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Joint Public Hearing: To Assess Rental Assistance Programs and Examine
the need for Expanded Residential Rental Assistance to Prevent Evictions

Thank you, Senator Persaud, Senator Kavanagh, Senator Cleare and the Senate Standing Committees on Social Services, on Housing, Construction and Community Development, and on Aging for holding this very important hearing. We welcome the opportunity to submit testimony on behalf of The Legal Aid Society concerning rental assistance to prevent evictions, homelessness, housing instability and excessive rent burdens. We are eager to work with the Committees to ensure that tenants and homeless New Yorkers have access to housing that is safe and affordable.

The Legal Aid Society

The Legal Aid Society (Legal Aid), the nation's oldest and largest not-for-profit legal services organization. Legal Aid provides comprehensive legal services in all five boroughs of New York City for people who cannot afford to pay for private counsel. Since 1876, Legal Aid has advocated for low-income families and individuals and has fought for legal reform in City,

Justice in Every Borough.

State, and Federal Courts across a variety of civil, criminal and juvenile rights matters. Legal Aid takes on 300,000 cases annually, including thousands of cases in which we fight for the rights of tenants in regulated and unregulated apartments across the city. Our Juvenile Rights Practice also provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. Legal Aid also takes on law reform and appellate cases, the results of which benefit more than 1.7 million low-income New Yorkers; the landmark rulings in many of these cases have a state-wide and national impact. For example, The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed and settled *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. LAS, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Legal Aid has continued to litigate on behalf of thousands of New Yorkers experiencing homelessness during the COVID-19 pandemic, including in *E.G.*, where we ensured WiFi access for students in DHS and HRA

shelters, as well *Fisher* and *Butler*, where we continue to litigate to protect the rights of individuals living in de-densification hotels during the pandemic.

Introduction

The Legal Aid Society welcomes the opportunity to speak about these incredibly important issues. Two years ago, in the State of the State speech, Governor Hochul laid out the problem facing New York and its renters. She said:

“New York State is currently facing a severe, once-in-a-generation housing crisis. According to the Population Reference Bureau more than half of New York renters are rent-burdened, meaning that they pay more than 30 percent of their income on rent – the second-highest rate in the nation. In the New York City metro area, rents have risen 30 percent since 2015 and home prices have risen 50 percent over the same period. Outside of New York City, rents have risen 40 to 60 percent since 2015 while home prices have risen 50 to 80 percent¹.”

This year, Governor Hochul in her State of the State said:

“A stable home is the foundation for a stable life. But for far too many New Yorkers, it’s a dream that feels impossibly out of reach. And I’m not the first one to say this, but the rent is too damn high! And that goes for people’s mortgages as well. Housing is the number one driver of our affordability crisis².”

We agreed with the Governor, we are in a once in a generation housing crisis and housing is the number one driver of our affordability crisis. Unfortunately, Governor Hochul’s budget does little to address renters’ affordability crisis and provides little for homeless New Yorkers. The budget fails to provide solutions that tenants and homeless New Yorkers can use today

¹ <https://www.governor.ny.gov/news/governor-hochul-announces-statewide-strategy-address-new-yorks-housing-crisis-and-build-800000>

² [Remarks as Prepared: Governor Hochul Delivers 2025 State of the State Address | Governor Kathy Hochul](#)

instead of years and years from now. The purpose of this testimony is to discuss what is needed from our elected officials to address this unrelenting crisis.

Just last month, Comptroller DiNapoli issued a report that found that homelessness in New York state has doubled in the last two years. And while some of that increase has been driven by New York City, the rest of the state has seen double- and triple-digit rate increases lead by Glens Falls, Saratoga and the surrounding counties³. The number of homeless children increased from 20,299 in 2022 to 50,773 in 2024. Comptroller DiNapoli urged the state to take more action to address this urgent crisis⁴.

We come before this joint hearing to urge our legislators to take up the call to address these twinned crises – homelessness and the affordability crisis faced by renters.

Declining Affordability of Housing

Many New York City renters are facing dire circumstances. In the face of fewer rental opportunities and higher prices, renters are suffering from a growing disparity between what they can afford and their actual rent. According to the Selected Initial Findings of the 2023 New York City Housing and Vacancy Survey, the median rent for New York City renters was \$1641.⁵ According to the HVS, between 1993 and 2023, there was a net loss of over 600,000 units renting under \$1500 and a net gain of over 75,000 units with rents of \$5000 and more⁶.

³ <https://www.osc.ny.gov/press/releases/2025/01/dinapoli-numbers-homeless-population-doubled-new-york#:~:text=Homelessness%20in%20New%20York%20state,the%20rest%20of%20the%20nation.>

⁴ *Id.*

⁵ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. Page 13. <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

⁶ *Id.* at 19.

The median renter income is 70,000 and for half of New York City's renter households, those earning under 70,000, the typical renter is severely rent burdened⁷. Among households earning less than \$25,000 a year who do not live in public housing or report having a voucher, an astonishing 86 percent are severely rent burdened⁸. An individual would have to work 119 hours per week at minimum wage, 52 weeks a year, in order to afford a two-bedroom apartment at Fair Market Rent in New York State⁹. Alternatively, the individual would need a wage increase to at least \$44.77 per hour, or \$93,121 a year, to afford the same apartment¹⁰.

In 2023, there were 33,210 apartments vacant and available to rent in New York City¹¹. Of that number, only 4442 apartments, or 13 percent, were affordable to New Yorkers earning less than 50,000 a year¹². Only 12,500, or 37 percent, were available to New Yorkers earning under 100,000 a year¹³. The median income a household would need to afford one of the vacant apartments is somewhere between 100,000 and 150,000 a year¹⁴. The median household income for a renter household is \$70,000¹⁵. Needless to say, the clients of the Legal Aid Society cannot afford these rents.

⁷ *Id.* at 55.

⁸ *Id.* at 57.

⁹ <https://nlihc.org/oor/state/ny>

¹⁰ *Id.*

¹¹ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. Page

26. <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 42. There was a large increase in the median household income which was driven by the huge influx of higher income households coming into New York City.

Declining Availability of Housing

Unfortunately for New York City renters, declining affordability is coupled with declining availability. The number of vacant units affordable to low-income New Yorkers is meager. The 2023 Housing and Vacancy Survey found that vacancy rate was 1.41 percent, the lowest it had been for decades¹⁶. In 2023, the vacancy rate for all units with rents less than \$1100 was only 0.39 percent¹⁷. The 2023 vacancy rate for units between \$1100 and \$1649 was no better at 0.91 percent¹⁸. The vacancy rate for units between \$1650 and \$2399 was frighteningly 0.78 percent¹⁹. The scarcity of available regulated and subsidized is a part of an overall decline in the availability of affordable housing. There remain less than 100,000 units covered by either the Mitchell-Lama program or the federally subsidized Project Based Section 8 program²⁰. This is a loss of 35 percent since 1990²¹. Applicants for public housing face similar shortages: 274,745 families are on the waitlist for NYCHA public housing, with 200,000 applicants on the waiting list for Section 8 housing vouchers in New York City²². This combination of market forces and governmental decisions has worked together to have a devastating effect on low- and moderate-income New Yorkers. The declining number of vacant units available for rent, the fact that housing expansion has not kept pace with

¹⁶ *Id.* at 21

¹⁷ *Id.* at 21

¹⁸ *Id.*

¹⁹ *Id.*

²¹ Oksana Miranova, *Closing the Door: Subsidized Housing at a Time of Federal Instability*, Community Service Society, March 2018. https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Closing_the_Door_FINAL_WEB.pdf

²² <https://www.nyc.gov/assets/nycha/downloads/pdf/NYCHA-Fact-Sheet-2023.pdf>

population growth, and the ongoing public housing crisis have all contributed to the scarcity of available affordable housing.

One of the most astonishing findings of the 2023 Housing and Vacancy Survey was the incredible plummet in the vacancy rate for the higher half of the rental housing market²³. Additionally, due to a redesign in the survey, we have data to confirm what we believed to be the case. When a low-income tenant loses their home, they have very few options and the apartments that are affordable to them, go to higher income tenants²⁴.

Young Adults Aging out of Foster Care Face Housing Instability and Homelessness at Higher Rates

Young adults who have experienced foster care face myriad economic difficulties, at significantly higher rates than the rest of the population. After leaving the foster care system, an average of 30% of former foster youth experienced homelessness or lived in five or more places because of their inability to pay rent, poor credit scores, or the absence of a supportive co-signer for lease agreements.²⁵ The COVID-19 pandemic only further exacerbated the challenges experienced by youth aging out of foster care. According to FosterClub, a national foster youth advocacy organization, of the approximately 600 people surveyed in spring of

²³ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. at

21 <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>,

²⁴ *Id.* at 26 & 46

²⁵ Curry, S., & Abrams, L. (2015). Housing and social support for youth aging out of foster care: State of the research literature and directions for future inquiry. *Child & Adolescent Social Work Journal*, 32(2), 143-153. doi:10.1007/s10560-014-0346-4; Gypen, L., Vanderfaeillie, J., De Maeyer, S., Belenger, L., & Van Holen, F.

(2017). Outcomes of children who grew up in foster care: Systematic-review. *Children and Youth Services Review*, 76, 74-83. <https://doi.org/10.1016/j.childyouth.2017.02.035>; Stott, T. (2013). Transitioning youth: Policies and outcomes. *Children and Youth Services Review*, 35(2), 218-227.

<http://doi.org/10.1016/j.childyouth.2012.10.019>

2020, 23% of youth age 18-26 across New York State reported that they were facing or in fear of housing instability as a result of the pandemic.²⁶

Permanent Housing Solutions Are Critical for All Homeless Youth

While many youth who experience homelessness have a foster care background, many have become homeless but never enter the foster care system. In 2013, a comprehensive survey by the New York City Coalition on the Continuum of Care shed important light on the causes of youth homelessness. The top reasons for homelessness at that time were reported “fighting frequently with [] parents” (34%), being “kicked out” of the home (31%), “physical, mental or sexual abuse” (34%), “neglect or [a] parent not meeting basic needs” (26%), unwillingness to “live by parents’ rules” (20%), and parental use of drugs or alcohol (20%).²⁷ Anecdotally, these statistics are reflected in the stories we hear from clients with whom we work daily and are distinct from the reasons adults become homeless. Often the choice to leave home is a survival strategy in and of itself. Remarkably, youth experiencing homelessness demonstrate incredible fortitude and resilience in the face of traumatic events, routine discrimination, and incredible systemic barriers.

It is well established that there are thousands of runaway and homeless youth (“RHY”) across NYS at any given time, although it is notoriously difficult to accurately count them.

²⁶ “Press Release: Young People from Foster Care Hit Hard by Covid-19 Lack Resources and Connections to Weather this Storm,” FosterClub (May 13, 2020), *available at*: <https://www.fosterclub.com/blog/announcements/press-release-young-people-foster-care-hit-hard-covid-19-lack-resources-and>.

²⁷ Lance Freeman and Darrick Hamilton for the New York City Coalition on the Continuum of Care, *A Count of Unaccompanied Homeless Youths* in New York City, November 19, 2013.

Currently, the only government-sponsored Youth Count in NYC is organized around the City's Point in Time (PIT) Count of all homeless individuals, also known as the Homeless Outreach Population Estimate (HOPE) count, which takes place on a mid-winter night.²⁸ Providers, advocates and young people have long argued that the PIT and Youth Counts miss substantial numbers of RHY. The reasons vary from arguments that the definition of RHY for the purposes of the count does not include significant parts of the population, such as those couch-surfing or engaging in survival sex, to arguments that youth experiencing homelessness have an ability to blend into the fabric of the City and the methodology of the count was not designed to identify RHY. Thus, both the PIT and related Youth Count serve as an inadequate snapshot of homeless youth on a particular day rather than a census of youth with unstable housing situations who need housing. Nonetheless, it is clear that in New York City, and New York State, there are significant numbers of homeless youth. In 2023, roughly 520 youth surveyed between 18 and 24 were experiencing homelessness or housing instability in New York City during that year's point in time data collection.²⁹ In New York State, HUD's Point in Time estimate shows that 16,967 youth ages 18 to 24 were reported to be homeless in 2024.³⁰ However, for the reasons stated above, we believe these numbers to be a woeful undercount.

²⁸ Additional information about NYC's count, which is required by the federal Department of Housing and Urban Development, is available here: <https://www1.nyc.gov/site/dhs/outreach/hope.page>.

²⁹ 2023 Youth Count, NYC Department of Youth & Community Development, *available at*: https://www.nyc.gov/assets/dycd/downloads/pdf/2023_Youth_Count_Report.pdf.

³⁰ Annual Homelessness Assessment Report: 2024 AHAR: Part 1 – PIT Estimates of Homelessness in the US, U.S. Dept. of Hous. & Urban Dev., Office of Policy Development and Research (Dec. 2024), *available at*:

Nationally, there has been some significant progress in evaluating the number of homeless youth, led by Chapin Hall's Voices of Youth Count initiative. The details are staggering. Results of a Voices of Youth Count national survey show that 1 in 10 young adults ages 18 to 25 have experienced homelessness in some form in a one-year period.³¹

It is also important to note that, as is the case with so many other marginalized and system-involved populations we work with, youth of color and LGBTQ/TGNC youth are vastly overrepresented in the RHY population. In the Voices of Youth Count survey, Hispanic, non-white youth had a 33% higher risk and Black or African American youth had an 83% higher risk of experiencing homelessness than youth of other races.³² The risk of homelessness for unmarried parenting youth was 200% higher than for non-parenting youth.³³ These results are consistent with the recent New York City Youth Count numbers..³⁴ Similarly, LGBTQ youth become homeless at a significantly higher rate than the adolescent population as a whole and are vastly overrepresented in the RHY population. Chapin Hall's report indicated that LGBT youth have a 120% higher risk for homelessness.³⁵ This is consistent with New York City's most recent homeless youth count. According to the 2024

<https://www.huduser.gov/portal/datasets/ahar/2024-ahar-part-1-pit-estimates-of-homelessness-in-the-us.html>; data available at: <https://www.huduser.gov/portal/sites/default/files/xls/2007-2024-PIT-Counts-by-State.xlsb>.

³¹ M.H. Morton, Amy Dworsky, G.M. Samuels, *Missed Opportunities: Youth Homelessness in America, National Estimates*, Chapin Hall of the University of Chicago (Nov. 2017), available at https://www.chapinhall.org/wp-content/uploads/ChapinHall_VoYC_NationalReport_Final.pdf.

³² Id.

³³ Id.

³⁴ The 2023 Youth Count reported 58% of unsheltered youth and 47% of unstably housed youth as Latinx, while 44% of unsheltered youth and 63% of unstably housed youth identified as Black or African American. 2023 Youth Count, *supra*.

³⁵ Chapin Hall, *supra*.

Youth Count, 59% of unsheltered youth and 42% of unstably housed youth identified as a sexual orientation other than straight, and 18% of unsheltered youth and 13% of youth in unstable housing identified as transgender or gender nonbinary.³⁶

Housing Instability Increases the Unnecessary Involvement of Families in The Child Welfare System

A devastating consequence of housing instability among families is that it places those families at higher risk of involvement in the family regulation system, also known as the child welfare system. National research has found a higher rate of family regulation system involvement among unhoused or otherwise unstably housed families than families who are low-income with stable housing.³⁷ These findings are not surprising, as homeless shelters are staffed with mandatory reporters.³⁸ These mandated reporters tend to err on the side of overreporting suspected child neglect or abuse, as they may be subject to termination or even criminal prosecution for failing to make a report.³⁹ Housing insecurity not only increases the likelihood that a family will get swept into the family regulation system, it can also lengthen a family's involvement in the family regulation system, as it can pose a barrier to the reunification of families after children have been removed.⁴⁰

Housing Stability Leads to Better Outcomes in Health, Education and Employment

³⁶ 2023 Youth Count, *supra*.

³⁷ Amy Dworsky, Ph.D., "Families at the Nexus of Housing and Child Welfare," Chapin Hall at the Univ. of Chicago (Nov. 2014), available at: <https://firstfocus.org/wp-content/uploads/2014/12/Families-at-the-Nexus-of-Housing-and-Child-Welfare.pdf> (internal citations omitted).

³⁸ See e.g., *The NYC Family Policy Project*, available at <https://familypolicynyc.org/data-brief/hotline-calls/>

³⁹ Mike Hixenbaugh, Suzy Khimm, and Agnel Philip, *Mandatory Reporting Was Supposed to Stop Severe Child Abuse. It Punishes Poor Families Instead.*, NBC News and Pro Publica (Oct. 12, 2022) (quoting Haven Evans, director of programs at Pennsylvania Family Support Alliance), available at <https://www.propublica.org/article/mandatory-reporting-strains-systems-punishes-poor-families>.

⁴⁰ Id.

When families have stable housing it leads to better outcomes in health, education, and employment. Housing instability has been linked to greater risk of depression⁴¹, worse outcomes for chronic illnesses like diabetes⁴², low-weight and/or pre term infants⁴³, and general adverse childhood health⁴⁴. Frequent moves before a child is seven years old leads to greater thought-related and attention-related problems⁴⁵. These problems can reduce educational achievement. Children who experience high mobility between third and eighth grades do worse in school⁴⁶. Moreover, forced moves are also a predictor for job loss⁴⁷. If keeping employment without stable housing is difficult, finding new employment while unstably housed is even more difficult. The cost of adverse health outcomes, poor education

⁴¹ Burgard, S. et al, *Housing Instability and Health: Findings from the Michigan Recession and Recovery Study*, Social Science & Medicine, December

2012. <https://www.sciencedirect.com/science/article/abs/pii/S0277953612006272?via%3Dihub>

⁴² Berkowitz, et al. *Unstable Housing and Diabetes-Related Emergency Department Visits and Hospitalization: A Nationally Representative Study of Safety-Net Clinic Patients*, 2018

<https://pubmed.ncbi.nlm.nih.gov/29301822/#:~:text=Conclusions%3A%20Unstable%20housing%20is%20common,for%20vulnerable%20individuals%20with%20diabetes.>

⁴³ Leifhart, et. al, *Severe Housing Insecurity during Pregnancy: Association with Adverse Birth and Infant Outcomes*, Int J Environ Res Public Health. 2020,

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7700461/>

⁴⁴ Sandel, et al, *Unstable Housing and Caregiver and Child Health in Renter Families*, Pediatrics, 2018,

<https://publications.aap.org/pediatrics/article/141/2/e20172199/38056/Unstable-Housing-and-Caregiver-and-Child-Health-in>

⁴⁵ Gaylord, et al., *Impact of housing instability on child behavior at age 7*, Int J Child Health Hum Dev., 2018, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8442946/>

⁴⁶ Cutuli, et al, *Academic achievement trajectories of homeless and highly mobile students: Resilience in the context of chronic and acute risk*. Child Development 2013. https://www.researchgate.net/profile/Jeffrey-Long-6/publication/24250390_Academic_achievement_of_homeless_and_highly_mobile_children_in_an_urban_school_district_Longitudinal_evidence_on_risk_growth_and_resilience/links/5c9b85c2a6fdccd4603f111c/Academic-achievement-of-homeless-and-highly-mobile-children-in-an-urban-school-district-Longitudinal-evidence-on-risk-growth-and-resilience.pdf

⁴⁷ Desmond, et al, *Housing and Employment Insecurity among the Working Poor*, Social Problems, 2016. <https://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>

achievement and lack of employment is significant and will ultimately harm New York State's ability to grow its economy.

Housing Access Voucher Program

The problem

We urge the passage of the Housing Access Voucher A1704(Rosenthal)/S72(Kavanagh). Homelessness has reached epidemic levels in New York State. Last year's point in time census of homeless New Yorkers was 158,019⁴⁸. But that survey is done in the dead of winter and includes sheltered and unsheltered homeless New Yorkers throughout our entire state. At the end of December 2024, the total number of people shelters in New York City's shelter was 124,764⁴⁹. In last year's budget testimony, we reported that a record 119,300 New York City students were homeless in the 2022-23. Unfortunately, we must report that once again New York City has experienced a record number of New York City students who were homeless. This year that number is 146,000⁵⁰.

As Comptroller DiNapoli reported in January, homelessness is not just a New York City problem. In the last two years, numbers of homeless New Yorkers have doubled in Glens Falls, Saratoga Springs/Saratoga, Washington, Warren, Hamilton counties, Newburgh, Middletown/Orange County, Jamestown, and Dunkirk/Chautauqua County⁵¹. Other regions

⁴⁸ <https://www.huduser.gov/portal/sites/default/files/pdf/2024-AHAR-Part-1.pdf>

⁴⁹ <https://www.coalitionforthehomeless.org/>

⁵⁰ <https://advocatesforchildren.org/policy-resource/student-homelessness-data-2024/>

⁵¹ <https://www.osc.ny.gov/files/reports/pdf/new-yorkers-in-need-homelessness-nys.pdf> page 5.

like Western New York, Central New York, the Capital Region, the Hudson Valley, have seen increases in homeless population of more than 50 percent⁵². The increase has been driven by families with children. The report indicates that there are numerous reasons for the increase, including influx of asylum seekers, increased eviction proceedings, lack of affordable housing and increased rents⁵³. More than 50 percent of New York renter households are rent burdened⁵⁴. This is not just a New York City problem, indeed the Mid-Hudson Valley, Long Island, Yonkers, Rochester, Albany and Syracuse have higher percentages of rent-burdened tenants than does New York City⁵⁵.

Most local governments lack the resources necessary to address the homelessness crisis. We know that housing stability leads to better educational outcomes for children and better health outcomes for elderly and disabled tenants. It is time for New York State to find an answer to this intractable crisis. Creating a state-wide Section 8 program would be the start of providing low-income New Yorkers with stability. We strongly supported this bill when it was introduced in 2020. It was a priority before COVID. But if there is one lesson we have learned over these long hard years, it is that housing is health care. New York State must prioritize a path to permanent housing for its homeless citizens and provide housing stability for renters who are struggling.

The proposal

⁵² Id.

⁵³ Id. at 6.

⁵⁴ <https://www.osc.ny.gov/reports/new-yorkers-need-housing-insecurity-crisis>

⁵⁵ Id.

The Housing Access Voucher Program would be administered through the public housing authorities throughout the state. Currently those public housing authorities administer the federal Section 8 program. As the new Housing Access Voucher Program is similar to the federal Section 8 program in its details, counties and localities would not be administratively burdened by having to train workers on a new program. A recent report found that communities where people spend more than 32 percent of their income on rent can expect a more rapid increase in homelessness⁵⁶. The Housing Access Voucher Program would cap tenants' rent at 30 percent of household income to increase housing stability as beneficiaries' incomes rise and fall. Additionally, the public housing authorities would be required to inspect rental units so to ensure that public monies do not go to landlords renting unsafe housing.

Clients in Need

Our client, Ms. T, exemplifies the need for this rental assistance. Ms. T is a single mother who lives in the Bronx with her 12-year-old daughter. Her rent is \$1254.60. It is currently frozen with DRIE. Ms. T sustained devastating injuries in a car accident that left her permanently disabled. Despite her permanent injuries, she continued working for years to support her family and keep a roof over their heads. In 2019, she could no longer continue working due to her worsening health and was eventually approved for SSDI based on her work history and disabilities. SSDI is the only income in the household and is not enough to

⁵⁶ Priced Out: Homelessness Rises Faster Where Rent Exceeds a Third of Income, Chris Glynn, Alexander Casey, December 11, 2018, <https://www.zillow.com/research/homelessness-rent-affordability-22247/>

cover the rent. Ms. T was in court last year and mistakenly received a one-shot deal, she did not qualify for one because she does not have future ability to pay. That one-shot deal was enough to end her case. But it did not address the core problem she is facing. She does not have enough income to pay her rent. Ms. T is back in arrears and her landlord is preparing to bring her to court for nonpayment again.

For every family of two in shelter, New York City estimated that it cost \$8,773 per month⁵⁷. That amount is approximately seven times Ms. T's entire rent and were she to receive a voucher, that amount would be ten times the share of Ms. T's rent that the state would pay.

Housing Vouchers Could Assist Youth Aging Out of Foster Care and Reduce the Number of Children and Young Adults in Foster Care

The acute need for housing assistance for youth aging out of foster care often forces youth to remain in foster care. While young people in New York State are entitled to remain in care until their 21st birthday,⁵⁸ many youth in foster care are unable to obtain stable housing before they turn 21. As a result, the Administration for Children's Services ("ACS") has established a policy for the Continuation of Care and Support Beyond 21 ("CCS21+"), which allows a young person to remain in foster care past the age 21 so long as that youth adheres to a set of eligibility criteria.⁵⁹ We are not aware of any such program among local social

⁵⁷ Debipriya Chatterjee, et al., "To Fight Homelessness, House the People: Reforming the CityFHEPS Voucher Program Is the Need of the Hour," Community Services Society (May 23, 2023), available at <https://www.cssny.org/news/entry/city-fheps-voucher-program-homelessness-housing>.

⁵⁸ N.Y. Fam. Ct. Act § 1055(e)

⁵⁹ See, Guidelines for the Continuation of Care & Support Beyond Age 21, Administration for Children's Services (2018), available at: <https://www.nyc.gov/assets/acs/policies/init/2014/L.pdf>.

services districts (“LDSS”) upstate. Nonetheless, particularly if the young person is actively engaged in the housing application process, LDSS are prohibited from discharging a young person to homelessness.⁶⁰ In New York City, this means that many youth are lingering in foster care for years longer than they would otherwise because there simply aren’t affordable housing options available to them.

Most housing options in New York City are simply unavailable to youth aging out of foster care or do not provide the long-term housing stability such a vulnerable population needs to thrive in their transition into adulthood. For example, in an internal survey conducted by the Legal Aid Society regarding approximately 75 youth, our office found that several of them had their applications for NYCHA housing certified more than four years earlier. At least one of those youth is still waiting for NYCHA to offer him an apartment, a year later. The \$725 Preventive Services Housing Subsidy,⁶¹ although recently increased, is only available until the young person turns 21 and is woefully inadequate to cover the cost of even a room in this city. In addition, most supportive housing programs are time-limited. Some such programs only serve youth who are at homeless or at risk of homelessness and others require that the youth be diagnosed with serious mental illness or serious emotional disturbance in addition to meeting homeless criteria. Further, supportive housing programs require invasive psychological evaluations/assessments that often retraumatize a population whose experiences in foster care ruptured their trust in the mental health care system. Additionally,

⁶⁰ 18 NYCRR § 430.12(f)(3)(i)(c).

⁶¹ Soc. Servs. Law § 409-a; 18 NYCRR §423.2(b)(16), (c), & (e); 18 NYCRR § 423.4; 18 NYCRR § 430.9(e) & (f); 20-OCFS-ADM-16-R1.

CityFHEPS vouchers are also not only limited in availability, but they are so time-limited that they are likely to terminate far before the young person has achieved meaningful economic independence.⁶² Finally, Section 8 vouchers are simply unavailable and those fortunate enough to get onto the waitlist will likely be waiting for years.

As such, the Housing Access Voucher Program is critical to the long-term success and stability, of young people aging out of foster care. Furthermore, given that LDSSs bear the cost of foster care beyond age 21, HAVP is likely to result in savings to New York State.⁶³ Additionally, strengthening housing stability for families will reduce the number of children and families unnecessarily involved in the family regulation system and subsequently, reduce the number of children in foster care.

Thus, we strongly support the Housing Access Voucher A1704 (Rosenthal)/S72(Kavanagh) and urge that it be included as part of 2024 budget.

Reforms to SCRIE and DRIE

⁶² According to the Pew Research Center, in a study of young people in the general population, “45% of young adults say they are completely financially independent from their parents. Among those in their early 30s, that share rises to 67%, compared with 44% of those ages 25 to 29 and 16% of those ages 18 to 24.” Rachel Minkin et al., *Parents, Young Adult Children and the Transition to Adulthood*, Pew Research Center (Jan. 25, 2024), available at: <https://www.pewresearch.org/social-trends/2024/01/25/parents-young-adult-children-and-the-transition-to-adulthood/>. The statistics for youth aging out of foster care are far more bleak, as exemplified by the housing instability statistics cited herein.

⁶³ The annual cost of foster care per youth over 18 ranges from \$13,858.80 to \$45,799.68 depending on the youth’s needs and locality (i.e. whether the youth resides in the New York City metropolitan area or upstate). See, *Maximum State Aid Rates for Foster Boarding Home Payments and Adoption Subsidies 2024-25 Rate Year (July 1, 2024 through June 30, 2025)*, Office of Children and Family Services, available at <https://ocfs.ny.gov/main/rates/assets/docs/rates/fc-b/FC-Board-Rates-2024Jul01-2025Jun30.pdf>. However, these numbers do not include the plethora of special payments for items and services a youth is entitled to pursuant to New York State regulations, nor does it include the cost of wages for all foster care agency and LDSS staff, as well as attorneys involved in a given youth’s case.

Older New Yorkers And Disabled New Yorkers Need Affordable Rents to Remain Living in the Community Through Enhancements to the SCRIE and DRIE Programs.

We support S561, S1457A, S2451A, S2534, S3563, S4252. Each of these bills address long standing problems with the Senior Citizens Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs. We are grateful that the Senate is focused on addressing these problems and proposing solutions which would protect some of the most vulnerable New Yorkers and enable them to remain in their homes, paying an affordable rent.

The SCRIE/DRIE program has been underutilized for some time⁶⁴. S561 would require notices to be sent to tenant households to inform them potential eligibility for them SCRIE/DRIE programs and provide them with instructions on how to apply.

We support S1457A which would increase the maximum income threshold for eligibility to \$67,000 and index it to inflation thereafter. The last time the eligibility threshold was increased was in 2014. Since that time as inflation has increased, the eligibility threshold has remained the same. Tenants are losing eligibility when they receive cost of living increases in their income. The loss of the rent freeze exemption will lead to housing instability.

We strongly support S2451A, S2534 and S4252 because for too many seniors and disabled renters, this program freezes their rent at unsustainable levels. Currently, when a

⁶⁴ New York City has estimated that under 60 percent of eligible households receive the benefits. https://www.nyc.gov/assets/rentfreeze/downloads/pdf/2022-scrie_drie_report.pdf

senior applies at sixty-two (62) years old, the rent is frozen at the legal regulated rent at the time. However, there is no assessment at the time of application as to the affordability of that rent for the senior. Resultantly, the amount may already be a substantial rent burden for the senior on a fixed income. For example, a senior receiving Social Security Income of \$1034 applies for the SCRIE program and their rent is frozen at \$994. Although the rent is frozen, it is frozen at an amount that is not affordable and would leave the senior with only forty (40) dollars per month for other expenses. There is no option under the current law for this frozen rent to be lowered, despite this severe rent burden, unless the senior was to experience a decrease in their already very limited income. Rents should be frozen at one third of household income. This will ensure true affordability for seniors and disabled tenants on low fixed incomes.

We support S3563 because it recognizes that family members who care for disabled individuals need rent relief. Those families face similar hardships to those already eligible for this program.

Expansion of SCRIE and DRIE eligibility to units covered by Good Cause Eviction Law

Lastly, we propose that the SCRIE and DRIE program should be expanded to units now covered by the Good Cause Eviction law. Generally, rents in apartments covered by the good cause eviction law are limited to between 5 and 10 percent depending on the annual change in the consumer price index. This is not a rent cap but landlords cannot increase the rent than more than the local rent standard without providing a tenant with a explanation and a justification for that increase.

In the past, the SCRIE and DRIE program may not have covered these units because of the uncertainty of how much the rent would increase after a lease expires in a market rate apartment. This is different from a rent stabilized apartment because the increases are known and limited by statute. However, with the passing of the Good Cause Eviction law, there will be limitations on rent increases in apartments covered by the act. Therefore, expanding the program to cover these market units would increase the number of potential affordable apartments where seniors could maintain long term tenancies.

Shelter Arrears Eviction Forestallment Act

While the Shelter Arrears Eviction Forestallment Act is targeted at localities outside of New York City, The Legal Aid Society is extremely familiar with New York City's rent arrears program which has prevented the eviction of low-income renters. We strongly support allocating funds to other localities to prevent evictions through out New York State.

Conclusion

Thank you for the opportunity to submit testimony before this Joint Public Hearing on Rental Assistance. Homelessness and housing insecurity are a scourge on our state. The legislature must enact these desperately needed programs this year. New Yorkers have waited too long for relief. Its time to start to tackle New York's affordability crisis.

Sincerely,

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The Legal Aid Society