



TESTIMONY OF COALITION FOR THE HOMELESS BEFORE THE NEW YORK CITY COUNCIL

General Welfare Committee Hearing, June 14, 2006

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I present this testimony on behalf of Coalition for the Homeless, a not-for-profit organization that provides advocacy and services for over 3,500 homeless New Yorkers each day. Since its founding in 1981, the Coalition has advocated for proven, cost-effective solutions to the crisis of modern mass homelessness, which now continues into its third decade. The Coalition has also struggled for more than two decades to protect the rights of homeless people through litigation around the right to shelter, the right to vote, and appropriate housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates several direct-services programs that both offer vital services to homeless and formerly-homeless New Yorkers, and demonstrate effective long-term solutions. These programs include supportive housing for families and individuals living with AIDS, a job-training program for homeless and formerly-homeless women, a Rental Assistance Program which provides rent subsidies and support services to help homeless families and individuals rent private-market apartments, and two buildings in Manhattan which provide permanent housing for formerly-homeless families and individuals. In addition, the Coalition's food program provides more than 800 nutritious meals to street homeless New Yorkers each night, and our Crisis Intervention Program assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, client advocacy, referrals for shelter and emergency food programs, and assistance with benefits.

Ending a Policy of Discrimination and Deterrence

Coalition for the Homeless strongly supports Intro. 198, City Council legislation that will clarify existing law and end the Bloomberg Administration's discriminatory policy of denying emergency shelter to homeless couples who are registered domestic partners. The Bloomberg Administration's three-year-old policy – which, in its various forms, reversed Giuliani-era rules that explicitly and unequivocally established parity between married and domestic-partner couples seeking emergency shelter – has resulted in the denial of shelter placements and food to hundreds of homeless families, including both same-sex and opposite-sex couples, pregnant women, and individuals living with severe mental and physical disabilities. As the *New York Times* reported last year (see copy of article attached), many families have been forced to sleep for days or weeks on the floors and benches of a Manhattan intake office simply because the Bloomberg Administration refuses to recognize them as a "family unit."

There can be no mistaking the aim and the effect of the administration's homeless domestic partners policy. Not only is it discriminatory on its face, treating homeless couples who have registered as

domestic partners under local law differently than it treats married couples. And not only does the current version of the policy compound that discrimination by purporting to treat both married couples and same-sex couples with New York City-issued domestic partnership certificates differently from other domestic partner couples, in a manner that appears to violate both State and local statutes.

But the clear effect of the policy is to deny vital shelter and food to families who are – and administration officials do not dispute this fact – clearly homeless and in need. Indeed, several years of brutal policies affecting homeless childless couples – including rules that ejected dozens of vulnerable homeless couples to the streets in the bitterly cold winter months of December 2003-March 2004 (discussed below) – demonstrate the deterrence goal of the Bloomberg Administration’s policies and underline the need for basic legal protections for these families.

Despite the record of harm to homeless domestic partner families and years of appeals from homeless advocates, service providers, religious leaders, and lesbian, gay, bisexual, and transgender (LGBT) organizations, Bloomberg Administration officials have refused to end this discriminatory policy and ensure parity for couples with marriage licenses and domestic partnership certificates who are seeking shelter. Intro. 198 will end this discriminatory policy and finally guarantee that homeless domestic partners can be sheltered as families.

The Bloomberg Administration’s Discriminatory Policy on Homeless Domestic Partners

In April 2003 the Bloomberg Administration introduced a new procedure (see copy of April 28, 2003 policy attached) requiring that homeless couples with domestic partnership certificates who were seeking shelter had to produce two additional proofs of “interdependence” in order to be considered a “family unit.” These rules reversed the longstanding policy of the Giuliani and Dinkins Administrations (see copy of the City’s January 11, 2001 policy attached), under which both homeless couples with marriage licenses and couples with domestic partnership certificates were provided emergency shelter as families. Now, City officials claim that the policy has been revised (see copy of January 4, 2006, procedure) to say that same-sex couples with New York City-issued domestic partnership certificates do not need to produce additional proofs, but all other domestic partner couples must continue to do so.

Most homeless families – in particular those who have slept on the streets for significant periods – are unable to provide documents required by the City’s policy and by Department of Homeless Services (DHS) investigators. Indeed, the City’s procedure lists documents which few low-income people, much less homeless families, are likely to have, including: joint bank accounts, utility bills, joint loan obligations, apartments leases with both persons’ names, joint vehicle ownership, joint wills, powers of attorney, health care proxies, etc. And in practice DHS rejects most other forms of proof offered by desperate couples, including letters from homeless service providers, family, friends, and local clergy. Indeed, many so-called homeless “adult families” (i.e., families without minor children, primarily childless couples) have been deemed “ineligible” for shelter by the City on multiple occasions because DHS investigators and attorneys refuse to accept documents proving that couples have had long relationships. And the policy does not require such proofs from married couples, even those who have had brief relationships or periods of co-habitation, thus further establishing the “double standard” of the City’s policy.

There is also strong evidence that, by treating opposite-sex couples who have registered as domestic partners differently than married couples and same-sex couples with New York City-issued domestic partnership certificates, the administration’s “revised” January 2006 policy violates State and local

statutes, including the Sexual Orientation Non-discrimination Act (SONDA) and New York City human rights law. Ultimately, each version of the City's policy adopted since April 2003 is discriminatory and is strong reason for passage of Intro. 198 in order to clarify existing law and legal protections for homeless families.

The Deterrence Effect of the Bloomberg Administration's Discriminatory Policy

For more than three years, as a result of the Bloomberg Administration policy, hundreds of homeless domestic partner families have been denied shelter placements and food, many have been forced to sleep on the streets, and many have been forced to sleep for days or even weeks on the floors and benches of a Manhattan intake office. Many others have simply returned to sleep on the streets or in other dangerous settings. Indeed, the main goal and effect of the Bloomberg Administration's homeless domestic partner policy is simply to deter many homeless families from seeking shelter.

For three months after the Manhattan intake office, the Adult Family Intake Center, was opened – from December 2003 until March 2004 – the City implemented a policy that denied shelter for seven days to homeless couples initially deemed “ineligible” for shelter by City workers. The shelter ejection rules included couples who had registered as domestic partners who were deemed “ineligible” for failing to meet the City's definition of a “family unit,” even when there was no contention that the family is genuinely homeless. During the bitterly cold months of December 2003 through March 2004, dozens of homeless couples and homeless domestic partners were forced to sleep on the streets, including pregnant women and individuals living with physical and psychiatric disabilities. Only after the Coalition informed the City that it was preparing litigation on behalf of homeless couples who were ejected from shelter did the Bloomberg Administration reverse its shelter ejection policy.

However, since that time homeless couples who are deemed “ineligible” for shelter, including domestic partner couples who were deemed “ineligible” for failing to meet the City's definition of a “family unit,” continue to be denied shelter placements and food. As documented by the *New York Times* last year,¹ these families are forced to sleep overnight at the Manhattan intake office and are denied food unless they can show medical documentation that they are taking medication – mere hunger is not reason enough to be provided food under this policy. Again, these families are denied shelter placements and food despite the fact that the City is not contending that they are not truly homeless.

DHS workers often urge couples to seek shelter separately in the single adult shelter system despite the fact that many couples depend on one another for physical and emotional support. City officials know that, because of the close bonds of these couples, few will separate in order to seek shelter, and many return to the streets. The Bloomberg Administration policy has affected both same-sex and opposite-sex couples, and among those denied shelter are pregnant women and individuals living with severe mental and physical disabilities.

Families Harmed by the Bloomberg Administration's Discriminatory Policy

Over the past three years, Coalition for the Homeless has advocated for more than a hundred homeless families who have been denied shelter under the Bloomberg Administration's discriminatory policy. Following are short summaries of only a handful of these cases:

¹ Kaufman, Leslie, “For Some Homeless Couples, Shelter is an Office Floor Provided by the City,” *New York Times*, January 8, 2005

K.S. and T.R.: They are an opposite-sex couple who have been together for many years and have a child together, who is currently in foster care placement. Ms. R. suffers from serious and persistent mental illness and is currently taking several medications. The couple registered as domestic partners in August 2004 and were homeless until Mr. R. was incarcerated in October 2004. During his incarceration the couple corresponded regularly, and then sought shelter as a family after he was released from prison in spring 2004. In June 2006 the City denied the family shelter solely because they fail to constitute a “family unit” under City guidelines and have not cohabitated for the past six months.

M.M. and K.P.: They are a same-sex, lesbian couple who have been together for three years and who I met in March 2006 at the Adult Family Intake Center. M.M. and K.P. had registered with the New York City Clerk’s office as domestic partners after a DHS worker told them they needed a domestic partnership certificate in order to apply for shelter. They were deemed “ineligible” for shelter for failing to constitute a “serviceable family unit” despite the fact that the City’s revised policy of January 2006 pre-dated their application for shelter. They spent several at least three nights sleeping on the floors of the intake office.

M.H. and W.P.: They are an opposite-sex couple who are registered domestic partners. Mr. H. is schizophrenic. Ms. P suffers from bipolar disorder. They have been together for more than four years and they refer to each other as “husband” and “wife” and help each other manage their medical needs. This family lived in an abandoned building in Brooklyn until they were forced to leave in 2003. Until the weather turned cold, M.H. and W.P. lived on the streets, staying at times in the Port Authority Bus Terminal and at other times in drop-in centers. In December 2003, they sought shelter at the Manhattan intake office and were told that they were ineligible because they did not constitute a family, and that because of the City’s shelter-denial policy they could not re-apply for shelter for a week. Following that denial they spent seven days on the streets and then returned to the new Manhattan intake office only to be rapidly denied shelter again that same day. Without specific documentation like a utility bill from the abandoned building, they were told that they would not be able to prove that they had lived together for more than six months, as the City rules required. Only after Coalition for the Homeless’ legal counsel intervened in January 2004, did the City agree to give M.H. and W.P. a shelter placement together.

C.J. and C.L.: They are a same-sex, lesbian couple who registered as domestic partners in August 2003 and became homeless and sought shelter in the autumn of 2003. They were deemed ‘ineligible’ for shelter and denied shelter on multiple occasions for failing to meet the City’s definition of a “family unit.” After the intervention of Coalition for the Homeless’ legal counsel, the City finally agreed to shelter the couple as a family. In July 2004 Ms. L. was briefly incarcerated and the City improperly ejected Ms. J. from her shelter placement. In August 2004, after Ms. L. was released from jail and the couple re-applied for shelter, the City again denied them shelter claiming that they did not constitute a “family unit.” Only after the Coalition’s legal counsel intervened again in September 2004 was the couple sheltered as a family.

Bloomberg Administration Claims and the Reality

Bloomberg Administration officials claim that their discriminatory policy was implemented to address so-called “fraud” allegedly committed by couples applying for shelter, in particular opposite-sex couples. This claim is both absurd and absolutely false.

The “fraud” claim is absurd on its face because it pre-supposes that there is some “extra benefit” to be gained from posing as a couple, when none at all exists. Furthermore, the “fraud” claim does not withstand a moment of scrutiny because it supposes that some homeless women will partner with men they hardly know to pose fraudulently as couples, thus placing themselves at extraordinary risk of harm, including physical and sexual abuse.

Administration officials claim that homeless domestic partners are “fraudulently” seeking some advantage by applying for shelter as a family, but this too is a specious and false claim. Homeless couples without children receive no “advantage” or “extra benefit” compared to homeless individuals. Indeed, homeless couples are routinely sheltered in welfare hotels, many with decrepit or unsafe conditions as documented by numerous investigations and reports, including investigations conducted by the City Council and the New York City Comptroller’s office. Homeless couples receive no higher priority for housing assistance than homeless single individuals – indeed, under current City policy, all homeless households, whether families with children, “adult families,” or individuals, are equally eligible for the sole affordable housing subsidy available to homeless New Yorkers, the “Housing Stability Plus” rent supplement. Moreover, the cost to taxpayers of shelter for two separate individuals is higher than that for a couple, so urging homeless domestic partner couples to separate in order to seek shelter is fiscally unsound policy – except for the fact that administration officials know that, because most homeless couples depend on each other so much for physical and emotional support, they will turn to the streets instead of the adult shelter system, thus achieving the deterrence effect.

Finally, City officials have claimed that many homeless couples seeking shelter obtained their domestic partnership certificates around the time that they applied for shelter. This claim ignores DHS guidelines requiring that couples have at least a domestic partnership certificate in order even to apply for shelter at the Manhattan intake office – indeed, DHS workers themselves routinely tell couples to obtain the certificates and how to do so.

Most important, the “fraud” claim attempts to distract from the fact that the families harmed by the City’s policy are genuinely homeless and in need. DHS application procedures require eligibility investigations of all families applying for shelter in order to determine whether they have other available, suitable housing options, and those investigations continue to be conducted for married couples as well as domestic partners. Indeed, at no time does the City argue that homeless families deemed “ineligible” for shelter due to family status are not genuinely homeless – City officials simply argue that they do not meet DHS’s “definition” of a family, and hence can be denied shelter and food.

Ultimately, the only effect of the Bloomberg Administration policy is to permit City bureaucrats to determine who is a “family” and who is not, and finally to deter many genuinely homeless couples from seeking emergency shelter.

City Council Legislation Ending the City’s Discriminatory Policy Is Necessary

For years, homeless advocates (including Coalition for the Homeless), homeless service providers, religious leaders, and LGBT organizations have appealed directly to Mayor Bloomberg and to administration officials (including former DHS Commissioner Linda Gibbs and DHS Deputy Commissioner Maryann Schretzman) to end the discriminatory policy and to ensure parity in the provision of shelter for homeless married couples and homeless domestic partners. The Mayor, Deputy

Mayor Gibbs, Deputy Commissioner Schretzman, and other City officials have repeatedly refused to do so.

Intro. 198 will finally end this discriminatory policy and help guarantee that homeless domestic partners are provided shelter and services as families. We are grateful to City Councilmembers Maria Baez and Joel Rivera for introducing this legislation, to General Welfare Committee Chairperson Bill deBlasio for convening this hearing, and to City Council Speaker Christine Quinn for her tireless work on behalf of homeless people, domestic partners, and the LGBT community. We look forward to working with the City Council towards passage of this important legislation.