



Testimony of
Coalition for the Homeless
and
Legal Aid Society

before the General Welfare Committees
of the New York City Council

on

Oversight: Families with Children in DHS Shelters

submitted by

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The Coalition for the Homeless (“Coalition”) and The Legal Aid Society (“Legal Aid”) welcome this opportunity to testify before the New York City Council’s Committee on General Welfare. As the court- and City-appointed independent monitor of the Department of Homeless Services (“DHS”) shelter system and counsel in the historic *Callahan*, *Eldredge*, and *Boston* cases that created the right to shelter in New York City (“NYC”), we are uniquely situated to provide insight into these pieces of legislation and challenges within the shelter system for families with children.

Increase Shelter Exits to Permanent Housing

The Coalition and Legal Aid support reforms to make shelter more accessible to families with children. However, the Mayor should also do more to move people from shelters into permanent housing. The City has many tools at its disposal to do so that it has failed to fully implement, despite our repeated requests, including:

- **Increase staffing to timely move people out of shelter with the existing City housing voucher programs.** Legal Aid and the Coalition receive daily calls from clients in shelter who have found apartments to rent but they cannot move out of shelter because of the City’s failure to timely process their housing voucher paperwork, largely due to staffing shortages. Clients often wait weeks or months to move out of shelter due to administrative delays. In some cases, landlords become so frustrated with the delays that they end up renting the unit to someone else.
- **Rebuild and grow the source of income discrimination unit to meet current demand.** It is illegal in New York City for a landlord or a broker to refuse to rent to a prospective tenant because they intend to use a housing voucher. The Source of Income Unit at the New York City Commission on Human Rights (CCHR) is the sole team within the only agency with the power to enforce the NYC Human Rights Law in a *pro se* friendly administrative forum, but it lacks adequate staffing. CCHR needs more experienced attorneys and intervention specialists to process filed complaints and a robust pre-complaint intervention unit to respond to the immediate needs of unhoused New Yorkers experiencing discrimination.
- **Eliminate the long turn-around times to re-lease New York City Housing Authority (NYCHA) units after the prior tenant vacates and prioritize filling the 5,000 apartments that are sitting empty with households currently living in shelter.** City data shows the number of residents exiting shelters to live in NYCHA apartments is on pace to plunge by 80% this fiscal year compared to 2015.¹ Given the scale of homelessness, the Mayor should expedite the readiness of these apartments and make them available to families living in shelter.
- **Prioritize shelter residents for NYCHA Section 8 vouchers.** The re-opening of the Section 8 waitlist creates the opportunity for the City to prioritize applicants currently

¹ New York City Comptroller’s Office, “Charting Homelessness in NYC,” accessed June 5, 2024, <https://comptroller.nyc.gov/services/for-the-public/charting-homelessness-in-nyc/exits-from-shelters/>

living in shelter and create a robust referral pipeline from DHS. At a minimum, the City must prioritize current New York City residents, instead of giving equal priority to people living outside of New York City.

The Need to Address Barriers to Shelter and Conditions in Shelter

We support many proposed reforms that would make it easier for both families with children and adult families to obtain prompt and safe shelter placements and provide shelter residents with better services to help them move into permanent housing. Currently, when an applicant family applies for shelter at PATH (the DHS intake site for homeless families with minor children and pregnant people), the family is given a 10-day conditional placement while DHS investigates the family's eligibility. The eligibility investigation involves an arduous and complex process that requires a family to identify all of the places they have slept in the past two years and provide evidence of why they cannot return to any of those addresses.

Most families are rejected for bureaucratic reasons related to a lack of required documentation that is unavailable or impossible for them to obtain. If a family cannot prove even a few nights or weeks of housing history, DHS will find the family ineligible for shelter, and the family will have to reapply. Homeless families are frequently denied shelter when City intake workers incorrectly determine that the family has other options or fail to accept that a previous host (the "primary tenant") refuses to permit the return of a homeless family. Although the City provides families with "conditional" shelter placements during the eligibility process, repeated ineligibility determinations exacerbate stress and instability for homeless families encountering these obstacles. In 2023, only 42 percent of families with children who applied at PATH were found eligible for shelter and nearly a third of those who were ultimately found eligible had to apply multiple times. In April 2024, 31 percent of the families with children households that were found eligible for shelter had to submit more than one application over the prior 90 days before receiving this determination. Two percent of families with children that were found eligible for shelter had to submit six or more applications before being found eligible.

For years, Legal Aid and Coalition for the Homeless have advocated to eliminate or reduce the two-year housing history requirement, as families are unlikely to be able to return to places they lived more than a year ago. The DHS shelter system for adult families without minor children requires applicants to prove only one year of housing history. While we believe that the housing history requirement should be eliminated altogether for both populations, a reduction to one year would be a significant improvement and would allow families to achieve stability faster.

Issues with unsafe conditions in shelters are also a top concern for families once they are placed in shelter. Over the past two years, the Coalition has received increasing complaints about conditions from residents of shelters for families with children about vermin, leaks, and poor maintenance. Our inspections of shelters for families with children have also shown more issues with conditions. Families who are already struggling with the lack of stability attendant to living

in shelter should not be subject to pest infestations, water intrusions, and substandard living conditions.

Comments on Intros. 123, 124, 440, 453, and 460-A

In addition to the issues and recommendations above, we offer comments on the following bills:

Intro. 123-2024: Precluding the department of homeless services from requiring a child’s presence at an intake center when a family with children applies for shelter. We support this bill as a codification of current practice in most instances, and to preclude requiring children’s presence in certain reapplication situations where presence is currently required. Children should be able to attend school, rather than forced to wait in an intake site all day.

Intro. 124-2024: Requiring the department of homeless services to provide process navigator services to every family with children entering an intake center. We support the goals of Intro. 124 to make the shelter intake process less burdensome. As described above, the biggest barriers to obtaining shelter for families with children are providing details about all housing for the past two years and proving that they cannot return to any of that housing. There are few forms that families must fill out during the intake, as information about prior housing is given verbally. It is unclear how a City-employed navigator will be able to help families with children establish their eligibility or navigate the process better than existing City employees at the intake center. A navigator would be most effective if they can provide the family with clear information about the status of their case, the application process, and how to resolve any missing information.

Intro. 440-2024: Requiring the department of homeless services to designate eligibility specialists at shelters. We support Intro. 440, which would require the City to have an “eligibility specialist” at each shelter site, who is knowledgeable in benefits eligibility for clients. It is always to the benefit of our clients to have staff available who are knowledgeable in the benefits clients can access to help them move out of shelter and into permanent housing. However, we recently learned that shelter providers are being asked to cut other items in their budgets in order to provide mental health specialists, as is required by Local Law 35 of 2023. A mandate to provide eligibility specialists should not come at the expense of other services.

Intro. 453-2024: Requiring the establishment of intake centers for families with children; and Intro. 460A-2024: Requiring DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process applications for shelter intake from families with children. The process of entering shelters is notoriously burdensome and stressful for homeless families. Currently, families with minor children must apply for shelter at a single citywide office, the PATH intake center in the Bronx, which can entail a long journey for people who are displaced from one of the other four boroughs. Establishing intake centers in the other boroughs, as Intro. 453 proposes, would likely reduce this burden for many families seeking shelter. Opening new intake centers may alleviate some of the pressure at

PATH and ensure that families can complete the intake process more quickly, rather than waiting in hours-long lines.

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

Similarly, Intro. 460-A would require DHS to report on the feasibility of partnering with community-based nonprofit organizations to accept and process applications for shelter by families with children. While this legislation is intended to make the shelter intake process more accessible, and could address some of the language access and cultural competency problems that plague the current process, we have questions about whether such decentralized intake could efficiently connect families to shelter placements and ensure that they have consistent experiences, regardless of which provider processes their applications.

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

About Legal Aid and the Coalition

The Legal Aid Society: Legal Aid, 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 NYC – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

Legal Aid 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 NYC, Legal Aid provides comprehensive legal services in all five boroughs of NYC for clients who cannot afford to pay for private counsel.

Legal Aid’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 Legal Aid’s Pro Bono program. With its annual caseload of more than 300,000 legal matters, Legal Aid 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.

Legal Aid'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, Legal Aid’s law reform representation for clients benefits more than 1.7 million low-income families and individuals in NYC and the landmark rulings in many of these cases have a State-wide and national impact.

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

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

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term, scalable solutions and include: permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school

program help hundreds of homeless children each year. The Coalition's mobile soup kitchen, which usually distributes 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries. Since the pandemic, we have been operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

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