Human Resources Administration
Department of Homeless Services
Department of Social Services

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Before the New York City Council Committee on General Welfare Hearing
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Good afternoon. My name is Scott French and I serve as the Administrator of the Human Resources Administration (HRA) within the Department of Social Services (DSS). I would like to thank Deputy Speaker Ayala, the members of the Committee on General Welfare and the bill sponsors for holding today's hearing.

I will speak to each of the introductions being heard today in turn. Highlighting important considerations and concerns we believe the sponsors, members of the Committee on General Welfare, the broader Council, and stakeholders should keep in mind in assessing and amending these introductions.

Introduction 1175

Introduction 1175, sponsored by Council Member Menin, would establish a program to provide domestic violence survivors with legal representation throughout a divorce proceeding. The Office of Civil Justice (OCJ) would be required to submit an annual report on the program to the Mayor and the Speaker of the Council.

Delivering services to survivors of domestic violence is incredibly important. Our City's network of Family Justice Centers, domestic violence shelters, and non-residential community services are critical components in providing lifesaving support. If anyone listening needs help, they can contact 311 or New York City's Domestic Violence and Sexual Assault Hotline at 1-800-621-4673 (HOPE).

As required by Local Law 5 of 2022, HRA convened a work group with the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) and the Administration for Children's Services (ACS) consulting with stakeholders, including legal services providers and domestic violence survivors. The work group provided important analytic grounding as the City began to think through the challenges posed by establishing a program to provide these legal services within the context of a 24-month pilot proposed in Local Law 5.

There are significant challenges in determining the scope of service provision required in this area. Readily available data along a number of dimensions important to provision of this kind of legal assistance are limited, including data on the number of contested matrimonial cases in New York City Supreme Court where one, or neither, party is represented by counsel, or the number of cases

related to domestic violence. That kind of data is important because it would inform contract design, crafting the appropriate contours of the contracts for legal service delivery such that City dollars would be focused on the individuals and types of cases that are most underserved.

Program design would also be informed by understanding, given a limited budget, whether it would be more important to focus on brief legal assistance or full representation, and if both, in what proportion for each.

An additional challenge the work group highlighted is the timeline of divorce proceedings. The most contentious divorce proceedings can take more than two years (impacted by factors like child custody, the complexity of property disputes, and the court's workload). Where providing full representation, the City would have to craft a program sensitive to the fact that it is irresponsible for a provider to drop a client in the middle of a contested divorce.

We do not believe these are insurmountable obstacles to creating a pilot program for matrimonial legal services for domestic violence survivors. Conversations with OMB are ongoing with regard to funding Local Law 5 of 2022; LL5 serves as an important bridge to a potential broader legal services program for domestic violence survivors. While conscious of the boundaries of our capability to establish such a program in short order, the data limitations to program design and the fiscal implications of such a program, DSS remains aware of the impact a matrimonial legal services program could make in the lives of survivors of domestic violence. Alongside our ENDGBV and ACS partners, DSS stands ready to continue the conversation with the Council.

Introduction 791

Introduction 791, sponsored by Council Member Restler, would require DSS to post on its website each month data concerning vacant supportive housing units, including the total number and percentage of all supportive housing units in the city that are vacant, as well as the number of vacant units at different stages in the placement process. DSS would also be required to provide data beginning twelve months prior to the enactment of the law.

Transparency is an important goal and we are open to partnering with the sponsor and the Council to deliver timely, accurate data on vacant supportive housing units. There are significant aspects of the legislation we would want to discuss in further detail to achieve that goal. For instance, harmonizing this proposed report with existing reporting and methodologies for reporting on supportive housing vacancies would mean DSS would be able to deliver this report in a cost-effective manner. Aligning definitions across reporting already in place would allow for creation of a proposed report without having to fundamentally restructure logics, programming, and databases used to produce a report. Note that misalignment would result in a report that is onerous to produce, costly, and undeliverable in a timely fashion. Furthermore, looking at vacancy data in two different reports with different approaches could lead to confusion.

In this area, HRA would want to leverage the ongoing work of HRA's Office of Supportive / Affordable Housing and Services (OSAHS). The OSAHS team is committed to ensuring that supportive housing vacancies are monitored and filled quickly. OSAHS has developed sophisticated reports to review all vacancies in CAPS monthly. The occupancy rate for the

OSAHS-referred units is 96.4%, and we feel these tools have been instrumental in the increase in occupancy rate. The reports OSAHS creates are used to constantly monitory the system, identify issues, and implement interventions where needed.

Introduction 1208

Introduction 1208, sponsored by Council Member Gutiérrez, would require the Department of Homeless Services (DHS), in coordination with DSS, the Department of Housing Preservation and Development (HPD), and the Department of Youth and Community Development (DYCD), to issue a one-time report to the Mayor and the Speaker of the Council on the availability of air conditioning in homeless shelters. The report would detail which shelters have air conditioning, identify shelters with air conditioning only in some areas versus throughout the facility, specify the types of air conditioning systems used, highlight shelters that need air conditioning repair, and provide information on shelters that have installed air conditioning in the past 12 months or plan to do so within the next 12 months.

DHS recognizes the critical role that high-quality shelter facilities play in meeting client needs. DHS has expressed its commitment to phasing out operations in sites that no longer meet agency standards and transitioning to sites that better accommodate clients, continuously seeking to raise the bar in shelter quality and client care. As part of this ongoing commitment, DHS has issued an addendum to the current nonprofit social service provider open RFP that all new shelter sites include air conditioning. Currently, the majority of DHS sites have site-wide air conditioning or a cooling room, and this RFP addendum continues to build on our long-standing focus on enhancing shelter quality.

DHS recognizes the importance of transparency in this area and welcomes further dialogue with the sponsor and Council regarding Introduction 1208, specifically the granular level of detail required by the report and privacy challenges associated with the report. Introduction 1208 calls for the production of data on air conditioning at sites at a level of granularity that would pose serious challenges for DHS to produce. Given the size of the system and the diversity of air conditioning setups, DHS does not maintain a centralized tracking system of air conditioning repairs, as such maintenance is managed directly by individual shelter providers. However, DHS is kept informed of any major air conditioning (or heating) issues that impact shelter operations and clients.

Additionally, DHS has concerns regarding client privacy, confidentiality, and security related to the reporting requirements in Introduction 1208. The bill calls for publication of unique shelter identification numbers, zip codes, and building ownership data. DHS advises that the bill should be amended towards the provision of data at a more aggregate level to better safeguard sensitive information.

The Council is urged to remain mindful of New York State Social Services Law § 136, which prohibits the disclosure of the client addresses—which includes shelter addresses. Shelter addresses alone are considered confidential even when not linked to a unique identifier such as

name. In addition, New York City's Identifying Information Law restricts the disclosure of datasets containing "identifying information," which includes any data that can directly or indirectly reveal the identity or location of a shelter resident.

Two key factors underlay DSS' focus on privacy in direct or indirect shelter address disclosure. First, clients deserve to retain dignity during the time they are in shelter. Second, there are serious security considerations DSS must take into consideration on an ongoing basis with respect to shelters serving survivors of domestic violence and the potential for disclosure of their addresses.

Introduction 1232

Introduction 1232, sponsored by Council Member Banks, would require HRA to provide an automated text message or email notification upon the approval of an application for the Emergency Assistance Grant Program pertaining to rental assistance. Such approval notification would be delivered to the tenant applying for assistance and the building owner or managing agent designated by the building owner to collect rental payments from the applicant, to the extent that such information is provided in the application. Notifications would include information on the monetary amount of the award via the emergency assistance grant, an estimated issuance date for the assistance, and the mode of delivery for the corresponding check.

Access HRA is a critical tool in informing clients about the status of their case. Clients may opt to go paperless and receive notification via Access HRA; otherwise, they will receive mail or mail and Access HRA notification updates as to the status of their cases. Privacy is our chief concern with Introduction 1232. In terms of delivering information on clients' cases to landlords or management companies, New York State law prescribes the scope of information shared on clients' cases; HRA is concerned that Introduction 1232 draws the circle of sharing sensitive client information wider than New York State law permits (see, for example, New York State Social Services Law Section 136, "Protection of public welfare records"). State law finds client identifying public assistance information is sensitive and confidential; this information is disclosed to landlords in narrow circumstances absent client consent or a court order. We also have concerns that texting landlords or building managers would violate the Telephone Consumer Protection Act of 1991, a federal law which heavily regulates and restricts how unsolicited communications are delivered to people who have not consented to them.

In terms of directing the agency to deliver sensitive information to clients via email or SMS message, neither email nor SMS message avenues of delivery are end-to-end encrypted. HRA does use SMS and email to indicate to clients that there is a new update for them at Access HRA. Because HRA has more comprehensive control over Access HRA, we can ensure it is a secure venue for communicating sensitive information about clients' cases. Lastly, we also have concerns that such messages or emails could not meet the standards of an adequate notice required by the New York State Office of Temporary and Disability Assistance (OTDA), given the character and spacing limitations as well as the customization of the information required. Given the outstanding legal and privacy concerns, HRA does not support the Council moving forward with Introduction 1232 as drafted.

Conclusion

Thank you to the sponsors and Committee on General Welfare for considering these introductions. HRA, DSS, and DHS remain ready to continue even more detailed discussions on the concerns and considerations I have outlined here today.

I welcome your questions.