

**Public Comments Received Regarding DHS's
Rule Regarding the Special One Time
Assistance (SOTA) Program**



TESTIMONY REGARDING

The Special One-Time Assistance Program

PRESENTED BEFORE:
THE NEW YORK CITY DEPARTMENT OF HOMELESS SERVICES

PRESENTED BY:

ANDREW JONES, ESQ.
SENIOR ATTORNEY
MOBILIZATION FOR JUSTICE

JUNE 15, 2021

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I. Introduction

Mobilization for Justice, Inc. (“MFJ”) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised, or have disabilities. We do this through providing the highest quality direct civil legal assistance, providing community education, entering into partnerships, engaging in policy advocacy, and bringing impact litigation. MFJ assists more than 25,000 New Yorkers each year.

MFJ’s Housing Project works to prevent homelessness by defending tenants in eviction proceedings and improving living conditions for tenants, while also fighting harassment and discrimination to keep people in their homes and their communities intact. In the two years prior to the COVID-19 pandemic, we provided robust full legal representation to approximately 2,600 tenants facing eviction, 85% of whom were able to remain in their homes.

MFJ appreciates the opportunity to share with the New York City Department of Homeless Services (“DHS”) its support for the proposed rule and its recommendations for strengthening the Special One Time Assistance (“SOTA”) program.

II. Support for SOTA

We support DHS’s proposed rule to amend Title 31 of the Rules of the City of New York to codify the SOTA program.

New York City is in the midst of a homelessness crisis. On June 9, 2021, a total of 47,798¹ persons resided in New York City shelters, not counting the estimated tens of thousands of other homeless individuals living outside of shelters in NYC. The SOTA program, in its less than five years of existence, has helped thousands of people move out of the shelter system and into residences in and around New York City.

For these reasons, MFJ supports the program because it helps people move out of the shelter system and into secure, affordable housing. While it is MFJ’s experience that programs that are more expansive and provide more long-term support, such as CITYFHEPS, are most beneficial, MFJ recognizes that SOTA is also uniquely beneficial for New Yorkers coming out of the shelter system with a source of income, who just need a boost to get their footing. For these tenants, SOTA can be instrumental in bettering their lives.

III. Recommended Improvements to the SOTA Program

MFJ believes that the proposed rule would better support New Yorkers if DHS made the following changes to the SOTA program:

- The SOTA program provides tremendous opportunities for tenants in their first year out of the shelter system by covering rent for one year. However, it does nothing for tenants at the end of the 12-month period. As such, MFJ has had numerous legal

¹ See New York City Department of Homeless Services Daily Report for 6/10/21, available online at <https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

referrals from tenants who entered their apartments through the SOTA program, only to be saddled with large monetary judgments for rent arrears that accumulated after the end of the first year. At a minimum, participants in the SOTA program should be connected with caseworkers at the end of their first year to determine if the tenants are eligible for the CITYFHEPS program and other New York City and State programs that provide long-term affordability. Moreover, DHS should provide more opportunities for people to secure a second year of SOTA funding, to receive additional partial funding through the SOTA program, and to transition into other New York City and State programs.

- SOTA, as currently written, permits DHS to transfer people in the shelter to all “50 states of the United States of America, the District of Columbia or one of the territories of the United States.” The proposed rule should explicitly state that, absent extraordinary circumstances, DHS should make every possible effort to keep people in the shelter in New York State, if not NYC. Steering former New Yorkers to New Jersey is displacement in action. It also further underscores the urgent need for NYC to create vastly more affordable housing. Like with other NYC housing programs, DHS’s top priority should be for New Yorkers to be able to remain New Yorkers.

Thank you, again, for affording MFJ the opportunity to speak about SOTA, which is one of many important programs desperately needed to address the chronic plague of homelessness in NYC.



June 15, 2021

New York City Department of Homeless Services (DHS)

RE: Proposed Rule Concerning the Special One Time Assistance (SOTA) Program

I am submitting this comment on behalf of Safe Horizon.

Safe Horizon is the nation's largest victim assistance nonprofit organization and offers a client-centered, trauma-informed response to 250,000 New Yorkers each year who have experienced violence or abuse. Our mission is to provide support, prevent violence, and promote justice for victims of crime and abuse, their families, and communities.

Many of the victims and survivors Safe Horizon assists each year come to our programs for assistance with finding a safe place to live. We provide temporary shelter and supportive programming to survivors of domestic violence through our confidential domestic violence shelters, operated under the Human Resources Administration (HRA). We provide shelter and supportive programming to runaway and homeless youth (RHY) through our Streetwork Program Drop-in Centers and overnight homeless youth shelters, operated under the Department of Youth and Community Development (DYCD). And we provide housing information, advocacy, and referrals to countless victims and survivors of all forms of violence across all of our programs.

We know that housing is vital to survivors' safety and healing - both short-term and long-term. Violence, especially domestic violence, is a leading driver of homelessness in New York City. New Yorkers cycle in and out of homelessness and move between the City's different shelter systems. Despite these realities, however, we have learned all too well that different housing supports and subsidies are available depending on the shelter system in which a person is currently residing. This fragmented service delivery system is confusing, unhelpful, and ultimately hinders a survivor's ability to find housing, safety, and healing. That is why Safe Horizon calls on the City to ensure that paths to housing – including the Special One-Time Assistance (SOTA) Program - are equitably distributed between the City's shelter systems.

Safe Horizon supports SOTA. We know SOTA is an incredibly helpful resource that allows New Yorkers to leave shelter and find stable housing. It is often the only way out of DHS shelter given the dearth of meaningful options available. However, we would like to see the City go even further to make this life-saving program accessible to all New Yorkers experiencing homelessness. We have read the proposed rule and have the following questions, comments, and suggestions:

§ 5-03 Eligibility and Payments:

- The proposed rule states:

- (a) To be eligible for SOTA, a household must meet the following requirements:
- (1) The shelter household must reside in DHS shelter and have a qualifying shelter stay, except as provided in subdivision (d) of this section.
 - (2) If any member of the household has been determined to be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations, the household must not include the perpetrator of the domestic violence that resulted in such determination.

This language suggests that SOTA is only available to DHS residents while recognizing that DHS shelter residents can be domestic violence (DV) survivors eligible for HRA DV shelter. SOTA should be made available and accessible to residents across the City's various shelter systems – DHS homeless shelter, HRA DV shelter, and DYCD RHY shelter.

Additionally, language that states that “the household must not include the perpetrator of the domestic violence” can be unintentionally harmful to survivors experiencing homelessness who do believe that reuniting with their partner is best for them. This language polices whether survivors should be trying to find stable housing with their "perpetrator." Domestic violence may be the reason a family is experiencing homelessness, but the housing supports the City offers to help a family gain/regain stability, safety, and housing should be based in flexibility and understanding so survivors can navigate their safety. Survivors understand their safety best.

- The proposed rule states:

- (6) The household must: (1) provide accurate, complete and current information on income and household composition;

This language is understandable, but we must acknowledge that New Yorkers are dealing with a housing and homelessness crisis. The City should focus on creating and building low barrier economic supports that would allow folks to leave shelter. We understand that SOTA is for one year and we do not want folks to end up having to return to shelter after that one year. But we urge the City to be flexible. If somebody finds housing, their economic circumstances may turn around during that first year, allowing that person to be able to afford the rent on their own after a year. Means testing so often creates arbitrary barriers that prevent folks from achieving long-term success and stability. We would like the City to explore ways for SOTA to come with a temporary relief on asset limits to allow folks to actually save money for a market rate apartment or a CityFHEPS apartment and/or to allow them to move up at work or pick up more hours without worrying about losing public assistance (PA). This may require advocacy at the state and/or federal levels but is achievable.

§ 5-04 The SOTA Unit:

- The proposed rule states:

(c) If the residence is in New York City, in the New York State counties of Nassau, Rockland, Suffolk or Westchester, or in the New Jersey counties of Bergen, Essex, Hudson, Middlesex, 8 Passaic or Union, the residence must meet a safety and habitability assessment. If the residence is in New York City, such assessment will be the same assessment that is used in the CityFHEPS program under chapter 10 of this title.

Though we understand why the City uses a “safety and habitability assessment,” the current assessment tool, a checklist of 88 questions to pass an HRA inspection, acts as a huge barrier for people trying to leave shelter in a timely manner. Some of the questions are understandable, but the document goes into such detail as a specific "type of screw head used on windows." Once an issue is found, it can take HRA a long time to return and re-inspect. We urge the City to revisit this assessment tool and expedite the approval process timeline.

§ 5-05 Household Requirements:

- The proposed rule states:

During the year that is covered by the SOTA grant:

(5) The household must file for all work supports for which it is entitled. These may include public benefits and tax credits, such as the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC) and the Child Care Tax Credit (CCTC).

Again, this rule is understandable to a certain extent, but we urge the City to ensure that help with benefits access is in place and that individuals and families are not penalized.

- The proposed rule states:

(8) If any member of the household has been determined to be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations, the household must not include the perpetrator of the domestic violence that resulted in such determination.

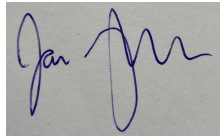
As stated above, this rule is paternalistic. We understand that mandates and rules like this were perhaps designed to avoid a return to shelter, but we would like to see the City prioritize supports for success – success defined by the people receiving the help. Rather than assuming deficits in survivors’ behavior, the City should prioritize positive and proactive resources and ensure that survivors are connected to the services and supports that allow them to achieve stable housing, safety, and their other goals. The presumption of fraud is unhelpful to the clients we serve.

Conclusion:

The Special One-Time Assistance (SOTA) Program is an invaluable resource to so many New Yorkers seeking safe, affordable, permanent housing. That is why Safe Horizon seeks to make it accessible to more New Yorkers across the City's shelter systems. We urge the City to stop dividing people experiencing homelessness into different categories with access to disparate resources. Expand and equitably distribute SOTA and other critical economic supports across shelter systems. And we urge the City to eliminate the barriers that prevent our clients from accessing help; deprioritize unhelpful and paternalistic mandates (inspections, applying for all benefits, excluding abusers) and prioritize meaningful supports.

Thank you for the opportunity to submit this comment. Please know that Safe Horizon is here as a resource to the Administration as we collectively work to make our city a safer, more just home for all New Yorkers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jimmy Meagher", on a light gray background.

Jimmy Meagher, LMSW
Policy Director, Government Affairs
Safe Horizon

Suzy Goldberg
Submitted: May, 7 2021
Comment by Date: June 15, 2021

New York City Department of Homeless Services
150 Greenwich Street, 38th Floor
New York, New York 10007

Re: Special One-Time Assistance (SOTA) Program Public Comment

To whom it may concern,

Thank you for the opportunity to comment on the Special One-Time Assistance (SOTA) Program. As a Brooklyn resident pursuing a Master's Degree in City and Regional Planning at Pratt Institute, I would like to voice my support in favor of the proposed rule to provide one year of rental assistance to individuals and families transitioning from New York City Department of Homeless Services (DHS) shelters to permanent housing within or outside New York City.

Homelessness in New York City has reached the highest levels since the Great Depression in the 1930s.¹ The Coalition for the Homeless reported that over the course of the City fiscal year 2020, 122,926 different homeless men, women, and children slept in the New York City municipal shelter system, and the number of homeless single adults is 109% higher than it was 10 years ago.¹ These statistics are staggering, yet they don't even encompass the total number of unsheltered homeless individuals sleeping in the subway system, streets, and other public spaces. Additionally, the Coalition for the Homeless cited that 57% of heads of households in shelters are Black, 32% are Hispanic/Latinx, 7% are white, less than 1% are Asian-American or Native American.¹ Thus, homelessness disproportionately affects Black and Hispanic/Latinx New Yorkers. The City has a responsibility to address the current affordable housing crisis that is leading to unprecedented rates of homelessness for New Yorkers.

¹*Basic Facts About Homelessness: New York City*. Coalition For The Homeless. (2021, May). <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>.

Among the 122,926 different homeless men, women, and children that slept in the New York City municipal shelter system in 2020, over 39,300 were children.¹ This number is vastly underestimated, as more than 100,000 city public school students lack permanent housing.² A 2020 New York Times article described the hardships that homeless children face in school, especially since the beginning of the Coronavirus Pandemic. As school has transitioned to remote learning, many students have struggled to access Internet connectivity and devices to communicate with their teachers and classmates. Additionally, children experiencing homelessness often have to switch schools every time their family's shelter placement changes, leading to stressful and disruptive educational experiences. Despite the fact that the Department of Homeless Services claims to take into account the neighborhood in which the family's youngest child attends school in its placement decisions, according to the 2020 Mayor's Management Report, only 50% of city shelter placements in 2019 were in the same borough as the youngest child's home school.² This may also contribute to the high rates of absenteeism in students experiencing homelessness, as 43% of the city's homeless students were chronically absent, meaning they have missed 10% or more of the school year.² Getting to class every day is a tremendous challenge for children who are sleeping far away from school and living in temporary and stressful conditions. Thus, student-homelessness and the impact it has on their education is an important reason to support SOTA and the creation of permanent housing opportunities.

Furthermore, SOTA is an impactful strategy that has the potential to reduce numerous barriers to accessing permanent housing. One theory that is used to support the mission of SOTA is the Housing First approach. According to the National Alliance to End Homelessness,

² Shapiro, S. M. (2020, September 9). *The Children in the Shadows: New York City's Homeless Students*. The New York Times. <https://www.nytimes.com/interactive/2020/09/09/magazine/homeless-students.html>.

Housing First prioritizes access to permanent housing to people experiencing homelessness, which ultimately serves as a platform for which they can then achieve personal goals.³ The Housing First model has been found to break cycles of chronic homelessness because obtaining housing stability can alleviate economic and mental stress and lead to success in other areas of life. SOTA participants, who formerly resided in a shelter for the past 90 days, are provided with one year of rent. This is an example of a Housing First model that values the importance of a stable housing status to the overall quality of life for New Yorkers.

Not only is SOTA positive for individuals, but it also reduces health care costs in society. Breaking Ground, a permanent supportive housing developer and advocacy group, states that between emergency care, shelters, and hospital visits, the average individual experiencing homelessness and mental illness costs \$56,350 to the city.⁴ Thus, there is also an economic incentive for the city increasing permanent housing opportunities for New Yorkers experiencing homelessness.

Although SOTA has the potential to ameliorate homelessness, there are a few key recommendations that should be implemented in order to ensure the success of this program. In 2019, the City of New York Department of Investigation found several shortcomings in processes and practices related to SOTA, particularly in placements outside of New York City.⁵ There were multiple instances in which DHS placed clients in units with insect and vermin infestations, as well as units lacking valid occupancy certifications and heat.⁵ There were several health and safety hazards affecting the habitability of SOTA properties due to improper

³ National Alliance to End Homelessness. (2016, April). *Fact Sheet: Housing First*. <http://endhomelessness.org/wp-content/uploads/2016/04/housing-first-fact-sheet.pdf>.

⁴ Quirk, V. (2016, July), Breaking Ground: Using Housing to Reduce Health Care Costs. *Metropolis*.

⁵ The City of New York Department of Investigation. (2019). (rep.). *DOI Report on HRA'S Special One-Time Assistance Program Reveals Flaws that Led to Homeless Clients Being Placed in Unsafe Housing Outside of New York City*. New York, New York.

oversight, lack of training for inspectors, and insufficient paperwork.⁵ In February 2019, DOI Commissioner Margaret Garnett stated:

“Our investigation showed some SOTA families placed in housing outside of New York City were living in squalor under the roofs of unscrupulous landlords, who collected tens of thousands of dollars in rental payments upfront from the City to provide these subpar conditions with little risk of accountability for their actions. DOI will continue to monitor DSS’ implementation of reforms to this program to ensure City funds are not wasted and homeless families are given a real chance to succeed.”⁵

Considering this statement from the DOI Commissioner, it is clear that there have been several flaws in both the design and implementation of the SOTA program. However, the Human Resources Administration, HRA, has been extremely receptive in implementing feedback from these critiques. For instance, following this report, they changed the brokers form to include compliance standards outside of New York City, holding landlords accountable for the living conditions of their residents regardless of where they live.⁵ Additionally, HRA responded to this report by creating a Rental Assistance Integrity Unity (RAI) that conducts quality assurance walk-thoughts for SOTA apartments within New York City, and performs quality assurance reviews for SOTA apartments outside of New York City.⁵ Furthermore, although there have been shortcomings in the design and implementation of SOTA in the past, HRA and DHS are actively incorporating feedback and recommendations in order to improve this program and optimize its benefits for the New Yorkers.

Another critique of SOTA is that it relocates homeless individuals and families from New York to New Jersey. From August 2017 to August 2019, about 5,100 households moved out of the shelter system with SOTA vouchers, and 1,200 of those recipients moved to Newark, New

Jersey.⁶ The lack of affordable housing opportunities in New York City led many individuals who were formerly residing in shelters to move to less expensive communities, such as Newark. Thus, alongside the implementation of SOTA, there must also be an investment in more affordable housing options within New York City. Residents should have the opportunity to stay in the city they're living in, rather than being forced to move to other cities that may not be able to handle the influx of people and the stress on their housing market.

In conclusion, New York City is uniquely positioned to implement innovative housing solutions. Since the city is governed by a right to shelter mandate, temporary housing must be provided to every man, woman, and child who is eligible for services.⁷ Not only does this set New York apart from cities across the country, but it can also be expanded upon and taken a step further. It is clear from the argument stated above that access to permanent housing is beneficial economically and socially for homeless individuals of all ages. New York has the opportunity to be a national leader in implementing progressive housing policies that both alleviate the current situation of homeless in the city, while also preventing future homelessness through access to social services and the implementation of the Housing First approach. I urge you to approve SOTA in pursuit of improving the quality of life for countless New Yorkers who are currently facing the precarious state of temporary housing and uncertain futures.

Sincerely,

Suzanne Goldberg

⁶ Stewart, N. (2019, December 3). *They Ended Up in Decrepit Housing in Newark. Is New York to Blame?* The New York Times. <https://www.nytimes.com/2019/12/03/nyregion/nyc-homeless-newark-housing-vouchers.html>.

⁷Department of Homeless Services. (n.d.). Shelter. <https://www1.nyc.gov/site/dhs/shelter/shelter.page>.

From Brenda Riley:

I think for a person to have need of a once a year assistance is often needed by many marginalized people causing more burden. I'm a senior with disabilities my income does not support my needs to pay rent and my disability does not allow work, so I'm between a rock and hard place. And to make matters worst due to my grandchildren living with me 215 rent paid for rent is unheard of from anyone in New York City. So their income is to survive is recouped and still have financial woes due to Hra not paying fair rent to family who allow them to live in your home. Leaving both in poverty to take care of family by letting them stay with elderly kinship in the community. A rent adjustment should be made to all clients that reflect rent in our community. The flood gates of single and disabled people are going to be the new norm for homeless innocent people that can't afford housing.