



TESTIMONY

TO THE NEW YORK CITY COUNCIL

GENERAL WELFARE COMMITTEE

HEARING ON THE LINC PROGRAM

BY STEVEN BANKS

COMMISSIONER

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

JANUARY 21, 2015

My name is Steven Banks and I am the Commissioner of the New York City Human Resources Administration.

I would like to thank the City Council's General Welfare Committee and Chair Stephen Levin for giving us this opportunity to testify today about HRA's efforts to address homelessness prevention in New York City in general and the Living in Communities or LINC program in particular.

My colleague Department of Homeless Services Commissioner Gilbert Taylor has already given an overview of the LINC program, which is a joint effort of DHS and HRA.

I would just like to add one important point that has particular resonance for me personally. In my prior position, along with the Mayor when he was the Public Advocate, I fought to prevent the abrupt end of the prior Administration's Advantage rental assistance program. Unfortunately for both the affected families and landlords, I lost that court case by a 4 – 3 vote in the New York Court of Appeals. Landlords remember the summary termination of Advantage and the serious challenges it created for them.

That is why the de Blasio Administration worked very hard to design the LINC program based on lessons learned from prior rental assistance programs like Housing Stability Plus and Advantage and by listening to challenges faced by landlords and brokers. For example, consider these contrasts between Advantage and LINC:

- Under Advantage, once a family moved into an apartment, the City offered no follow-up services.
  - Under LINC, there are intensive aftercare services for families with children (many of them starting from the time that the client enters shelter) that will continue through the length of the program.
- Under Advantage, it was not clear whom landlords could call when there was a problem.
  - Under LINC, we have a central HRA hotline with trained staff to address landlords' concerns.
- Under Advantage, if a family was sanctioned or was no longer on public assistance, the rental assistance automatically stopped being paid and the landlord was left on his or her own to deal with the issue.
  - Under LINC, cases of LINC families are monitored in order to conduct a thorough review and provide necessary assistance to that family to remedy the situation.
- Under Advantage, if a tenant did not pay her or his portion of the rent, there was no assistance offered to the landlord.
  - Under LINC, first, there is ongoing aftercare and continuous services provided to the families, all geared towards helping them maintain their employment and rental assistance, and meet their responsibilities.
  - Second, every effort will be made by HRA to assist and pay any rent arrears if necessary.

- And third, there is a \$3,000 special fund that each landlord can access throughout the duration of the individual apartment lease if no other City funds are available to address the problem.
- Under Advantage, a main requirement was that a family be on public assistance.
  - Under LINC, there are targeted populations that have to meet very specific criteria – employment, domestic violence survivor status, multi-system involvement. Each family that is offered a LINC certificate is carefully screened by DHS and HRA.
- Under Advantage, the program was for only one or at most two years.
  - Under LINC there is an annual renewal process of up to five years to provide sufficient time for most families to achieve self-sufficiency. For those few who may not be able to do so within five years, we will evaluate their needs on a case-by-case basis to prevent loss of housing and reentry into the shelter system.
- Under Advantage, the program set maximum rent levels below the levels set by the New York City Housing Authority for the Section 8 program.
  - Under LINC we have discretion to pay rent levels up to the Section 8 levels and in November we exercised our discretion to do so.

In sum, we have worked hard to learn the lessons of past problems and design a program that will work for both landlords and our clients.

Landlords are a key to the success of the LINC program and our efforts to reduce homelessness. And we have made a major effort to reach out to landlords to encourage them to participate. HRA and DHS have conducted outreach to landlords, management companies, and brokers in a variety of ways. For example, HRA sent a mailing to more than 70,000 landlords and management companies that currently receive rent payments from HRA informing them about LINC and the special enhancements for landlords. The landlords and management companies that are already housing HRA clients were also invited to a special forum with the HRA Commissioner. Both DHS and HRA have held a series of landlord and broker meetings at which participants voiced questions, concerns, and ideas about the LINC programs. The Rent Stabilization Association also provided an opportunity for Commissioner Taylor and me to describe the LINC program and address questions from RSA members at a RSA forum in December at the New York County Lawyers' Association. In addition, Commissioner Taylor and I regularly make personal calls to the largest landlords and management companies that currently work with the City, outlining the benefits of the LINC programs and offering to expedite rentals through the leasing process. Moreover, the Department of Housing Preservation and Development and Commissioner Vicki Been have been key partners in reaching out to landlords and management companies to encourage them to participate in the LINC program.

We also welcome any assistance members of the Council can provide in encouraging landlords to participate in LINC.

Commissioner Taylor described the basics of the LINC programs. I will provide additional details about LINC III, which is aimed at domestic violence survivors in HRA domestic violence shelters.

## **Services for Survivors of Domestic Violence**

The HRA Domestic Violence shelter system is the largest of its kind in the country. It includes 44 confidential emergency shelter facilities throughout all five boroughs of New York City with a total bed capacity of 2,228 beds, which can accommodate approximately 800 families, and seven Transitional Housing Tier II shelters, which have 243 units for clients. In FY 2014, the HRA domestic violence system served 11,105 individuals, which included 3,877 adults and 6,784 children in families as well as 444 singles.

Emergency domestic violence shelters provide temporary housing and supportive services for up to 180 days in a safe environment for survivors of domestic violence and their families. This 180-day time limit is set forth in a New York State regulation.

Previously, after 180 days in an emergency shelter, families were either able to leave shelter with available continuing non-residential support services, move to HRA Transitional Tier II housing or, if they still needed to be in a shelter, obtain shelter from the Department of Homeless Services. However, using the new LINC program, instead of sending families from HRA shelters to DHS shelters, we are working to move these families with children into a permanent home.

Implemented in September, the LINC rental assistance program helps families move from temporary, emergency shelter back to the community as quickly as possible by paying a portion of their rent for up to five years, if they continue to qualify. There are now five LINC programs, with one, LINC III, specifically designated for domestic violence survivors in both DHS and HRA shelters. It is aimed at survivors who have been in the HRA shelters for the longest periods to avoid having to transfer families from the HRA system to the DHS system when the 180-day regulatory time limit is reached. Almost half of the total LINC rental assistance program this year, 1,900 slots out of nearly 4,000, is set aside for families who are survivors of domestic violence.

LINC III is designated for survivors on public assistance, who constitute approximately 85% of domestic violence survivors in our HRA shelters. Those who are working and in HRA shelters the longest may also qualify for the other LINC programs on a case-by-case basis as we proceed with the implementation of this new rental assistance initiative. Therefore, survivors can access more than just the 1,900 slots in LINC III.

In addition to the LINC rental assistance program, as we have reported previously to the Council in testimony regarding HRA's reform initiatives, HRA, DHS and the New York City Housing Authority have worked together to streamline the NYCHA application process for families in the HRA and DHS shelters who have been certified by HRA's No Violence Again (NoVA) staff as survivors of domestic violence. Previously, even though HRA had determined that such families

were survivors, they were required to obtain duplicative additional documentation to obtain the N1 NYCHA domestic violence priority. As a result, very few families in the HRA and DHS shelters were able to receive the N1 NYCHA priority. This process has now been reformed so that HRA's certification is sufficient.

HRA, DHS and NYCHA have identified the families in the HRA and DHS shelters whom HRA has certified as domestic violence survivors and who have pending NYCHA applications. These families are being designated as N1 priorities. NYCHA, DHS, and HRA are now working together on an allocation of apartments for domestic violence survivors. This new priority process for certified survivors of domestic violence in HRA and DHS shelters will continue on an ongoing basis, with the number of families moving into NYCHA apartments with the N1 priority each year dependent on available apartments.

### **Homelessness Prevention Programs**

In addition to the LINC program, which is aimed at moving families out of shelter, the de Blasio Administration is working very hard to assist families at risk of eviction and thereby prevent homelessness and entry to the shelter system.

To bring together all of HRA's resources dedicated to this important mission and to make sure that homelessness prevention is a priority, we created HRA's Homelessness Prevention Administration, headed by Chief Homelessness Prevention Officer Bruce Jordan.

Let me just take a minute to talk about Bruce. He started as a caseworker almost 26 years ago. He has been doing homelessness prevention work for 20 years. As such, he brings an impressive depth of knowledge and passion to this work. And he represents the strong commitment we have to preventing and reducing homelessness.

The creation of the new Homelessness Prevention Administration is a substantial expansion of HRA's prevention services.

HRA has a citywide Homelessness Diversion Program with specialized Homelessness Diversion Units (HDUs) located in 40 Job Centers. The Homelessness Diversion Units constitute an innovative, focused effort at maintaining permanent housing for families and individuals at risk of eviction, both to avoid their entry into the City's emergency shelter system and to enable them to maintain stable housing in their communities. HRA's Homelessness Diversion Program includes specialized staff in teams located in all of HRA's Job Centers citywide and in the Department of Homeless Services' intake facilities in the Bronx and Manhattan, where families and individuals facing homelessness seek shelter.

The Homelessness Diversion Program operates in conjunction with a centralized emergency Rental Assistance Unit (RAU) that resolves tens of thousands of emergency rental assistance requests a year out of a central office with staff located in each of the seven Housing Courts in all five boroughs. Homelessness Diversion and Rental Assistance have been supported by a Landlord Ombudsman Services Unit (LOSU) that provides services to landlords with specific

inquiries as well as selective assistance with emergency rent check processing and a Call Center that responds to inquiries from staff, clients and landlords.

In 2014, with the de Blasio Administration's support for and commitment to homelessness prevention, affordable housing, and reducing income inequality, HRA reorganized its homelessness prevention efforts with the creation of the Homelessness Prevention Administration. The existing Homelessness Diversion Programs, Rental Assistance Unit, and Landlord Ombudsman Services Unit continue to be critical components of HRA's homelessness prevention efforts, with their effectiveness and reach augmented by the enhancements and new initiatives described below. Other program areas – the Legal Assistance Initiatives Unit, the Early Intervention Outreach Team (EIOT), and the Rental Assistance Program – have been added as part of a new, more comprehensive homelessness prevention effort.

Here is how we have expanded our efforts.

**Homelessness Diversion Units (HDUs)** are located at all HRA Job Centers throughout the City and at DHS' PATH facility for families with children, the DHS East 30<sup>th</sup> Street intake center for single adult males and adult families, and the DHS women's shelter intake center in the Bronx. The mission of these teams is to provide services to maintain families and individuals in permanent housing and avoid placement in the City's emergency shelter system.

Our new initiatives in this area include the following:

- The Diversion Units at PATH and the other DHS shelter intake facilities have now begun taking public assistance applications from families and individuals referred by DHS. This process is expediting public assistance benefits for these clients and helps families and individuals avert shelter entry.
- As part of their efforts to help families and individuals applying for shelter to return to or find housing in the community as an alternative to shelter, these Diversion Units are now utilizing new diversion tools that include financial short-term support for diverted families and individuals in the community and expanded short-term assistance for families and individuals who are able to find affordable housing.

**The Rental Assistance Unit (RAU)** serves as a "safety net" to prevent families and individuals from becoming homeless. The Rental Assistance staff reviews requests for emergency rental assistance received from the Diversion Units and in many cases from regular HRA Center staff and community advocates.

In addition to its centralized operation, Rental Assistance staff members have been out-stationed at the City Housing Courts located in all five boroughs and at the Harlem Community Justice Center and the Red Hook Community Justice Center.

Rental Assistance Housing Court services are targeted to households that are eligible for cash public assistance, Food Stamps or Medicaid, or that are under 200% of the federal poverty

limit (FPL) for families with children or under 125% of FPL for single adults and adult families. HRA has discretion to grant exceptions to policy where these levels are exceeded and the case is otherwise eligible.

New initiatives in this area include the following:

- First, in exercising its discretion in evaluating emergency rental assistance requests, the HRA Rental Assistance Unit considers all available means to prevent homelessness on a case-by-case basis. This approach is especially important for particularly vulnerable groups of clients such as senior citizens, persons with disabilities, Adult Protective Services (APS) cases, families with children under the age of 18, NYCHA residents, Section 8 tenants, and families with a history of homelessness. For example, a vulnerable family may not have the money to pay rent the next month. But that family may be able to demonstrate the ability to obtain employment, third party assistance, a roommate, or other help in order to show that they have the capacity to pay the rent after the crisis is averted. Rather than pay the substantial costs of emergency shelter after an eviction, it makes far more sense to pay the arrears in such cases in order to preserve permanent housing and avert the trauma of homelessness.
- As Commissioner Taylor described, HRA is now deploying on-site staff at Homebase offices around the City. HRA staffing at Homebase offices facilitates coordination and referrals from Homebase to the Rental Assistance Unit and expedites the approval of emergency rental assistance requests from Homebase clients as well as interaction with Job Centers to help solve client public assistance case issues that may be obstacles to preventing an eviction. Rental Assistance staff is now stationed at three Homebase offices (two in the Bronx and one in Brooklyn) and by the end of 2015 the staff will be deployed in up to 13 offices.
- The HRA Rental Assistance Unit will shortly have staff located at the NYCHA administrative hearing offices at 250 Broadway in Manhattan. This will facilitate and expedite review of NYCHA referrals of applicants for rental assistance who are scheduled for an immediate NYCHA Chronic Rent Delinquency (CRD) tenancy termination hearing. For referred tenants, the hearing will be adjourned for 30 days to allow for Rental Assistance Unit review and possible resolution of the delinquency hearing process. Rental Assistance Unit staff will also work with these NYCHA residents to help develop strategies to prevent a recurrence of rent delinquency.
- At its Housing Court offices and Homebase locations, in addition to evaluating requests for emergency rental assistance, Rental Assistance Unit staff can now take

public assistance applications, which, among other benefits, expedites the granting of emergency rental assistance.

- HRA recently created the Central Rent Processing Unit to centrally process, issue and deliver Rental Assistance Unit-approved emergency rental assistance grants. The new process has resulted in overall faster and more efficient rent arrears check delivery, which has enhanced HRA's ability, working with community advocates and other agencies in many cases, to prevent evictions and homelessness.
- A newly developed Electronic Funds Transfer (EFT) process is now used by HRA's Central Rent Processing Unit and Family Independence Administration to transmit approved emergency rental assistance payments to NYCHA. Expansion of the use of EFT to large private landlords is now under development. This more efficient and expeditious rent payment delivery system further enhances HRA's homelessness prevention efforts.

**The Early Intervention Outreach Team (EIOT)** is the Homelessness Prevention Administration's newly-created central office early intervention outreach unit whose mission is outreach to families and individuals in need of legal assistance or emergency rental assistance. The Team's work is currently based on early warning referrals from Housing Court judges, with "early warning" referrals soon to be added for NYCHA tenant arrears cases and NYCHA Section 8 eviction actions, as well as Adult Protective Services referrals and referrals from New York City marshals. The Outreach Team makes referrals for tenant counsel to legal services organizations in accordance with contractual allocations set by HRA's Legal Assistance Initiatives Unit.

**The Rental Assistance Program** is a new Homelessness Prevention Administration program designed specifically to help implement the new LINC initiative. HRA operates LINC in collaboration with DHS. The Rental Assistance Program manages the leasing and ongoing payment and administration of the Living in Communities rental assistance programs for homeless families and individuals. The unit runs clearance checks and schedules Department of Housing Preservation and Development inspections to ensure that LINC apartments are safe and appropriate for LINC tenants. After overseeing the LINC lease signing, the unit updates the LINC tenant's public benefits information, ensures that LINC payments go out in a timely manner, and oversees the annual renewal of the LINC rental assistance. Staff also addresses requests for information and services from LINC landlords, tenants, and community advocates.

**The Landlord Ombudsman Services Unit (LOSU)** was established to address the needs and concerns of landlords and management companies that provide permanent housing for families and individuals receiving public assistance. Solving these problems early can prevent eviction actions and protect the tenancies of HRA clients in affordable housing. Originally, the Unit's main function was to deal with mailed shelter allowance checks returned by the post office and the correction and change of landlord addresses. The Unit's role has now greatly expanded. The Unit's check processing division now expedites most move-outs from the shelter system in

conjunction with DHS, including relocation to HPD programs, NYCHA, Section 8 apartments, and private apartments through, among other programs, the “emergency one-shot deal” and ongoing rental assistance programs and the LINC program.

**The Legal Assistance Initiatives Unit** manages HRA’s legal assistance programs. The provision of civil legal assistance is part of HRA’s overall effort to address poverty and prevent homelessness. The Legal Assistance Initiatives Unit is a new Homelessness Prevention Administration program, following the consolidation at HRA of the City’s civil legal services contracts with legal services organizations. Referrals to legal services organizations under this program serve a critical homelessness prevention need for families and individuals at risk of eviction who require legal assistance to address their housing crises.

For Fiscal Year 2015, the Mayor consolidated all of the civil legal assistance programs in the City’s baseline budget at the Human Resources Administration. This consolidation has been implemented to enhance the coordination and effectiveness of these important programs.

The Legal Assistance Initiatives Unit administers these civil legal services programs and the \$18.8 million in associated funding that have been consolidated at HRA:

- \$13.5 million for anti-eviction legal services, which represents an increase of \$7.1 million above the previous funding levels as part of the Mayor’s new initiatives to prevent homelessness that were announced during this fiscal year.
- \$5.3 million for legal assistance for immigrants, including legal services for survivors of domestic violence, immigrant workers, and immigrant City residents with legal needs involving citizenship and permanent residency.

As part of the budget agreement between the Mayor and the City Council, \$17.625 million in discretionary funding has also been added to the City budget for this year for these programs at HRA that are also administered by the Legal Assistance Initiatives Unit:

- \$11.725 million for civil legal services, including citywide civil legal services, legal services for low-income workers, legal assistance to obtain unemployment insurance benefits and federal disability benefits, legal services for survivors of domestic violence, legal services for veterans, and anti-eviction and SRO housing legal services.
- \$1 million for additional legal assistance to address the surge in unaccompanied minors who have come to New York City, ensuring that the due process rights of this vulnerable population are protected and children in New York City have access to counsel while receiving assistance with social, medical, and mental health services.

- \$4.9 million for a unique Family Unity Project to keep immigrant families together and avert deportation.

In combination, these programs prioritize providing civil legal assistance in core matters involving the “essentials of life” – legal problems in the areas of:

- housing (including evictions, foreclosures, and homelessness);
- family matters (including domestic violence, children, and family stability);
- access to health care and education; and
- subsistence income (including employment wages, disability and other basic benefits, and consumer debts).

Overall, these HRA civil legal services programs emphasize the provision of preventive legal assistance that can avert or reduce the need for litigation, as well as the need for the provision of comprehensive services that require a seasoned, well-trained civil legal services staff able to address often complex, interrelated legal matters.

In sum, HRA operates an extensive homelessness prevention program as part of the overall City effort to alleviate homelessness.

Thank you again for including us in this hearing and we welcome your questions.