



NEW YORK
CITY BAR

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March 30, 2017

Hon. Andrew M. Cuomo
Governor
State Capitol
Executive Chamber
Albany, New York 12224

Hon. John Flanagan
Majority Leader
New York State Senate
Room 330, State Capitol Building
Albany, NY 12247

Hon. Carl Heastie
Speaker
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Hon. Jeffrey Klein
Independent Democratic Conference Leader
New York State Senate
Legislative Office Building 913
Albany, NY 12247

Re: Support for including the Home Stability Support Program in the Final Executive Budget

Dear Governor Cuomo and Legislative Leaders:

The New York City Bar Association (the “City Bar”) urges the State of New York to support the establishment of the Home Stability Support (“HSS”) program by adopting the language from the Assembly One House and including funding for the HSS program in the final State budget.¹ 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 citizens. 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,² and City legislation that expands

* The Social Welfare Committee was the primary drafter of these comments, which draw in part from model comments issued by the Home Stability Support campaign.

¹ See A.3006-B, Part FF and A.3003-B at 498.

² 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>.

access to counsel for low-income tenants.³ 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 likewise offer our members 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.

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.⁴ In New York City, as of Monday, March 27, there was a total of 59,355 persons in shelter, including over 22,000 children.⁵ The City Bar's own study of housing court and the need for counsel found that compared to the cost of sheltering homeless families, preventing the evictions of roughly 5,000 households could save \$251 million in New York City alone.⁶ 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. Although the situation in New York City should be eased following the settlement in the *Tejada v. Roberts* case this February,⁷ the settlement only covers households with children. Singles, couples, and households with children over 18 fall between the cracks. The *Tejada* settlement also does not cover households facing homelessness throughout the rest of the State. Likewise, the many New Yorkers already in shelter need a way out. The City's LINC 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

³ 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.

⁴ See <http://www.homestabilitysupport.com/>.

⁵ See NYC DHS Daily Report for March 28, 2017, available at <http://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>.

⁶ "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.

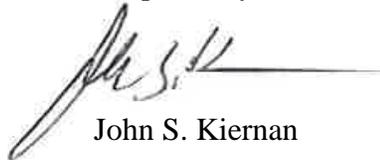
⁷ *Tejada v. Roberts*, 453245/15 (NY Sup.) (Kenney, J.).

to further raise the support up to 100 percent 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. For the above-stated reasons, the City Bar urges you to support the establishment of the Home Stability Support program by including funding in the final Executive Budget.

Respectfully,



John S. Kiernan

Cc: Hon. Herman Farrell, Chair, Assembly Ways & Means Committee
Hon. Andrew Hevesi, Chair, Assembly Social Services Committee
Hon. Brian Kolb, Assembly Minority Leader
Hon. Liz Krueger, Ranking Member, Senate Finance Committee
Hon. Robert Oaks, Ranking Member, Assembly Ways & Means Committee
Hon. Diane Savino, Vice Chair, Senate Finance Committee
Hon. Andrea Stewart-Cousins, Senate Democratic Conference Leader
Hon. Catherine Young, Chair, Senate Finance Committee