



L E G A L

S E R V I C E S

I N C O R P O R A T E D

TESTIMONY

ON

**PROPOSED DEPARTMENT OF HOMELESS
SERVICES RULE: SINGLE ADULT PERMANENT
HOUSING REFERRAL CRITERIA**

PRESENTED BEFORE:

THE NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES

PRESENTED BY:

**TANYA KESSLER
MFY LEGAL SERVICES, INC.**

June 1, 2010

My name is Tanya Kessler. I am a staff attorney at MFY Legal Services, Inc. Thank you for the opportunity to testify today about the proposed Single Adult Permanent Housing Referral Criteria.

MFY is a citywide provider of free legal assistance to New Yorkers who cannot afford an attorney. We provide advice, counsel and representation to 7,000 people each year in the areas of housing, public benefits, employment, consumer, foreclosure, civil and disability rights, and kinship adoption and guardianship. Our practice focuses special attention on our city's most vulnerable residents, including people with mental disabilities, SRO tenants, adult home residents, and the elderly.

I work on MFY's Illegal Boarding House Project. We provide assistance and representation to tenants of illegal boarding houses, also known as three-quarter houses, in Brooklyn where we know of at least 200 of these houses. When our project first started in September 2009, we had a list of 180 houses citywide, compiled by the Coalition for the Homeless. In the past nine months, we have learned of 90 additional addresses in the five boroughs. And these are only the houses that we have learned about. We believe that there are many more and that their numbers are growing rapidly.

Referral Sources

Our clients have been referred to illegal boarding houses from shelters, prisons, parole, substance abuse programs, hospitals, and soup kitchens.

Conditions in the Houses

Virtually all of our clients report hazardous living conditions, such as extreme overcrowding, no heat or hot water in cold weather, and vermin infestation. Sleeping rooms are often crammed with two to four bunk beds for up to eight individuals, impeding access to doorways and windows. Closets and kitchens are turned into bedrooms. Common conditions also include jury-rigged electrical wiring, plumbing back-ups, and buildings that house dozens of tenants, with no fire escapes or sprinklers. These living conditions are dangerous for the tenants who reside there, as well as for residents of adjacent buildings. A man died in a fire in an illegal boarding house in Brooklyn in November; we believe that more tragedies are inevitable.

In addition to abominable living conditions, tenants of the houses also endure illegal evictions (often carried out at night), verbal threats and violence, and civil rights violations. They are commonly induced to pay extra "fees" out of their meager cash assistance and food stamps. Prospective tenants are often promised various services to help them maintain their sobriety, establish mental health stability, transition back into the community, and obtain their own apartments. Instead, they find that there are no services, and that the odds are even more stacked against them than before they moved in: the chaotic and dangerous conditions in the houses make stability and community reintegration extremely difficult to achieve.

We Support the New Rules

For these reasons, we welcome these new rules. We have seen the houses operate with impunity, even after city agencies issue vacate orders or notices of serious violations. Residents are warned against answering the door when inspectors come. When ordered by city agencies to reduce the number of occupants, the houses comply only briefly, but then reassemble the bunk beds and fill them again as quickly as they can. By prohibiting placements to buildings that are currently subject to vacate orders, are in litigation with HPD, or have recent DOB complaints on record related to occupancy standards or illegal conversions, the Department of Homeless Services is taking an important step toward protecting the safety of homeless individuals. Other city and state agencies should adopt similar rules and policies to protect the clients of the programs they oversee from unsafe placement.

How the New Rules Will Help

To give an example of how this new rule will protect individuals in the shelter system, I will tell you about a recent case where we represented three women in an illegal boarding house in Canarsie. The women had been referred to the building, a one family house, by a DHS shelter in Brooklyn. One of the women never even had an opportunity to tour the building before moving in and was threatened with a referral to a Next Step shelter if she refused to go. The women were promised social services by the operator of the house, who initially claimed that he owned the building. After moving in, the tenants discovered there were no services, that the man to whom they had paid rent had no authorization from the building owner to move them in, and that the building was in foreclosure. They have endured sewage back-ups, leaks, and weeks without heat due to a broken boiler, a utility shut-off due to the landlord's failure to pay the bill, as well as harassment and threats of illegal eviction. MFY represented the tenants in a Housing Part proceeding seeking repairs. The owner ignored the court's order to make repairs, and the heat was only restored after the City replaced the boiler.

Under the new DHS rule, referrals from shelters to this address would be prohibited because the house meets two of the conditions for restricting referrals: HPD is in current litigation against the landlord, and DOB has served a summons on the landlord for an illegal conversion complaint. While the current tenants continue to struggle to maintain utility services and obtain basic repairs, future shelter residents will be spared these trials at this particular address.

The Rules Should Be Strengthened

While the rules are an important step, they should be strengthened to empower shelter residents to refuse unsafe placements and to protect them from referrals to dwellings where landlords have evaded violations by denying access to city inspectors.

- **The measures in the pilot project should be incorporated into the rules immediately; and**
- **The measures in the pilot project should be applied to all shelters.**

One of our clients lives in a building that does not meet the conditions for inappropriate referrals under the rule. Yet the building, which is classified as a three-family building, houses approximately sixty tenants. Under the provisions of the pilot, tenants referred to that address from some shelters will be able to refuse referrals there, receive assistance in reporting the conditions to 311, and shelter staff would be prohibited from making that referral. All shelter residents should be afforded this protection permanently.

In conclusion, MFY Legal Services supports the proposed amendment to Title 31 of the Rules of New York City, and urges the Department to further amend the rules to include the proposed pilot project measures. We thank the City Council, Speaker Quinn and the Department for taking action to protect the safety and wellbeing of vulnerable New Yorkers.