



Public Advocate for the City of New York

**SAFETY SHORTAGE:
THE UNMET SHELTER AND HOUSING NEEDS
OF NEW YORK CITY'S
DOMESTIC VIOLENCE SURVIVORS**

**A REPORT BY PUBLIC ADVOCATE BETSY GOTBAUM
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Executive Summary

Each year in New York City thousands of women make the decision to leave an abusive partner. In search of safety for themselves and their children, they call the City and ask to be placed in an emergency shelter. Last year, a third of these women were told that despite the danger they faced, there was simply no room for them in the City's domestic violence shelters. In recent weeks, the number of women seeking shelter has decreased, likely as a result of the City's recent re-housing policy changes. Unfortunately, this does not mean the number of violent incidents is decreasing. Advocates report that one of the most negative results of the recent housing policy shift is that women may be staying in dangerous homes longer.¹ With few realistic housing options in place, women fear they will have to return to an even angrier abuser soon after they leave.

Those who are placed in an emergency domestic violence shelter find that getting into the system is not enough – they soon have to find a safe way out. Without access to a safe place to live, survivors who reach their time limit in domestic violence shelters may feel they have no choice but to return to their abusive home.

City officials recognize that for low-income individuals and families in New York City, finding safe, affordable housing without government financial assistance is difficult, if not impossible. Yet rather than expand access to housing, a life-saving resource for domestic violence survivors, the City has recently made the housing assistance provided to survivors more difficult to access, resulting in a far less safe environment.

This paper explores the systems in place to respond to the shelter and housing needs of the City's domestic violence survivors and highlights a number of areas in which change is desperately needed. The Public Advocate would like to draw the Bloomberg Administration's attention most immediately to the serious flaws in the new housing subsidy, Housing Stability Plus.

Summary of Findings

- The Housing Stability Plus (HSP) subsidy will not provide stable housing for many domestic violence shelter residents. Domestic violence shelter providers estimate that between 20 and 30 percent of survivors in shelter will not even be eligible to apply, simply because they are not public assistance recipients. For example, those who are employed or disabled and receiving disability benefits, will likely be ineligible for HSP.
- Those survivors who are eligible for HSP must have resided in a domestic violence shelter for 42 days before they apply. Because they may stay in an emergency shelter for only 90 to 135 days, survivors who receive the subsidy have only between 48 and 93 days to secure permanent safe housing. Given the difficulty of this task, this is too short a period of time.

¹ Allegra Perhaes, Safe Horizon, telephone conversation on March 28, 2005.

- The New York City Housing Authority’s (NYCHA’s) policies, combined with the Department of Homeless Service’s (DHS’s) recent policy changes, make it difficult for domestic violence survivors to obtain public housing apartments.
- In addition to the lack of available affordable housing, survivors of domestic violence encounter other barriers related to their history of abuse in their search for housing.
- The City’s *New Housing Marketplace* plan, as well as its supportive housing loan program, do not take the housing needs of domestic violence survivors into account.
- Despite the growth in the system, the City’s domestic violence emergency and transitional shelters still cannot accommodate all of those in danger; last year, a third of the eligible callers to the City’s domestic violence hotline were told there was no room for them in an emergency domestic violence shelter.
- The homeless shelter system operated by DHS was never meant to serve survivors of domestic violence and their children, and in general, cannot serve them appropriately.
- Survivors who reach their time limit in domestic violence shelter and have nowhere to turn but the homeless shelter system must apply at the EAU or PATH intake offices, despite the fact that it may be dangerous for them to travel to those locations. This requirement places an unnecessary burden on survivors and their children, who have already demonstrated their need for assistance.

Summary of Recommendations

- Improve the HSP program so that it will provide adequate housing assistance for survivors and their children. The HSP program should be available to survivors not receiving public assistance. Additionally, the annual 20% reduction in the value of the subsidy and the five-year time limit on receipt of the subsidy should be removed.
- Provide domestic violence survivors greater access to NYCHA housing by restoring the “homeless” priority process. The onerous domestic violence documentation required to receive the “DV” priority for NYCHA housing should be carefully reconsidered.
- Increase the supply of permanent affordable housing available to domestic violence survivors.
- Allow emergency domestic violence shelter residents and their children more time in shelter so that they will not be discharged without having a safe place to go.

- Increase the number of domestic violence Tier II units available to survivors.
- Allow survivors who reach their time limit in domestic violence shelter to transfer to a DHS transitional shelter without requiring that they apply at the EAU or PATH intake offices.

Introduction

Across the country, abused women² and their children are forced to flee from their homes in search of safety. Domestic violence survivors who leave their batterers often have no safe, affordable home to move to, and as a result, domestic violence has become a leading cause of homelessness nationwide.³ New York City is no exception: more than 12,300 survivors called the City's Domestic Violence Hotline in 2004 seeking placement in a domestic violence shelter.⁴ Having a safe place to run to is critical, as domestic violence can be fatal. Between 1995 and 2003, almost one third of female homicides in New York City were committed by intimate partners.⁵ Women stay in abusive homes for a variety of reasons, including the fear that if they leave the batterer, they and their children will have no place to go.

Rather than recognizing that housing is a life-saving resource for domestic violence survivors and expanding access to it, the City has recently made the housing assistance provided to survivors more difficult to access, resulting in a far less safe environment. New York City must ensure that those experiencing domestic violence have the resources that they need to escape from danger and create the long-term stability that will allow them to remain free from abuse.

Limited Space in the City's Domestic Violence Emergency Shelters Creates a Safety Lottery

Women in New York City who are being abused and need a safe place to go can call the City's Domestic Violence Hotline to find out whether they are eligible for placement in a domestic violence shelter. Callers are screened to determine whether they are experiencing domestic violence, are currently in danger, and are in need of placement in a confidential domestic violence shelter.

All callers who are found eligible are not, however, placed in a domestic violence shelter. The New York City Human Resources Administration (HRA) oversees the specialized shelter system for domestic violence survivors, which includes 37 emergency shelters,⁶ housing approximately 1,900 beds.⁷ Despite the fact that there are now more than twice

² Domestic violence is perpetrated by both men and women in heterosexual, homosexual, and transgender relationships. However, because the vast majority of domestic violence is perpetrated by men against women, this report will refer to survivors using female pronouns and batterers using male pronouns.

³ United States Conference of Mayors, *Hunger and Homelessness Survey, A Status Report on Hunger and Homelessness in America's Cities, A 27-City Report*, December 2004, available at <http://www.usmayors.org/uscm/hungersurvey/2004/online/HungerAndHomelessnessReport2004.pdf>.

⁴ Safe Horizon, *The Domestic Violence and Crime Victims Hotline, Calendar 04 Key Indicators*, 2004.

⁵ Based on information from the following: Dewan, Shaila K., "As Murders Fall, New Tactics Are Tried Against Remainder," *The New York Times*, December 31, 2004; New York City Department of Health and Mental Hygiene, Bureau of Vital Statistics, *Summary of Vital Statistics 2003*, available at <http://www.nyc.gov/html/doh/pdf/vs/2003sum.pdf>; and New York City Department of Health and Mental Hygiene, *Femicide in New York City: 1995-2002*, 2004.

⁶ New York City Coalition of Domestic Violence Residential Providers.

⁷ The Mayor's Office of the City of New York, *The Mayor's Management Report, Fiscal 2005 Preliminary*, February 2005, pg. 27.

as many beds than there were a decade ago,⁸ almost a third of the eligible callers to the Hotline last year were told that there was no room for them and their families in a domestic violence shelter.⁹ Because of the design of some shelter programs, or due to physical constraints related to the buildings in which the shelters operate, some households have a particularly difficult time obtaining a domestic violence shelter placement. For example, large families, survivors who are seeking shelter alone, and families with a disabled member all have difficulty being placed. Some call repeatedly before being placed, resulting in almost 37,000 calls to the Hotline requesting shelter last year.¹⁰

Because the demand for beds far exceeds the supply, every day women at risk are forced to choose among potentially dangerous alternatives. Some may feel they have no choice but to remain in the abusive home. Others may be able to stay temporarily in the home of a friend or family member, though this can be dangerous if the location of the home is known to the batterer. Still others may accept the referral that they receive from the Hotline to the City's other shelter system, which is administered by the New York City Department of Homeless Services (DHS), and generally does not meet the needs of domestic violence survivors, as explained below.

Shelter Mismatch: Fleeing Survivors Must Resort to a Shelter System Not Safe Enough for Them

To enter into the DHS "general population" shelter system, female survivors without children must go to one of the three assessment centers located throughout the City. Survivors who are pregnant or have children go to the Emergency Assistance Unit (EAU), or to a new facility, the Prevention Assistance and Temporary Housing Office (PATH), if they are applying for shelter for the first time. At both of the family intake facilities, which are located in the South Bronx, applicants are interviewed to determine whether they are eligible for admission into a DHS shelter.

During the interview process, applicants are also screened to determine whether they are survivors of domestic abuse. Survivors who are in danger and identify themselves as being homeless due to domestic violence should be referred to the No Violence Again (NOVA) office, a unit within the EAU which is staffed by HRA employees. NOVA staff will once again assess the shelter applicant, and if she is found eligible,¹¹ and space is available, the family will be placed in an emergency domestic violence shelter. If the NOVA office is not able to place the family in a domestic violence shelter, the family

⁸ In 1993, there were thirteen programs providing shelter and/or safe dwellings for domestic violence survivors and their children; these programs could accommodate 864 individuals. Task Force on Family Violence, *Behind Closed Doors: The City's Response to Family Violence*, 1993.

⁹ Safe Horizon, *The Domestic Violence and Crime Victims Hotline, Calendar 04 Key Indicators*, 2004.

¹⁰ *Ibid.* About 12,300 individuals called the hotline seeking shelter last year, but many placed multiple calls, resulting in the 37,000 calls received.

¹¹ In order to be found eligible, NOVA requires that the survivor be in *imminent* danger. A survivor who, for example, stayed in the home of a friend for a period of time before seeking shelter could be deemed ineligible.

will be referred to a homeless shelter. As a result, a large number of survivors utilize the homeless shelter system.

While the homeless shelter system has proven to be a critical resource for survivors and their children, it was not designed to serve this population. There is a strong link between domestic violence and stalking,¹² and the most dangerous time for a domestic violence victim is when she leaves and shortly after she has left her abuser.¹³ Therefore, simply going to the EAU or PATH office can put a survivor at risk. The location of these intake centers is known, meaning batterers may easily go to them looking for their former partners. For those whose batterers live or work in the Bronx, it can be unsafe for a survivor to even travel to that borough. Further, the process of determining eligibility for placement in a homeless shelter includes an investigation into whether the family has somewhere else that they could go. This involves telephone calls to recent places of residence to find out whether it would be possible for the family to return. If such calls are made, the batterer may become aware of the survivor's location and seek her out.

DHS homeless shelters also are not equipped to handle the particular needs of domestic violence survivors. Like the DHS intake centers, the locations of DHS shelters are not confidential, creating a serious risk that survivors will be found by their batterers. Homeless shelters do provide survivors with a place to stay, as well as some supportive services, but they do not meet the service needs of many battered women and their children. Domestic violence has a psychological impact and survivors often suffer from depression and Post-Traumatic Stress Disorder.¹⁴ Survivors are also at greater risk for harmful behaviors such as substance abuse, alcoholism, and attempting suicide.¹⁵ Research has shown that children who witness violence in the home are also likely to develop emotional or behavioral problems.¹⁶ The mental health service requirements of families fleeing from abusive homes may be great, and thus domestic violence shelters typically provide an array of services including individual and group counseling for survivors and their children. These services, which are critical for women who have experienced domestic violence and for children who have seen their mother suffer abuse, generally are not provided in the homeless shelter system.

¹² United States Department of Justice, Office of Justice Programs, Violence Against Women Grants Office, *Stalking and Domestic Violence, The Third Annual Report to Congress Under the Violence Against Women Act*, 1998, available at <http://www.ojp.usdoj.gov/vawo/grants/stalk98/chapter1.htm>.

¹³ New York State Office for the Prevention of Domestic Violence, *Victim-Blaming vs. Offender Accountability – That Nagging Question: Why Doesn't She Leave?*, OPDV Bulletin, Spring 2002, available at http://www.opdv.state.ny.us/public_awareness/bulletins/spring2002/blaming.html.

¹⁴ National Center for Post-Traumatic Stress Disorder, *Domestic Violence*, available at www.ncptsd.org/facts/specific/fs_domestic_violence.html.

¹⁵ National Center for Injury Prevention and Control, *Intimate Partner Violence: Fact Sheet*, available at <http://www.cdc.gov/ncipc/factsheets/ipvfacts.htm>.

¹⁶ See 13.

Service Interruption: City's Domestic Violence Emergency Shelters Provide a Safe Space for Just a Short Time

Survivors who are fortunate enough to be placed in an emergency domestic violence shelter, either by calling the Hotline or through a referral at the EAU or the PATH office, are provided shelter for only a brief period. A New York State regulation limits a survivor's stay in an emergency domestic violence shelter to 90 days, with the possibility of a 45-day extension.¹⁷ During that time, survivors may be beginning the recovery process, dealing with legal matters related to the abuse, and trying to find new employment, health care providers, and other service providers whose locations are unknown to the abuser. Survivors are also expected to secure housing during that period. Emergency domestic violence shelters are meant to provide a temporary safe haven for domestic violence survivors and their children, and are not intended by the City to serve as long-term shelter placements. The result, however, is that survivors and their children are regularly discharged from emergency shelters without having a safe place to go.

City Serves Only a Small Number of Survivors in Appropriate Transitional Shelter

Survivors who have reached their time limit in emergency domestic violence shelters and have not secured permanent housing may be eligible for placement in one of the transitional domestic violence shelters that HRA operates, which are known as "Tier II" shelters. Tier II facilities provide a safe, confidential place to stay, as well as supportive services, though the services are not as intensive as those offered at emergency shelters. However, there are currently only six domestic violence Tier II shelters,¹⁸ with 206 units. Like the emergency shelters, the demand for placement in Tier II shelters far exceeds the supply of slots available. The majority of survivors who leave the emergency shelter system are not placed in a Tier II, and must apply for shelter through the DHS system or consider alternatives that are even less safe. Some battered women who cannot find permanent housing for themselves and their children will return to their abusive home.¹⁹

New City Housing Plan Fails Domestic Violence Survivors

Securing safe, affordable housing is critical to the long-term safety and stability of domestic violence survivors and their children. Because of the time-limited nature of domestic violence shelter in New York City, shelter residents must find housing quickly or face choosing among potentially hazardous options, as noted above.

New York City is in the midst of an affordable housing crisis, and finding suitable, affordable housing is difficult for all low- and moderate-income New Yorkers. For domestic violence survivors, who face additional challenges in their housing search, it is even more difficult. Women in abusive relationships are often prevented from working

¹⁷ 18 N.Y.C.R.R. §408.6 (b) and (d).

¹⁸ The number of domestic violence Tier II shelters has grown from three to six over the past twelve years. Task Force on Family Violence, *Behind Closed Doors: The City's Response to Family Violence*, 1993.

¹⁹ Amy Correia and Jen Rubin, *Housing and Battered Women*, Violence Against Women Online Resources, available at <http://www.vaw.umn.edu/documents/housing/housing.txt>.

by their partners, and it is common for batterers to control the family finances. This can create barriers for survivors seeking housing, as they may discover that they have poor credit²⁰ and that landlords generally prefer to rent to individuals with an employment history.²¹ Survivors must avoid seeking housing in the areas of the City where it is likely that their batterer might find them, further limiting their options. Finally, survivors searching for housing face discrimination from landlords who fear that batterers will find survivors in their new homes and create problems on the premises. One study found that more than two-thirds of domestic violence service providers identified “discriminatory practices by landlords” as a barrier survivors face in their effort to obtain housing.²²

In the first five months of 2004, only 17% of survivors leaving emergency shelter in New York City had obtained permanent housing.²³ Recent changes in City policy are making it even more difficult for survivors in shelter to obtain a safe, affordable place to live.

The federal Housing Voucher program, commonly known as “Section 8,” had long been the most common path to permanent housing for domestic violence survivors in New York City, but in October 2004, the Bloomberg Administration announced²⁴ that all of the City’s Section 8 vouchers were in use and that new Section 8 vouchers which become available will not be given to residents of the homeless and domestic violence shelter systems. Further, the City stated that the public housing units that in the past had been made available to shelter residents would now be “redirected” to other households.²⁵ The City thus discontinued its longstanding policy of prioritizing shelter residents in its distribution of federal housing resources.

In October 2004, the City also announced that it would seek approval from New York State for a new rental assistance subsidy program, called Housing Stability Plus (HSP). The HSP program proposal was approved by the State in early December, and a month later, HRA²⁶ began to accept applications for HSP. From October to December, without access to Section 8 vouchers and having lost expedited access to public housing apartments, 88 households were discharged from emergency domestic violence shelter without having obtained permanent housing,²⁷ often with no safe place to turn.

²⁰ *Ibid.*

²¹ New Destiny Housing Corporation, *On the Verge of Homelessness: The Impact of DPE Discharges on Domestic Violence Survivors*, updated February 5, 2004.

²² New York City Council Report of the Governmental Affairs Division, Committee on Women’s Issues, and Committee on General Welfare, April 28, 2004, citing Amy Correia, *Housing and Battered Women: A Case Study of Domestic Violence Programs in Iowa* (1999), available at <http://www.vaw.umn.edu/FinalDocuments/housing.asp>.

²³ The New York City Coalition of Domestic Violence Residential Providers, *Coalition Survey Results*, May 2004.

²⁴ New York City Department of Homeless Services, Press Releases, *City Officials Announce Sweeping Changes in Rental Assistance Delivery to Better Serve New Yorkers Both In and Outside Shelter*, October 19, 2004, available at <http://www.nyc.gov/html/dhs/html/press/pr101904.shtml>.

²⁵ *Ibid.*

²⁶ HSP subsidies are available to residents of both the DHS and HRA shelter systems.

²⁷ The New York City Coalition of Domestic Violence Residential Providers.

City Left “Stability” Out of Housing Stability Plus

While the City has touted HSP as “a critical new resource” central to its plan to end chronic homelessness,²⁸ many domestic violence shelter residents will not be able to use HSP to obtain and maintain stable housing. In order to be eligible for HSP, the applicant must be a current shelter resident with an active public assistance case. Moreover, the HSP subsidy is available to recipients for a maximum of five years, and each year the value of the subsidy declines by 20%, regardless of the household’s income and whether they have the ability to pay more in rent. For example, a family of three could receive up to \$925 per month²⁹ in the first year they participate in the program, but by the fifth year they would receive a maximum of \$505 monthly. In the sixth year, the survivor and her family would receive no rental supplement at all. Making matters worse, though the cost of the family’s housing is likely to rise each year when they renew their lease, the City only intends to adjust the subsidy rates every two years.

As the value of their HSP subsidy declines, recipients must find a way to pay their increasing share of the rent. Although most survivors will be able to obtain employment and increase their earnings over time, it is not reasonable to expect that they will be able to do so quickly enough to cover the cost of their rent as the subsidy dwindles. Low-wage workers typically see their earnings grow by as little as 4% each year.³⁰ Furthermore, the program rules create a “Catch-22”: those whose earnings do increase will likely become ineligible for public assistance, thus they will lose their HSP subsidy.

To receive the HSP subsidy, the survivor must keep her welfare case open, making the subsidy inherently unreliable. HSP recipients who are “sanctioned” by HRA, meaning that a share of their welfare grant has been taken away for a period of time³¹ either because they have not complied with welfare requirements or due to bureaucratic error, will not receive their HSP subsidy for that period. Sanctions are a common occurrence: in February 2005, more than 14% of welfare households were under sanction.³² Households are often sanctioned due to no fault of their own; in 2003, one in five welfare

²⁸ New York City Department of Homeless Services, Press Release, *State Approves New York City’s Plan on Rental Assistance, Shelter Supplement Program Will Aid Efforts to End Chronic Homelessness*, available at <http://www.nyc.gov/html/dhs/html/press/pr121004.shtml>.

²⁹ This amount includes both the HSP rent supplement and the shelter allowance portion of the family’s welfare grant. A family of three participating in HSP will receive a maximum of \$925 in housing assistance in their first year of participation, which includes a \$525 rent supplement and a \$400 public assistance shelter allowance. Each year, the rent supplement will be reduced by 20%, while the size of the shelter allowance remains constant.

³⁰ Tricia Gladden and Christopher Taber, “Wage Growth Among Low-Skilled Workers,” JCPR Policy Briefs, Vol. 3, No. 3 (published by the Northwestern University/University of Chicago Joint Center for Poverty Research).

³¹ For families with dependent children, the first sanction will be in place until the recipient shows that s/he is willing to comply with the public assistance rules; the second sanction lasts three months, or longer if the recipient has not shown willingness to comply with the rules; and the third sanction lasts six months, or longer if the recipient has not shown willingness to comply with the rules.

³² Human Resources Administration, *PA – February 13, 2005 – Weekly Report*, available at <http://www.nyc.gov/html/hra/pdf/citywide.pdf>.

recipients who challenged their sanction through the State's fair hearing process won,³³ despite the fact that very few are represented by attorneys or other advocates at their hearings.³⁴

HSP recipients who are sanctioned, and are therefore without a portion of their welfare grant and their entire HSP subsidy, will be at serious risk of losing their housing. HSP recipients who are unable to pay their portion of the rent as the subsidy is reduced, or who lose the subsidy entirely because they obtain a job that pays little but nonetheless disqualifies them for welfare, will also likely face eviction and homelessness. Finally, it should be noted that if HSP program participants cannot cover their increasing share of their housing costs, resulting in rent arrears and eviction, the survivors' rental histories will be compromised and it will be even more difficult for them to secure new housing.

Many Survivors Barred from Housing Stability Plus

Many survivors are simply not eligible to apply for the HSP program because they are not public assistance recipients. The City has stated that 15% of homeless shelter residents do not receive public assistance,³⁵ making them automatically ineligible for HSP. Domestic violence shelter providers estimate that between 20 and 30% of residents in domestic violence shelters are not eligible for the program because they do not receive public assistance.³⁶

Elderly and disabled survivors who are reliant upon government assistance other than welfare, such as Social Security Allowance, Social Security Disability Insurance, and Supplemental Security Income, are not eligible for HSP. Nor are survivors who are undocumented immigrants and not eligible to receive welfare due to their immigration status.

Survivors who are employed and whose earnings disqualify them for public assistance are also not eligible for HSP subsidies, regardless of whether their income is sufficient to pay the rent for an apartment. This policy punishes domestic violence shelter residents who are able to find and keep a job despite very difficult circumstances. Some survivors may find that in order to have access to housing they will have to forgo seeking employment or give up the job they have. This natural consequence of the City's policy is not in line with its stated goal of promoting independence and self-sufficiency.³⁷

³³ New York City Human Resources Administration, Office of Program Reporting, Analysis & Accountability, *Jobstat Report, Version 4.5*, January 24, 2005, available at <http://www.nyc.gov/html/hra/pdf/bayridge.pdf>.

³⁴ Less than 4% of those who request fair hearings for problems related to welfare, Food Stamps or Medicaid are represented by an attorney or other public benefits advocate. Community Service Society of New York, *Welfare and Public Benefits*, available at <http://www.cssny.org/research/welfare.html>.

³⁵ Leslie Kaufman, "State Revamps Plan to Give Assistance to Homeless," *The New York Times*, December 11, 2004.

³⁶ New York City Coalition of Domestic Violence Residential Providers.

³⁷ See 27.

Those survivors who are eligible for HSP must have resided in a domestic violence shelter for 42 days before they apply. Once the survivor and her family leave shelter, her HSP voucher is no longer valid. Because domestic violence survivors may stay in emergency shelter only for between 90 and 135 days, survivors are left with between 48 and 93 days to secure permanent housing, an unreasonably short period of time given the difficulty of the task.

Public Housing Difficult for Survivors to Access

Survivors of domestic violence may try to obtain an affordable home by applying to the New York City Housing Authority (NYCHA) for a public housing apartment. NYCHA has historically set aside apartments each year for families residing in DHS and HRA shelters. Until recently, survivors in shelter could submit their applications for public housing to DHS, which then forwarded the applications to NYCHA. Such applicants were given a priority status known as the “zero” or “homeless” priority and received expedited processing of their application for housing. However, as part of the sweeping policy changes announced in October, the City eliminated the zero category and thus took away that route to NYCHA housing.

Domestic violence survivors, whether they are in shelter or not, can also apply to NYCHA for an apartment and receive the “one” or “DV” priority, which entitles them to expedited processing of their application as well. Yet for many survivors, NYCHA’s documentation requirements are so onerous that achieving “DV” priority status is not possible. While the United States Department of Housing and Urban Development (HUD) encourages housing authorities to accept “a broad range of evidence as proof of domestic violence,”³⁸ NYCHA has set a standard that is difficult to meet. Those seeking to qualify for the “DV” priority must submit the following documentation along with their application: a *current* order of protection; two police incident reports which were filed within the last twelve months, although one report is acceptable if it describes a separate incident from the one that was the basis of the order of protection; and a letter from a social services agency, medical center, court, public/private shelter, or counseling facility attesting to the applicant’s status as a victim of domestic violence.³⁹

NYCHA’s documentation requirements are seriously flawed. First, the fact that survivors must provide documentation of *multiple* incidents of abuse means women must endure repeated beatings, even if they know after the first violent incident that they are in danger and need assistance finding safety. Second, it can be very difficult, or impossible, for some women who are in or have recently left violent relationships to obtain an order of protection or recent police incident reports. If the batterer is incarcerated, there may

³⁸ United States Department of Housing and Urban Development, *Public Housing Occupancy Guidebook*, June 2003, available at <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf>.

³⁹ New York City Housing Authority, *Priority Codes*, available at <http://www.nyc.gov/html/nycha/html/prioritycode.html>; New Destiny Housing Corporation, *Qualifying for a Priority*, available at http://www.newdestinyhousing.org/housinglink/housinglink_NYCHA_apartments.shtml#qualifying. Note that NYCHA recently began granting domestic violence priority to applicants with documentation of only one incident when the incident involved one of a number of felony offenses.

be no recent incidents of abuse, though the woman will be in danger as soon as the batterer is released. In some cases it is dangerous to get an order of protection or involve the police, as doing so will anger the batterer and put the survivor at further risk. Survivors who are undocumented immigrants may fear deportation if they contact the police, and those whose abusers work in law enforcement may fear retribution or that their request for help will be ignored by the police. Other survivors may mistrust the criminal justice system for other reasons and may have made the decision not to involve the police at the time the abuse was occurring. Even if the survivor wishes to obtain an order of protection, if the batterer cannot be located and served with the petition for an order of protection, a judge may refuse to grant the order. NYCHA's documentation requirements seem to ignore the realities of survivors' lives.

Domestic violence survivors, many of whom cannot fulfill the requirements of the "DV" priority, and who are now without access to the "homeless" priority, can also apply for public housing through priority code "three," which is available to those who are homeless and in shelter but have not been referred by the City to NYCHA for housing placement. However, advocates fear that the wait for an apartment through the "three" priority will be so long that survivors, who may only remain in emergency domestic violence shelter for a limited time, will be forced out before they can secure a safe place to live.

The City's elimination of the "homeless" priority, combined with the documentation requirements that must be met in order to be given the "DV" priority, mean that public housing will be out of reach for many domestic violence survivors. Those who also are ineligible for the HSP program will be left without a viable housing option.

City's Lack of Affordable Housing is Hazardous for Survivors

The importance of priority status in NYCHA applications, and the competition for those housing units, only highlights the desperate need for more affordable housing in New York City. All New Yorkers need decent housing that they can afford, but for domestic violence survivors, the lack of a safe and secure home can be a matter of life and death.

The Bloomberg Administration has acknowledged the affordable housing crisis the City faces and created a plan, called *The New Housing Marketplace*, to try to address it.⁴⁰ This plan, crafted by the Department of Housing Preservation and Development (HPD), seeks to build and preserve 65,000 housing units over five years, an important step in the right direction.⁴¹ Yet experts estimate the City's immediate housing need to be between 225,000 and 500,000 units.⁴² Almost 8,600 families and more than 8,600 single adults sleep in the City's homeless shelter system each night,⁴³ and close to 850 households

⁴⁰ New York City Department of Housing Preservation and Development, *The New Housing Marketplace*, available at <http://www.nyc.gov/html/hpd/pdf/new-marketplace.pdf>.

⁴¹ *Ibid.*

⁴² Housing First!, *Testimony to the Budget Hearing of the City Council Committee on Housing and Buildings*, March 9, 2004, available at http://www.housingfirst.net/n2004_03_09_hf_budgettestimony.html.

⁴³ New York City Department of Homeless Services, *Daily Census, March 17, 2005*, available at <http://www.nyc.gov/html/dhs/html/home/home.shtml>.

reside in the domestic violence shelter system.⁴⁴ One study found that at least 150,000 households live doubled-up with family and friends.⁴⁵ Housing is considered affordable when a household pays no more than 30% of their income in rent, yet more than 500,000 rental households in New York City pay at least 50% of their household income in rent.⁴⁶

With the affordable housing market so tight, the City's needy populations are forced to compete with one another for the units that become available. The City's housing plan recognizes the needs of homeless families, homeless single adults, and youth aging out of foster care, yet fails to explicitly address the needs of domestic violence survivors. Domestic violence shelter residents are not eligible to apply for the units developed under the plan which are set aside for the "homeless"; those units will only be available to those exiting the DHS shelter system.⁴⁷ Further, the City's plan does not include the development of any units specifically for survivors leaving domestic violence shelters.

HPD's Supportive Housing Loan Program also neglects domestic violence survivors and their families. The program provides financing to non-profit organizations seeking to develop supportive housing for specific needy populations, such as individuals with mental illness or persons with AIDS.⁴⁸ The City has not deemed survivors of domestic violence a population eligible for program funding.

Findings

Despite the growth in the system, the City still cannot accommodate all of the individuals and families in danger and in need of domestic violence shelter. Last year, a third of the eligible callers to the City's domestic violence hotline were told that there was no room for them in a domestic violence shelter. There are currently only 206 domestic violence Tier II units, and every month survivors and their children leave emergency shelter with no safe place to go.

The homeless shelter system operated by DHS was never meant to serve survivors of domestic violence and their children, and in general, cannot serve them appropriately. The location of the EAU, PATH, and the DHS shelters are not confidential and survivors could be found at these facilities by their batterers. Most DHS shelters are not equipped to meet the counseling and other service needs of survivors and their children.

⁴⁴ This number is an estimate based on the following: There are 1,915 beds in the domestic violence emergency shelter system, and an average household in the system is composed of a mother and two children, thus the emergency system can accommodate approximately 640 families. There are 206 units in the domestic violence Tier II shelters. In sum, the domestic violence shelter system can accommodate at least 850 families.

⁴⁵ Housing First!, *Building for the Future: New York's Affordable Housing Challenge*, available at <http://www.housingfirst.net/policypaper3.html>.

⁴⁶ Housing First!, *Platform Statement*, available at <http://www.housingfirst.net/platform.html>.

⁴⁷ Domestic violence advocates meeting with Rafael Cestero, Deputy Commissioner for Development, New York City Department of Homeless Services, February 18, 2005.

⁴⁸ New York City Department of Housing Preservation and Development, *Supportive Housing Loan Program Guidelines*, available at <http://www.nyc.gov/html/hpd/html/for-developers/supportive-housing.html>.

Domestic violence survivors encounter a number of barriers in their search for affordable permanent housing. The City’s affordable housing crisis, combined with challenges related to their history of abuse, make it very difficult for survivors to obtain a safe and secure home.

The HSP subsidy will not provide stable housing for many domestic violence shelter residents, including survivors who are employed and disabled survivors not receiving welfare. Between 20 and 30% of domestic violence survivors will not even be eligible to apply, simply because they are not public assistance recipients. HSP cannot be relied upon as a steady source of income to cover the cost of rent over a period of years, and it punishes women who are able to obtain and keep a job that makes them ineligible for welfare by discontinuing their housing subsidy.

NYCHA’s policies, combined with DHS’s recent policy changes, make it difficult for domestic violence survivors to obtain public housing apartments. The City’s elimination of the “homeless” priority, along with the documentation requirements that must be met in order to be given the “DV” priority, make public housing inaccessible for many survivors.

The City’s *New Housing Marketplace* plan, as well as its supportive housing loan program, do not take the housing needs of domestic violence survivors into account. While the City recognizes the housing needs of other special populations, domestic violence survivors are left out.

Recommendations

Allow emergency domestic violence shelter residents and their children more time in shelter so that they will not be discharged without having a safe place to go. When necessary, domestic violence survivors and their children should be permitted to stay in emergency shelter for up to 180 days. This would require a change to a New York State regulation, which currently allows a maximum stay of 135 days.

Increase the number of domestic violence Tier II units available to survivors. Transitional shelter is a critical resource for survivors who have not secured permanent housing for themselves and their children when they reach their time limit in emergency shelter. Access to this resource must be expanded to meet the needs of survivors.

Allow survivors who reach their time limit in domestic violence shelter to transfer to a DHS transitional shelter without requiring that they apply at the EAU or PATH intake offices. Survivors who reach their time limit in domestic violence shelter and have an on-going need for assistance should be permitted to apply for placement in a DHS shelter from the domestic violence shelter in which they reside. Survivors should have a seamless transition from one shelter system to the other and not be put at risk in order to prove their continuing need for shelter.

Improve the HSP program so that it will provide adequate housing assistance for survivors and their children:

- Allow shelter residents with sources of income other than public assistance, such as employment or SSI, who cannot cover their housing costs to apply for HSP;
- Remove the subsidy's arbitrary five-year time limit and the dramatic 20% annual reduction in value, allowing for a more flexible approach that will meet the needs of recipients;
- Remove the subsidy's "full family sanction" component, which cuts off the housing subsidy and thereby punishes the entire household when one family member is determined to have failed to comply with public assistance requirements;
- Allow shelter residents to apply for the subsidy after 21 days in shelter,⁴⁹ rather than requiring that they wait 42 days;
- Allow shelter residents who have been approved for an HSP subsidy but have not secured an apartment when they reach their time limit and have to leave the domestic violence shelter system to continue to seek an apartment in which to use the subsidy for an additional 90 days.

Provide domestic violence survivors greater access to NYCHA housing by restoring the "homeless" priority process and by adopting a more flexible approach to the domestic violence documentation required for survivors to receive the "DV" priority for NYCHA apartments.

As recommended by the United States Department of Housing and Urban Development, domestic violence victims should have priority for housing without having to provide multiple recent police reports and current court orders proving abuse. Other documentation, such as medical records related to abuse, orders of protection or police reports regardless of the date of the incident, or affidavits from counselors, social workers, or people who have witnessed the abuse, should be sufficient evidence.

Increase the supply of permanent affordable housing for domestic violence survivors. More affordable housing units must be built and preserved; in the meantime, domestic violence survivors should have fair access to those units which become available. The City should:

- Allow residents of domestic violence shelters to apply for the homeless housing developed under the *New Housing Marketplace* plan.
- Set aside an allotment of units to be developed as part of the *New Housing Marketplace* plan for domestic violence survivors.

Include domestic violence survivors as one of the special needs populations to be served by the Supportive Housing Loan Program.

⁴⁹ In recognition of the fact that domestic violence survivors may stay in emergency shelter for only a short period of time and need to begin to search for housing early in their shelter stay, HRA began a pilot project in February 2004 which allowed residents of ten domestic violence shelters to apply for federal housing assistance after waiting only 21 days from the time they entered the shelter, rather than the 42 days which was generally required. The pilot project was discontinued as a result of the City's recent housing policy changes.