

Council on Homeless Policies and Services

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Embracing Solutions to Family Homelessness

The Council on Homeless Policies and Services is a coalition of over fifty non-profit agencies serving homeless families and single adults throughout the five Boroughs of New York City. This brief position paper addresses the current debate regarding the right to shelter for homeless families within the context of the Bloomberg administration's five-year plan to end chronic homelessness. The paper advocates maintenance of a legal right to shelter and flexibility for the City to pursue important reforms. The paper also advocates long-term solutions, including access to stable, affordable housing and effective homelessness prevention services for poor families now and in the future.

Background

In 1986, the New York State Supreme Court appeals division held in *McCain v. Koch* that homeless families with children have a legal right to shelter. Prior to that decision, New York City regularly turned homeless children and their families away or offered them temporary housing in dangerous and dilapidated welfare hotels. Much has changed since the Legal Aid Society began litigating on behalf of homeless families in the 1980's. Their pioneering work has played a pivotal role in transforming our collective response to homelessness, replacing stubborn neglect with a shelter system that offers refuge to families who are without other viable options. In recent years, the Bloomberg administration has pursued much needed reforms aimed at helping families avoid homelessness in the first place through affordable housing and the development of preventive services.

In June 2004, Mayor Bloomberg unveiled *Uniting for Solutions Beyond Shelter: An Action Plan for New York City* and boldly declared that his administration would reduce the shelter census by two-thirds by 2009. The Department of Homeless Services has since implemented many aspects of the plan, and many of the reforms reflect the recommendations of the Special Masters, a panel of independent

experts appointed by the court to study the eligibility process and resolve ongoing litigation. Now, in the aftermath of two decades of disputes between the City and Legal Aid, the Bloomberg administration is seeking to vacate the court orders, which currently define New York City's legal obligations to homeless families. The administration believes those orders have become an unnecessary and burdensome barrier to swift implementation of a more rational and humane homeless services system. The Legal Aid Society, however, points to evidence they say proves the court orders are still necessary to ensure that the City continues to provide decent shelter to families who do not have another safe option.

Court Oversight of the Right to Shelter for Homeless Families

The Council on Homeless Policies and Services believes a legal obligation to provide shelter to homeless families who do not have a viable alternative must be retained, while the Department of Homeless Services and other city agencies must be given the flexibility to implement the Mayor's five year plan to end chronic homelessness.

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Court Oversight of the Right to Shelter for Homeless Families

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The Council on Homeless Policies and Services is concerned that without a well-defined legal right to shelter the political will to offer decent accommodation to homeless families might wane and be subject to political winds and budget cutbacks. Similarly, future administrations could camouflage the city's most visible and costly manifestation of an affordable housing crisis by making it more difficult to enter shelter through increasingly severe restrictions on who is defined as "homeless."

We recognize that the family homelessness system has been polarized by court battles, creating an environment that compromises progress and is overly focused on "shelter eligibility". We believe that the Bloomberg administration has a vision to move the system forward and has made considerable advances in fixing a badly broken intake process. The administration has also proclaimed their support for a legal right to shelter that could not be appealed by future administrations.

It will be up to Justice Freedman, who presides over the litigation, to ensure a legal right to shelter and determine whether the changes the city has made have rectified the problems the Special Masters found in the quality of shelter eligibility decisions. With these in place, then we will have reached the long-awaited time when the existing court orders are no longer necessary.

Families need decent, stable, affordable housing now and tomorrow.

The Council on Homeless Policies and Services applauds the Bloomberg administration's housing development plan and advocates expansion of that plan to ensure housing availability and affordability for the poorest households.

During the 1990's, New York City added 456,000 more people to its population, but produced only 85,000 additional units of housing. Additionally, one out of every four New York City renter households - over half a million families - pays more than half of their income toward rent. As of April 2005, nearly 130,000 households were on the New York City Housing Authority's waiting list for a Section 8 voucher, while nearly 150,000 waited for public housing. A growing gap between household income and market-rate rent, leads thousands of poor families, who are unable to access housing assistance, to seek refuge in shelter, usually after exhausting their welcome in over-crowded situations with friends and family.

In 2003, the Bloomberg administration launched the most ambitious mayoral effort to address the affordable housing crisis since the Koch administration. Since then, the Department of Housing Preservation and Development has been working to deliver the 65,000 promised units. With low income defined at sixty percent of area median income, a four person household earning as much as \$41,250 annually would qualify for an apartment designated for low income families. Since initiating their housing plan, the administration announced an important commitment of surplus Battery Park City revenue to help fund housing for the homeless. However, the Council on Homeless Policies and Services is concerned that the poorest households, including those currently in shelter and those most at risk of shelter entry will continue to have difficulty accessing the help they need.

The Council on Homeless Policies and Services celebrates the City's commitment to increased development of supportive housing for families.

With the release of their five-year plan to end chronic homelessness, the Bloomberg administration announced a crucial expansion of affordable housing commitments. That expansion included an unspecified number of supportive housing units for families. The Council on Homeless Policies and Services believes that the development of supportive housing is crucial to prevent some families from cycling back to the shelter system and continues to advocate for the development of 2,000 family units.

The Council on Homeless Policies and Services advocates a plan to evaluate and ensure the long-term viability of current rental assistance strategies for sheltered households.

Following historic success in 2003 and 2004 toward rehousing sheltered families through the Section 8 program, federal support for Section 8 has diminished, and the local supply of vouchers has dwindled. The Bloomberg administration subsequently implemented sweeping changes to housing assistance for sheltered families; today, homeless families no longer get priority for Section 8 and public housing and instead are eligible for a new program, Housing Stability Plus (HSP). The program represents an important commitment of city and state resources to address the rental support needs of sheltered families, and also leverages significant federal resources in an environment of faltering support from Washington for affordable housing programs. In essence, the City and State have partnered to provide eligible families that maintain an active public assistance case with help paying their rent.

The program is still new, however, and it represents a significant and untested change from the former rehousing strategy, which relied heavily on a set-aside of Section 8 and public housing apartments. Unlike these programs, the HSP rent supplement declines in value by twenty percent annually and has a five-year time limit. In addition, maximum rents are below the fair market rent level established by the U.S. Department of Housing and Urban Development, and the program requires that households stay on welfare to maintain the rent benefit. Shelter providers and the City's Independent Budget Office have expressed uncertainty about whether the program's design will eventually lead households back to shelter.

The Council on Homeless Policies and Services applauds the recently announced expansion of homelessness prevention programs and advocates implementation of all of the Special Masters' prevention recommendations.

In November 2003, the Special Master Panel released its report on preventing family homelessness, and the Bloomberg administration

quickly adopted several key recommendations, most notably creating six community-based prevention programs in neighborhoods from which a disproportionate number of homeless families originate. The Council on Homeless Policies and Services also supports the Panel's call to increase availability of rental assistance for families at risk of homelessness, including working families not on public assistance and non-leaseholder families. Similarly we support their recommendation to refer to prevention programs families who fall behind on public housing rent payments and those who fail to recertify for Section 8.

The Council on Homeless Policies and Services believes it is important to pass legislation that would ensure savings derived from reductions in the shelter census are used to support prevention and housing services.

To help ensure future funding for homelessness prevention and housing programs, the Mayor's five-year plan commits to reinvest the savings derived from closing shelters into prevention and housing-based solutions to homelessness. Without legislation mandating reinvestment of these funds, however, the commitment is at long-term risk.

*In closing, the Council on Homeless Policies and Services underscores our commitment to achieving the goals articulated in *Uniting for Solutions Beyond Shelter*. As we work in collaboration with City officials, we must remember that success will not be attained when shelters are empty but rather when families are decently and stably housed. In the meantime, we must ensure that our shelters are equipped to provide high quality services to help families access the supports and build the skills they will need to maintain stable housing in the future.*

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MISSION STATEMENT

The Council on Homeless Policies and Services is a coalition of non-profit agencies serving homeless adults and families in New York City. The Council provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. The Council advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers. The Council promotes effective solutions to end the crisis of homelessness in New York City.