



TESTIMONY

ON

Oversight: Update on the NYC 15/15 Initiative

AND

Intro 147-2018, A Local Law to amend the administrative code of the city of  
New York, in relation to reporting on supportive housing

PRESENTED BEFORE:

THE NEW YORK CITY COUNCIL'S  
COMMITTEE ON GENERAL WELFARE

PRESENTED BY:

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STAFF ATTORNEY  
MOBILIZATION FOR JUSTICE, INC.

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## **I. Introduction.**

Mobilization for Justice, Inc. (“MFJ,” formerly MFY Legal Services) envisions a society in which there is equal justice for all. To make this vision a reality, for over 50 years MFJ has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We provide advice and representation to more than 10,000 poor and working poor New Yorkers each year, benefitting over 20,000 people.

While every project at MFJ serves people with mental illness, MFJ’s Mental Health Law Project specifically addresses the civil legal needs of people with mental illness in the five boroughs of New York City. The Mental Health Law Project works in partnership with inpatient and outpatient behavioral health providers throughout the city to prevent homelessness, stabilize income, support employment, and promote recovery for adults living with mental illness. Last year, the Mental Health Law Project served over 1,500 clients with mental illness, many whom reside in supportive housing. Together with MFJ’s general housing practice and our Adult Home Advocacy Project, the Mental Health Law Project witnesses daily the power of supportive housing to positively transform and stabilize the lives of our clients.

We appreciate the Committee’s work on this critical issue and submit this testimony to highlight the importance of supportive housing for our clients. Specifically, we submit this testimony in support of the NYC 15/15 initiative and in support of Introduction 147.

## **II. More Supportive Housing is Necessary in New York City.**

MFJ supports the expansion of supportive housing for people with mental illness in New York City. The city currently faces a major housing crisis that disproportionately impacts people with disabilities. Supportive housing programs are necessary to address the affordability gap and ensure that people with mental illness have access to safe, stable housing.

### **A. There is a severe lack of affordable housing for people with mental illness and other disabilities.**

The current supply of housing does not meet the needs of persons with mental illness living in the city. Federally subsidized public housing continues to be extremely limited and the cost of private apartments remains unaffordable for those relying on public benefits for income.

People with disabilities are more than twice as likely to live in poverty as people without disabilities.<sup>1</sup> In New York in 2014, the general poverty rate was 15.5%,<sup>2</sup> but was 28.6% for

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<sup>1</sup> Nicole Levy, *New York Lags Behind Nation on Helping People With Disabilities: Study*, DNAinfo.com (July 26, 2015), <https://www.dnainfo.com/new-york/20150724/astoria/new-york-lags-behind-nation-on-helping-people-with-disabilities-study>.

<sup>2</sup> New York State Community Action Association, *New York State Poverty Report* (March 2015) available at <http://nyscommunityaction.org/wp-content/uploads/2014/03/2015-Poverty-Report-w-50th-logos-for-online.pdf>.

people with disabilities.<sup>3</sup> Many New Yorkers with disabilities rely solely on public assistance or Supplemental Security Income (SSI) to meet their expenses. Public assistance provides only a \$215 monthly allowance for shelter in single person households. This amount that has not increased since 1990<sup>4</sup> and is grossly inadequate. SSI beneficiaries living alone receive \$837 monthly, which includes an \$87 supplement paid by New York State.<sup>5</sup> A 2016 report found that an SSI recipient in the New York City area would have to pay 165% of her income for the average efficiency apartment.<sup>6</sup>

People with disabilities are employed at far lower rates than other New Yorkers. While the general employment rate is 70%, only 29% of people with disabilities are employed full or part-time.<sup>7</sup> The gap between the general employment rate and the employment rate for people with disabilities is greater in New York City than it is at the State or national level.<sup>8</sup> Yet even full-time work at minimum wage pays only approximately \$480 to 520 weekly.<sup>9</sup> With rents increasing faster than wages, many people with disabilities, even those who are employed, cannot afford the rising New York City rents.<sup>10</sup>

### **B. Supportive housing is a critical resource for individuals with mental illness and other vulnerable populations.**

Supportive housing helps vulnerable New Yorkers with mental health disabilities afford safe, stable housing that is integrated in the community. Stable housing reduces hospitalizations, incarcerations, and unnecessary institutionalization.<sup>11</sup>

The most cost-effective and integrated form of supportive housing is scattered-site housing, also referred to as supported housing. Scattered site housing refers to an apartment in the community that comes with rent assistance and support services. Eligible individuals can live alone or with roommates. Support services can include visits from case managers and help with moving, health care, shopping, cleaning, medication, or personal care. Almost 20,000 individuals with mental

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<sup>3</sup> Press Release, Gov. Andrew M. Cuomo, *Governor Cuomo Signs Executive Order Establishing Commission to Create Employment First Policy for New York* (September 17, 2014) <http://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-establishing-commission-create-employment-first-policy-new>.

<sup>4</sup> *Jiggetts v. Grinker*, 75 N.Y.2d 411, 416 (1990).

<sup>5</sup> New York State Office of Temporary and Disability Assistance, *SSI and SSP Benefit Levels Chart effective January 1, 2018* (November 6, 2017) available at <https://otda.ny.gov/programs/ssp/2018-Maximum-Monthly-Benefit-Amounts.pdf>.

<sup>6</sup> Technical Assistance Collaborative Inc., *Priced Out in 2016: The Housing Crisis for People with Disabilities* (December 2017), p. 30, available at <http://www.tacinc.org/media/59493/priced-out-in-2016.pdf>.

<sup>7</sup> Center for the Disabled-NY, *ADA at 26 in New York City* (2016), p.1, available at <https://www.cidny.org/wp-content/uploads/2017/07/ADA-at-26-in-NYC.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> See New York State Department of Labor, <https://labor.ny.gov/workerprotection/laborstandards/workprot/minwage.shtm> (last visited April 16, 2018).

<sup>10</sup> NYU Furman Center, *NYU Furman Center & Capital One Release Affordable Rental Housing Landscape Illustrating NYC Rental Housing Trends* (April 24, 2014) available at [http://furmancenter.org/files/pr/NYUFurmanCenter\\_NYCRentalLandscape\\_23APR2014.pdf](http://furmancenter.org/files/pr/NYUFurmanCenter_NYCRentalLandscape_23APR2014.pdf).

<sup>11</sup> See *Olmstead v. L.C. ex rel. Zimring*, 527 U.S. 581, 600–01, 119 S. Ct. 2176, 2187, 144 L. Ed. 2d 540 (1999).

illness are served in supported housing statewide,<sup>12</sup> and over 12,000 of those individuals live in New York City.<sup>13</sup> Studies examining the cost effectiveness of supported housing have found that public investment in supported housing results in long-term savings.<sup>14</sup> Funding supportive housing units improves the lives of individuals living with mental illness, and ultimately saves taxpayer money. In responding to the housing affordability gap for New York City residents with mental health disabilities and the current homelessness crisis, the NYC 15/15 initiative is vital.

### **III. The Supportive Housing Program Should Not Only Be Maintained, but Improved.**

Greater oversight of supportive housing programs will help to ensure that the individuals who most need supportive housing are not only better able to access it, but also receive the supports necessary to maintain it.

#### **A. Intro 147 will help to ensure that the individuals most in need are able to access supportive housing.**

MFJ supports greater oversight of supportive housing programs to ensure that people with mental illness are afforded meaningful access to supportive housing. Over the last year, MFJ has convened a series of meetings with other legal services and advocacy organizations to discuss the problems our clients face in relation to supportive housing. Each organization has shared concerns regarding the invisible barriers that prevent many individuals in our communities from obtaining supportive housing.

Providers often “screen out” applicants on arbitrary, unfair, or discriminatory grounds. For example, some providers refuse to provide housing to applicants on the basis of highly subjective claims such as “lack of insight into mental illness” or because an applicant has a recent history of substance use. Other providers deny housing if they deem an individual to be “too mentally ill.” This means that those who are most in need may be the least able to access supportive housing. Each of our individual organizations have identified a need for greater oversight of supportive housing application denials, specifically, a mechanism to ensure that eligible applicants are not being inappropriately or illegally denied housing. We also think there needs to be a clear administrative procedure for applicants to appeal if they are denied a housing placement.

Intro 147 is an important step towards increasing oversight of the supportive housing application process and monitoring application or placement denials. Intro 147 does not substantially alter the supportive housing application process in any way. Rather, it increases transparency by requiring the Department of Social Services to produce an annual report on the number of individuals referred to, accepted to, rejected for, and still awaiting placement for supportive

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<sup>12</sup> Office of Mental Health, Residential Program Indicators Report, available at [http://bi.omh.ny.gov/adult\\_housing/reports?p=rpi&g=Statewide&y=2013&q=Dec+31](http://bi.omh.ny.gov/adult_housing/reports?p=rpi&g=Statewide&y=2013&q=Dec+31).

<sup>13</sup> The Supportive Housing Network of New York, New York City Scattered Site Housing: Policy Brief 2 (December 14, 2015), available at [http://shnny.org/uploads/Network\\_Scattered\\_Site\\_Position\\_Paper\\_\\_FINAL.pdf](http://shnny.org/uploads/Network_Scattered_Site_Position_Paper__FINAL.pdf).

<sup>14</sup> Dennis Culhane et al., *Public Service Reductions Associated with Placement of Homeless Persons with Severe Mental Illness in Supported Housing*, Housing Policy Debate, Vol. 13, Issue 1 (2002) available at [http://repository.upenn.edu/cgi/viewcontent.cgi?article=1067&context=spp\\_papers](http://repository.upenn.edu/cgi/viewcontent.cgi?article=1067&context=spp_papers).

housing disaggregated by specified demographic information points. MFJ commends chairperson Levin for introducing this bill and the committee for holding this hearing.

**B. Greater oversight of supportive housing programs can better ensure that individuals are permanently housed with necessary supports.**

MFJ also recommends greater oversight of supportive housing programs to ensure that, once approved, people with mental illness are afforded the necessary supports to maintain their supportive housing and thrive in the community.

MHLP regularly provides legal advice and representation in housing court to tenants who face eviction from supportive housing for small amounts of rent arrears or lease violations that may be directly related to the very disability that makes them eligible for supportive housing. We also receive many calls from tenants in supportive housing who need repairs in their apartment or are not receiving adequate case management support.

While congregate care supportive housing units, also known as community residences, are generally licensed and regulated by the New York State Office of Mental Health (OMH), the OMH does not monitor evictions from scattered-site supportive housing. For example, the OMH does not require scattered-site supportive housing programs to report when they evict a tenant—either by court process or through unilateral “discharge” or “termination of sublease.” While at least some supported housing contracts that MFJ has reviewed explicitly require a scattered-site supportive housing provider to create all possible opportunities for corrective action by the tenant prior to commencing an eviction case, the OMH does not have a mechanism in place to monitor what, if any, preventive measures were actually taken.

Given this void, City oversight of evictions from supportive housing is one way to put the City’s commitment to Housing First<sup>15</sup> principles into practice. Increased City oversight would go a long way toward increasing housing stability for tenants with mental health disabilities and preventing unnecessary re-entry to the shelter system.

**C. Supportive housing residents should be provided with the tools they need to understand and assert their rights in supportive housing.**

In addition to increasing oversight, MFJ recommends empowering tenants to meaningfully assert their rights in supportive housing by ensuring that tenants are provided adequate and accurate information regarding their housing arrangements. Many supportive housing programs operate through a patchwork of different funding streams that can be confusing for an advocate, let alone a tenant, to untangle. For example, MFJ often receives calls from residents in scattered site

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<sup>15</sup> Housing First is a proven approach to homelessness prevention that focuses on providing people with permanent housing as quickly as possible, and then providing voluntary supportive services as needed. *See* U.S. Interagency Council on Homelessness, <https://www.usich.gov/solutions/housing/housing-first> (last visited January 17, 2017) (“[Housing First] is based on overwhelming evidence that all people experiencing homelessness can achieve stability in permanent housing if provided with the appropriate levels of services. Study after study has shown that Housing First yields higher housing retention rates, reduces the use of crisis services and institutions, and improves people’s health and social outcomes.”)

housing who may have a sublease agreement with a non-profit supportive housing provider and do not know who to contact if they need repairs- the supportive housing provider or the building management office. Or, in some supported housing programs, an individual's rent subsidy may be administered by Section 8, but support services are provided by a separate agency under a separate contract. Tenants often do not know whom to contact to request a rent adjustment, obtain assistance to apply for a rent arrears grant, or obtain repairs. Both scattered site and congregate care supportive housing providers should be required to provide incoming tenants with written notice outlining, at a minimum: the regulatory status of the apartment or applicable regulatory schemes; a tenant's right to habitable housing and how to request repairs; and protections against harassment and discrimination, including how to request a reasonable accommodation.

**D. Supportive housing providers must have the resources to ensure that the housing they maintain is stable and truly supportive.**

MFJ supports increased funding for supportive housing. While we commend the City for its commitment to the NYC 15/15 initiative, its success will require contract rates that keep pace with increases in rent in New York City. Inadequate funding for supportive housing providers leads to cuts in vital support services, higher staff turnover, and rental housing units in poorer condition. Such actions undermine the Housing First model, which is essential to making supportive housing a humane, stable, and cost-effective alternative to homeless shelters. Contract rates for supportive housing must be sufficient to allow providers to access safe and habitable housing, train and retain staff, and provide the appropriate wrap-around services to clients that are vital to the long-term success of this type of housing.

**IV. Conclusion.**

We thank the Committee on General Welfare for holding this hearing and considering our testimony. The shortage of affordable housing in this city is a serious problem affecting the most vulnerable of New Yorkers, including individuals with mental illness. MFJ remains committed to improving housing for people with mental health needs and we encourage the Committee's continued attention to this important issue. We applaud your efforts to oversee implementation of NYC 15/15 and strongly encourage you to pass Intro 147.