

TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE NEW YORK
CITY COUNCIL IN SUPPORT OF INTRO. 161 – APRIL 27, 2006

We welcome this opportunity to testify before the City Council in support of Intro. 161, which will prevent the use of government subsidies to rent residential properties with a record of hazardous or immediately hazardous conditions and/or life threatening violations.

As you know, in some 275,000 cases, the Legal Aid Society annually provides civil, criminal, and juvenile rights legal services to low income families and individuals in all five boroughs of New York City. In addition to individual cases, the Society has extensive experience in affirmative litigation on behalf of groups of similarly situated clients. Many of our clients are referred to us by the constituent services staff of elected officials. Based on the expertise of our staff, the Society is frequently asked by government officials to provide information and comments regarding existing and proposed public policies affecting our clients. Society staff members also conduct extensive “know your rights” community education for clients and neighborhood-based and city-wide organizations. We greatly appreciate the support that the Council has provided for the Society’s client services.

In the area of homelessness, the Society’s Homeless Rights Project is counsel in State Court litigation in which court orders require the provision of lawful shelter, assistance, and services, including permanent housing aid, to homeless families with children and homeless men and women.

We certainly support the City’s decision to create a rent subsidy program financed by City and State resources to address reductions in federal support for housing assistance for low income families and individuals. We continue to believe that if certain flaws in the program are addressed the subsidy program can be a viable permanent housing program to prevent and alleviate homelessness in New York City. As we have previously testified, the problems in the program that need to be addressed include:

- *the 20 percent annual reduction in the level of the rent subsidy (which is a substantial annual rent hike without a parallel 20 percent annual increase in income) and its complete elimination after 5 years will certainly lead to increased homelessness over time;
- *the requirement that recipients of Housing Stability Plus receive public assistance is a counter-productive limit on the ability to work, which further exacerbates the impact of the 20 percent annual subsidy reduction;
- *the public assistance receipt requirement excludes from Housing Stability Plus participation a large number of homeless New Yorkers who receive disability benefits such as Supplemental Security Income or Social Security, Veteran’s benefits, or child support in place of public assistance;
- *the lack of housing quality standards and the lack occupancy standards subject recipients to unsafe and overcrowded housing conditions;

*unlawful demands for “side deals” by landlords subject recipients to paying unlawful rent levels and harassment if they refuse to do so;

*the housing instability inherent in the annual 20 percent subsidy reduction and the five-year time limit for the Housing Stability Plus program have a particularly harsh impact on survivors of domestic violence and children who are being reunited with their families after separation in foster care;

*limitations on length of stay in domestic violence shelters and shortages in Housing Stability Plus program staff for domestic violence programs coupled with length of stay HSP eligibility requirements in Department of Homeless Services shelters also have an adverse impact on survivors of domestic violence; and

*erroneous public assistance case closings and sanctions result in loss of rent subsidy benefits placing Housing Stability Plus recipients at imminent risk of recurring homelessness.

All of these problems have clearly affected the City’s ability to make full use of the program for homeless New Yorkers. From December 2004 when the program began through March 2006, the Department of Homeless Services’ Capacity Management Plan reveals that only 5,855 Housing Stability Plus placements have been made against 9,319 planned placements, for a 62.8 percent relocation achievement rate against the planned level.

Against this backdrop, Intro. 161 represents an essential initiative to prevent the placement of vulnerable children and adults in Housing Stability Plus-subsidized apartments in which there are a specified number of open hazardous or immediately hazardous housing code violations or any open life threatening violations. The Council clearly has the authority to enact such local law provisions to protect children and adults from the harm resulting from living in housing with record hazardous or immediately hazardous housing violations or life threatening violations. Likewise, the Council clearly has the authority to prevent the expenditure of public funds to rent such dangerous substandard housing.

Thank you for taking this important step to remedy problems in the Housing Stability Plus program.

Submitted,

Steven Banks
Attorney-in-Chief
The Legal Aid Society