



Brooklyn Defender Services
177 Livingston St., 7th Fl.
Brooklyn, NY 11201

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

Visitor Center
156 Pierrepont St.
Brooklyn, NY 11201

TESTIMONY OF:

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

BROOKLYN DEFENDER SERVICES

Presented before

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

**Oversight Hearing on Long-Standing NYC Shelter Intake Issues and the Recent Increase in
Asylum Seekers**

August 9, 2022

Introduction

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services. I want to thank the Committee on General Welfare and Chairwoman Ayala for inviting us to testify today. I would like to take this opportunity to express our support for removing barriers to accessing shelter, and to accessing and using the city's voucher and rental assistance programs.

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

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. The people we serve experience housing instability in a variety of ways: we defend people from eviction in housing court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the



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

Background

Today's hearing was prompted by the recent arrival of many asylum seekers to New York and the city's shelters lack of preparedness to assist people in need of emergency housing. Immigrant New Yorkers, including asylum seekers, face many barriers to accessing and maintaining affordable housing. This includes delays in obtaining work permits, lack of access to credit/credit reports and banking systems. These delays make it difficult for recently arrived asylum seekers to secure an apartment in NYC. While these issues have received recent media attention, the problems with the shelter intake process are endemic to the system.

I. Accessing Shelter

New Yorkers experiencing homelessness are routinely shut out of the shelter system. The screening and evaluation process at PATH, the single point of entry to the family shelter system, operated by the New York City Department of Homeless Services (DHS), often presents an insurmountable hurdle to families who are already facing the trauma and disruption of homelessness. The intake process has become increasingly opaque and backlogged in recent months. People we serve have reported waiting at PATH all night with their children before receiving a temporary shelter placement. One BDS client, Ms. P, was instructed by ACS to enter shelter and subsequently spent the night at PATH multiple times in an attempt to complete the intake process. Her children were forced to either stay up all night or to nap in chairs, each time without sufficient meals because DHS prohibits outside food. Ms. P felt that she had no choice but to continue to stay in a family member's overcrowded apartment, jeopardizing her ability to keep her children in her care as the Administration for Children's Services (ACS) and the court system raised concerns about her housing. Ms. P's experience is not uncommon. While ACS and DHS have a clear memo of understanding that children should not have to present at PATH for a family to access shelter, it is still frequently required by PATH staff. Families are routinely found ineligible for shelter due to alleged access to housing, even when ACS has deemed the housing inadequate.

Families are further deterred from entering shelter and prematurely removed from shelter because of DHS' domestic violence screening and reporting policies. DHS' No Violence Again (NoVA) family violence screening process flags shelter applicants with any history of family violence and precludes families or couples with an alleged history of violence from being placed together in shelter. This includes families or couples with a history of a domestic incident reports or reports made to authorities, without any findings of harm or due process. A family or couple who choose to stay together, who may have engaged in services to address the underlying conflict in the relationship or have been ordered to stay together by a family court are routinely denied shelter as a family. DHS'

DEFEND • ADVOCATE • CHANGE



NoVA policy effectively bars victims of violence entering shelter from making informed decisions about their families and who they choose to live with. This has long-term repercussions on a persons' housing stability; families who are separated in shelter are not eligible for their proper voucher size and are therefore less able to secure permanent housing.

Similarly, DHS' screening and reporting policies label individuals as victims of domestic violence who would not identify themselves as such, and therefore act as a long-term barrier to shelter. Once labeled as a victim of family or intimate partner violence, individuals are subject to permanent restrictions on their shelter eligibility and household composition. DHS creates a permanent incident report of any alleged violent incident that occurs in shelter. These reports are frequently based merely on hearsay notes from shelter staff and consist entirely of allegations of raised voices or verbal arguments. The resident often has no knowledge that a report has been made and has no opportunity to contest its content. The report then becomes a permanent record of family or intimate partner violence and will prevent the family from living together if they try to reenter shelter in the future. Rather than forcing compulsory family separation based on a history or mere allegation of violence, DHS screening and reporting policies should prioritize the preferences and choices of New Yorkers experiencing homelessness.

II. Delays Accessing and Using Vouchers

Once in the shelter system, the people we serve experience extreme delays in the housing voucher screening process as well as in the apartment approval stage of the process. First, the 90-day shelter residency requirement for CityFHEPS and FHEPS—rental assistance programs that provide vouchers to help families transition out of shelter or stay in their homes—acts as an unnecessary and harmful initial barrier to permanent housing, keeping New Yorkers homeless longer. We implore the Council to hold the Adams administration to its promise of undoing this rule. Furthermore, our clients residing in shelter routinely wait much longer than the 90-day requirement to start the voucher screening process because of high staffing turnaround inside DHS shelters, shortages of housing specialists, and poor communication between DHS and shelter providers. Clients also have trouble getting overburdened shelter staff to submit housing packets to DHS in a timely manner. We have often seen our clients' paperwork sent back from the Human Resource Administration (HRA) and DHS to shelter staff because of missing paperwork or clerical errors, causing further delays. Once an individual or family receives a voucher, it can take months or even years to find an apartment. These delays significantly prolong the time our clients spend in shelter and prevent them from securing permanent stable housing.

III. Source of Income Discrimination

New Yorkers experiencing homelessness are routinely prevented from moving out of shelter and into permanent housing by rampant source of income (SOI) discrimination. Voucher holders face the herculean task of finding a landlord willing to rent to them. In addition to pervasive stigma against

Brooklyn ^(BDS) Defenders

voucher holders, which is rooted in racism and disdain for people living in poverty, many landlords and brokers are fully aware of the extreme delays and bureaucratic hurdles involved with renting to voucher holders and simply refuse to do so. Although the NYC Human Rights Law protects renters against source of income discrimination, landlords widely and blatantly disregard these laws knowing they too often go unenforced. It has been well publicized that the SOI unit at the Commission on Human Rights has been understaffed for years and as recently as April had zero staff. Over the last two years BDS' Affordable Housing Specialist has worked with clients and non-profit partners to make dozens of SOI discrimination complaints to the city. Not one complaint has led to a client ending up in an apartment or any other remedy. There is a clear and pervasive belief among landlords and brokers that there will not be consequences for this type of discrimination.

The city's responsibility cannot end with issuing vouchers to eligible shelter residents. Vouchers are meaningless if they do not lead to permanent and stable housing. We strongly encourage the Council to work with the mayor to increase funding for the SOI discrimination units at both the Commission on Human Rights and HRA and to ensure that these units are adequately staffed. We particularly encourage a scaling up of the HRA Homelessness Prevention Administration's early intervention program, which has the goal of encouraging landlords and brokers to lease to voucher holders to avoid litigation. While litigation may have positive long-term benefits for voucher holders and strengthening anti-SOI discrimination enforcement city-wide, litigation alone does very little for voucher holders experiencing homelessness who need housing now.

Conclusion

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