

**REPORT ON LEGISLATION BY
THE SOCIAL WELFARE LAW COMMITTEE AND
THE HOUSING AND URBAN DEVELOPMENT COMMITTEE**

**A.1620
S.2375**

**M. of A. Hevesi
Sen. Krueger**

AN ACT to amend the social services law, in relation to home stability support programs

Home Stability Support Program

THIS BILL IS APPROVED

The Social Welfare Law Committee and Housing and Urban Development Committee of the New York City Bar Association (the “City Bar”) urges the adoption of A.1620/S.2375, which would create the Home Stability Support (“HSS”) program. The bill would create a new Section 131-bb, and amend Section 153 of the Social Services Law, to authorize the provision of rent supplements to those public assistance households who are homeless, as well as those at risk of becoming homeless due to eviction, domestic violence, or hazardous conditions in the home. By providing housing assistance to help these households afford market rents, the program would help thousands of individuals and families to retain their homes, and at the same time help thousands of others to relocate from costly shelters, overcrowded doubled-up housing, or places unfit for human habitation, to homes of their own. It would also offer support services to help individuals and families find and keep their homes.

BACKGROUND - THE GROWING HOMELESSNESS CRISIS IN NEW YORK STATE

New York is experiencing a growing homelessness crisis, with more than 150,000 homeless children and another 80,000 families on the brink of homelessness statewide.¹ In New York City, as of Thursday, February 21, 2019, there was a total of 60,661 persons in shelter, including over 22,000 children.² The City Bar commissioned Stuart Risius Ross, Inc. to do an independent study of the need for counsel in Housing Court and found that compared to the cost of sheltering homeless families, preventing the evictions of roughly 5,000 households could save

¹ See <http://www.homestabilitysupport.com/> (all websites last visited Feb. 22, 2019).

² See NYC DHS Daily Report as of February 21, 2019, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>.

\$251 million in New York City alone.³ To continue to prevent evictions in non-payment cases, attorneys need to find a way to pay rent arrears and ensure continued payment of the rent. The \$400 shelter allowance that a household of three on public assistance receives in New York City is simply not enough to prevent evictions. The settlement of the *Tejada v. Roberts*⁴ case resulted in expanded assistance for New York City households with children, but singles, couples and households with children over 18 lack access to assistance and fall between the cracks. Likewise, the many New Yorkers already in shelter need a way out. The City's housing subsidy program designed to help people get out of shelter is targeted to narrowly specific populations. Other options are needed.

PART OF THE ANSWER - THE HOME STABILITY SUPPORT PROGRAM

We need a fiscally-responsible approach to addressing the homelessness crisis that reduces public assistance costs while keeping more families in their homes. HSS would do this by creating a new, statewide rental supplement for public assistance-eligible families and individuals facing eviction, homelessness, or loss of housing due to domestic violence or hazardous living conditions. The initial cost would be \$40 million, which it is estimated would be more than offset by the savings to the State and localities. This supplement would bridge the difference between the current shelter allowance and the 85% of fair market value as determined by the U.S. Department of Housing and Urban Development. Localities will then have the option to further raise the support up to 100% of the Fair Market Rent, at the locality's expense. HSS will also include a differential for housing that does not include heat in the monthly rent.

Mindful of the problems with the current programs, HSS was strategically designed to fill in the gaps of the current programs in terms of who is covered and by making sure the assistance is adequate. HSS would cover both (a) eligible families and individuals who are facing a loss of housing due to formal or informal eviction, domestic violence, or hazardous conditions; and (b) those who are already homeless and living doubled-up, in shelters, or outside in places not meant for human habitation. By keying the amount of assistance to the Fair Market Value, the levels of assistance will be customized to each community in which New Yorkers face the need and will keep pace with inflation.

The problem of homelessness has reached a critical juncture, and the costs to our communities are unsustainable. It is time to boldly and effectively attack the preventable causes of record homelessness. HSS is a common sense, cost-effective solution for preventing homelessness, but it requires action to replace the current failing patchwork of local programs that reach only a small fraction of those in need.

³ "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A," Prepared by Stuart Risius Ross, Inc. for the Pro Bono and Legal Services Committee of the New York City Bar Association (Mar. 16, 2016), available at http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf.

⁴ *Tejada v. Roberts*, 453245/15 (NY Sup.) (Schechter, J.).

As an association of lawyers, we take very seriously our role in helping the least fortunate members of our society. We are alarmed by the magnitude of homelessness in New York State and the attendant human and financial costs to our fellow residents. The City Bar has a proud history of supporting state and local legislation that we believe will either prevent or end homelessness for New York families, including our successful support for a State law that helps to prevent homelessness caused by public assistance sanctions,⁵ and City legislation that expands access to counsel for low-income tenants.⁶ We help thousands of homeless New Yorkers directly every year through our City Bar Justice Center. Many of our members represent clients facing eviction, subsisting on public assistance and struggling to pay the rent, or coping with homelessness. The HSS program would help many New Yorkers in need and offer a new and powerful remedy to stem the tide of displacement that is driving large numbers of families and individuals into homelessness each and every day.

The New York City Bar Association urges adoption of this legislation and the establishment of the Home Stability Support program.

Social Welfare Law Committee
Susan Welber, Chair

Housing & Urban Development Committee
Daniel M. Bernstein, Co-Chair

Reissued February 2019

⁵ Chapter 562 L. 2015 (12/18/15); Letter in support of legislation, Sept. 10, 2015, *available at* <http://www2.nycbar.org/pdf/report/uploads/20072959-ConciliationProceduresNoticePubAssistSocWelfareLettertoGovFINAL91015.pdf>.

⁶ Intro 214A-2014. Report in support of legislation, Sept. 2016, *available at* http://s3.amazonaws.com/documents.nycbar.org/files/20072864-RightCounselHousingNYC_ProBono&HousingCourt_ReissuedFINAL_9.22.16.pdf.