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ACCOMMODATING PEDESTRIANISM IN THE TWENTY-FIRST  
CENTURY: INCREASING ACCESS AND REGULATING URBAN  
TRANSPORTATION SAFETY

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## Preventing Shelterization: Alleviating the Struggles of Homeless Individuals and Families in New York City

Salley Kim\*

\*Fordham University School of Law

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# PREVENTING SHELTERNIZATION: ALLEVIATING THE STRUGGLES OF HOMELESS INDIVIDUALS AND FAMILIES IN NEW YORK CITY

*Salley Kim\**

Introduction .....	1020
I. State of the Homeless: Factors Contributing to Homelessness and Failed Legislative Policies .....	1023
A. Homelessness Defined .....	1023
B. Statistical Data on Homelessness and Its Effects on Taxpayers in New York City .....	1025
C. Factors Contributing to Homelessness in New York City.....	1027
D. A Landmark Case: Establishing a Legal Right to Emergency Shelter .....	1029
E. New York City Mayoral Strategies Implemented to Address the Homeless Problem Since 2002.....	1031
II. Select Housing Programs Utilized by New York City and Why They Fall Short of Their Intended Goals .....	1033
A. Municipal Shelters .....	1034
B. Public Housing Managed by the New York City Housing Authority .....	1038
C. Section Eight Housing .....	1040
D. Other Notable New York City Housing Programs .....	1045
III. Proposals for Immediate and Practicable Strategies to Alleviate the Homeless Problem .....	1046
A. Improving Services Within New York City Homeless Shelters .....	1047

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\* J.D. Candidate, 2016, Fordham University School of Law; B.M., 2007, Northwestern University. I would like to express my gratitude to Professor Clare Huntington for her valuable insight, advice, and guidance; Lindsay Colvin, Lauren Irby, Eric Whiting, and the rest of the editorial board for making this Note publication possible; and, finally, to my family, loved ones, and my Corgi for their unconditional and unrelenting support.

B. Encouraging Interagency Collaboration .....	1050
C. Reforming Policies for Public Housing and Section Eight Housing.....	1055
D. Concerns About Incentivizing Homelessness and Fraud .....	1059
Conclusion.....	1061

### INTRODUCTION

Eleven-year-old Dasani, a homeless child in New York City, and her family have few prospects for escaping chronic homelessness.<sup>1</sup> Dasani lives in the Auburn Family Residence, a city-run shelter where sexual predators roam, and mold, roaches, and mice swarm in multitudes.<sup>2</sup> Dasani is among 280 children at the shelter and shares a 520-square-foot room with her parents and seven siblings.<sup>3</sup> Auburn is known as a place of last resort for the chronically homeless and has some of the poorest living conditions for families among the city's 152 shelters.<sup>4</sup>

Inside the shelter, Dasani and her siblings' hopes for the future are grim as their family of ten struggles to survive in their single shared room.<sup>5</sup> Auburn has been cited frequently for health and safety violations, such as sexual misconduct by staff members, spoiled food, asbestos, lead paint, and vermin.<sup>6</sup> The shelter also has no certificate of occupancy, as required by law,<sup>7</sup> and the premises are absolutely

1. Andrea Elliot, *Invisible Child: Dasani's Homeless Life*, N.Y. TIMES, Dec. 9, 2013, available at <http://www.nytimes.com/projects/2013/invisible-child/#/?/?chapt=1&ref=opinion&chapt=1>.

2. *Id.* pt. 1, at 1. The Auburn Family Residence is a New York City-run shelter nestled in Fort Greene, Brooklyn. As a result of Mayor Bloomberg's efforts to revitalize the city, the gentrified city now hosts million dollar brownstones, luxury buildings, upgraded parks, and avant-garde city projects. *Id.*

3. *Id.* Mayor Bill de Blasio has vowed to improve services for children in shelters and has begun transferring over 400 children out of the Auburn Family Residence. See Andrea Elliot & Rebecca R. Ruiz, *New York Is Removing Over 400 Children from 2 Homeless Shelters*, N.Y. TIMES, Feb. 21, 2014, <http://www.nytimes.com/2014/02/21/nyregion/new-york-is-removing-over-400-children-from-2-homeless-shelters.html>.

4. Elliot, *supra* note 1, pt. 1, at 6.

5. *Id.* at 2.

6. *Id.* at 7.

7. In New York City, "upon completion of all projects for which a building or demolition permit has been issued, the property owner shall obtain a certificate of occupancy or completion." N.Y. COMP. CODES R. & REGS. tit. 19, § 1202.3(a) (2010), available at <http://www.dos.ny.gov/DCEA/pdf/Part1202.pdf>; see also *Certificates of*

unfit and unsuitable for children and infants.<sup>8</sup> To make matters worse, the youngest child in Dasani's family is an infant, and one of her younger sisters is legally blind.<sup>9</sup>

Exacerbating the situation, Dasani's parents do not have the education or the financial discipline to maintain permanent housing after leaving the shelter system because they, too, grew up in broken homes falling below the poverty threshold.<sup>10</sup> When Dasani's grandmother passed away, her parents inherited \$49,000 of her pension savings.<sup>11</sup> With the help of a rent subsidy program called Advantage, the family was able to avoid becoming homeless and leased an apartment in Staten Island.<sup>12</sup> However, when the subsidies ran out, Dasani's family—along with one quarter of those participating in the assistance program—ended up back in shelters.<sup>13</sup> After two years at Auburn, Dasani's parents made a solemn vow to move as soon as they received their Earned Income Tax Credit.<sup>14</sup> When the time came to receive that credit, however, Dasani's father learned that the government seized his tax refund to pay for child support owed for two other children he had.<sup>15</sup>

Although Dasani's circumstances are partly a product of parental dysfunction resulting from unemployment, lack of discipline, history of arrests, and drug addiction, it is not the sole reason she is a homeless child.<sup>16</sup> As sweeping new policies were implemented to invigorate New York City's economic growth, rents steadily rose while low-income wages stagnated.<sup>17</sup> Hence, chronically poor families

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*Occupancy*, N.Y.C. BUILDINGS, <http://www.nyc.gov/html/dob/html/development/certificates.shtml> (last visited May 15, 2015).

8. Elliot, *supra* note 1, pt. 2, at 5.

9. *Id.*

10. *Id.* pt. 3, at 2–9.

11. *Id.* at 10.

12. *Id.* The Advantage Program was a short-term subsidy program designed to assist homeless individuals in securing permanent housing. However, the program was prematurely terminated in January 2012 due to state and local funding cuts. *See Advantage NY*, NEW DESTINY HOUSING, <http://www.newdestinyhousing.org/get-help/advantage-ny> (last visited May 15, 2015).

13. Elliot, *supra* note 1, pt. 2, at 17.

14. *Id.* pt. 1, at 25–26. The earned income tax credit reduces the amount of taxes owed and could also result in a tax refund depending on eligibility. *See EITC, Earned Income Tax Credit, Questions and Answers*, IRS, <http://www.irs.gov/Individuals/EITC,-Earned-Income-Tax-Credit,-Questions-and-Answers> (last updated May 6, 2015). In order to receive the tax credit, recipients must file a tax return pursuant to the Internal Revenue Service provisions. *Id.*

15. Elliot, *supra* note 1, pt. 3, at 15.

16. *Id.* pt. 1, at 3.

17. *Id.* at 4.

such as Dasani's were left with no other option but to enter the New York City shelter system, with few opportunities for transitioning into permanent housing.<sup>18</sup> The longer the family stayed at the shelter, the more difficult it became to keep the family together and the more desperate they became for a permanent home.<sup>19</sup>

Further compounding the problem, Auburn does not have a housing specialist on staff, and it provides no on-site childcare, which prevents residents from searching for jobs or housing.<sup>20</sup> If Children's Services were to ever discover that Dasani's mother left her infant daughter with acquaintances while she searched for housing or a job, her custody of the child would be in serious jeopardy.<sup>21</sup> Meanwhile, the family faces a potential "involuntary discharge" by the Department of Homeless Services due to their stay at Auburn of nearly three years,<sup>22</sup> which may bar them from returning to the city's shelters for thirty days.<sup>23</sup> As Dasani's parents put it, they have become "shelterized," or numb to life in the shelter system that they cannot escape.<sup>24</sup>

The homeless population continues to grow in New York City, and the obstacles that this group must overcome to achieve and maintain permanent housing worsen daily. This Note examines and analyzes the issue of homelessness in New York City, and recommends select ways that the city can assist in transitioning the homeless population into permanent housing. Part I of this Note examines the New York City homelessness problem in depth, with a brief historic background of legal policies, definitions, statistical data, and factors contributing to homelessness. Part II of this Note presents an explanation of certain programs implemented by the New York City government to

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18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.*

22. N.Y. COMP. CODES R. & REGS. tit. 18, § 352.35(c) (2014), available at <http://www.coalitionforthehomeless.org/wp-content/uploads/2014/08/18NYCRR352-35regulation1995.pdf> ("As a condition of eligibility for temporary housing assistance, individuals and families must comply with the requirements of this subdivision."); see *I Have a Shelter Problem*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/get-help/i-have-a-shelter-problem/#8> (last visited May 15, 2015). There are no limits on shelter stays so long as the family complies with the rules and regulations pertaining to shelter occupancy. See *Families with Children*, N.Y.C. DEP'T OF HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/housing/families.shtml> (last visited May 15, 2015) (listing expectations for families with children in shelters).

23. Elliot, *supra* note 1, pt. 4, at 9.

24. *Id.* pt. 2, at 4.

mitigate the homelessness problem and reasons why the programs are structurally inadequate. This Part also demonstrates that these programs perpetuate a cyclical pattern that forces individuals and families to re-enter the shelter system. Part III of this Note offers recommendations for a multi-faceted approach to not only prevent homelessness, but also to better serve those already using the shelter system in transitioning to permanent housing. For instance, New York City officials can work to ensure transitional services within the shelter system, promote interagency collaboration, and reform stringent eviction policies. By implementing these short-term goals, city officials will be more effectively equipped to solve the growing homeless crisis.

### I. STATE OF THE HOMELESS: FACTORS CONTRIBUTING TO HOMELESSNESS AND FAILED LEGISLATIVE POLICIES

Homelessness and inadequate social services are issues that policymakers have been grappling with for decades, both at the federal and state level.<sup>25</sup> In order to recognize the stumbling blocks that the New York City homeless population must overcome, it is important to understand the political and legislative landscapes surrounding the issue. First, policy makers and legislators must identify the homeless population in order to implement tailored strategies to resolve the homeless problem. Second, policy makers and legislators must also recognize various factors that contribute to homelessness and its detrimental effects on society. Last, prior ineffective policies should be scrutinized so that policy makers and legislators will be able to modify these strategies going forward.

#### A. Homelessness Defined

Defining who is homeless determines who is eligible for various government-funded assistance programs.<sup>26</sup> In 1987, Congress passed the Stewart B. McKinney Homeless Assistance Act to address the need for public resources and programs to aid homeless individuals and families.<sup>27</sup> Under the Act, a person is considered homeless if he:

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25. *Snapshot of Homelessness*, NAT'L ALLIANCE TO END HOMELESSNESS, [http://www.endhomelessness.org/pages/snapshot\\_of\\_homelessness](http://www.endhomelessness.org/pages/snapshot_of_homelessness) (last visited May 15, 2015).

26. NAT'L ALLIANCE TO END HOMELESSNESS, CHANGES IN THE HUD DEFINITION OF "HOMELESS" (2012), *available at* [http://www.endhomelessness.org/page/-/files/3006\\_file\\_Summary\\_and\\_Analysis\\_of\\_Final\\_Definition\\_Rule.pdf](http://www.endhomelessness.org/page/-/files/3006_file_Summary_and_Analysis_of_Final_Definition_Rule.pdf).

27. Stewart B. McKinney Homeless Assistance Act of 1987, Pub. L. No. 100-77, 101 Stat. 482 (codified as amended at 42 U.S.C. § 11301); *see also Homeless Person*,

[L]acks a fixed, regular, and adequate night-time residence; and . . . has a primary night time residency that is: (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations . . . (B) [a]n institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.<sup>28</sup>

Although there are many definitions of homelessness at the state and federal level, the United States Department of Housing and Urban Development (HUD) sets forth four federally defined categories of individuals and families eligible to receive government aid: (1) literally homeless; (2) imminent risk of homelessness; (3) homeless under other Federal statutes; and (4) fleeing/attempting to flee domestic violence.<sup>29</sup>

The National Coalition for the Homeless, a leading non-profit organization and advocacy group, also defines three specific types of homelessness: chronic homelessness, transitional homelessness, and episodic homelessness.<sup>30</sup> Those who are “chronically homeless” are those who are most likely to be in the shelter system for long periods of time.<sup>31</sup> Rather than using shelters as a temporary form of relief, the chronically homeless are dependent on shelters and often consist of older individuals and the “hard-core unemployed.”<sup>32</sup> The “transitionally homeless” category consists of individuals who enter the shelter system for a short period, as a last resort, before

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LEGAL DICTIONARY, <http://legal-dictionary.thefreedictionary.com/Homeless+Person> (last visited May 15, 2015).

28. Stewart B. McKinney Homeless Assistance Act § 103, 101 Stat. at 485 (codified as amended at 42 U.S.C. § 11302(a)); *see also* NAT'L COAL. FOR THE HOMELESS, WHO IS HOMELESS? (2009), *available at* <http://www.nationalhomeless.org/factsheets/Whois.pdf>.

29. *Homelessness Assistance*, HUD.GOV, [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/homeless](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/homeless) (last visited May 15, 2015).

30. *See Homelessness in America*, NAT'L COALITION FOR HOMELESS, <http://nationalhomeless.org/about-homelessness/> (last visited May 15, 2015). The National Coalition for the Homeless was founded in 1981 and is specifically involved with issues relating to poverty and homeless. *See also Who We Are*, NAT'L COALITION FOR HOMELESS, <http://nationalhomeless.org/about-us/who-we-are/> (last visited May 15, 2015). The coalition's mission is to prevent and end homelessness while protecting the civil rights of this at-risk group. *Id.*

31. *Homelessness in America*, *supra* note 30.

32. *Id.* An individual or family is chronically homeless if they have been continuously homeless for at least a year or have had at least four episodes of homelessness in the past three years. *See* U.S. Dep't. of Hous. & Urban Dev., *Resources for Chronic Homelessness*, HUD EXCHANGE, <https://www.hudexchange.info/homelessness-assistance/resources-for-chronic-homelessness/> (last visited May 15, 2015).

transitioning into stable housing.<sup>33</sup> Last, the “episodically homeless” category is comprised of those who are constantly in and out of shelters.<sup>34</sup> This group often suffers from unemployment, medical, and mental health issues.<sup>35</sup> By understanding which classification individuals and families fall under, policymakers and legislators are better able to determine who is homeless and identify those who are most vulnerable.

### B. Statistical Data on Homelessness and Its Effects on Taxpayers in New York City

The number of homeless people in New York City has reached unprecedented levels since the Great Depression.<sup>36</sup> Although the number of homeless people declined nationwide, this population has increased in New York City.<sup>37</sup> Of the nation’s homeless population, one out of five homeless people are located in New York City or Los Angeles.<sup>38</sup> The Coalition for the Homeless posits that more than 111,000 homeless men, women, and children in New York City used the shelter system in 2013.<sup>39</sup> This means that the number of homeless people is eighty-seven percent higher than it was January 2002.<sup>40</sup>

However, these totals are still inconclusive, due to methodological and financial constraints that significantly undercount the number of homeless individuals in New York City.<sup>41</sup> In an attempt to improve

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33. *Homelessness in America*, *supra* note 30.

34. *Id.*

35. *Id.*

36. *Basic Facts About Homelessness: New York City*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/> (last visited May 15, 2015).

37. *Id.*; see also Dina ElBoghdady, *These Five Charts Show the Progress and Challenges in Fighting Homelessness*, WASH. POST, Oct. 31, 2014, <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/10/31/these-five-charts-show-the-progress-made-in-fighting-homelessness/>.

38. ElBoghdady, *supra* note 37.

39. *Basic Facts About Homelessness: New York City*, *supra* note 36.

40. *Id.*

41. See *Homelessness in America*, *supra* note 30. For example, many studies only count persons in shelters or on the street, which is not an accurate representation of the total homeless population. The Census Bureau has also taken steps to better account for this population, but its approach falls short because it fails to visit many locations with homeless individuals and families. Additionally, many government agencies use different methodologies, which contribute to the inconclusive data. See Sam Batko, *Here are the 5 Most Common Misconceptions about PIT Count Estimates*, NAT’L ALLIANCE TO END HOMELESSNESS (Feb. 11, 2014), <http://www.endhomelessness.org/blog/entry/here-are-the-5-most-common-misconceptions-about-pit-count-estimates#.Vdv4Ufm6ddg>. For example, point-in-time (PIT) counts often fail to account for individuals and families that experience homelessness in unsheltered



data reporting, the New York City Mayor's Office of Operations enacted Local Law 37 in 2011.<sup>42</sup> Local Law 37 requires city agencies to keep a detailed shelter census of individuals served.<sup>43</sup> As of February 18, 2015, the number of individuals accessing shelters in New York City totaled 58,284.<sup>44</sup> Of this number, 11,886 were single adults (8672 men and 3214 women).<sup>45</sup> Families with children accounted for 41,799 of the total number (11,958 families, 17,275 adults, and 24,524 children).<sup>46</sup> As these numbers reveal, families constitute nearly four-fifths of the shelter population, but several sources contend that these official records undercount the true number of homeless individuals and families.<sup>47</sup> Disparate reporting might be due to the number of people who sleep on streets, subways, or other non-visible public areas and thus go uncounted.<sup>48</sup> An estimated 2000 adults and children go uncounted, and surveys reveal that nearly sixty percent of New York City's homeless population is concentrated in Manhattan.<sup>49</sup>

New York City taxpayers are heavily burdened by the growing homeless population, and would benefit from a permanent housing-based approach rather than a shelter-based approach.<sup>50</sup> Even though

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locations. Additionally, national data sources on homelessness "do not cover the same population over the same time period, and subsequently cannot be directly compared to the PIT count." *Id.*

42. COAL. FOR THE HOMELESS, STATE OF THE HOMELESS 2014 (2014), available at <http://www.coalitionforthehomeless.org/wp-content/uploads/2014/03/StateoftheHomeless20141.pdf>; see also N.Y.C. DEP'T. OF HOMELESS SERVS., DHS LOCAL LAW 37 REPORT FOR THE MONTH OF MAY 2015, available at [http://www.nyc.gov/html/ops/downloads/pdf/temporary\\_housing\\_report.pdf](http://www.nyc.gov/html/ops/downloads/pdf/temporary_housing_report.pdf).

43. COAL. FOR THE HOMELESS, *supra* note 42.

44. N.Y.C. DEP'T. OF HOMELESS SERVS., DAILY REPORT FEBRUARY 19, 2015 (2015).

45. *Id.*

46. *Id.*

47. *Basic Facts About Homelessness: New York City*, *supra* note 36.

48. *Basic Facts About Homelessness: New York City Data and Charts*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city-data-and-charts/> (last visited May 15, 2015).

49. *Id.*

50. *Cost of Homelessness*, NAT'L ALLIANCE TO END HOMELESSNESS, [http://www.endhomelessness.org/pages/cost\\_of\\_homelessness](http://www.endhomelessness.org/pages/cost_of_homelessness). For instance, cost studies conducted by Portland, Los Angeles, and the Downtown Emergency Service Center in Seattle, Washington, all posit that providing people with permanent supportive housing saves taxpayers money. *Id.* Permanent supportive housing includes not only housing, but also supportive services to assist with issues such as mental health and drug addiction. *Id.* While it may seem that placing individuals and families in emergency shelters may be the better alternative, these costs are extremely high and particularly expensive for municipalities. *Id.*

emergency shelters may be an adequate response for those facing an imminent crisis, it is a prohibitively expensive short-term solution that taxpayers must finance.<sup>51</sup> A study by HUD's Office of Policy Development and Research found that emergency shelters designed for families are usually equally or more expensive than transitional and permanent supportive housing.<sup>52</sup> For instance, a Los Angeles, California, study found that placing four chronically homeless people into permanent supporting housing saved the city more than \$80,000 per year.<sup>53</sup> In addition, homeless people are more likely to require taxpayer dollars for hospitalization, medical treatment, police intervention, and jails or prisons.<sup>54</sup> Therefore, focusing on efforts to transition the homeless population into permanent housing may be much more cost-effective and beneficial to taxpayers in the long term.<sup>55</sup>

### C. Factors Contributing to Homelessness in New York City

A lack of affordable housing and funding for housing assistance programs has significantly contributed to homelessness.<sup>56</sup> Every year, the National Low Income Housing Coalition (NLIHC) releases a report on the "housing wage," which is defined as the wage that an individual must earn in order to afford a modest rental home in the United States while spending no more than thirty percent of his or her income.<sup>57</sup> NLIHC concludes that the estimated 2014 housing wage was \$18.92, exceeding the average \$14.64 renter wage and over two and a half times the federal minimum wage.<sup>58</sup> Therefore, a full-time minimum wage worker in New York City cannot reasonably

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51. BROOKE SPELLMAN ET AL., U.S. DEP'T OF HOUS. & URBAN DEV., COSTS ASSOCIATED WITH FIRST-TIME HOMELESSNESS FOR FAMILIES AND INDIVIDUALS, at P-1 (2010), available at [http://www.huduser.org/portal/publications/pdf/Costs\\_Homeless.pdf](http://www.huduser.org/portal/publications/pdf/Costs_Homeless.pdf).

52. *Id.*

53. *Cost of Homelessness*, *supra* note 50.

54. *Id.*

55. *Id.*

56. *Homelessness in America*, *supra* note 30. Foreclosures have also contributed to this problem as a result of the recession. *Id.*

57. ALTHEA ARNOLD ET AL., NAT'L LOW INCOME HOUSING COAL., OUT OF REACH 2014, at 4 (2014), available at <http://nlihc.org/sites/default/files/oor/2014OOR.pdf>. Every year, NLIHC releases a report on the "housing wage," which is defined as the wage that an individual must earn in order to afford reasonable housing. *Id.*

58. *Id.* at 4, 7. Renter wage is defined as the estimated hourly wage of renters by region. *Id.* The estimated renter wage is based on 2012 Bureau of Labor Statistics data. *Id.*

afford a one or two bedroom rental unit at fair market rent.<sup>59</sup> This large disparity between the federal minimum wage and the housing wage is especially problematic for poor and working-class individuals in New York City due to the extremely high cost of rental housing.<sup>60</sup> In New York City, median apartment rents rose by seventy-five percent between 2002 and 2012, while the rest of the nation experienced only forty-four percent increases.<sup>61</sup> Additionally, New York City's stock of rent-regulated housing is quickly declining without the creation of replacement units.<sup>62</sup> With the significant loss of affordable housing and the slow pace of progress in creating new affordable housing, the supply falls extremely short of demand.<sup>63</sup> Furthermore, with gentrification occurring at rapid rates in poor neighborhoods citywide, the poor are being pushed out of their homes due to increasing property value.<sup>64</sup>

Compounding the problem, individuals and families who live at or below the poverty threshold are at a higher risk of becoming homeless.<sup>65</sup> This group of people must constantly grapple with critical life decisions as a consequence of barely being able to pay the bills.<sup>66</sup> When individuals or families cannot consistently afford housing, food, childcare, medical care, and education, it is often housing (the largest cost) that is sacrificed.<sup>67</sup> Two factors exacerbate poverty, which in turn opens the door to homelessness: high unemployment rates and a decline in available public assistance.<sup>68</sup> With high unemployment

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59. *Id.* at 4. Fair Market Rent is HUD's best estimate of the expected cost of a modest rental unit. *Id.* Fair Market Rent also includes the cost of utilities. *Id.*

60. OFFICE OF THE N.Y.C. COMPTROLLER, THE GROWING GAP: NEW YORK CITY'S HOUSING AFFORDABILITY CHALLENGE 1 (2014), available at [http://comptroller.nyc.gov/wp-content/uploads/documents/Growing\\_Gap.pdf](http://comptroller.nyc.gov/wp-content/uploads/documents/Growing_Gap.pdf). In New York City, 69.2% of the city's rent stabilized housing losses occurred in the boroughs of Manhattan over the last ten years. *Id.* at 21.

61. *Id.* at 1.

62. *Id.* at 27.

63. Steven Cohen, *Homelessness is Getting Worse in New York City*, HUFFINGTON POST (June 22, 2012), [http://www.huffingtonpost.com/steven-cohen/homelessness-is-getting-w\\_b\\_1586078.html](http://www.huffingtonpost.com/steven-cohen/homelessness-is-getting-w_b_1586078.html).

64. *Id.* Cohen asserts that a contributing factor of homelessness in New York is an insufficient supply of affordable housing for the working poor. *Id.* With the economic success of New York City, the wealthy are pushing low-income individuals and families out of their neighborhoods, resulting in gentrification of poor neighborhoods. *Id.* Additionally, the availability of affordable apartments has not been keeping up with the pace of gentrification, severely exacerbating the homeless problem. *Id.*

65. *Homelessness in America*, *supra* note 30.

66. *Id.*

67. *Id.*

68. *Id.*

rates and a general lack of employment opportunities in the United States, jobs are difficult to obtain, and even if these individuals are able to find work, it may not provide an escape route from poverty.<sup>69</sup> Further, the decline in available public assistance forces families leaving the welfare system to experience difficulty in obtaining basic necessities, such as medical care and food.<sup>70</sup> Hence, they struggle to sustain an independent living and are at risk of becoming homeless.<sup>71</sup>

Several other factors, such as the lack of affordable health care, directly affect families and individuals who are already struggling to keep their housing and are unable to pay for high medical costs.<sup>72</sup> Domestic violence is also a contributing factor because victims living in poverty often have to choose between abusive relationships and homelessness.<sup>73</sup> Additionally, in the United States, approximately sixteen percent of single adults suffer from severe and persistent mental illnesses, which undercut their ability to maintain stable housing.<sup>74</sup> Last, individuals who are addicted to substances are also at an increased risk of homelessness.<sup>75</sup> Though there are many factors contributing to homelessness, it is important for legislators and policy makers to understand these problems so that they can effectively implement tailored policies.

#### **D. A Landmark Case: Establishing a Legal Right to Emergency Shelter**

In 1979, the Legal Aid Society filed *Callahan v. Carey*, which evolved into a landmark case that ultimately established the right to

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69. *Id.*

70. *Id.*; see also *Mayor de Blasio Signs Executive Order to Increase Living Wage and Expand it to Thousands More Workers*, N.Y.C. (Sept. 30, 2014), <http://www1.nyc.gov/office-of-the-mayor/news/459-14/mayor-de-blasio-signs-executive-order-increase-living-wage-expand-it-thousands-more#0>. Mayor Bill de Blasio signed an executive order to expand New York City's Fair Wages for New Yorkers Act. *Id.* By increasing the Living Wage law, Mayor de Blasio hopes to ensure that individuals earning low wages will be able to afford a reasonable living. *Id.*

71. *Homelessness in America*, *supra* note 30.

72. *Id.* Often, high medical bills and stretches of unemployment cause many to fall behind on rent, leading to eviction. *Eviction Prevention*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/our-programs/crisis-services/eviction-prevention/> (last visited May 5, 2015). The Coalition for the Homeless provides emergency grants of approximately \$1000 to those at risk of homelessness. *Id.*

73. *Homelessness in America*, *supra* note 30.

74. *Id.*

75. *Id.*

emergency shelter for homeless individuals in New York City.<sup>76</sup> The named plaintiff in the class action lawsuit was Robert Callahan, a homeless Korean War veteran.<sup>77</sup> Defendants included the Governor of the State of New York and his Commissioner of Social Services, as well as the Mayor of New York City, his Commissioner of the Human Resources Administration, and his Director of the Shelter Care for Men.<sup>78</sup> At the time, the City's response to the homeless crisis was insufficient, and an established legal right to shelter did not exist.<sup>79</sup> Two years later, on August 26, 1981, the parties settled the lawsuit with a final judgment by consent decree.<sup>80</sup>

The outcome of *Callahan* ultimately hinged upon Article XVII of the New York State Constitution, which states, "the aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions."<sup>81</sup> Pursuant to the consent decree, New York City was ordered to 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."<sup>82</sup> This decree also established minimum standards pertaining to the quality of the shelter, such as bedding, security, supervision, and staffing.<sup>83</sup> The right to shelter was eventually extended to homeless women.<sup>84</sup>

Several agencies were formed to implement the policies stemming from the *Callahan* decision.<sup>85</sup> In 1991, the New York City

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76. *Callahan v. Carey*, 12 N.Y.3d 496, 498 (N.Y. 2009). Plaintiffs in this case alleged that Article XVII of the State Constitution, the State Social Services Law, and provisions of the City Administrative Code were violated when the city refused to recognize the right to emergency shelter. *Id.* In December of 1979, a New York State Supreme Court Judge ruled in favor of the plaintiffs. See *Why are So Many People Homeless?*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/the-catastrophe-of-homelessness/why-are-so-many-people-homeless/> (last visited May 15, 2015).

77. *Callahan*, 12 N.Y.3d at 498.

78. *Id.*

79. *Why are So Many People Homeless?*, *supra* note 76.

80. *Callahan*, 12 N.Y.3d at 498.

81. *Why are So Many People Homeless?*, *supra* note 76.

82. *Callahan*, 12 N.Y.3d at 498.

83. *Id.*

84. *Eldredge v. Koch*, 469 N.Y.S.2d 744, 745 (N.Y. App. Div. 1983). The court found that the city is constitutionally required to provide shelter for homeless women equivalent to that provided for homeless men. *Id.*

85. *DHS Historical Timeline*, N.Y.C. DEP'T. OF HOMELESS SERVS., <http://www.nyc.gov/html/dhs/downloads/pdf/revised-timeline-2014.pdf> (last visited May 15, 2015).

government established the New York City Commission on the Homeless in order to recommend various policies to reform the homeless services system and eliminate homelessness.<sup>86</sup> The city also began partnering with local agencies and non-profit organizations to provide these services, and the New York City Department of Homeless Services (DHS) was established as a separate agency to address the homeless issue.<sup>87</sup> The principal goal of DHS is to prevent homelessness and to carry out its legal mandate in providing safe and adequate emergency shelter to homeless individuals and families.<sup>88</sup> DHS requires individuals and families in shelters to obtain employment, apply for public benefits, save money, and search for housing so that they can make an effective transition to permanent housing.<sup>89</sup>

#### E. New York City Mayoral Strategies Implemented to Address the Homeless Problem Since 2002

From 2002 to 2013, New York City Mayor Michael Bloomberg created comprehensive plans to end homelessness, but a series of ineffective policies and the economic downturn from the 2008 recession ultimately exacerbated the homeless problem.<sup>90</sup> First, Bloomberg implemented a plan, entitled *Uniting for Solutions Beyond Shelters*, which aimed to increase supportive housing from 5000 to 12,000 units as part of a strategy to shift the emphasis from over-reliance on shelters to prevention and supportive housing.<sup>91</sup>

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86. *Id.*; see also Shelly Nortz, *Cuomo's Potential: Reduce Homelessness*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/cuomos-potential-reduce-homelessness/> (last visited May 15, 2015).

87. *DHS Historical Timeline*, *supra* note 85; see also *DHS History*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/about/history.shtml> (last visited May 15, 2015). The Department of Homeless Services was formerly a part of the New York City Human Resources Administration (HRA), Department of Social Services. *Id.*

88. *About DHS*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/about/about.shtml> (last visited May 15, 2015).

89. *Id.*

90. *DHS Historical Timeline*, *supra* note 85. Mayor Michael Bloomberg served a total of three terms, from 2002 to 2013. See *About Mike*, MIKE BLOOMBERG, <http://www.mikebloomberg.com/index.cfm?objectid=BF32CA7F-C29C-7CA2-FBE0264DA19DA01A> (last visited May 15, 2015).

91. *Mayor Michael R. Bloomberg Announces Citywide Campaign to End Chronic Homelessness*, N.Y.C. (June 23, 2004), <http://www1.nyc.gov/office-of-the-mayor/news/157-04/mayor-michael-bloomberg-citywide-campaign-end-chronic-homelessness#/0>. Real incomes of New Yorkers declined as the nation struggled to emerge from two recessions between 2000 and 2012. OFFICE OF THE N.Y.C. COMPTROLLER, *supra* note 60, at 1.

According to Mayor Bloomberg, this plan would constitute the first cross-sector campaign intended to encourage collaboration between private, nonprofit, and public sector leaders to develop creative solutions to reduce homelessness.<sup>92</sup> Specific initiatives included homelessness prevention programs, preventing needless evictions, expanding permanent and transitional housing models, and redirecting funds from shelters into alternative housing solutions.<sup>93</sup> However, due to misguided policies and the poor redesign of family eligibility, homelessness actually increased by one third (roughly 10,000 additional people) in 2012.<sup>94</sup>

A study released in 2011 by Assembly Speaker Sheldon Silver and the Community Service Society demonstrated that 569,700 units of affordable housing were lost because Mayor Bloomberg's policies failed to preserve existing affordable housing or create new housing.<sup>95</sup> In addition, with large budget cuts and the end of housing subsidy programs such as Advantage, hundreds of individuals and families were forced back into homelessness.<sup>96</sup> The Coalition for the Homeless estimates that nearly half (49.4%) of all Advantage families, totaling 18,000 children and 12,000 adults, returned to shelters.<sup>97</sup>

After Mayor Bill de Blasio began his Administration in 2014, the number of homeless people in New York City increased by six percent in one year, as the residual effects of rising rents and subsidy cuts continued to plague this population.<sup>98</sup> The de Blasio

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92. *Mayor Michael R. Bloomberg Announces Citywide Campaign to End Chronic Homelessness*, *supra* note 91.

93. *Id.*

94. Kenny Schaeffer, *Bloomberg's Housing Policies a Failure*, METRO. COUNCIL ON HOUSING (Mar. 2012), [http://metcouncilonhousing.org/news\\_and\\_issues/tenant\\_newspaper/2012/march/bloomberg%E2%80%99s\\_housing\\_policies\\_a\\_failure](http://metcouncilonhousing.org/news_and_issues/tenant_newspaper/2012/march/bloomberg%E2%80%99s_housing_policies_a_failure). The supply of affordable housing in New York City has been consistently decreasing. Mayor Bloomberg's policies have failed to preserve existing affordable housing or create new affordable housing to sufficiently address the needs of individuals below the poverty line. *Id.* As a result, the number of homeless people has increased. *Id.* Additionally, the Bloomberg administration has attempted to impose harsh restrictions on access to shelters, making it much more difficult for those who are actually in need of emergency shelter to obtain it. *Id.*

95. *Id.*; see also N.Y. STATE ASSEMBLY SPEAKER SHELDON SILVER, THE NEW HOUSING EMERGENCY 9, available at [http://b3cdn.net/nycss/8b700ae8266296416d\\_idm6betr2.pdf](http://b3cdn.net/nycss/8b700ae8266296416d_idm6betr2.pdf).

96. Schaeffer, *supra* note 94.

97. Patrick Markee, *New Report: Half of "Advantage" Families Back in the NYC Shelter System*, COALITION FOR HOMELESS (Jan. 2, 2014), <http://www.coalitionforthehomeless.org/new-report-half-of-advantage-families-back-in-the-nyc-shelter-system/>.

98. Michael Howard Saul, *New York City Street Homelessness Rises 6%*, WALL ST. J. (June 6, 2014), <http://blogs.wsj.com/metropolis/2014/06/06/new-york-city-street>

Administration recognizes the urgency created by the homeless crisis, and has articulated plans to create new rental subsidy programs targeting specific populations.<sup>99</sup> In a deal established between state and city officials, the de Blasio Administration seeks to develop 750 public housing apartments per year and implement two new subsidy initiatives.<sup>100</sup> The first subsidy program consists of an agreement where the state and city will pay \$80 million over four years to provide rental assistance to homeless families with one full-time worker.<sup>101</sup> The second program is estimated to cost \$59 million over four years, and will focus on the chronically homeless who are most dependent on shelters for long periods of time.<sup>102</sup> Although the de Blasio Administration has yet to delineate the specific details of its homelessness initiatives, DHS is expected to spend \$1.04 billion in the next year to address this problem—a record amount.<sup>103</sup> Despite these optimistic goals, the Administration has not yet been able to effectively combat homelessness, as evidenced by the rise in the number of people entering and living in shelters.<sup>104</sup>

## II. SELECT HOUSING PROGRAMS UTILIZED BY NEW YORK CITY AND WHY THEY FALL SHORT OF THEIR INTENDED GOALS

There are many ways in which the New York City government attempts to ameliorate homelessness.<sup>105</sup> However, this Part will focus only on specific housing initiatives and policies designed to transition homeless individuals and families into permanent housing in New

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homelessness-rises-6/; see also Kim Velsey, *What Does de Blasio's Affordable Housing Policy Mean for the Homeless?*, N.Y. OBSERVER (May 6, 2014), <http://observer.com/2014/05/what-does-de-blasios-affordable-housing-policy-mean-for-the-homeless/>.

99. Michael Howard Saul, *New York City Targets Spending \$1.04 Billion on Homeless*, WALL ST. J. (May 6, 2014), <http://online.wsj.com/articles/SB10001424052702303647204579546111625674066>.

100. Michael Howard Saul, *De Blasio to Dedicate 750 Public Housing Apartments a Year to Homeless*, WALL ST. J. (June 3, 2014), <http://online.wsj.com/articles/de-blasio-to-dedicate-750-public-housing-apartments-a-year-to-homeless-1401820867>.

The administration also plans to develop 750 apartments a year in public housing to homeless families. *Id.* Advocates argue that 750 is not nearly enough to address New York City's homeless. *Id.*; see also Mireya Navarro, *2 Programs Aim to Move New York Families From Shelters*, N.Y. TIMES, Aug. 12, 2014, <http://www.nytimes.com/2014/08/13/nyregion/2-programs-aim-to-move-city-families-from-shelters.html>.

101. Navarro, *supra* note 100.

102. *Id.*

103. Saul, *supra* note 99.

104. *Id.*

105. N.Y.C. DEP'T OF HOMELESS SERVS., CLIENT ADVOCACY SERVS., *available at* [http://www.nyc.gov/html/dhs/downloads/pdf/client\\_advocacy\\_brochure.pdf](http://www.nyc.gov/html/dhs/downloads/pdf/client_advocacy_brochure.pdf).



York City. These programs include municipal shelters, public housing, and Section 8 subsidies. Although they are necessary to provide affordable housing for low-income individuals and families, each program has unique and specific shortcomings that make it inadequate to combat the problem of New York City homelessness. In general, these housing initiatives are limited and fail to meet the high demand of low-income individuals and families.

### A. Municipal Shelters

Shelters are legally mandated in New York City and are undoubtedly a necessary program, considering the enormous number of homeless individuals they service.<sup>106</sup> New York City is unique because it provides emergency shelter to every eligible man, woman, and child.<sup>107</sup> Other municipalities across the nation generally have not adopted this policy.<sup>108</sup> DHS collaborates with nonprofit social service providers by maintaining an open-ended Request for Proposal that allows these organizations to submit proposals to open shelters in New York City.<sup>109</sup> When this proposal is approved, DHS attempts to work with local Community Boards and offices of elected officials to continue addressing the demand for shelters.<sup>110</sup>

DHS provides guidelines for obtaining temporary housing assistance among adult families, families with children, and single adults.<sup>111</sup> Further, DHS sets forth rules and regulations to determine who qualifies for assistance, which intake centers the individual or family must go to in order to apply, and the expectations of clients once they enter the shelter.<sup>112</sup> Clients are assigned to caseworkers

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106. Callahan v. Carey, 12 N.Y.3d 496 (N.Y. 2009).

107. *Temporary Housing Assistance*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/housing/housing.shtml> (last visited May 15, 2015).

108. *Id.*

109. *Id.*

110. *Id.*

111. *Id.* DHS defines an "adult family" to be any family without minor children. *See Adult Families*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/housing/adult.shtml> (last visited May 15, 2015). Applicants may be legally married, domestic partners, or two or more adults where one adult acts as a "caretaker." *Id.* "Families with children" includes any household with a child younger than twenty-one years of age, a pregnant woman, or families with a pregnant woman. *Families with Children*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/housing/families.shtml> (last visited May 15, 2015). A "single adult" is any man or woman over the age of eighteen. *Single Adults*, N.Y.C. DEP'T HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/housing/single.shtml> (last visited May 15, 2015).

112. *Single Adults*, *supra* note 111.

who work with them to develop an Independent Living Plan that summarizes goals to leave the shelter and become self-sufficient.<sup>113</sup> These expectations may include applying for public assistance, actively seeking employment, and working with a housing specialist to locate and view available apartments.<sup>114</sup> Other measures consist of an outreach program aimed at encouraging street homeless individuals to move into housing, and providing preventative services to assist people in overcoming immediate housing issues, client advocacy, and veteran services.<sup>115</sup>

Unfortunately, the shelter system is already extremely strained, and with the unprecedented expansion of the homeless population, it struggles to meet the needs of the population it serves.<sup>116</sup> In 2014, the New York City Independent Budget Office (IBO) sought to examine extensive data compiled by DHS relating to the rising number of homeless families in need of shelter between 2002 and 2012.<sup>117</sup> In a fiscal report, IBO found that nearly sixty percent of families entering the city's shelter system had previously lived in buildings containing rent-regulated apartments or in public housing.<sup>118</sup> The most cited reasons that families sought shelter entry were eviction, overcrowding in their prior residence, and domestic violence.<sup>119</sup>

Despite a budget of approximately \$900 million annually to fund the New York City homeless shelter,<sup>120</sup> New York City shelters still turn away those in need due to a lack of available space.<sup>121</sup> In 2014,

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113. *Id.* An Independent Living Plan not only focuses on relevant exit plans; it also focuses extensively on employment programs. *Id.*

114. *About DHS, supra* note 88.

115. *Id.*

116. Michael Howard Saul, *Shelter System Strains*, WALL ST. J., Aug. 22, 2012, <http://www.wsj.com/articles/SB10000872396390444270404577605853875064894>.

117. *See generally* N.Y.C. INDEP. BUDGET OFFICE, THE RISING NUMBER OF HOMELESS FAMILIES IN NYC, 2002–2012: A LOOK AT WHY FAMILIES WERE GRANTED SHELTER, THE HOUSING THEY HAD LIVED IN & WHERE THEY CAME FROM (2014), *available at* <http://www.ibo.nyc.ny.us/iboreports/2014dhs.pdf>.

118. *Id.* at 1.

119. *Id.* at 7. While there may be many causes of overcrowding, the term generally refers to a living situation where a residence lacks adequate rooms for children, does not have space for separate beds for unrelated adults, or results in a fire hazard due to extra persons and furniture. *Id.*

120. *Id.* at 3–5. In 2012, the annual budget for New York City shelters was estimated at \$900.5 million. *Id.* Of this total budget, approximately \$19.1 million was spent on shelter intake and eligibility reviews for families with children. *Id.* Expenditures for shelter intake and eligibility review remained stable for the 2002–2012 period. *Id.*

121. Selim Algar, *Homeless Youths Sue City for Not Providing Enough Shelter*, N.Y. POST (Jan. 1, 2014), <http://nypost.com/2014/01/01/homeless-youths-sue-city-for-not-providing-enough-shelter/>. Homeless youths are often turned away due to lack

homeless single adults utilizing the shelter system rose to 11,342 women and men—a 5% increase from the prior year.<sup>122</sup> The number of children in homeless shelters also hit a record high in 2014, increasing by 8%.<sup>123</sup> The homeless population is not the only critical statistic that has increased; the average shelter stay has also grown by sixty days, or 16%.<sup>124</sup> The average stay for homeless families with children is now nearly fifteen months long in New York City.<sup>125</sup> As the homeless population continues to grow and shelter stays increase, it has become more difficult to enter the shelter system.<sup>126</sup> IBO found that in 2002, an average of 1685 families applied for shelter every month, and approximately 40% were eligible.<sup>127</sup> However, by 2012, an average of 2877 families applied, but only 36% were determined to be eligible.<sup>128</sup> Furthermore, families undergoing the eligibility review process only receive ten days of provisional shelter while DHS conducts investigations, and families applying for shelter a second time are not given any provisional shelter.<sup>129</sup> Due to these financial restraints and overcrowding, the shelter system is currently unable to meet demand.<sup>130</sup>

While DHS has policies in place to ensure a safe environment and to provide assistance in transitioning to permanent housing, there is often a lack of transparency, and shelters often fail to fully execute these strategies.<sup>131</sup> For instance, in the shelter where Dasani and her family stayed, health and safety violations often went unaddressed, the building was not suitable for infants despite its characterization as a family shelter, and there was no on-site housing specialist.<sup>132</sup> Other shelters experience similar problems, with violations for peeling lead

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of space and must resort to placing their names on waiting lists. “Sometimes the waiting lists grow so long that homeless youths must wait days just to add their names.” *Id.*

122. COAL. FOR THE HOMELESS, STATE OF THE HOMELESS 2014 (2014), available at <http://www.coalitionforthehomeless.org/wp-content/uploads/2014/03/StateoftheHomeless20141.pdf>.

123. *Id.* at 4.

124. *Id.*

125. *Id.* at 18.

126. N.Y.C. INDEP. BUDGET OFFICE, *supra* note 117, at 5.

127. *Id.* IBO defines “family” here to mean families with and without children.

128. *Id.*

129. *Id.* at 3.

130. COAL. FOR THE HOMELESS, *supra* note 122.

131. Press Release, Citizen’s Comm. for Child. of N.Y., Bloomberg’s Shelter Policies Failing Communities And Homeless (May 9, 2013), <http://www.cccnewyork.org/press/releases/bloombergs-shelter-policies-failing-communities-and-homeless/>.

132. Elliot, *supra* note 1.

paint, reports of roaches and bedbugs, and lack of childcare services.<sup>133</sup> Without requisite supportive services, families such as Dasani's that experience issues stemming from intergenerational poverty and drug abuse may never have the opportunity to escape homelessness.<sup>134</sup> Therefore, many individuals and families staying in shelters may find that their difficulty in obtaining permanent housing is exacerbated by poor conditions and lack of supportive services provided.

Problematically, individuals using the shelter system continually struggle to abide by the demands of DHS, which frequently conflict with the policies and rules of other social services.<sup>135</sup> For example, when an individual's caseworker finds that there has been any neglect of a child by a parent, New York City's Children's Services may move the child from the home into foster care.<sup>136</sup> Dasani's mother faced this precise predicament when she attempted to search for employment yet risked losing her child if she left her baby with a friend.<sup>137</sup> Additionally, even though DHS cannot impose length of stay restrictions, it may impose punitive consequences for failure to abide by shelter rules, such as the temporary discontinuance of shelter services.<sup>138</sup> Individuals could be denied entry into their shelters for numerous violations, such as failure to sign in, breaking curfew, having visitors, and failing to keep an active file with caseworkers.<sup>139</sup> These violations lead to a discharge for thirty days, which means that these individuals will likely end up back on the streets.<sup>140</sup> These factors have grave consequences for those already in the shelter system. Without adequate services, these individuals' and families'

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133. Seth Urbinder, *City Fails the Homeless—Senator Avella, Advocacy Group & Community Members Shed Light on Horrendous Conditions of Pan Am Homeless Shelter*, NY SENATE (Dec. 12, 2014), <http://www.nysenate.gov/press-release/city-fails-homeless-senator-avella-advocacy-group-community-members-shed-light-horrend>; see also Genevieve Belmaker, *Residents Describe Homeless Shelter Horrors*, EPOCH TIMES, Aug. 14, 2014, <http://m.theepochtimes.com/n3/878696-residents-describe-homeless-shelter-horrors/>.

134. Nancy Barrand, *The Support That Homeless Families Need*, GOVERNING (Feb. 20, 2014), <http://www.governing.com/gov-institute/voices/col-homeless-families-supportive-housing.html>.

135. Elliot, *supra* note 1.

136. *Preventive Services*, N.Y.C. ADMIN. FOR CHILD.'S SERVS., [http://www.nyc.gov/html/acs/html/support\\_families/preventive\\_services.shtml](http://www.nyc.gov/html/acs/html/support_families/preventive_services.shtml) (last visited May 15, 2015).

137. Elliot, *supra* note 1, pt. 3, at 15.

138. *Adult Families*, *supra* note 111.

139. Julie Bosman, *Homeless Families Could Face Eviction Over Rules*, N.Y. TIMES, July 27, 2009, [http://www.nytimes.com/2009/07/28/nyregion/28homeless.html?\\_r=0](http://www.nytimes.com/2009/07/28/nyregion/28homeless.html?_r=0)[http://www.nytimes.com/2009/07/28/nyregion/28homeless.html?\\_r=0](http://www.nytimes.com/2009/07/28/nyregion/28homeless.html?_r=0).

140. *Id.*

ability to successfully transition into independent living is severely hampered.

### B. Public Housing Managed by the New York City Housing Authority

Public housing agencies play a significant role in preventing and ending homelessness by placing families and individuals into permanent housing.<sup>141</sup> The New York City Housing Authority (NYCHA) is the largest public housing authority in North America,<sup>142</sup> and has more than 178,000 apartments in 334 developments citywide.<sup>143</sup> Despite renewed efforts by the de Blasio Administration to combat homelessness, the city has still failed to account for the other 58,562 people in shelters who are currently without the means to transition into permanent housing.<sup>144</sup> Although public housing is a crucial factor in preventing homelessness, there is still a severe lack of available units, and applicants become qualified only through a demanding application process.<sup>145</sup>

To qualify for public housing, four requirements must be met.<sup>146</sup> First, the income of the family must not exceed the income limits specified by NYCHA.<sup>147</sup> Second, the applicant must fall under the NYCHA definition of “family.” The term “family” includes: (1) “two or more persons related by blood, marriage, domestic partnership, adoption, guardianship or court awarded custody” or (2) “a single person.”<sup>148</sup> Third, the applicant cannot pose a threat to the welfare

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141. *The Role of Public Housing Agencies in Preventing and Ending Homelessness*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, [http://usich.gov/plan\\_objective/affordable\\_and\\_supportive\\_housing/the\\_role\\_of\\_public\\_housing\\_agencies\\_in\\_preventing\\_and\\_ending\\_homelessness/](http://usich.gov/plan_objective/affordable_and_supportive_housing/the_role_of_public_housing_agencies_in_preventing_and_ending_homelessness/).

142. *About NYCHA*, N.Y.C. HOUSING AUTHORITY, <http://www.nyc.gov/html/nycha/html/about/nycha70.shtml> (last visited May 15, 2015).

143. Michael Howard Saul, *More Homeless Get Public Housing in New York City, but Shelter Population on Rise*, WALL ST. J., Nov. 24, 2014, <http://online.wsj.com/articles/more-homeless-get-public-housing-in-new-york-city-but-shelter-population-on-rise-1416853510>.

144. *Id.*

145. *Applying for Public Housing*, N.Y.C. HOUSING AUTHORITY, [http://www.nyc.gov/html/nycha/html/assistance/app\\_for\\_pubhsg.shtml](http://www.nyc.gov/html/nycha/html/assistance/app_for_pubhsg.shtml).

146. *Id.*

147. *Id.*

148. *Id.*

and safety of other residents.<sup>149</sup> Last, the applicant must be at least eighteen years of age.<sup>150</sup>

Even if an applicant meets these eligibility requirements, he must overcome a number of barriers in order to secure public housing.<sup>151</sup> Despite the extremely large number of public housing units in New York City, only 5000 apartments become available each year.<sup>152</sup> Compounding the problem is an ever-increasing demand for public housing units, and more than 247,000 families are currently on the waiting list.<sup>153</sup> A homeless applicant on the waiting list for public housing could spend years navigating through the shelter system before becoming one of the lucky few given access to an available unit.<sup>154</sup>

Even if a public housing applicant is fortunate enough to be granted public housing, harsh rules and regulations regarding termination of program participation make it difficult for many tenants to preserve their living situation.<sup>155</sup> For example, NYCHA may deny public housing to any tenant who has been previously evicted from federally assisted housing due to drug-related criminal activity.<sup>156</sup> Additionally, if a tenant is convicted of a crime during his residence in a public housing unit, his entire family may also be evicted.<sup>157</sup> A public housing tenant will also be evicted for failing to recertify income changes or changes in family composition.<sup>158</sup> These

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149. *Id.*

150. *Eligibility*, N.Y.C. HOUSING AUTHORITY, <http://www1.nyc.gov/site/nycha/eligibility/eligibility.page>.

151. Saul, *supra* note 143.

152. *Id.*

153. *Id.*

154. Mireya Navarro, *227,000 Names on List Vie for Rare Vacancies in City's Public Housing*, N.Y. TIMES, July 23, 2013, <http://www.nytimes.com/2013/07/24/nyregion/for-many-seeking-public-housing-the-wait-can-be-endless.html?pagewanted=all>.

155. *Some Residents Say New York City Housing Authority Policy Breaks Up Families*, NEWS12 BRONX (Sept. 15, 2014), <http://bronx.news12.com/news/some-residents-say-new-york-city-housing-authority-policy-breaks-up-families-1.9314746>.

156. 42 U.S.C. §13661(a) (2012) (“Any tenant evicted from federally assisted housing by reason of drug-related criminal activity (as such term is defined in section 1437a(b) of this title) shall not be eligible for federally assisted housing during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the public housing agency.”).

157. *Some Residents Say New York City Housing Authority Policy Breaks Up Families*, *supra* note 155.

158. U.S. DEP'T. OF HOUS. AND URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS 8-1

draconian “one strike and you’re out” screening and eviction policies contribute to homelessness and penalize families by prohibiting them from access to subsidized housing.<sup>159</sup> Such standards inevitably push those without alternatives for housing back into the streets and shelter system.<sup>160</sup> Hence, although public housing is an effective way of providing low-income individuals and families with housing, public housing alone cannot provide for the large amount of applicants in need of subsidized housing.

### C. Section Eight Housing

The housing choice voucher program, popularly referred to as “Section Eight,” is a major federal government program designed to help low-income families, the elderly, and the disabled to afford safe and sanitary housing in the private market.<sup>161</sup> Section Eight was established in 1974, and the program is authorized under the U.S. Housing Act of 1937 Section 8(b)(1) for already existing rental housing.<sup>162</sup> A Section Eight voucher is federally funded, and HUD is accountable for distributing these funds to public housing agencies (PHAs), which then administer the vouchers locally.<sup>163</sup> The benefit of this program is that the participant is free to choose any housing that meets the requirements of the program, and is not limited to subsidized housing projects.<sup>164</sup> Proponents of Section Eight emphasize that this feature allows people to make autonomous decisions about where to live, thus minimizing regulation and enabling a less segregated housing market.<sup>165</sup> It is, therefore, the

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to 8-34 (2013), available at <http://www.hud.gov/offices/adm/hudclips/handbooks/hsgH/4350.3/43503c8HSGH.pdf>.

159. *Some Residents Say New York City Housing Authority Policy Breaks Up Families*, *supra* note 155.

160. *Id.*

161. *Housing Choice Vouchers Fact Sheet*, HUD.GOV, [http://portal.hud.gov/hudportal/HUD?src=/topics/housing\\_choice\\_voucher\\_program\\_section\\_8](http://portal.hud.gov/hudportal/HUD?src=/topics/housing_choice_voucher_program_section_8) (last visited May 15, 2015).

162. U.S. Housing Act of 1937, Pub. L. No. 93-383, § 8(b)(1), 88 Stat. 633, 662 (1974) (codified as amended at 42 U.S.C. § 1437f (2012)); 24 C.F.R. § 982 (2014); *see also Section 8 Rental Certificate Program*, HUD.GOV., <http://portal.hud.gov/hudportal/HUD?src=/programdescription/cert8> (last visited May 15 2015). The Section 8 Certificate program is authorized by the U.S. Housing Act of 1937 Section 8(b)(1), which is why it is often referred to simply as “Section 8” or “Section 8 Voucher.”

163. *Housing Choice Vouchers Fact Sheet*, *supra* note 161.

164. *Id.*

165. ROOHI CHOUDHRY & JIM PARSONS, VERA INST. OF JUSTICE, “I WOULD NOT HAVE ANYWHERE TO GO”: UNDERSTANDING SECTION 8 HOUSING SUBSIDY LOSS IN

responsibility of the individual or family that is issued a voucher to obtain suitable housing where the landowner agrees to rent under the program.<sup>166</sup> The subsidy is then paid to the landlord directly by the PHA on behalf of the family.<sup>167</sup> In most cases, a family with a housing voucher is required to pay thirty percent of its monthly adjusted gross income for rent and utilities.<sup>168</sup>

In determining eligibility for a Section Eight voucher, the local PHA examines the applicant's total annual gross income (which generally must not exceed fifty percent of the median income for the metropolitan area where the family chooses to live), and family size.<sup>169</sup> Once the PHA determines that an individual or family is eligible, the applicant is placed on a waiting list.<sup>170</sup> Upon receiving a voucher, the holder is then advised of the unit size that he or she is eligible for based on family composition.<sup>171</sup> Additionally, the housing unit that is selected by the family must meet health and safety requirements—Housing Quality Standards (HQS)—set forth by HUD, and the rent requested must be reasonable in relation to comparable market housing in the area.<sup>172</sup> PHAs have the power to deny admission to individuals with a history of alcohol and drug abuse, or of prior criminal behavior that may impinge upon the peaceful enjoyment of the premises by other residents.<sup>173</sup> Finally, landlords are permitted to examine the applicant's history and criminal background in making tenant and occupant selections.<sup>174</sup>

In New York City, two PHAs administer Section Eight vouchers: the New York City Department of Housing Preservation and Development (HPD) and NYCHA.<sup>175</sup> HPD administers approximately 34,000 vouchers, and roughly 9000 landlords participate in the program.<sup>176</sup> HPD targets specific preferred

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NEW YORK CITY 7 (2007), available at [http://www.vera.org/sites/default/files/resources/downloads/TRS\\_Final\\_Report.pdf](http://www.vera.org/sites/default/files/resources/downloads/TRS_Final_Report.pdf).

166. *Id.*

167. *Id.* at 2.

168. *Id.* at 48.

169. *Id.* at 3.

170. *Id.*

171. See 24 C.F.R. § 982 (2014); *Housing Choice Vouchers Fact Sheet*, *supra* note 161.

172. N.Y.C. HOUS. AUTH., SECTION 8—HOUSING CHOICE VOUCHER PROGRAM, available at [http://www.nyc.gov/html/nycha/downloads/pdf/lh\\_housing\\_choice.pdf](http://www.nyc.gov/html/nycha/downloads/pdf/lh_housing_choice.pdf).

173. *Id.*

174. *Id.*

175. *Section 8 Applicants*, N.Y.C. DEP'T HOUSING PRESERVATION & DEV., <http://www1.nyc.gov/site/hpd/section-8/applicants.page> (last visited May 15, 2015).

176. *Id.*



categories of people to receive Section Eight assistance.<sup>177</sup> One of the major relevant categories of recipients includes homeless households, defined by HPD as:

[H]ouseholds that have a primary nighttime residence that is either a publicly or privately operated shelter . . . including shelters operated by DHS and HRA . . . or the home of another household . . . that is allowing the applicant to reside temporarily provided that the applicant has been classified as homeless by HPD's Emergency Housing Services Bureau.<sup>178</sup>

In contrast to HPD, NYCHA takes a less targeted approach, and operates a more comprehensive program.<sup>179</sup> While HPD's Section Eight vouchers are reserved specifically for applicants who fall within certain preference categories or families living in buildings developed or renovated under certain HPD programs,<sup>180</sup> NYCHA has historically operated on a broader scale. Moreover, NYCHA's Section Eight voucher program has been in existence since its inception at the federal level in 1974.<sup>181</sup> As a result, NYCHA's Section Eight voucher program is the largest program in the nation, with over 94,481 active tenants and over 29,000 owners participating in the program.<sup>182</sup>

Though the Section Eight program attempts to address the need for affordable housing, obtaining a voucher is an extremely onerous process.<sup>183</sup> With waitlists of 121,356 families, it could be years before a family receives a voucher.<sup>184</sup> With demand at an all-time high,

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177. *Id.*

178. *Id.* (detailing eligibility for Section 8).

179. *About Section 8*, N.Y.C. HOUSING AUTHORITY, <http://www.nyc.gov/html/nycha/html/section8/section8.shtml> (last visited May 15, 2015).

180. *Section 8 Applicants*, *supra* note 175.

181. N.Y.C. HOUS. AUTH., *supra* note 172.

182. *Id.*

183. *Id.*

184. As of March 27, 2015, there were 270,201 families on the waiting list for Conventional Public Housing, 121,356 families on the waiting list for Section 8 Housing, and 17,398 applicants on both waiting lists. *See Facts About NYCHA*, N.Y.C. HOUSING AUTHORITY, <http://www1.nyc.gov/assets/nycha/downloads/pdf/factsheet.pdf> (last visited May 15, 2015). For instance, an elderly immigrant couple from Ukraine waited thirteen years before receiving a Section 8 voucher. *See* Cara Buckley, *Thousands May Lose Rental Vouchers*, N.Y. TIMES, Apr. 6, 2010, <http://www.nytimes.com/2010/04/07/nyregion/07voucher.html?pagewanted=all>. It was not until then that they could finally put an end to their daily subsistence on canned foods and afford all of their required medication. *Id.* The husband (age eighty-five) had diabetes and the wife (age seventy-seven) had skin cancer. *Id.* They earned approximately \$1100 in Social Security and rented an apartment unit at \$1019.

NYCHA has had to turn away many families in need.<sup>185</sup> To illustrate, there is only one subsidy available for every four households that are in need.<sup>186</sup> However, from May 2007 to December 2009, NYCHA reserved Section Eight vouchers for emergency applicants referred by the New York City Administration for Children's Services—those classified as intimidated witnesses and victims of domestic violence.<sup>187</sup> Unfortunately, as of December 10, 2009, NYCHA ceased to process any new Section Eight applications.<sup>188</sup> Due to lack of sufficient funding, NYCHA closed its waiting list for new applicants and has yet to establish a date when it will reopen.<sup>189</sup>

Even if an individual or family manages to obtain a Section Eight voucher, restrictive policies and stringent recertification requirements make it extremely difficult to sustain permanent housing.<sup>190</sup> Because the procedures for securing and maintaining the voucher are highly bureaucratic and complex, many people who are uneducated or elderly, or have limited English-speaking ability, are confronted with several challenges.<sup>191</sup> In addition, those using a Section Eight voucher are expected to understand and comply with numerous program requirements, such as paying rent on time, maintaining the premises, and notifying the PHA of any changes in income or family composition.<sup>192</sup> The voucher holder must also be recertified annually

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*Id.* They contributed \$256 a month toward rent and the voucher covered the rest. *See id.*

185. *Section 8 Applicants on the Waiting List*, N.Y.C. HOUSING AUTHORITY, [http://www.nyc.gov/html/nycha/html/section8/S8applicant\\_waitinglist.shtml](http://www.nyc.gov/html/nycha/html/section8/S8applicant_waitinglist.shtml); *see also NYCHA Section 8*, NEW DESTINY HOUSING, <http://www.newdestinyhousing.org/get-help/nycha-section-8>; Manny Fernandez, *Thousands Lose Rent Vouchers in Cutback*, N.Y. TIMES, Dec. 17, 2009, [http://www.nytimes.com/2009/12/18/nyregion/18vouchers.html?\\_r=0](http://www.nytimes.com/2009/12/18/nyregion/18vouchers.html?_r=0).

186. CHOUDHRY & PARSONS, *supra* note 165, at 16; *see also* BARBARA SARD & WILL FISCHER, CTR. ON BUDGET & POLICY PRIORITIES, *NEARLY ALL RECENT SECTION 8 GROWTH RESULTS FROM RISING HOUSING COSTS AND CONGRESSIONAL DECISIONS TO SERVE MORE NEEDY FAMILIES* (2004), *available at* <http://www.cbpp.org/sites/default/files/atoms/files/2-2-04hous.pdf>.

187. Fernandez, *supra* note 185; *see also Testimony of the Legal Aid Society Concerning Preserving Rent Regulated Housing*, New York State Assembly Standing Committee on Housing, Jan. 20, 2011, *available at* <http://www.legal-aid.org/media/143928/lopez%20testimony%202011.pdf>.

188. *Id.*

189. *Id.*; *see also Section 8 Assistance*, N.Y.C. HOUSING AUTHORITY, [http://www.nyc.gov/html/nycha/html/section8/lh\\_app\\_faqs.shtml#q5](http://www.nyc.gov/html/nycha/html/section8/lh_app_faqs.shtml#q5).

190. CHOUDHRY & PARSONS, *supra* note 165, at 27.

191. *Id.*

192. *Housing Choice Vouchers Fact Sheet*, *supra* note 161.

and have the rental unit inspected annually to establish continued eligibility.<sup>193</sup>

Furthermore, with the lack of affordable housing and policies favoring landlords,<sup>194</sup> studies have found that nearly half of non-emergency vouchers expired before the recipients could obtain suitable housing.<sup>195</sup> As a result of inflated rents and extreme competition for affordable housing, rental property may be beyond reach for many individuals and families even with the financial support of a Section Eight voucher.<sup>196</sup> If a voucher holder fails to obtain suitable housing or comply with Section Eight guidelines and requirements, he risks losing the voucher.<sup>197</sup> Once lost, it is virtually impossible to regain a Section Eight voucher, and the individual or family losing the voucher will often be placed at a high risk of homelessness.<sup>198</sup>

In a Vera Institute study, researchers concluded that Section Eight voucher loss is directly linked to homelessness.<sup>199</sup> The study found that one-third of families entering homeless shelters in New York City had lost a Section Eight housing subsidy within the past five years.<sup>200</sup> The study described significant risk factors for voucher loss,<sup>201</sup> such as a lack of understanding of the complicated program requirements, eviction, administrative errors, and poor communication.<sup>202</sup> Therefore, while Section Eight does alleviate some

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193. *Section 8 Applicants*, *supra* note 175 (explaining how the voucher works); see also CHOUDHRY & PARSONS, *supra* note 165, at 4.

194. CHOUDHRY & PARSONS, *supra* note 165, at 69, 85. Often, a tenant's apartment will fail building inspections due to structural issues "such as holes or cracks in the ceilings, walls and floors, broken windows or doors, and peeling paint." *Id.* at 69. If a tenant's apartment fails a building inspection, the tenant risks losing the voucher even though it is the responsibility of the landlord to make the necessary repairs. Often, landlords are unwilling to make repairs, and tenants are forced to find another suitable apartment, which is very difficult to do given the lack of affordable housing in New York City. Landlords who wish to evict tenants can easily abuse this system. See also Ingrid Gould Ellen et al., *Housing Production Subsidies and Neighborhood Revitalization: New York City's Ten-Year Capital Plan for Housing*, FRBNY ECON. POL'Y REV., June 2003, at 71, available at <http://www.huduser.org/periodicals/citysepe/vol5num2/sard.pdf>; Raisa Bahchieva & Amy Hosier, Section 8 in a Tight Market, the Case of New York City (2001) (unpublished manuscript).

195. CHOUDHRY & PARSONS, *supra* note 165, at 16.

196. *Id.* at 16. The Vera study found that in 2007, only 1.5% of properties with rents less than \$500 were available for rent with a Section 8 voucher. *Id.*

197. N.Y.C. HOUS. AUTH., *supra* note 172.

198. CHOUDHRY & PARSONS, *supra* note 165, at 27.

199. *Id.* at 25.

200. *Id.*

201. *Id.*

202. *Id.*

of the problems posed by a lack of affordable housing, its strict requirements often compel individuals to re-enter the shelter system.<sup>203</sup> In turn, the inability of these families and individuals to make a permanent transition negatively affects New York City taxpayers, who ultimately bear the cost of shelters.<sup>204</sup> Consequently, the barriers that the homeless and low-income population must overcome in order to ensure a permanent transition into independent living are not sufficiently addressed by the Section Eight voucher program.

#### D. Other Notable New York City Housing Programs

There are several other notable housing programs designed to ameliorate the homeless problem. A wide variety of supportive housing programs are available specifically for individuals with special needs, mental health conditions, substance abuse issues, and young adults.<sup>205</sup> Although there are not many such supportive housing units, they are an affordable option for those who are eligible and approved by the New York City Human Resources Administration (HRA).<sup>206</sup> Unfortunately, understanding the eligibility criteria for supportive housing is complicated, and housing is limited only to those who are chronically homeless and have a serious and persistent mental health condition.<sup>207</sup>

A second program designed to assist those at risk of homelessness is the Family Eviction Prevention Supplement (FEPS).<sup>208</sup> FEPS was created to provide additional financial support for families receiving inadequate public assistance shelter allowances and is administered by the New York State Office of Temporary Disability Assistance.<sup>209</sup> Families may be eligible for FEPS for up to five years, and may also receive rental assistance arrears for up to \$7000.<sup>210</sup> In order to be eligible, families must meet several requirements, some of which include having at least one child who is eighteen or under living in the household, an open Public Assistance case, and rental rates that fall

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203. *Id.*

204. *Id.*

205. *I Need Housing*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/get-help/im-in-need-of-housing/#6> (last visited May 15, 2015).

206. *Id.*

207. *Id.*

208. *Id.*; see also *Family Eviction Prevention Supplement (FEPS)*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/get-help/im-in-need-of-housing/family-eviction-prevention-supplement-feps/> (last visited May 15, 2015).

209. See *Family Eviction Prevention Supplement (FEPS)*, *supra* note 208.

210. *Id.*

within established FEPS levels.<sup>211</sup> While this program effectively provides families with an alternative to eviction, it fails to account for a significant proportion of the homeless, which includes homeless individuals and families without children.<sup>212</sup>

A third program, the Rental Assistance Program (RAP), focuses on individuals who are already homeless but have full-time jobs.<sup>213</sup> RAP provides rental subsidies and counseling for up to two years, so that these individuals may transition into permanent housing.<sup>214</sup> Finally, HRA also offers a one-time emergency grant, or “one-shot deal.”<sup>215</sup> Eligibility is determined on a case-by-case basis, and the applicant is required to eventually pay back the grant.<sup>216</sup>

Despite the range of housing assistance options, these programs are currently very limited, and the applicants must overcome numerous hurdles in order to become eligible.<sup>217</sup> Although providing temporary relief for homeless individuals and those facing imminent homelessness is critical, the New York City government must also offer more effective supplemental services if it hopes to equip this population with the necessary means to maintain an independent living.<sup>218</sup> As a result, the homeless crisis continues to persist, and new policies must be implemented in order to end the perpetual cycle that this homeless population experiences.

### III. PROPOSALS FOR IMMEDIATE AND PRACTICABLE STRATEGIES TO ALLEVIATE THE HOMELESS PROBLEM

The New York City government can execute a wide variety of solutions to tackle the broad issue of homelessness. This Note does not attempt to address each possible policy or to describe long-range solutions. Instead, Part III of this Note only proposes and recommends realistic, short-term solutions for immediate implementation using existing programs and infrastructure. First, New York City can be much more effective in assisting with obstacles

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211. *Id.*

212. *Id.*

213. *Id.*; see also *Rental Assistance Program*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/our-programs/housing/rental-assistance-program/> (last visited May 15, 2015).

214. See *Rental Assistance Program*, *supra* note 213.

215. *Id.*; see also *One-Shot Deals*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/get-help/im-in-need-of-housing/one-shot-deals/> (last visited May 15, 2015).

216. See *One-Shot Deals*, *supra* note 215.

217. See *I Need Housing*, *supra* note 205.

218. *Id.*

that shelter residents must overcome in order to become self-reliant and transition into permanent housing. Second, to successfully achieve a seamless and effective social services system for the homeless, interagency collaboration must be prioritized. Last, the city can direct more attention to educating tenants and providing them with the necessary means to avoid eviction.

#### A. Improving Services Within New York City Homeless Shelters

In order to ensure that individuals and families residing in New York City homeless shelters successfully transition into independent living, it is crucial that this population be provided with necessary resources and training. Despite DHS's commitment to ensuring that the tools necessary for transition are available, many shelters have frequently been unable to meet these goals.<sup>219</sup> Without the proper education and counseling, much of the New York City homeless population is unable to attain permanent housing.<sup>220</sup> Due to factors such as low educational attainment, lack of financial discipline, limited work experience, and no access to child care, homeless individuals and families face several barriers to finding stable long-term employment.<sup>221</sup> With a decline in job opportunities, many low-wage workers are unable to secure a full-time job and risk losing their job at any given moment.<sup>222</sup> Furthermore, even a full-time job does not guarantee a permanent home due to a lack of affordable housing in New York City.<sup>223</sup> Therefore, even despite the possibility of a transition into permanent housing, there is still the high risk that members of this population will eventually lose their housing and cycle back into the shelter system, becoming "shelternized."<sup>224</sup>

Dasani's story exemplifies this problem. Her parents clearly lacked the financial discipline and self-reliance necessary to maintain permanent housing, and they had no opportunities to gain these skills.<sup>225</sup> By receiving financial literacy education and employment

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219. Elliot, *supra* note 1, pt. 1.

220. *How to Build Employment Programs that Prevent and End Homelessness*, U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, [http://usich.gov/plan\\_objective/pathways\\_to\\_employment/how\\_to\\_build\\_employment\\_programs\\_that\\_prevent\\_and\\_end\\_homelessness](http://usich.gov/plan_objective/pathways_to_employment/how_to_build_employment_programs_that_prevent_and_end_homelessness) (last visited May 15, 2015).

221. *Id.*

222. *Why Are People Homeless?*, NAT'L COALITION FOR HOMELESS (July 2009), available at <http://www.nationalhomeless.org/factsheets/why.html>.

223. *Id.*

224. *Economic Security*, NAT'L ALLIANCE TO END HOMELESSNESS, <http://www.endhomelessness.org/pages/economic-security> (last visited May 15, 2015).

225. Elliot, *supra* note 1, pt. 1, at 22.

services aimed at helping people increase their income, attaining financial independence, and maintaining housing, Dasani's family may have been able to avoid cycling back into the shelter system.<sup>226</sup> Regrettably, many New York City shelter users have expressed disappointment in the shelter system's failure to provide programs and assistance in obtaining permanent housing.<sup>227</sup> The executive director of The Coalition for the Homeless stated that "the city has absolutely no plan to move homeless families with children out of shelters into permanent housing, so, of course, the shelter stays are going up."<sup>228</sup> Therefore, without specific services and programs in place, the prospects of a homeless individual or family in obtaining permanent housing remain bleak.

Fortunately, this lack of an exit plan for shelter users can be approached through the development of administrative and transitional services within shelters, and by allowing the homeless to take advantage of these services.<sup>229</sup> Implementing these assistance services would be much cheaper and more cost-effective than expanding the shelter system.<sup>230</sup> Additionally, providing such support would have greater long-term effects, benefiting both the homeless population and taxpayers.<sup>231</sup> For example, the Corporation for Supportive Housing, a national non-profit devoted to housing research,<sup>232</sup> initiated a pilot supportive housing program titled Keeping Families Together (KFT).<sup>233</sup> Between 2007 and 2009, KFT provided twenty-nine families with permanent housing.<sup>234</sup> In addition to housing, the families were given targeted support services that included housing and job training, public assistance, and mental health programs.<sup>235</sup> By the end of the program, the housing retention rate was at ninety-one percent and estimated to have saved the city almost \$1.9 million in emergency shelter and crisis-services costs.<sup>236</sup>

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226. *Economic Security*, *supra* note 224.

227. *See, e.g.*, Saul, *supra* note 116.

228. *Id.*

229. *See id.*

230. *E.g., id.*

231. *See generally* NAT'L ALLIANCE TO END HOMELESSNESS, CHRONIC HOMELESSNESS: POLICY SOLUTIONS (2010), *available at* [http://b3cdn.net/naeh/cf8a1ad949f1053993\\_4bm6iic9r.pdf](http://b3cdn.net/naeh/cf8a1ad949f1053993_4bm6iic9r.pdf).

232. *How We Work*, CORP. FOR SUPPORTIVE HOUSING, <http://www.csh.org/about-csh/how-we-work/> (last visited May 15, 2015).

233. *See* Barrand, *supra* note 134.

234. *Id.*

235. *See id.*

236. *Id.*

Even though New York City may not be financially capable of expanding its current housing programs to encompass the entire homeless population, KFT demonstrates that access to transitional services can improve housing retention.<sup>237</sup> Therefore, by implementing transitional services specifically geared toward training the homeless population, improving practical skills, and counseling, homeless individuals and families will be better situated in their efforts to obtain and keep permanent housing.<sup>238</sup>

Additionally, the National Alliance to End Homelessness, a non-profit and non-partisan organization, has compiled several studies of the effects of providing supportive services and similarly found that improving shelter conditions and homeless assistance programs is cost-effective.<sup>239</sup> In one particular study, conducted by HUD in 2010, the costs associated with first-time homelessness were rigorously tracked and analyzed.<sup>240</sup> HUD defined first-time homeless as any person who “did not have a recorded encounter with an outreach program or stay in a residential homeless program.”<sup>241</sup> In determining housing program costs serving individuals, HUD found that the costs of emergency shelters for individuals were comparable to costs associated with permanent supportive housing.<sup>242</sup> In comparing the costs of housing families, HUD determined that emergency shelters for families were just as expensive, if not more, as supportive housing programs.<sup>243</sup> Moreover, overnight emergency shelters offered the fewest services in the least private settings.<sup>244</sup> Additional studies confirmed that taxpayers were benefited when homeless individuals utilized transitional services because they were less likely to require crisis-services involving hospitalization, incarceration, and police intervention.<sup>245</sup>

By requiring each shelter to have tailored services such as an on-site housing specialist, job training programs, on-site child care, and money management and life skills trainings, the city can ensure that

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237. *See Id.*

238. *Id.*

239. *See Cost of Homelessness, supra* note 50.

240. *See SPELLMAN ET AL., supra* note 51, at ES-1.

241. *Id.* at ES-2. HUD obtained this information through its homeless management information system (HMIS) data. *Id.* Any person that was defined as first-time homeless did not have a record in the HMIS prior to the promulgation of the study. *See id.*

242. *Id.* at ES-3.

243. *Id.* at ES-4.

244. *Id.*

245. *See Cost of Homelessness, supra* note 50.



the homeless population is properly equipped to obtain and sustain independent living.<sup>246</sup> Not only is this approach practical, it is also essential for the city to direct more funding for transitional services if it hopes to alleviate the concerns regarding homelessness.<sup>247</sup> There are several contributing factors of homelessness, and there is no one-size-fits-all solution to eradicating the homeless crisis.<sup>248</sup> However, by providing a holistic array of government funded services within shelters, New York City can more promptly empower individuals and families to overcome the barriers that they face.<sup>249</sup> By front-loading funds to ensure that a comprehensive transitional services program is in place, New York City shelters may save money in the long-run by decreasing the number of repeat and chronic shelter users. Even though providing a greater number of affordable housing units may not be currently possible due to housing shortages in New York City, guaranteeing transitional services will contribute to remedying the homeless crisis. Therefore, this is a practical strategy that the city government can implement in the immediate future.

### B. Encouraging Interagency Collaboration

Another major issue exacerbating New York City homelessness is the fundamental disconnect between social service agencies that provide assistance to the homeless population.<sup>250</sup> Often, the homeless population must rely on a variety of public benefits, such as welfare

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246. Barrand, *supra* note 134.

247. *See id.*

248. *See supra* notes 56–75.

249. MARTHA R. BURT, URBAN INST., LIFE AFTER TRANSITIONAL HOUSING FOR HOMELESS FAMILIES iii (2010), available at <http://www.huduser.org/portal/publications/LifeAfterTransition.pdf>. HUD found that in transitional housing, the most used services included case management, setting goals, primary health care, basic food supplies, life skills training, and employment. *Id.* HUD concluded that the programs allowed the families to achieve important goals, namely, maintaining stable housing. *Id.* There are services, such as the First Step Job Training Program, that are designed to provide homeless and low-income women with computer instruction, literacy workshops, communication development, and job placement services. The First Step Job Training Program is a total of fourteen weeks but offers post-graduate services and long-term support. *See First Step Job Training Program*, COALITION FOR HOMELESS, <http://www.coalitionforthehomeless.org/our-programs/first-level-job-training/first-step/> (last visited May 15, 2015).

250. There are over a dozen agencies in New York City that have programs and policies directed to homeless individuals. Unfortunately, there are limited opportunities for collaboration and exercise of central authority. *See UNITED TO END HOMELESSNESS, A ROADMAP TO ENDING HOMELESSNESS* 33 (2013), available at <http://endhomelessnessnyc.org/wp-content/uploads/2013/02/A-Roadmap-to-End-Homelessness.pdf>. *See id.* at 34, for a comprehensive list of NYC agencies and authorities providing services.

and child care services, in order to avoid living on the streets.<sup>251</sup> Unfortunately, there is often a critical lack of communication between these social services.<sup>252</sup> Again, Dasani's story is illustrative. The shelter caseworker for Dasani's mother would frequently visit to ask what she had been doing to find permanent housing.<sup>253</sup> At the same time, the shelter in which the family was staying did not offer an on-site housing specialist.<sup>254</sup> Moreover, as emphasized, Dasani's mother risked losing custody of her infant child if she left her with a friend or acquaintance in order to search for a job.<sup>255</sup> If Dasani's mother failed to comply with the independent living plan developed with the caseworker and DHS, she faced an involuntary discharge of thirty days.<sup>256</sup> Further complicating the problem, Dasani's family would most likely return to the shelter after the discharge due to a lack of necessary resources and ability to find permanent housing, completing a vicious cycle.<sup>257</sup>

In order to shorten shelter stays and assist in transitioning the homeless into permanent housing, social services agencies must take a holistic and comprehensive case-by-case approach to better connect with other agencies and more effectively combat homelessness. The city's current policy of exerting pressure on homeless families in order to shorten stays is ineffective and only exacerbates this "catch-22" situation.<sup>258</sup> Fortunately, DHS has begun conversations about reducing homelessness through collaboration with other government agencies.<sup>259</sup> In May 2014, Gilbert Taylor, Commissioner of DHS, announced New York City's anticipated plan to create an Interagency Task Force to decrease the number of homeless individuals and

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251. Such programs typically involve Supplemental Security Income, Temporary Assistance for Needy Families, and Medicaid. *See* U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, NATIONAL RESEARCH AGENDA: PRIORITIES FOR ADVANCING OUR UNDERSTANDING OF HOMELESSNESS 8 (2012), *available at* [http://usich.gov/resources/uploads/asset\\_library/ResearchAgendaFINAL\\_10-25-12.pdf](http://usich.gov/resources/uploads/asset_library/ResearchAgendaFINAL_10-25-12.pdf). Also, the U.S. Interagency Council has encouraged every state and territory to create a State Interagency Council to develop local community plans to end homelessness. *Id.* at 4.

252. Julie Bosman, *A Shelter for Families in Need of a Push*, N.Y. TIMES, Mar. 22, 2010, [http://www.nytimes.com/2010/03/22/nyregion/22homeless.html?pagewanted=all&\\_r=1](http://www.nytimes.com/2010/03/22/nyregion/22homeless.html?pagewanted=all&_r=1).

253. Elliot, *supra* note 1, pt. 4, at 9.

254. *See id.*

255. *See id.* at 10.

256. *Id.* at 9.

257. *Id.*

258. Bosman, *supra* note 252.

259. Press Release, N.Y.C. Dep't of Homeless Servs., DHS Details Comprehensive 4-Point Plan to Reduce NYC Homelessness (May 19, 2014), *available at* <http://www.nyc.gov/html/dhs/downloads/pdf/04-14-DHS-Details-4-Point-Plan.pdf>.

families.<sup>260</sup> Commissioner Taylor plans to include the HRA, Administration for Children's Services, Department of Education, the Department of Health and Mental Hygiene, and the city's housing agencies.<sup>261</sup> In particular, proponents of the Interagency Task Force stress that interagency collaboration is vital to improving the situation for homeless children.<sup>262</sup>

Commissioner Taylor also recommended that the first Interagency Task Force be used to execute a four-point plan to develop more targeted programming throughout the shelter system.<sup>263</sup> The first part of the plan aims to increase prevention services for the homeless.<sup>264</sup> Most notably, the city intends to expand the FEPS program and DHS's Homebase program, a program created by DHS in September 2004 to provide neighborhood-based services for households on the brink of homelessness.<sup>265</sup> Second, DHS seeks to increase resources to help homeless families transition into permanent housing through rental assistance subsidies and reinvesting shelter savings into permanent housing resources.<sup>266</sup> Third, DHS plans to specifically target supportive housing for those most vulnerable.<sup>267</sup> Last, through implementation of the Interagency Task Force on Homelessness, the DHS will assess, improve, and re-imagine city shelters and leverage resources for multi-system-involved individuals and families.<sup>268</sup>

However, the program is still in its developmental stages and details of the Interagency Task Force's recent progress is currently unavailable.<sup>269</sup> Also, specific details and information regarding the four-point plan and details on how the city plans to achieve its goals

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260. *Id.*

261. WIN, WIN ROUNDTABLE ADDRESSES COMPLEX ISSUES OF CHILD HOMELESSNESS (2014), available at <http://winnyc.org/wp-content/uploads/2014/04/WIN-ROUNDTABLE-ADDRESSES-COMPLEX-ISSUES-OF-CHILD-HOMELESSNESS.pdf>.

262. *See id.*

263. Press Release, N.Y.C. Dep't of Homeless Servs., *supra* note 259.

264. *Id.*

265. *Id.* The goal of Homebase is to provide individualized services so that individuals and families can avoid entering the shelter system. *See Homebase*, N.Y.C. DEP'T OF HOMELESS SERVS., <http://www.nyc.gov/html/dhs/html/prevention/homebase.shtml> (last visited May 15, 2015). Some of the services may include tenant/landlord mediation, household budgeting, and emergency rental assistance. *Id.*

266. Press Release, N.Y.C. Dep't of Homeless Servs., *supra* note 259.

267. *Id.*

268. *Id.* The interagency task force is also designed to encourage collaboration between constituencies committed to homeless children. WIN, *supra* note 261. "The issue of child homelessness is incredibly complex and requires both public and private engagement." *Id.*

269. Press Release, N.Y.C. Dep't of Homeless Servs., *supra* note 259.

are yet to be disclosed. Luckily, one step has been taken in the right direction.<sup>270</sup> In 2007, DHS began to realize a need for data unification and began to develop an electronic case management system called Client Assistance and Rehousing Enterprise System (CARES).<sup>271</sup> The system was implemented in 2011 and tracks the progress of clients in the shelter system.<sup>272</sup> CARES also aims to provide streamlined access to files, reports, ILPs, and client history.<sup>273</sup> In addition, CARES data also links directly to a significantly larger database that stores information from eight human services agencies called HHS-Connect.<sup>274</sup> The primary goal of this comprehensive and innovative initiative is to integrate case management across several city agencies to better service New Yorkers.<sup>275</sup> However, given the challenges of maintaining such a large system, HHS Connect is still very much a work in progress, and a seamless system of information exchange has yet to be achieved.<sup>276</sup>

To efficiently address the continually growing homelessness problem, city authorities and officials must redirect their efforts and make interagency collaboration a priority goal. First, the city government can better coordinate case management across all social service agencies in New York City by focusing on further developing technological systems and training staff to properly use them.<sup>277</sup> Through the use of a common software platform, information can be easily exchanged, eligibility for services can be more quickly determined, and agency employees will be able to better coordinate

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270. See generally CHRISTIN DURHAM & MARTHA C. JOHNSON, URBAN INST., INNOVATIONS IN NYC HEALTH & HUMAN SERVICES POLICY: HOMELESSNESS PREVENTION, INTAKE, AND SHELTER FOR SINGLE ADULTS AND FAMILIES (2014), available at <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413060-Innovations-in-NYC-Health-and-Human-Services-Policy-Homelessness-Prevention-Intake-and-Shelter-for-Single-Adults-and-Families.PDF>.

271. *Id.*

272. *Id.*

273. *Welcome to HHS-Connect*, N.Y.C., <http://www.nyc.gov/html/hhsconnect/html/home/home.shtml> (last visited May 15, 2015).

274. DURHAM & JOHNSON, *supra* note 270. HHS-Connect is a program within the Mayor's Office that services agencies and New Yorkers. See *Welcome to HHS-Connect*, *supra* note 273. HHS Connect has three programs, ACCESS NYC, Enterprise Case Management, and Worker Connect. See *id.*

275. Sam Gill et al., *New York City's HHS-Connect*, DATA-SMART CITY SOLUTIONS (July 23, 2014), <http://datasmart.ash.harvard.edu/news/article/new-york-citys-hhs-connect-501>.

276. *Id.*

277. *E.g., Welcome to HHS-Connect*, *supra* note 273.

necessary care with other caseworkers.<sup>278</sup> Not only will this approach save time, it will also likely be cost-effective in the long-term.<sup>279</sup>

Second, there is an urgent need for a central authority to exercise leadership and streamline system-wide strategies for eliminating homelessness.<sup>280</sup> City officials can achieve this goal by organizing meetings and requiring New York agencies that serve the homeless, such as DHA, HRA, and Department of Youth and Community Development, to assemble and discuss problems and inefficiencies within the system. With the leadership of the Interagency Task Force, these agencies can collaborate to create solutions to enhance support for the homeless population. Despite many conversations supporting interagency collaboration, New York City still has not created a central authority that is prepared to head the city's efforts in assisting the homeless.<sup>281</sup> Additionally, there are over a dozen agencies that not only assist the homeless through social services, but also have specific policies that directly affect them.<sup>282</sup> By emphasizing the importance of engaging collaboration partners and key leaders across all pertinent agencies, New York City can develop a far-reaching and comprehensive Interagency Task Force. The first step in this process would be to routinely get all players at the table to discuss and disaggregate the problems facing homeless individuals and families.<sup>283</sup> Through this process, agency leaders and staff can become more educated on the functions of different city agencies and develop a holistic understanding of how agencies fit together.<sup>284</sup> With this knowledge, agencies can better collaborate, avoid competing demands across agencies, and build strong relationships.<sup>285</sup>

Third, by allowing other stakeholders such as non-profits to participate, government officials can further guarantee that concerns are acknowledged and addressed. Often, smaller organizations such

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278. Gill et al., *supra* note 275.

279. *See id.*

280. UNITED TO END HOMELESSNESS, *supra* note 250.

281. *Id.*

282. *Id.*

283. *See* RICHARD CHO, NYU/WAGNER: RESEARCH CTR. FOR LEADERSHIP IN ACTION, WORKING TOGETHER: A CLOSE LOOK AT INTERAGENCY COLLABORATION (2006), available at [https://www.accenture.com/t20150523T035821\\_\\_w\\_/us-en/\\_acnmedia/Accenture/Conversion-Assets/DotCom/Documents/Global/PDF/Indurties\\_17/Accenture-MARCH-28-2006.pdf](https://www.accenture.com/t20150523T035821__w_/us-en/_acnmedia/Accenture/Conversion-Assets/DotCom/Documents/Global/PDF/Indurties_17/Accenture-MARCH-28-2006.pdf). Two sets of panelists discussed two different case studies of interagency collaborations. *See id.* The case study included the Solid Wage Management Working Group and The Homeless Housing Working Group. *See id.*

284. *Id.*

285. *Id.*

as nonprofits and supportive housing programs are among those who work most directly and closely with the homeless community.<sup>286</sup> Involving other stakeholders can guarantee that the New York City government will be adequately informed and ready to respond to community needs.<sup>287</sup> The need for interagency collaboration is imperative given the continual growth of the homeless population. If city legislators and policy makers hope to ease the problem, immediate steps must be taken to embark on a road to recovery. By creating a concrete timeline and mandating agencies to collaborate and share information, the city can alleviate some of its urgent concerns. Furthermore, legislators can implement new policies and laws relating to data sharing across all agencies.<sup>288</sup> Hence, interagency collaboration is one practical step that the city is currently capable of putting into immediate action.

### C. Reforming Policies for Public Housing and Section Eight Housing

The New York City government should also reasonably and promptly address the high risk of eviction that homeless individuals and families encounter while living in public subsidized housing. For instance, Section Eight tenants who face eviction could technically maintain their subsidy and transfer to another property accepting vouchers.<sup>289</sup> However, Section Eight voucher holders, particularly in New York City, experience difficulty finding alternative properties to transfer to as a result of scarce affordable housing and low vacancy rates.<sup>290</sup> Often, landlords fail building inspections or evict tenants for nonpayment, and when they do, it is up to the tenant to find alternative housing.<sup>291</sup> This ultimately leads to voucher loss, and vouchers are incredibly difficult to regain.<sup>292</sup> Furthermore, those losing vouchers frequently cycle back into the shelter system.<sup>293</sup> This is especially problematic for those who are extremely poor, physically

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286. *Id.*

287. *Id.*

288. Gill et al., *supra* note 275.

289. CHOUDHRY & PARSONS, *supra* note 165, at 85.

290. *Id.*

291. *Id.*

292. *Id.* Generally, if families are unable to find housing within three to four months, they are likely to lose their housing subsidy.

293. *Id.*

or mentally ill, or part of a large family, because these groups are least likely to be able to obtain other resources.<sup>294</sup>

Current draconian policies concerning public housing and Section Eight housing also provide insufficient tenant protection.<sup>295</sup> These policies break up families and force them into shelters. For instance, Wanda Coleman and her teenage daughter were evicted from a public housing apartment where Wanda had lived for twenty-five years.<sup>296</sup> Wanda's son was subsequently convicted of drug possession.<sup>297</sup> As a result, Wanda will not be able to reapply for public housing for three years.<sup>298</sup> Alternatively, Wanda could stay in her home, but only by removing "non-desirable" members, such as her son, who would be banned from entering the public housing premises.<sup>299</sup>

Furthermore, eviction defendants are not guaranteed legal representation.<sup>300</sup> In 1963, the Supreme Court decided *Gideon v. Wainwright*, unanimously establishing the right to counsel for all impoverished defendants in criminal cases.<sup>301</sup> However, this right has not been extended to indigent civil litigants, including those with eviction proceedings.<sup>302</sup> Additionally, legal resources in New York City are currently unavailable to meet tenant demand, in part because there is no mandated right to legal representation.<sup>303</sup> Proponents such as the American Bar Association "urge federal and state governments to provide legal counsel as a matter of right, at public

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294. *Id.* at 87; see also *Snapshot of Homelessness*, *supra* note 25.

295. See, e.g., Rachel Bidner, *Associated Press: Public Housing Safety Policy Can Hit Whole Family*, BRONX DEFENDERS (Sept. 15, 2014), <http://www.bronxdefenders.org/associated-press-public-housing-safety-policy-can-hit-whole-family/>.

296. *Id.*

297. *Id.* Even if an individual using public housing is arrested, but not yet convicted, NYCHA and other public housing authorities can evict tenants based on even minor evidence that criminal activity has occurred. *Know Your Rights: Housing and Arrests or Criminal Convictions*, BRONX DEFENDERS (Oct. 2, 2010), <http://www.bronxdefenders.org/housing-and-arrests-or-criminal-convictions/>. Furthermore, if the individual, or even a guest, is involved in drug-related criminal activity, NYCHA may evict the entire household. *Id.*

298. Bidner, *supra* note 295.

299. *Id.*

300. *Id.*

301. *Gideon v. Wainwright*, 372 U.S. 335 (1963).

302. Matthew Desmond, *Tipping the Scales in Housing Court*, N.Y. TIMES, Nov. 29, 2012, [http://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html?\\_r=0](http://www.nytimes.com/2012/11/30/opinion/tipping-the-scales-in-housing-court.html?_r=0); see also Emily Jane Goodman, *Facing Evictions—Without the Right to Counsel*, GOTHAM GAZETTE (June 30, 2008), <http://www.gothamgazette.com/index.php/development/4014-facing-evictions-without-the-right-to-counsel>.

303. Goodman, *supra* note 302.

expense, to low income ‘persons in those categories of adversarial proceedings where basic human needs are at stake, such as those involving shelter . . . .’<sup>304</sup>

Fortunately, the deficiencies surrounding housing loss and eviction can be mitigated by reforming strict policies to allow for more flexibility, tenant education, and guaranteed legal representation for those at risk of eviction. First, agencies like HPD should work to effectively identify high-risk tenants holding Section Eight vouchers and intervene by conducting educational presentations on legal rights and assistance with housing courts.<sup>305</sup> Given that extreme poverty makes it difficult for households to pay rent and maintain their vouchers, such households are most likely to become homeless and enter the shelter system.<sup>306</sup> For instance, HPD can make sure that this group is educated on the other benefits they may be entitled to, such as subsidized childcare and medical services.<sup>307</sup> The same practice can be implemented by other agencies, such as NYCHA, on behalf of public housing tenants. By understanding other social service benefits that tenants are entitled to, tenants’ economic hardship can be mitigated, and they may be able to avoid imminent homelessness and shelter use.<sup>308</sup> Furthermore, the same agencies can create communication protocols to take precautionary steps to ensure that they are effectively informing tenants of housing subsidy eligibility and recertification requirements.<sup>309</sup> Therefore, taking a comprehensive approach to tenant education is an effective tool to preventing the growth of homelessness.

Second, housing authority officials argue that whole-family eviction policies are in place for the safety of all of a building’s residents, but housing advocates contend that these policies do more harm than good.<sup>310</sup> These harsh policies have dire consequences for family cohesion, and they push some individuals and families into homelessness.<sup>311</sup> Without family or a place to stay, many of these banned “non-desirable” members end up in the streets.<sup>312</sup> There is also an added emotional cost for the family, who must decide whether

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304. *Id.*

305. CHOUHRY & PARSONS, *supra* note 165, at 87.

306. *Id.*

307. *Id.*

308. *See generally id.*

309. *Id.* at 86.

310. Bidner, *supra* note 295.

311. *Id.*

312. *Id.*



to permanently ban a “non-desirable” member or leave their publicly assisted housing.<sup>313</sup> Instead of penalizing the entire family by permanently banning a “non-desirable” family member, housing authorities can allow for a flexible case-by-case approach that would allow for their tenants’ rehabilitation and eventual return. By allowing such alternative options, families with a “non-desirable” member could avoid grappling with imminent homelessness and family unity. Such policies would also ensure that fewer individuals and families risk imminent homelessness or become actually homeless.

Although safety within publicly assisted housing is always a major concern, the city can alleviate these concerns by creating rehabilitation programs and requiring “non-desirable” members to participate, rather than simply permanently banning them from the premises. Current federal law allows local housing authorities to exercise broad discretion when determining whether to deny or evict a tenant based on criminal activity.<sup>314</sup> As a result, subsidized housing is out of reach for those with criminal records.<sup>315</sup> In 2013, New York City announced modest plans for a pilot program designed to allow 150 into public housing or to reunite with their families in public housing.<sup>316</sup> In order to obtain entry into public housing, individuals in the program must demonstrate their rehabilitation through work with social service agencies to find employment and receive mental health and substance abuse counseling.<sup>317</sup> While this is one positive step, the city government should work to expand such programs. By properly preparing individuals to sustain employment through rehabilitation services and allowing for reunification with their families, New York City can effectively decrease the total number of homeless people.

Finally, tenants taking advantage of public housing and subsidized housing should be entitled to legal representation. Given the high cost of maintaining shelters and providing social services for the homeless, it is in the best interest of city officials to prevent this category of people from entering the shelter system. Allowing tenants to properly defend themselves in eviction proceedings will

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313. *Id.*

314. *See supra* text accompanying notes 156–58; *see also* REBECCA VALLAS & SHARON DIETRICH, CTR. FOR AM. PROGRESS, ONE STRIKE AND YOU’RE OUT 16 (2014), *available at* <https://cdn.americanprogress.org/wp-content/uploads/2014/12/VallasCriminalRecordsReport.pdf>.

315. VALLAS & DIETRICH, *supra* note 314, at 17.

316. *Id.* at 18.

317. *Id.*

likely be more cost-effective and entail better long-term benefits. To test the cost-benefit of providing legal representation, United Way of New York City, a non-profit organization, provided more than 1300 families in the South Bronx with legal assistance for eviction cases.<sup>318</sup> Between 2005 and 2008, the organization was able to prevent eviction in eighty-six percent of its cases.<sup>319</sup> Although the program required \$450,000 in funds, it was estimated that New York City saved a total of \$700,000 in shelter costs.<sup>320</sup> Therefore, by providing tenants facing eviction with legal assistance, the city government may not only save monetary funds, but also can drastically reduce the number of homeless individuals and families. Government officials should immediately begin to restructure the allocation of government funds and devote more effort to providing tenants with legal services. Additionally, legislators and policy makers can advocate for a legal right to representation for indigent defendants with eviction lawsuits. Through these initiatives, the city government can begin to utilize efficient and cost-effective solutions to address homelessness.

#### D. Concerns About Incentivizing Homelessness and Fraud

It is possible that strict safeguards and procedures have been put in place by city authorities in order to make access to emergency shelter and public housing purposefully difficult to obtain.<sup>321</sup> City officials

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318. Desmond, *supra* note 302; *see also*, LINDSAY HOFFMAN, SEEDCO, HOUSING HELP PROGRAM: HOMELESSNESS PREVENTION PILOT FINAL REPORT 7 (2010), *available at* [http://www.nyc.gov/html/dhs/downloads/pdf/final\\_HHP\\_Seedco\\_rpt.pdf](http://www.nyc.gov/html/dhs/downloads/pdf/final_HHP_Seedco_rpt.pdf). United Way of New York City worked in partnership with the Civil Court of the City of New York and DHS to launch the Housing Help Program (HHP). *Id.* HHP offered comprehensive “brief legal services” and in-house or external social services. *Id.* at 2. Additionally, HHP tracked clients from program intake until the present, to collect information pertaining to long-term outcomes. *Id.* at 2–3. The program’s goal was to “combat housing instability and prevent homelessness by serving families facing eviction with court- and neighborhood-based interventions that include legal, financial, and social services.” *Id.* at 7.

319. HOFFMAN, *supra* note 318, at 2.

320. *Id.* at 36–37.

321. COAL. FOR THE HOMELESS, *supra* note 42, at 14, 17. Several punitive policies implemented by Mayor Bloomberg caused an increase in homelessness. *Id.* at 2. As a result, Deputy Mayor for Health and Human Services, Lilliam Barrios-Paoli reinstated “code blue.” *Id.* at 17. This policy aimed to reverse the Bloomberg policy, which turned away several families during the harsh winters of New York City. *See New York Court of Appeals Rules That the Department of Homeless Services Violated the City Administrative Procedure Act When It Tried to Implement a Shelter Denial Rule for Homeless Women and Men Without Any Public Review*, LEGAL AID SOC’Y (Nov. 27, 2013), <http://www.legal-aid.org/en/mediaandpublicinformation/inthenews/newyorkcourtofappealsrulesthatthedepartmentofhomelesservicesviolatedthecityadministrativeprocedure.aspx>. The Legal Aid Society challenged

have made it more difficult for the homeless to access life-saving emergency shelters that, in turn, caused many vulnerable New Yorkers to suffer.<sup>322</sup> For instance, in 2011, Mayor Bloomberg required applicants seeking emergency shelter to complete an extensive eligibility review process.<sup>323</sup> The review process often took up to weeks or months to complete and required the entire family to be present, forcing parents to miss work and their children to miss school.<sup>324</sup> Additionally, the eligibility review process frequently required individuals and families to apply two or more times at intake centers to secure emergency shelter.<sup>325</sup> The Bloomberg Administration also established termination policies that would require the shelter to discharge homeless individuals and families should they violate any of the shelter's guidelines.<sup>326</sup>

As a result of these policies, New York City now has an increasing homeless population that requires more tax dollars and expenditures.<sup>327</sup> Bureaucratic and punitive measures such as draconian eligibility requirements for shelter and termination provisions have pushed many individuals and families into homelessness.<sup>328</sup> When the Bloomberg Administration sought to implement harsh termination policies, nearly 700 homeless adults were threatened with shelter termination, and the majority of these adults had serious health problems or mental illnesses.<sup>329</sup> These factors made it more likely that these adults would be thrown into a cyclical pattern, moving from the streets and back into temporary shelter.<sup>330</sup>

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this policy implemented by Mayor Bloomberg, asserting that the policy would result in the denial of shelter at a rate of ten to sixty percent of almost 20,000 homeless individuals in need. *Id.* It was also argued that the new policy violated the 1981 consent decree established by *Callahan v. Carey*. *Id.* In 2013, New York's highest court determined that Mayor Bloomberg's policy violated the law by failing to comply with the City Administrative Procedure Act because he failed to notify the public about the policy concerning eligibility rules. *Id.*

322. COAL. FOR THE HOMELESS, *supra* note 42, at 25.

323. *Id.*

324. *Id.*

325. *Id.* In 2013, nearly half of all applicants taking advantage of emergency shelter had to apply two times to establish eligibility. *Id.*

326. *Id.*; see *Adult Families*, *supra* note 111 (outlining specific expectations and guidelines for individuals and families utilizing the shelter system).

327. COAL. FOR THE HOMELESS, *supra* note 42, at 4. In 2013, New York City spent over \$1 billion on shelter programs and services, amounting to a five percent increase compared to the previous year. *Id.*

328. *Id.* at 25.

329. *Id.*

330. See *generally id.* at 24.

Unfortunately, information surrounding these concerns is inconclusive, and there is no evidence that implementing an onerous application process actually deters people from becoming homeless.<sup>331</sup> Furthermore, with the growing homeless population, there is currently not enough data to support the claim that strict policing policies can decrease homelessness.<sup>332</sup> Rather, critics speculate that strict policing does nothing to address the homeless issue, but, instead, it displaces homeless individuals and families into the streets or into other neighborhoods.<sup>333</sup> Therefore, whether offering readily accessible transitional services and housing assistance may create incentives for people to opt into homelessness provides interesting avenues for future research and study.

### CONCLUSION

The homelessness issue currently facing New York City is an extremely complex and multi-faceted problem. To eliminate homelessness completely, or even minimize it, the city must apply a comprehensive and holistic approach. In order to develop effective long-term and short-term goals, policy makers and legislators must first identify the target population to be served. They must also understand factors that contribute to homelessness, its effects on the society at large, and, most critically, why prior strategies have failed. Currently available government housing initiatives should be broadly examined in order to properly advance further improvements.

In addition to long-term objectives, such as developing more affordable housing and increasing housing subsidies, the city can also execute several short-term goals to satisfy immediate need. Although these short-term policies require an initial investment, they are cost-effective in the long run, proven to decrease homelessness, and will also benefit taxpayers. Additionally, implementing effective short-term strategies will make it less likely for the homeless population to require other services, such as costly emergency medical services, police intervention, and incarceration.

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331. *Id.*

332. See, e.g., Dan Bluemel, *Harsh Skid Row Policies Driven By Business Lobby, Say Advocates*, L.A. ACTIVIST (June 24, 2012), <http://www.laactivist.com/2012/06/24/harsh-skid-row-policies-driven-by-business-lobby-say-advocates/>. The Safer Cities Initiative is a program implemented in Los Angeles to reduce crime in Skid Row. Critics of the program claim that harsh policing does not actually reduce homelessness.

333. *Id.*

By first prioritizing short-term goals, such as ensuring that shelters provide transitional services, New York City can better equip the homeless population with the means necessary to sustain an independent living. In addition, by offering tenant education and legal representation, the city can guarantee that homeless individuals' and families' civil rights are adequately protected. Moreover, reforming prohibitive eviction policies will allow low-income individuals and families to maintain their subsidized housing and avoid being forced into the streets. By making these services readily accessible, city officials can take the vital steps necessary to prevent the growth of the homeless population and break the vicious cycle of "shelternization."