

Horrors in Homeless Housing



***New York's Unclean, Unsafe, Dangerous Temporary Shelter
System and How to Finally Tackle the Homelessness Epidemic***

January 2017

Introduction

New York's homeless population has currently reached new highs with more than 73,000 men, women and children sleeping each night in the municipal shelter system. The state has a long and storied history with housing for the homeless, which began in 1979 when a lawyer named Robert Hayes brought a class action lawsuit, *Callahan v. Carey*, on behalf of homeless men in New York City. The crux of Hayes' argument was that the right to shelter is guaranteed by Article XVII of the New York State Constitution, which states: "the aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions."

Callahan v. Carey permanently altered the manner in which New York City addresses its homeless population. In 1981, a consent decree was issued as settlement to the case; it detailed the city's duty to provide shelter for those who are homeless. This consent decree ultimately created a right to shelter that has helped countless homeless families, but it also gave birth to the City of New York's use of commercial hotels to shelter homeless New Yorkers.

The city gained national attention for its use of hotels to shelter homeless individuals and families in 1987 when the United States Department of Health and Human Services ("HHS") proposed new regulations to only reimburse cities for the first 30 days of a family's stay in emergency housing, including welfare hotels. The move would have caused an immediate loss in federal funds amounting to over \$80 million. In November of the same year, the city announced plans to stop housing homeless people in hotels and move the residents to other housing options by 1989. Since then, the city has continued to use hotels to shelter the homeless and has continually faced staunch opposition by community groups, advocates, residents and elected officials at all levels of government, who have called on the city to end this practice.

As of November, the U.S. Department of Housing and Urban Development ("HUD") estimated that New York City's homeless population was 73,523; this count shows more people than the numbers cited by the City Department of Homeless Services because it includes people in traditional DHS shelters as well as other types of shelter in the city. Among this population, are more than 6,100 men, women and children who are living in hotels, many of which are in deplorable condition, riddled with open violations and without necessities, such as a stove.

Furthermore, over the years a number of incidents have drawn attention to the serious safety concerns presented by sheltering homeless families in hotels. Just this past year, a man fatally stabbed a mother and her two daughters at a Staten Island Ramada Inn, which was being used to house homeless families. While the city claims that families typically stay at these hotels for about two weeks, the victim and her daughters had been staying at the Ramada Inn for two months. At the time, the city housed 28 families at the Ramada Inn. The city has since stopped using that hotel to house homeless individuals. At the time of the stabbing, the city used around 41 hotels to house approximately 2,500 homeless people, including 600 children. The city claims that it plans to eliminate the use of hotel rooms for these purposes.¹

¹ <http://www.reuters.com/article/us-new-york-crime-stabbing-idUSKCN0VJ22M>

Shortly following the aforementioned incident, a repeat offender named Malik Pinnock broke into a hotel partially used as a homeless shelter wielding a machete. For several hours, Pinnock held his girlfriend and two children hostage in the hotel room while threatening to kill them. Police recovered three machetes at the scene.²

Despite the city's promises earlier this year, it has in fact *expanded* the use of hotels to house homeless individuals. The city houses an estimated 12 percent of the total homeless population in hotels, compared with 4 percent in January. At the beginning of 2016, the city rented 508 hotel rooms for homeless families with children; today, that number stands at over 2,400.³

Sometimes even worse than these homeless hotels are cluster sites, which are essentially temporary housing apartments, used by the city to shelter homeless individuals. This year, an investigation by the New York City Comptroller found that 3,200 cluster units house 11,000 homeless men, women, and children across the City. While 100 property owners participate in the cluster site program, 11 landlords control about half the City's stock of cluster units. Those units account for around 56 percent of the 1,119 "high-priority" health, fire, building, and code violations identified by the Comptroller.⁴

These cluster sites are rife with their own health and safety issues, which sometimes prove to be fatal for the homeless individuals and families they serve. Juan Sanchez is one such victim. After consuming rat poison in the hallway of a cluster site in April 2014, the four-year-old died at Lincoln Hospital. Prior to the incident, the family asked the city to move them, citing deplorable conditions at the site. "The building is infested with rat poisoning and there were always beer cans and empty bags of drugs in the hallways... It was always unhealthy for us to be there," said the mother at the time.⁵

In December 2016, a gruesome multiple fatality in the South Bronx reminded New Yorkers about how perilous building issues can be for those who are living in them, and highlighted the dangerous nature of run down cluster sites. Two sisters, Ibanez and Scylee Vayoh Ambrose, ages two and one, died when a radiator burst in their apartment and scalded them with steam. Doctors at Lincoln Hospital were unable to revive the girls.

These tragedies, and others like them, are preventable. The Comptroller's report issued this year is not the first to condemn conditions at the cluster sites—the Department of Investigation condemned conditions at the units following a 2014 report. The DOI found that "the family shelters it inspected and reviewed are too often unsafe and unhealthy for children and families... and that the family shelter system is in need of aggressive, immediate, as well as long-term reform efforts."⁶ In 2015, New York City conducted 8,665 inspections between the Departments of Housing Preservation and Development (HPD), Buildings (DOB), Health and Mental Health (DOHMH), and the Fire Department (FDNY). These inspections identified 17,312 violations. In early 2016,

² <http://www.nyl.com/nyc/all-boroughs/politics/2016/03/15/unsafe-haven--city-homeless-shelters-are-hotbeds-of-domestic-violence.html>

³ http://www.nytimes.com/2016/12/07/nyregion/homelessness-new-york-city-hotels.html?_r=0

⁴ <http://www.nydailynews.com/new-york/handful-bad-landlords-endanger-nyc-homeless-families-article-1.2907403>

⁵ <http://www.nydailynews.com/new-york/bronx/bronx-boy-ate-rat-poison-lived-squalor-mom-probed-6-times-article-1.1774880>

⁶ <http://www.nytimes.com/2015/03/13/nyregion/new-york-homeless-shelter-system-violations-report.html>

New York City took steps to begin increasing inspections at shelter sites, as well as making the information more transparent. The City created a new Shelter Repair Scorecard that lists conditions at all homeless shelters in New York City that do not meet the applicable regulations, and makes it possible to track progress in dealing with the violations. In addition to this new Shelter Repair Scorecard, the City committed in 2016 to conduct inspections twice per year at all sites used to house homeless individuals and families. The 2016 budget for shelter maintenance and repairs was \$54 million.

New York's agencies are caught between a-rock-and-a-hard-place, not because housing the homeless is a foundational moral and legal duty, but because with the growing homelessness population the use of hotels and cluster sites have become a necessity in the absence of more permanent and stable shelter sites.

New York's lawmakers must take expeditious action to quell the homelessness crisis, or the Ambrose girls will not be the last victims of New York's dilapidated cluster site and homeless hotel system.

Key Findings:

- 49 of 63 hotels identified (78%) currently have open violations.
- These 49 hotels currently have a total of 433 open violations.
- Of hotels with violations, the average number of open violations per hotel was 8.68.
- The top 10 violators were responsible for 294 open violations, accounting for 67.9% of all violations on the list.
- Manhattan had the highest number of violations with 263, and an average of over 20 violations per hotel, over twice the average for all hotels citywide. It was followed by Queens with 63 violations, Brooklyn with 45, and the Bronx with 37. Staten Island did not have any recorded violations.
- Four hotels had a total of 9 open Class C HPD violations; which constitutes violations that are immediately hazardous and can be corrected by HPD through the Emergency Repair Program (ERP) that charges repair costs to landlords.
- The worst violator on the list, Dawn Hotel of NY, LLC, racked up 55 HPD violations, 4 DOB violations, and 19 ECB violations, for a grand total of 78 open violations.
- Citations include issues with dangerous construction, problems with fire escapes, lead paint contamination, illegal cooking apparatuses, broken floors and walls, broken sinks, malfunctioning toilets, areas open to the elements, etc.
- 38 of 41 cluster sites analyzed (93%) had violations.
- The cluster sites reviewed by staff, despite numbering fewer than the homeless hotels (41 vs 63), racked up **2,577 violations**.
- Cluster sites averaged 68 violations per site.
- The top 10 worst cluster sites were responsible for 1,426 violations, or 55% of the total violations at all cluster sites.
- The Bronx has the worst cluster site problem—6 of the worst 10 cluster sites are found in the borough, and it accounts for 46% of all cluster site violations uncovered by the investigation with an average of 118 violations per site. The Bronx was followed by Brooklyn with 99 violations, Manhattan with 39, and Queens with 10. Staten Island had no violations.

Methodology

To highlight the health and safety issues at these homeless hotels and cluster sites, New York State Senator Jeffrey Klein and the Independent Democratic Conference conducted an investigation into the living conditions at the hotels and cluster sites used for the temporary housing of homeless families across New York City.

Staff identified hotels and cluster sites by reviewing the city’s shelter scorecards, which classify shelters by type. These types of temporary shelters are contained in the “family hotel” and “family

cluster” categories. Additionally, not all of the homeless hotels are commercial hotels. Unfortunately, the city omits address data from the shelter scorecard can easily identify and confirm the addresses of these cluster sites and commercial homeless hotels. In the absence of this information, staff was required to use outside information to complete its analysis.

Staff used identifying information from the shelter name, provider, facility type, landlord, and borough fields to identify shelter locations by crosschecking the information against publicly-available data and maps on the internet. Relevant factors in ruling out non-commercial hotels were whether the building included signage, advertised online, had a website and had consumer reviews. This outside information allowed staff to confirm temporary hotel locations and cluster sites with a fair amount of accuracy. Finally, some of the family hotels are established as nonprofit, dedicated shelters; staff attempted to eliminate dedicated nonprofit shelters, to focus specifically on commercial and/or for-profit hotels where possible, checking with publicly available information that the homeless hotel locations analyzed are commercial hotels.

Finally, once staff identified locations, staff checked the status of these shelter locations on the City’s Housing Preservation & Development (HPD) and the Department of Buildings (DOB) websites. During the analysis, staff noted that HPD’s building database is consistently slow to respond, creating potential transparency issues for citizens who are attempting to obtain building information in some cases. Indeed, addresses that have many violations tend to crash before they can fully load on the website.

Staff collected data regarding open HPD violations, DOB violations, and Environmental Control Board (ECB) violations.

Data

Hotels

| <u>Ran</u> <u>k</u> | <u>Name of Hotel</u> | <u>Address</u> | <u>Borough</u> | <u>Number of</u> <u>Open</u> <u>Violations</u> |
|------------------------|---------------------------------------------|-------------------------|----------------|------------------------------------------------------|
| 1 | Dawn Hotel of NY LLC | 6-8 ST NICHOLAS PLACE | Manhattan | 78 |
| 2 | Frant Hotel | 209/211 WEST 101 STREET | Manhattan | 59 |
| 3 | Ellington Hotel LLC | 610 WEST 111 STREET | Manhattan | 37 |
| 4 | Aladdin Hotel | 317 WEST 45TH STREET | Manhattan | 26 |
| 5 | Apollo Hotel | 2027 7TH AVENUE | Manhattan | 25 |
| 6 | Lincoln Atlantic Motor Inn Inc | 90-35 Van Wyck Expy | Queens | 17 |
| 7 | Park Overlook Hotel | 1938 WEBSTER AVENUE | Bronx | 16 |
| 8 | Galaxy Motel | 860 PENNSYLVANIA AVE | Brooklyn | 16 |
| 9 | Manhattan Center | 315 West 34th Street | Manhattan | 10 |
| 10 | Extended Stay America-NYC LaGuardia Airport | 18-30 WHITESTONE EXP | Queens | 10 |

Of the top ten worst violators, the top five hailed from Manhattan. The top ten hotels alone racked up 294 open violations, or a total 67.9% of *all violations* on the list. These violators averaged 29.4 violations per hotel.

A media search quickly uncovers incidents of tragedy at these homeless hotels. In 2002, a teen committed suicide at the Dawn Hotel after the city seemingly disregarded the fragile state of the teen and his need for permanent and stable housing. Court decrees require a quick shelter placement for medically fragile families, and a city nurse had listed the teen's psychiatric history on a screening that identifies the most vulnerable families. Despite this, the system forced the family between temporary shelter rooms and the cramped Emergency Assistance Unit in The Bronx, where he was required to sleep on the floor. The teen's father claimed at the time that his son committed suicide because he felt threatened that the family would wind up back at the

Emergency Assistance Unit.⁷ Among the Dawn’s current 55 open HPD violations are citations for broken floors, broken sinks, toilets that don’t flush, issues with fire escapes, unlawful cooking spaces, potentially dangerous electric hot plates and contaminated lead paint.

In 2015, the Daily News conducted an investigation of the cleanliness and violation histories of these hotels. The Frant Hotel, second on our list, owes \$191,000 in City code violations and fines, while the Ellington Hotel a few blocks away owed \$45,277 in fines. Despite these numerous and repeated violations, DHS routinely gives shelters with dozens of serious code violations a “passing grade.”⁸ The Frant Hotel’s open violations consist mainly of construction issues and failure to file annual inspection reports. Specifically, they failed to file annual boiler inspection reports regarding their low-pressure boiler in 2010, 2011 and 2012 as well as failed to certify corrections on immediately hazardous environmental issues. Architects and engineers deemed the hotel unsafe multiple times, it has failed to comply with building code, and failed to provide adequate safety measures to protect and secure the public safety. Workers made many changes to the building without the required permits, including the installation of water and waste lines and sprinkler systems. Inspectors observed water damage throughout the building, identified unapproved and unsafe electrical equipment multiple times, and noted issues with hose piping for a gas connection. The hotel has also failed to maintain the exterior roof of the building and has failed to file reports indicating the correction of these unsafe conditions.

At the Ellington Hotel, several ECB violations remain open against the property for construction that appears to have disregarded the health and safety of its residents and the public health. Workers failed to use safety netting to protect the public from falling construction debris. Construction commenced without a permit and workers removed exit doors and, leaving the building open to the elements and creating a hazard to its occupants. With work underway, materials blocked exits. HPD cited the building for dangerous lead paint, despite the fact that these hotels house homeless families with young children who are particularly susceptible to lead poisoning and its long-term, permanent effects.

In 2013, an audit from the City Comptroller showed that a Bronx-based shelter operator failed to account for millions of dollars in city payments and racked up massive utility tabs while subjecting his homeless tenants to squalid conditions. The Comptroller called on the city to drop Aguila, which operates the Apollo Hotel. Aguila also owed the city \$600,000 at the time of the report. Despite the bad operator’s history, DHS paid Aguila \$57 million in FY 2013.⁹ The Apollo Hotel’s open violations consist primarily of failures to comply with commissioner’s orders, failures to have systems tested, and failures to maintain building code. Specifically, it has failed to have new or altered plumbing systems tested multiple times, no permits or certificates were issued to show violated conditions have been corrected, and construction has been conducted without permits. More alarming is its failure to properly bond its electrical system, including its fire alarm switch; its occupancy has been over the allowable amount; and it was alerted that there is insufficient water supply for its sprinkler system, which activates in case of emergency. Such a deficiency could result in serious harm or loss of life in the event of a fire.

⁷ <http://www.nytimes.com/2002/08/08/nyregion/mentally-ill-boy-kills-himself-in-shelter-hotel.html>

⁸ <http://www.nydailynews.com/new-york/city-homeless-shelters-rife-vermin-violations-report-article-1.2146727>

⁹ <http://www.nydailynews.com/new-york/bronx/audit-rips-notorious-shelter-operator-article-1.1503255>

In 2015, Senator Klein held a press conference in front of the Lincoln Atlantic Motor Inn, pointing out that the location concurrently housed homeless sex offenders, placing homeless residents and families at risk. This year, Lincoln Atlantic is number six on our list, racking up a total of 17 open violations.¹⁰ Open violations at the property concern multiple citations for roach infestations, broken plastered surfaces and paint, failing to file a valid registration certificate, broken or defective lower window sashes, and elevator issues.

Assemblyman Charles Barron in August protested The Galaxy Motel in Brooklyn, which currently has 16 open violations. The Assemblyman and his fellow protestors noted that the hotel, and many like it, is an inadequate stopgap measure that diverts resources, which can create long-term, stable and affordable housing for vulnerable populations.¹¹

One Manhattan hotel, the MAve NYC, was recently the target of a New York Post story that divulged the hotel, owned by Assa Properties, housed homeless individuals for the city. At the same time, the city sued one of the company’s principals, Salam “Solly” Assa, accusing him and others of turning four Midtown apartment buildings into illegal hotels. The suit alleged that Assa was “conducting a business which places tourists and visitors in illegal occupancies and exposes them to serious fire safety risks.” City inspectors discovered obstructed passageways and a lack of fire alarm and sprinkler systems. Despite these transgressions, the city has handed MAve a contract potentially worth millions.¹² The analysis discovered six open violations at MAve, with one Class B HPD violation, two DOB violations, and three ECB violations.

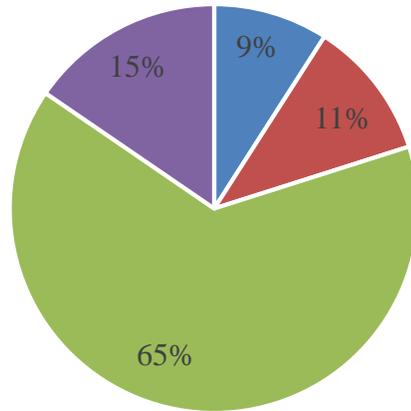
| | <u><i>Number of Hotels Cited With Open Violations</i></u> | <u><i>Total Number of Violations in Borough</i></u> | <u><i>Average # of Open Violations per Hotel</i></u> |
|----------------------|-----------------------------------------------------------------------|-------------------------------------------------------------|--------------------------------------------------------------|
| <i>Bronx</i> | 10 | 37 | 3.70 |
| <i>Brooklyn</i> | 11 | 45 | 4.09 |
| <i>Manhattan</i> | 13 | 263 | 20.23 |
| <i>Queens</i> | 13 | 63 | 4.85 |
| <i>Staten Island</i> | 0 | 0 | 0 |
| <i>Total</i> | 47 | 408 | 8.68 |

¹⁰ <http://queenstribune.com/senators-seek-to-protect-homeless/>

¹¹ http://www.canarsiecourier.com/news/2016-08-18/Other_News/No_More_Shelters_Barrons_Demand.html

¹² <http://nypost.com/2016/10/30/luxe-hotel-near-celebrity-homes-sued-for-housing-homeless/>

Homeless Hotels Borough Violation Share



■ Bronx ■ Brooklyn ■ Manhattan ■ Queens ■ Staten Island

Manhattan ranked worst when measured by number of violations and by average number of violations, with more than twice than the rest of the city. All other boroughs followed distantly, with Queens at 63, Brooklyn at 45, and The Bronx at 37. Staten Island had only two identifiable commercial hotels used for purposes of housing homeless individuals, but neither hotel had violations.

In total, these hotels were responsible for 106 HPD violations, broken down into the following categories:

| <u>Class A</u> | <u>Class B</u> | <u>Class C</u> | <u>Class I</u> |
|----------------|----------------|----------------|----------------|
| 21 | 50 | 9 | 26 |

HPD classes violations from A to C. In general, Class A violations are non-hazardous and require correction within 90 days; Class B are hazardous and require correction within 30 days; Class C are immediately hazardous and require correction times ranging from 21 days to *immediate* depending on the type of violation (issues with heat and hot water are regarded as particularly serious as they have the potential to cause imminent human health problems).¹³

Cluster Sites

The violation status of New York City’s cluster sites is even worse than the hotels being used to temporarily and inadequately house NYC’s homeless population. Though there are less cluster sites in the data set than homeless hotels, the number of violations far eclipses the hotels. There are a total 2,577 cluster site violations versus a total 433 for homeless hotels, nearly six times more violations than at the hotels.

¹³ <http://www1.nyc.gov/assets/hpd/downloads/pdf/ABCs-housing-singlepg.pdf>

| <u>Rank</u> | <u>Name of Cluster Site</u> | <u>Address</u> | <u>Borough</u> | <u>Number of Open Violations</u> |
|-------------|--------------------------------|-------------------------|----------------|----------------------------------|
| 1 | BEDCO CLUSTER | 1055 UNIVERSITY AVENUE | Bronx | 185 |
| 2 | LCG COMMUNITY SERVICES CLUSTER | 111 E MOSHOLU PARKWAY N | Bronx | 166 |
| 3 | BEDCO CLUSTER | 250 East 176 Street | Bronx | 158 |
| 4 | LCG BROOKLYN | 1801 Pitkin Avenue | Brooklyn | 144 |
| 5 | CHLDN RESCUE FUND CL MODEL PRG | 1575 TOWNSEND AVENUE | Bronx | 143 |
| 6 | BROOKLYN ACACIA CLUSTER | 2063 NOSTRAND AVENUE | Brooklyn | 142 |
| 7 | LCG COMMUNITY SERVICES CLUSTER | 2723 Barnes Avenue | Bronx | 140 |
| 8 | LCG COMMUNITY SERVICES CLUSTER | 1229 CLAY AVENUE | Bronx | 123 |
| 9 | MONICA HOUSE II, WOMEN IN NEED | 899 MONTGOMERY STREET | Brooklyn | 113 |
| 10 | MONICA HOUSE II, WOMEN IN NEED | 434 SCHENECTADY AVENUE | Brooklyn | 112 |

The worst violator on the list, the cluster site at 1055 University Avenue in The Bronx, made the news as early as 2001. The New York Post cited the cluster as having 27 “poorly maintained scatter-site units,” and caseworkers that were dismissive toward the needs of the families there. In mid-2015, the property made the news again when a man was shot there. Specifically, the BEDCO site has outstanding health and safety violations for rodent and roach infestations, instances of mold and hazardous lead-based paint in several of the apartments and for failure to install smoke and carbon monoxide detectors in a number of the units. On top of this, the cluster at 1055

University Avenue does not even have a locking front entryway and a handful of units do not have working door locks.

The cluster located at 111 East Mosholu Parkway North in The Bronx also has a host of unresolved issues. Multiple housing units at this site contain mold, have exposed electrical wiring, have illegally blocked fire escapes and are without carbon monoxide and smoke detectors. Additionally, this cluster has continued problems with mice and roach infestations as well a number of hallways containing lead-based paint that are all contributing to a hazardous and unhealthy living environment.

Acts of violence unfortunately surround cluster sites. In 2011, three men fled into the Pitkin Avenue location after the fatal shooting of a Brooklyn woman. In 2015, a victim was beat to death with a baseball bat across the street from the Townsend Avenue site. A screaming, police arrested a knife-wielding man outside the 899 Montgomery Street site in April of this year.

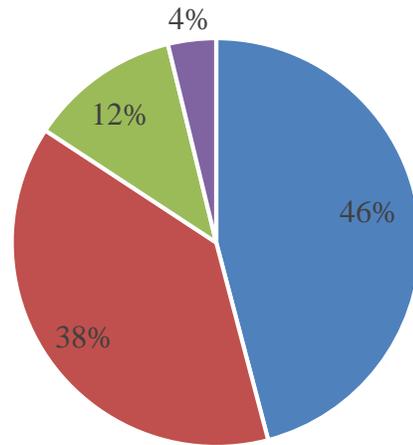
In addition to issues of violence, the 899 Montgomery Street cluster has several health and safety concerns including approximately two-dozen open lead-based paint violations and instances of mold on every level of the building. Likewise, a number of residents in units in the Pitkin Avenue cluster live without heat and hot water, with broken door locks and defective toilets. In an April 2015 article, the New York Post reported that at the Brooklyn Acacia Cluster in Brownsville, “investigators found one elevator broken, and the other fouled with a large puddle of urine.”

The problem of filthy and dilapidated cluster sites is not by any means new; it is something that the city and regulators are well aware of, and have been for years. In a 2009 report by the New York City Comptroller’s office that cited violations at the 1575 Townsend Avenue location, the Comptroller’s office noted, “DHS also failed to adequately monitor providers to ensure they provided safe and sanitary shelter to homeless families and transitioned them to permanent housing in a timely manner.” In that report, the Townsend Avenue location had 75 open HPD violations.¹⁴

| | <u>Number of Cluster Sites Cited With Open Violations</u> | <u>Total Number of Violations in Borough</u> | <u>Average # of Open Violations Per Cluster Site</u> |
|----------------------|-----------------------------------------------------------|----------------------------------------------|------------------------------------------------------|
| <i>Bronx</i> | 10 | 1183 | 118 |
| <i>Brooklyn</i> | 10 | 988 | 99 |
| <i>Manhattan</i> | 8 | 308 | 39 |
| <i>Queens</i> | 10 | 98 | 10 |
| <i>Staten Island</i> | 0 | 0 | 0 |
| <i>Total</i> | 38 | 2577 | 68 |

¹⁴ https://comptroller.nyc.gov/wp-content/uploads/documents/FK09_069A.pdf

Cluster Site Borough Violation Share



■ Bronx ■ Brooklyn ■ Manhattan ■ Queens ■ Staten Island

The average number of violations at these cluster sites dwarfs the average at homeless hotels, at an average of 68 for the cluster sites, and an average of 8.68 at the homeless hotels.

| <u>Class A</u> | <u>Class B</u> | <u>Class C</u> | <u>Class I</u> |
|----------------|----------------|----------------|----------------|
| 414 | 1208 | 395 | 2 |

These cluster sites, which number only 41 in total, have racked up 2,019 open violations; an average of *68 per site with violations*. Of HPD violations, over 1,200 are hazardous and almost 400 are *immediately hazardous*. Cluster sites and homeless hotels with hazardous and immediately hazardous violations put homeless families and children at risk, and are unsuitable for occupancy by any family; especially New York’s most vulnerable ones.

Investigation

Staff investigators visited the Van Cortlandt Motel on Broadway near West 256th Street in North Riverdale to take pictures and provide a glimpse into the living conditions at this hotel and others like it. In early October, Senator Klein attended a meeting where Community Board # 8 members expressed a great deal of consternation regarding the city’s citing of homeless individuals at the motel. Despite the city’s promises to the contrary, and in spite of the Board’s prescient warnings about health and safety at the motel, the city continued to place homeless families at the motel on a temporary basis. A resolution passed by Community Board #8 noted that the “Van Cortlandt Motel is not a fit and habitable place for homeless persons or for any similar transient use.”

Similar to other hotels used for these purposes, the Van Cortlandt Motel is unsafe, unfit, and unequipped to house homeless individuals and families. In both 2014 and 2016, the city’s health department found mouse feces inside the hotel, exterior walls with cracks and holes allowing mice to enter the building, and high grass and other debris adjacent to the building that provide habitable

conditions for mice and rats. Further, shortly after Senator Klein's visit to Community Board#8, tragedy struck. Later in October, a four-month-old baby passed away at the motel. Paramedics attempted to revive the unconscious baby, and then rushed him to Montefiore Medical Center, where he could not be saved.¹⁵

While access is generally limited at these locations, staff were able to obtain access to one of the rooms. What they found inside was perhaps unsurprising given the many violations commercial hotels used as shelters receive on a regular basis:



Dirty walls, small spaces, and a room with only the most basic of necessities: a bed, a handwashing sink and a shower.

¹⁵ <http://www.nydailynews.com/new-york/nyc-crime/4-month-old-baby-dies-hotel-city-quietly-shelter-article-1.2835335>

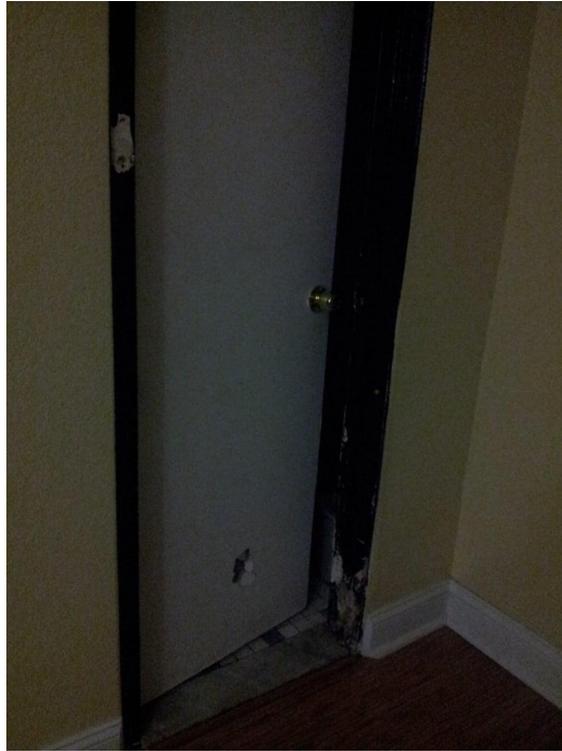


A covered (and by extension, disabled) smoke detector represents a fire risk to occupants of the room and to the rest of the motel and its occupants.



A small bathroom for occupants.

Publicly available images posted by a disgruntled Yelp user also showcase the conditions at the Van Cortlandt Motel:



Damaged Door

Investigators also obtained a sample of a meal issued to homeless occupants of these hotels. Because these hotels lack kitchens to clean, prepare, and cook food, occupants must microwave meals in a common area. This is what a meal looks like:



A microwave meal is the only option for many homeless occupants of these hotels.

Even at non-commercial homeless hotels and other New York City shelter locations, conditions can be deplorable, placing homeless families and children at risk. Staff took these pictures at a homeless hotel location at 555 Hutchinson River Parkway in The Bronx:





At another shelter at 548 183rd Street in The Bronx, staff photographed deplorable rust and rot conditions that residents must endure:





Legislative Solutions

To combat the homeless problem across the state, Senator Klein and the Independent Democratic Conference have developed a multi-pronged approach. This approach addresses every facet of the problem by focusing on prevention, re-housing, and planning. By taking a comprehensive approach to this problem, it is Senator Klein and the IDC's hope to dramatically reduce the homeless population and ensure that those who are in the shelter system have safe, reliable, and stable housing while transitioning into a long-term living situation.

By preventing homelessness in the first place, the IDC hopes to relieve the stress on the both the city's and state's shelter system, reducing the reliance on homeless hotels and cluster sites. Many of these sites are inadequate to house vulnerable individuals, families, and especially young children. The city must reduce its reliance upon them, and step one is preventing homelessness before it starts.

The Home Stability Support program, which combines and consolidates rent supplements into a cohesive, coordinated housing and anti-homelessness program, headlines the homelessness prevention agenda. Senator Klein and the IDC also recommend comprehensive alternatives and policy changes to fix New York's homelessness epidemic.

Prevention

Home Stability Support (HSS)

The IDC's premier anti-homelessness program moving into the 2017 budget will be the Home Stability Support program ("HSS"). The HSS program will be a new statewide rent supplement program for families and individuals, who are facing eviction, are currently homeless, or who have lost housing due to domestic violence and/or hazardous conditions. If enacted, this program will replace all existing optional rental supplements currently available and provide greater flexibility and benefits with *substantial* cost savings to the state and local governments. In this regard, it is a win/win proposal with both positive social and economic outcomes.

The HSS program will be 100 percent federally and state-funded and will provide additional local mandate relief by combining and consolidating all existing optional rent supplements currently available under a single program.

HSS will bridge the difference between the shelter allowance and 85 percent of the local Fair Market Rent, set by the US Department of Housing and Urban Development ("HUD") and is regularly adjusted, to provide adequate calculation of benefits being provided under this program. Additionally, local governments will have the option to raise benefits up to 100 percent of the Fair Market Rent. By providing this option, local governments will have the flexibility to meet their specific local need.

Initially, under this program more than 80,000 households would be eligible statewide for benefits under HSS including:

- Those who are homeless in a shelter, on the street, or living in another household, not of their own.
- The more than 3,000 households fleeing domestic violence or living with hazardous conditions.
- Households currently on public assistance and facing eviction, which current estimates show is more than 7,000 households.
- Households presently receiving a rent supplement.

Furthermore, to promote and encourage employment, this program will include a one-year transitional benefit for households that increases their earnings enough to leave public assistance.

Under this proposal, taxpayers see significant savings in three key areas: reduced shelter utilization including the expensive use of commercial hotels, reduced homeless service program costs, and costs associated with the prevention of future evictions. The total cost breakdown of the program would incorporate those individuals who have existing supplements and who are currently benefiting from funding through the shelter system. In total, the estimated cost of the program is \$488,600,000 when accounting for those currently in the system and those families and individuals prevented from entering into homelessness.

Approximate savings from reduced use of shelter beds, which tend to be very expensive, and reductions in shelter supplements, will result in a total net savings per year of over \$1.725 billion.

Domestic Violence Survivor Eligibility

Families that are forced to flee their homes because of domestic violence-rather than eviction, foreclosure, or a vacate order-cannot satisfy these eligibility criteria. By simply ensuring that domestic violence survivors are included in the eligibility criteria for the new Home Stability Support program, or in the alternative, amending the requirements of the current FEPS program, we can make such families eligible for the supplement, thus helping them avoid homelessness.

Prohibiting LINC Discrimination and Expanding Housing Anti-Discrimination Measures

The LINC (Living in Communities) program, launched in 2014, as a replacement to the Advantage Program, which was discontinued in 2011, as a way to offer rental assistance to housing families in the shelter system to find stable housing and be able to move out of the shelter system.

In December 2015, the Daily News reported that landlords and brokers are illegally turning away prospective tenants who receive rent subsidies and in the process are “thumbing their noses at the law – and getting away with mere slaps on the wrist.”

The Daily News investigation reported that the New York City Human Rights Commission did little to punish bad actors caught in the act since the enactment of the source of income law in 2008.

Currently, the Commission can impose civil fines up to \$125,000 per violation and up to \$250,000 for a “willful wanton or malicious act.” The biggest fine as of December 2015 was \$20,000, and

that was against a broker cleared of source-of-income bias, but found to have discriminated against a tenant for her marital status.

Fines meted out by the Human Rights Commission average just \$5,441.

The report also showed that of the 157 cases resolved since 2008, 62% resulted in zero financial penalty against landlords or brokers. The total compensatory damages amounted to \$238,398 over eight years, an average of \$29,799 per year. As for actual fines, the city has forced only 34 landlords or brokers to pay a total of \$185,000 since 2008.

Additionally, in 2015 DNAinfo reported that approximately 80 percent of the vouchers certified by the City went unused. . Since the program began in 2014, 15,921 families and individuals currently in the shelter system were eligible for the LINC program; however, only 3,220 recipients used vouchers to exit a shelter.

Recipients of the program face opposition from landlords and brokers who turn them away when they mention the voucher and often are not able to find suitable housing willing to accept the voucher, which is against the source-of-income law.

DHS has begun offering a \$1,000 signing bonus with landlords who accept the voucher. Additionally, the program is paying three months advance rent in addition to the first month rent and inclusion in a special fund to compensate landlords for any damages exceeding the security deposit.

To deter bad actors from discrimination, the IDC proposes increasing fines and adding minimums.

Re-Housing

Housing Lottery Preference

Residents who are currently living in the shelter system, but who meet the income requirements for the New York City Housing Lottery would receive a preference to allow families to move quickly from shelters to permanent affordable housing, while freeing up space in shelters to eliminate the need for use of commercial hotels and motels.

Planning

Comprehensive Shelter Survey – Picture of Homelessness

To get a clear picture of the current state of homelessness in New York City and across New York State – local social service districts will be required to conduct a survey of all individuals in the shelter system across the state. The survey will include the level of services they are approved to receive and their actual level of services. Additionally – OTDA and HRA/DHS will be responsible for a quarterly report to the legislature and the Governor with ongoing survey results and current census and capacity numbers.