8 | 3.9 |
| R7-1 | 3.44 | 4.8 | 5.01 |
| R7-2 | 3.44 | 6.5 | 5.01 |
| R8 | 6.02 | 6.5 | 7.2 |

² Pursuant to ZR 24-111(b)

³ Pursuant to ZR 74-903

⁴ Pursuant to ZR 23-155

Appendix II

Impact of Zoning Modifications

The Claremont, West Side Federation for Senior and Supportive Housing



| | Current use (R7-1) | Special Permit | AIRS |
|--------|--------------------|-------------------------------|-------------------------------|
| F.A.R. | 3.44 | 4.8 | 5.01 |
| Units | 115 | 157 +42 units (37%) | 163 +48 units (42%) |

The Lee, Breaking Ground*



| | Current Use (R7-2) | Special Permit | AIRS |
|--------|--------------------|--------------------------------|-------------------------------|
| F.A.R. | 3.44 | 6.5 | 5.01 |
| Units | 142 | 263 +121 units (85%) | 184 +42 units (30%) |

*This project utilized the Special Permit to create 85% more homes.

Katrina Corbell
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My name is Katrina Corbell and this is my statement to both T2020-6872, "A supportive housing residents' bill of rights," And T2020-6453, "This bill would prohibit police officers from engaging in any outreach to unsheltered individuals experiencing homelessness."

I decided to relocate to New York in April, 2012. An HRA caseworker at the Waverly Center explained to me to start by applying for SNAP. She also assisted me with the "General Delivery" for establishing a NYC mailing address, as I had paid \$100 for a P.O. Box, but the USPS closed that location and I never found how to seek a refund for a product never used. (I happen to be with Save the USPS anyway, to be honest.)

In July, 2012 was my last "arrival" in NYC, returning from a school weekend in California. Although SSI should have considered a 30 day period and then established my residency in August, they used the date of my plane ticket. (It ended up making me lose a little under \$200 in SSI that month.) I remember that period well, as it was when friends and I began "Occupy Trinity" on behalf of a friend serving over 40 days in Rikers, and when I personally met Coalition for the Homeless. Social Security was at 26 Federal Plaza at the time, later 123 Williams St as I changed my "home" address to 40 Ann Street, though the USPS defaults it to 129 Fulton in some instances.

Social Security Administration transferred my SSI case from California to New York, however the "In Home Supportive Services" and the Health Insurance Plan Premium" plans were state-based (or/and county administered) so 26 Federal Plaza's SSA office said it was not their area. They also said housing was not their area of coverage, that was HRA.

Yet, HRA said I was a federal case, only receiving SNAP due to it being a default of SSI eligibility. The only form of housing I could get was: City Shelter. AND, at the cost of 30% of my c. \$786 monthly income. So, receiving around \$786 / month, being told I would be docked 30% for sharing a shelter room hearing rumors that these rooms oft were with 20-24 people with curfews, yet the same section 8 type 30% would also pay for a complete 1 or even 2 bedroom apartment? Versus a bed with a 10pm curfew and the horrors heard of (and since lived through, but my attorney has advised me not to speak of until the case is concluded)?

(I later found out things such as NYC could not take away from the federal portion of the SSI amount, only the city and state's, and that MICA type shelters did not take cuts from the SSI.)

All of the above, as well as common attitudes of Occupy comrades, led to my choosing to be street homeless, or, "unsheltered homeless," "undomiciled," et cetera. Some friends received more assistance and tried to share it with me, but we found out their case workers were only for youth, and I was a few years too old. Other times I observed the case workers in the subway offering help to those who had more stereotypically obvious signs of being homeless, perhaps 5+ layers of clothes, or/and a smell that

others could not tolerate, not caring about their body odor, etc. Especially male-presenting people tend to have this advantage/capability.

Initially I was with a boyfriend, and BRC's Subway Outreach (i.e. one worker with 2 cops) accepted his refusal of services and excuse, "we just missed our subway stop and needed to go back" to deter whatever reason NYPD was with them as a subway had reached its end point and was about to reverse course to its other end point. I was never asked, or given a chance to speak for myself, or assessed for DV/IPV, or were either/both of us explained what housing could be available if we wished to "stop missing our spot." Maybe a lot of New Yorkers walk around with compact sleeping bags at 2-5 a.m., but, have a hunch we are easy to spot. I can offer a few locations now, almost should train BRC where to look. Recently I called BRC on behalf of a houseless person and the information they provided about how he needed to develop rapport with them before they could assess him for housing was, I was informed by a friend, NOT the standard they are supposed to be using and are funded under. So, I cringe every time I see homeless people at Port Authority, Grand Central, Pen Station, and various subway stations sleeping, looking for food, shivering, and wonder where the BRC are, or, especially, see the BRC people laughing with each other or warmly sitting in their heated van. Yet, apparently they have an exclusive contract to be the only ones doing outreach on the subways, so why aren't they?

In 2018, after a friend I had stayed with died so I could no longer stay at her apartment, I was back to the street homeless NYC front, but intentionally without my now-ex, due to DV/IPV. Franklin refused shelter to me because I had an Emotional Support Animal, despite a letter from my neurologist that exceeded the minimum information required. I had to have an ambulance take me from there to Lenox Hill Hospital due to physical complications from a second night of no sleep. And, of course, emotional duress (with physical responses, such as body's strain) from a city's agency not respecting the law and not doing their jobs to help me help myself. Not knowing where I was going to go, primarily to avoid my abuser, but also to stay sheltered.

I called Goddard Riverside. They'd need to "see me on the street" before they can help me. I normally would be on the subways, but, again, I am one of the ones BRC misses on the subway. Sometimes pre-covid 4-6 of us would look out for each other and my favorite moment was circa October 2018 when an MTA staff walked in to claim we had to wake up and leave when he gave up and let us keep sleeping b/c of how many of us there were, how exhausted we were, and the impromptu community we had formed out of need. I smiled before re-passing out that night.

Back to May, and Goddard-Riverside, they said they needed a place to find me. I normally would be out walking at night to keep warm if not on a subway (then sleep in a public place under the sun with public as witness for safety) but for this, said, okay, I can be at my church, church gave me permission. No, that's not being unsheltered, church is a shelter. Ah, okay, so back on the street-street. Okay, in front of the church. Okay.

Gratefully, I met this church in 2013 b/c a friend from Occupy inc Occupy Goldman Sachs in a nearby neighborhood lives in supportive housing next door to the church, and the staff know me and have front

desk 24/7 and guest bathrooms in the lobby, so I was re-introduced as possibly needing to use the bathroom throughout the night.

I stayed out starting at 9:00 pm; by 1 am I was cold and hungry and saw a Dunkin' Donuts diagonally. I purchased an egg and cheese sandwich and coffee and returned, hoping I didn't miss my "observer" in that 5-10 minute gap to document my homelessness. While I was eating, a stranger walked by and asked something like if I'd pet his wet dog. I was raised by very fundamentalist family and church members so my naïve self was wondering what dog he was talking about until my inner-New Yorker kicked in realizing I was in Hell's Kitchen and it was that late at night, etc. I half-ignored him, half rolled my eyes at him, and kept eating, knew (again, the culture I was raised in) I was by myself and didn't want to rile him up. He kept walking toward 9th Ave and had been with a group of friends anyway.

Moments later, less than two minutes, a complete stranger, came from 9th Ave and just knew to head up the stairs to the church where, again, I had just been sitting up and eating. People sit on the steps and eat all day (night) long. He was unzipping his pants and talking to me in English. I've partially blocked what all happened, or just it all happened so fast, too, and I did self-therapy no thanks to places like Bailey House who said I had to wait 30 days after this incident to see if I "really needed therapy" and then upset the front desk receptionist when told the case worker about being told having to wait 30 days. Will save that drama for another day, but try to find another place to send clients to, not Bailey House.

(They also denied counseling to me due to being street homeless and having an ESA, claiming no animals allowed in their building including Service Animals even. I said, "Really, even a person with a Service Animal is not allowed to bring their SA into here?" The receptionist said "Yes, they'll have to leave their animal outside." This same second receptionist also claimed he used to work in housing and knew that not all housing has to accommodate SAs or ESAs. I by then knew I was done with Bailey House so assertively told him that Bailey House was then violating not only the ADA for Service Animals, but the Fair Housing Law for declining ESAs into housing for their clients, or indirectly by tolerating realtors and landlords that were disrespecting the law which is a disservice to all who fought for the LGBTQ community. I was a tad upset and extremely disappointed that CIDNY referred me to Bailey House in 2013 and that Bailey House had claimed when taking me back in 2018 that they had improved and could help me when, in fact, they delayed my homelessness by at least four months with mistruths and false representations, and how many of their clients are still receiving such false data.)

I was able to kick the stranger-attacker off of me and he rolled both backwards and to the side, staying on the front steps of the church. I called 911 immediately. When he came to while I was still on the phone with 911, he first went to the corner to pee. He then realized drunken-like what he had been doing and tried to do it again. I remembered my friend's residence and that they knew me, so I went to the building despite the horrible doors that take forever to open, and feared he would follow me in there, too. While I was in the entryway between the outside and inside doors is when I saw the NYPD car show up. The perp had been facing me, so he had no idea what was behind him or was about to happen.

Long story short, bad cops tried to let him go as he pretended he just walked by and could only speak Spanish; good cops helped me file the complaint as I retold the story calmly from the beginning, and pointed out they had found him staring at me when they pulled up (not walking on his way), and the security cameras of the church would back up what had happened to me from the beginning. Even if they never found the initial pricks who may have lured him to do what he did. I decided not to remain outside the rest of the night, as a church friend had offered me her floor. And, yes, HRA thus Goddard Riverside considers floors to be “sheltered” hence one does not need to receive their services.

I then found a roomshare in Queens that led to a woman threatening to crush the skull of my ESA and where my now-ex choked and strangled me. We have spent 12 months trying to serve him a TRO even with a court-appointed attorney and his process server so, wish me luck. When I needed to leave that unsafe environment I reached out to two other non-profits specialized in housing, though there are so many I do not recall their names. Both have offices in Harlem. One may have been CUCS and the other Breaking Ground, but I would have to dig out old notebooks and visit Harlem to recollect for sure. The first told me I wasn't homeless yet, HRA still categorized me as housed. Get HRA to drop me from being housed, and then they could help. It takes HRA 3 cycles/6 weeks to make changes, so it took that long. In that time I went to the second non-profit, and they said that the only help I was eligible for altogether was while I was still housed. I explained of the threats I received et al, and they said even to switch living spaces, it's how to do it. Versus the other agency that said to re-become undomiciled before I could be helped...

I happened to have volunteer opps in DC (#CancelKavanaugh!) which generally include housing, not always. I had to get mail, established back in 2012 at Coalition when I remembered maybe they could help, as they did offer emotional support as did New Sanctuary for coping with the attack in May, 2018. The first thing was filing for Reasonable Accommodation for having an ESA at Franklin, requesting NYC Dept. of Homeless Services to please be mindful of the Fair Housing Law is my description. They have a reasonable amount of time to decide, yet exceeded that. I was back to being street homeless, with my ESA, and ran into my Ex again, who took advantage of the chance to assault me. This at least led me to remember the then-open Crisis Respite Housing for a week, during which we finally received the approval to enter Franklin Shelter.

Due to another ongoing Commission on Human Rights claim being processed, I will say Franklin was overfilled so, though I was the first of 7 “overflows” that night, one was taken to her assigned shelter, the other 6 of us were taken to 116 Williams Street, where a certain staff chose to not accept me because ESA, SA or not, “animals are not allowed at HWC.” He also tried to deny I was there that late Saturday/early Sunday morning, but I have learned how to find proof I was taken there, and then taken to a BRC emergency shelter near Fulton St in Brooklyn. I did not get to “sleep” until 6 a.m. on Sunday morning that “Saturday night,” having arrived at Franklin at 7pm Saturday evening at the end of my week at Crisis and due to a wind storm with bad bus service. Had I received transit assistance, awesome. Had I not been turned away in May, I would have had three less assaults; more awesome. And, I was not asking for favors, I was asking, am asking, for the City of New York to merely comply with the laws and to respect people with disabilities who happen to be homeless, as well as people who are survivors of

domestic violence and/pr intimate partner violence who may also have an animal (not all have children). Not all of us can handle the life of NYC shelters.

Gratefully being on the other side, after 14 months in a shelter, I am in supportive housing. Not too many supports are received, more from security guards than from the staff-staff. I have had more building emergencies in the 12 months living here than in my 40 years living in a house and apartments, but I've been told it is due to the sub-contractors who built it so fast. It's also a place for veterans, so unsure if my CNCS got me in, or if this is one of those "as long as 50% are veterans, we're good" situations. But so far the heater broke for 72 hours causing me bronchitis and costochondritis last Christmas, it took 6 weeks and me going to a post office to get answers on how to replace a key before I could get mail—also causing HRA to send mail to an old address after we told them it was fixed leading them to cancel all benefits for over 8 weeks b/w Feb and Apr and then again in Sept; had an upstairs neighbor draw a bath early Easter morning then "fall asleep forgetting" so I was woken up at 4 am by security to my apartment being flooded (only because my apartment flooded was bothering my next door neighbor) which then caused my circuit breaker to crack and pop, so I then had to be the one to be displaced for 2 weeks (of course 311 told me I had to go back to Franklin, so maybe train 311 on how not to re-traumatize shelter survivors and that it is the landlord's responsibility to house people in emergencies, not the shelter system, otherwise landlords will slack) although the job remains unfinished.

July 4 we had brown water from sinks, showers, toilets.

I think we survived Labor Day, Halloween, and Thanksgiving without building emergencies? They forgot I was vegetarian, of course. Or never made a note in my folder after the initial two holiday meals served so that the newest staff hired in July had no idea and bought everyone "traditional" Thanksgiving meals in November. He's good and offered a vegetarian meal for Christmas/Winter Holidays.

Though I wanted to include when I moved into my Supportive Housing, I received ConEd's phone number written on an envelope. That was the closest thing to a welcome packet. I was also moved into an apartment that was not the one I was shown. Had I moved into the one I was shown, I might not hear my next door neighbor practically 24/7, or be directly across the hall from a smoker despite living in a smoke free building. I wouldn't be underneath who caused the flood and have had to be displaced. Maybe I wouldn't have developed blood clots in my lung nor the current condition, hemoptysis. Or, the blood clots and hemoptysis were part of my post-covid as my "supportive" housing did have a major clean around March 6, but by mid-March the three regular staff all took two to four week leaves and were not replaced by other staffs. Residents, neighbors of mine were able to blast music 24/7. Unsure if they complied with no guest policies as no one was there to enforce it 8 am to 9 pm. No cleaning happened, and no cleaning/sterilization products were provided for us to use including during the city shortage and despite the supplies in the basement though, again, no staff on site for weeks while the COVID-19 spread in this neighborhood (across the city, but I am near St. Barnabas in The Bronx).

I was never given an office phone number or staff phone number, instructed later because another tenant in years prior misused it. Emergency contact info is a business office in Harlem open 9 am to 5 pm M-F. No other contact info was provided in a "Welcome" sort of way. No one explained there was a deal with Verizon exclusively, as I even notified the case worker Comcast was coming to install cable and she said that was fine. After all, I received only Cash Benefits and ConEd sometimes uses up 50% of that, so Comcast's emergency free 60 days and lower basic rate was *essential,* versus Verizon's \$60/ month basic plan.

For "supportive" housing, our doors do not have a push button ADA entrance, so one resident in a wheelchair/scooter has to open two autobuzz entry doors while scooting in. Our back patio, the only allegedly allowed smoking area, if they enforced that, does not have a re-entry, so we have a flower pot filled with cement to "scoot" to keep the door propped open. During real bad wind gusts, it has closed on me. Also, the patio lights, both back and front, are "set on timers," so at 8pm they may be off still and security may not see me throwing my trash away in the corner (pet waste and recycling must be taken outside), hence almost lock me outside! I've learned to panic scream, and he apologizes explaining he couldn't see me because of the unlit area, presuming someone had left the door open.

The cameras also are of poor quality they were unable to "catch" or see the juveniles who threw glass bottles at our building the other month, around 8:00 pm. I guess kids trying to have fun, but likely headed for legal troubles in their young adulthood. Neighbors also throw food and liquids out their windows instead of doing things like, say, going to their sink or having/using a trash can.

The time I was placed in temporary housing after FDNY had to turn off my circuit breaker and it couldn't be turned on until it had dried out, I was able to experience a taste of supportive housing. Still impacted by covid-19, I was able to still have staff help me, offer food, help me locate stores, offer wifi so I could talk with my doctors and therapists, have laundry at no cost, et cetera. I am unsure the full categorizations of supportive housing, or if I had been placed there if I would have lost SNAP and CA so maybe that's why I was placed in "independent" yet still supportive housing.

If/when a neighbor blasts music at 3 am or screams on the phone threatening to kill people at 11 pm (or 6 am, 9 am, 3 pm, etc), if I ask for guidance, I am told I need to call 911 or file a complaint with 311. 311 will send police over, and then the neighbors will get a fine. Eventually the neighbors will stop doing this to stop incurring fines. Other neighbors have done this in the past but got sick of doing it (led to nothing), so now I'm the one being encouraged to. However, I've learned that when filing these 311 reports, my name gets sent to the apartment building's landlord agency, who then tells the case worker (who still insists these are not supportive apartments but independent living apartments) she has to "take care of it" and does so by noting to me that too many complaints to 311 will lead to a removal process. (I have been told by aforementioned legal advocates that having valid reasons to call 311, especially when advised or/and instructed by program manager, are not grounds to face eviction. I have tried to address the original, informal conversation in writing and have not received anything via text, email, or letter.)

One last point is around June 2020 I finally received copies of the new leases I had been asking for since signing them in March, as even the originals in Nov 2019 I couldn't have a copy of because of a computer bug. I was told by my case worker (June 2020) I was responsible for paying them \$215 per month. I said, "HRA pays \$215 per month, so I think that's what *this* is referring to, as my CA isn't that much to begin with, and I have to pay for ConEd, laundry, food, ESA supplies, medical co-pays, transportation to and from doctors and pharmacies since Healthfirst says Medicaid won't let them pay for me, soap for dishes and clothes, and luckily shampoo is generally provided by my other case workers. I don't have money leftover period, let alone \$215 for rent, and when I first moved in and was accepted from the shelter, that's what the understanding was from the people in Harlem. Other housing units worked out contracts to increase their tenants' Cash Assistance despite paying for their rent, utilities (inc wifi!), and having community meals."

I try not to have confrontations with people who are supposedly my case or care workers, but being accused of not wanting to pay for something or not understanding what I am receiving is drawing the line. Circa back to 2012 when I asked the HRA and SSA what I could do with my SSI to receive housing assistance which led back to being completely homeless six years later trying everything first. Without either of their help.

The agency in Sep 2020 had someone come and explain that I had understood it right, that the \$215 was referring to what HRA was paying on my behalf, and that I was not responsible for paying it to them, as I was initially verbally told. I was grateful for this, and by then we also had a breakdown of the other sources they used to receive funding, as the on-site case worker had tried to blame/shame/guilt me (common from conservative fundamental religious backgrounds, one reason I chose to stay homeless in NYC over returning to any family elsewhere, as part of my healing and recovery) into how lucky I was to be living in a studio that would cost at least \$2,000 were it not for the supportive housing.

I smiled and left, but checked in with my off-site case workers at Coalition for the Homeless, Chance for Change, and Urban Justice to let them know about all of this. Vented about how this quality of a building (during the flood, the water showed how my floor is not level, as I had wondered as my chairs and table seem to always shift from side to side. Plus how I can hear the noise so much from next door and above, etc.) is not worth \$2,000 a month and how, again, the poor and formerly/at-risk homeless are being taken advantage of so not-for-profits can keep making money off our backs while they guilt us into being grateful for what we have.

At times, I miss the quietness of my old shelter. I don't miss the bad staff, I do miss the good staff. I don't miss the wrong clients always drunk forgetting my bed was not their bed as they were on the wrong floor accusing me of having removed their entire dresser to put up my locker, and usually then the security realized they needed to escort that client to shelter staff to assess where their bed was! But, no one flooded my room, no one tried locking us out (save the ones who made the entire building evacuate for triggering smoke alarms smoking in the bathrooms, etc.), and yeah, support was about the same—clients shouldn't have to demand the right to it, especially when these agencies are being paid to provide it. Let's hope 2021 will bring some improvements, and maybe the contractors/subcontractors for future supportive housing units will have better ethics, and the staff of the agencies will be more

client-oriented and advocate for their tenants instead of not listening and not being present, such as not responding to emergencies for over 4 hours while 311 claims we have to go back to Franklin and start over again when others' neglect leads to disaster we have to live through.

I have started helping others with current pandemic housing options that may not have been around in 2018 or 2012. Transitional shelters, for instance, that likely fall under the umbrella of supportive housing. The staff I have met seem to be client-centered and only interested in helping people, and a lot nicer and client oriented than the staff I ran into at Franklin, Help Women Center, and New Providence and other shelters friends have stayed at, where clients are criticized for not having a home, or having a FHEPS voucher but unable to find housing that takes it, or for missing a meal, or sleeping in late, et cetera. Things that people in their own housing are not critiqued for, and shelters are not junior high schools. Why is "supportive" treatment not offered at MICA shelters, or all shelters? It's support, and client-based service, right? I am grateful for these supportive shelters' existence, even if a part of me is sad that I didn't know 2.5 years ago what I know now about how to get into one to reduce the trauma that occurs in "regular" and "MICA" shelters. Hopefully there can be less monopoly-style outreach especially for those of us who were street homeless and see street homeless daily (at subways, outside churches, where the best heating vents are around subway stations, where the best "free" food is in certain neighborhoods, etc) instead of being told something is only for BRC, or only for CNS, or only for Goddard Riverside. One street homeless person esp in blizzard conditions like the present is one too many.

Thank you,

Katrina Corbell

10457

Testimony and Recommendations regarding Street Outreach Minus NYPD/Preservatives and Productive of Supportive Housing with Implementation Residents Bill of Rights

Saturday, December 12, 2020

6:01 PM

Having been an Street Homeless as well as an outreach worker unaccompanied by NYPD from 1990's to 2006 when Sweeps began, I am aware of the negative effects of having NYPD involved.

The presence of police puts people who potentially would take services in defensive, distrustful stance due to threatening, intimidating interactions they have had with police when public is not around and dismissive attitude taken in event there is crime reported against them not published in press. If you look at placements of MOC and BRC for period preceding disbanding of NYPD HOU and costs related to Outreach Contracts and funding of HOU a correlation can be seen if you include growth of homelessness in NYC from 2006 when Sweeps became a tool of DHS and it's contractors including NYPD. Please review State Controller citing provider at Penn Station.

Eg: A woman who appeared to be pregnant was engaged at 14th Street laying on ground in pain and her body was over exposed in winter. She agreed to seek treatment and EMS was requested. A police car preceded ambulance arrival turning on siren. The woman hobbled off. A couple of weeks later she was discovered in Washington square Park having died of exposure.

Eg 2 Having lived outside at 3East 53rd Street, NYPD would regularly come in cold weather not code blue ,make everyone get out of cardboard boxes used to insulate from cold, give their names and dates of birth. The only thing offered was 30th Street or Hospital. Most times it was 18th Precinct with rare visits by HOU. Finally a DHS Clean up notice was posted. Those 8 person's using spot recessed from Street would set up by 10 PM and be gone with little to no indication that anyone had been there by 7AM. It required FOILS on cost and waste of funds to cancel the Cleanup. This behavior of traumatizing individuals who worked daily in advocacy and volunteerism made placing them in hotel rooms funded by a Go Fund Me like pulling teeth.

**In COVID 19 Pandemic the CDC advised those encamped not be moved and provision of set ups to provide access to hygiene. The CITY of New York stated that when this was done the hygiene support equipment which requires trucks and crane type equipment were stolen.

Regarding Preservation and Production of Supportive Housing Units

Issue to be considered:

Before there is any further financial commitment: The results of the Pandemic and spread of infection in settings where rooms, bathrooms and community areas must be addressed. Congregate settings and shared apartments in supportive Housing settings and Safe Havens as transitional placements plus independent housing settings such as rooms with City FHEPS and SOTA vouchers where bathrooms, kitchens and common areas have been sites of Outbreaks of infection and deaths requiring closing of floors and isolating the potentially infected.

The preservation of Congregate shelter and housing must come to an abrupt halt if the residents and entire surrounding neighborhoods are to survive this and any future epi or pandemics.

Recommendation

Investment in physically safe settings where services are brought to those in need is the only solution and was proven more cost effective in the 1990's with housing under Met Council on Jewish Poverty and Pathways to Housing the apartment stock having passed on to other Supportive Housing Providers.

Recomendation regarding the Residents Bill of Rights: There should be more substantial initial fines \$1,000 and increases in fines at levels continually doubling fines for each infraction.

There is currently in place a mysterious way to deal with resident issues under OMH that seems to fail miserably with residents being retaliated against by providers including having them hospitalised.

Eg
A tenant in scattersite apartment program took provider and landlord to housing court and was hospitalized by provider agency for first time in life without use of EMS or NYPD by SW convincing Triage of need to hospitalize tenant. OMH was subsequently involved yet after 4 years tenant still has no heat and has not been moved to apartment with heat not have other tenants of disintegrated building. It is noteworthy that provider involved develops apartment buildings.

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