



**LEGAL  
SERVICES**

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## **Preventing Homelessness among New York City's Mental Health Consumers**

Testimony Presented to the New York City Council Committee on  
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MFY's Mental Health Law Project has worked to address the civil legal needs of mental health consumers living in private apartments, single room occupancy hotels (SROs), supportive housing, community residences, and adult homes since 1983. Each year we represent over 1,000 disabled New Yorkers in eviction proceedings for nonpayment of rent, failing to comply with lease provisions, or engaging in nuisance behavior, and represent many in cases involving public benefits such as SSI, SSD, and Medicaid. Additionally, we provide advocacy services to 7,000 mentally disabled residents of adult homes to improve their living conditions and well-being and protect their rights.

### **Preserving Existing Housing in the Community Is Essential to Preventing Homelessness among People with Mental Illness**

Almost all of MFY's mentally disabled clients live on Supplemental Security Income (SSI), which provides \$690 a month for all expenses, including housing. Approximately half of our clients receive housing subsidies, 10% live in public housing, 25% live in SROs and 15% live in private apartments in the community with no rent subsidy, spending approximately 77% of their income on rent. This latter group, along with SRO residents, are at extremely high risk of losing their housing and becoming homeless.

To preserve the tenancies of disabled SSI recipients currently living in the community, a number of steps are necessary:

- Existing subsidy programs need to be continued and expanded (Section 8 and State Office of Mental Health subsidies)
- SRO units must be preserved as the least expensive type of private housing available to low-income individuals
- Greater efforts need to be made to preserve disabled tenants in rent-regulated apartments, particularly by publicizing the Disabled Rent Increase Exemption (DRIE) and ensuring free legal representation for mentally disabled people in Housing Court

In the frenzied housing market in New York City, where landlords stand to gain hundreds of thousands of dollars by evicting one tenant and gaining possession of the apartment for rehabilitation and increased rent outside of the regulatory framework, we have seen increased efforts to evict low-income and disabled tenants in increasingly aggressive and lengthy litigations. Whereas a decade ago, a landlord in an eviction case would be happy to sign a stipulation working out a deal with the tenant to pay back rent or to remedy a nuisance, the endgame now is to gain possession of the apartment—at any cost.

Tenants cannot successfully represent themselves in housing court proceedings. MFY has 23 years' experience representing mental health consumers in crisis and preserving the tenancies of the clients we are able to represent. But MFY is unable to meet the enormous demand for representation of disabled tenants in housing court given our current resources. The cost of legal services to save an apartment for a mentally disabled person is minimal when compared to the cost of shelter, medical care and other services routinely provided to a mentally disabled person who is homeless. More funds must be allocated for representation in housing court to preserve apartments and SRO rooms in which mental health consumers currently live, and relieve the pressure on the supportive housing market that becomes the default when consumers lose their private apartments.

### **Preserving SRO Units Is Directly Related to Preventing Homelessness among People with Mental Illness**

It is widely known that the city has lost tens of thousands of SRO units over the past two decades. The situation is getting worse for these tenants, and the consequence of inaction to stop the recent spate of illegal evictions of entire buildings will be a spike in homelessness. Three-quarters of the SRO clients that MFY serves are mentally disabled, and landlords are employing harsher tactics than ever before to evict individual tenants and to empty entire SRO buildings. Our Winter 2005 newsletter (enclosed) details the case of a mentally disabled Upper West Side SRO tenant who became homeless after being tricked into leaving his apartment, and who was eventually hospitalized after his physical condition deteriorated badly. After months of litigation, MFY restored him to his room, but he almost died during the process. MFY has recently been working with several mentally disabled residents of two Rockaway SRO buildings where the landlords have been trying to get all of the tenants out. In one building, the landlord succeeded in forcing out all tenants with the cooperation of the New York City Department of Buildings, and in the other hotel, both the Department of Buildings and HPD have turned a blind eye to horrific violations. (See attached article and press release.)

In addition to providing increased legal services to prevent these illegal evictions, the policies of the Department of Buildings and HPD should be examined with a view to supporting the preservation of affordable housing instead of supporting the development of market-rate housing at the expense of the city's disabled citizens. The East Side SRO Law Project, operated by MFY, and the West Side SRO Project, operated by Goddard-Riverside, receive funding from the City Council, which has not increased in the past seven years despite the expanded need. Helping the SRO projects to keep up with demand for services to prevent evictions is an effective strategy to prevent homelessness within a highly vulnerable and often forgotten population.

### **Addressing the Geriatric Mental Health Needs of New Yorkers Will Become a Critical Strategy in Preventing Homelessness**

A large proportion of seniors who come to MFY for services have mental disabilities—often associated with aging—that are undiagnosed and untreated. As our population ages, more and more seniors will need help to preserve their housing and to get access to appropriate health care and accommodations. We urge the Committee to look carefully at this issue in the coming year in order to prevent a crisis in future years.