



Theodore Levine
President

Steven Banks
Attorney-in-Chief

TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE COMMITTEE ON
GENERAL WELFARE OF THE NEW YORK CITY COUNCIL – September 23, 2008

We welcome this opportunity to testify before the Council concerning the status of various City efforts to alleviate homelessness in New York City.

As you know, The Legal Aid Society provides legal assistance to homeless New Yorkers as well as homelessness prevention civil legal services with support from the Council. The Society is counsel to the Coalition for the Homeless in the Callahan and Eldredge litigation in which court orders require the provision of shelter to homeless men and homeless women. Since the early 1980s, the Society has also been counsel in McCain litigation and related cases on behalf of homeless children and their families.

As has been widely reported in the media last week, on behalf of the homeless families with children we represent, we have entered into a settlement with the City and State in the McCain litigation which consists of these key components:

*a final judgment in which the City has agreed to a permanent injunction requiring the provision of shelter to families with children who lack alternative housing that is enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment in which the City has agreed to a permanent injunction requiring the provision of shelter to families with children that is safe, sanitary, and decent in accordance with State and local law, and requiring the City to provide shelter to families with children in a timely and appropriate manner in accordance with applicable law – and this permanent injunction is also enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment with an enforceable procedure specifying the process for the City to determine shelter eligibility for families with children, requiring the provision of written notice of eligibility or ineligibility, requiring compliance with legal requirements applicable to shelter terminations and shelter re-applications, making it clear that a permanent address is not required for receipt of public benefits, setting forth the process of shelter and intake center access for legal representatives, and providing for the publication of Department of Homeless Services shelter eligibility data – and this City procedure will remain in place until December 31, 2010 but can be extended further by any Justice of the Supreme Court on a showing of systemic non-compliance by the City and the procedure is also enforceable before any Justice of the Supreme Court who can apply all available remedies to achieve compliance by the City with the final judgment;

*a final judgment to protect families with pregnant women or children under six months of age from unlawful shelter placements that is also enforceable in the event of noncompliance like any final judgment; and

*a final judgment in which the State Office of Temporary and Disability Assistance has agreed to provide priority administrative hearings for families with children to challenge City shelter ineligibility determinations and to apply the requirements of the new City eligibility procedure in those hearings.

The settlement is subject to Court approval and a Court hearing that will be scheduled shortly. We are hopeful that this new enforceable legal framework will alleviate the problems in the family shelter system that children and families have experienced. While we hope that we will not be required to do so, we will be prepared to enforce the final judgment if such problems continue or recur.

For the Committee's consideration at this oversight hearing, we also urge the Committee to continue to monitor and address the following issues relating to homelessness:

*the increasing numbers of families seeking shelter each month highlight the need to enhance homelessness prevention efforts but the adopted FY09 City budget contains reductions in City-funded anti-eviction resources;

*although the length of stay in the family shelter system has been decreasing, the numbers of families with children who are relocated to permanent housing have decreased since the 2004 City decision to withhold New York City Housing Authority and Section 8 priority from homeless families with children, which, in turn, has impeded the City's ability to reach its commendable goal of reducing by two-thirds the number of homeless families in the shelter system;

*the decision to close Manhattan-based shelter intake for single adult men and transfer that intake function to Brooklyn will make it more difficult for homeless single men to seek shelter and is likely to lead to an increase in street homelessness in Manhattan, where there is already the greatest number of New Yorkers living on the streets; and

*the relocation of single adults from the shelter system to permanent housing and the reduction of the single adult shelter census are important goals but the lack of standards for the permanent housing to which many homeless adults have been relocated has resulted in shelter system returns when the housing turns out to be illegal or grossly substandard and unsafe.

Thank you again for this opportunity to testify and we welcome any questions that you may have.

Respectfully Submitted,

Steven Banks
Attorney-in-Chief
The Legal Aid Society
199 Water Street
New York, New York 10038
(212) 577-3277