

Testimony of the New Destiny Housing Corporation  
to the United Nations Special Rapporteur on Adequate Housing  
October 22, 2009

Good evening and thank you for the opportunity to testify. My name is Catherine Trapani and I am the director of the HousingLink Program at New Destiny Housing Corporation, a New York City nonprofit organization that seeks to increase the permanent housing and services available to low-income survivors of domestic violence and others at risk of homelessness.

### **Length of Shelter Stay & Permanent Housing**

New York City operates a specialized shelter system for homeless domestic violence survivors. This system serves over 3,600 households per year—the vast majority of which are women with young children.

Most survivors are still homeless and still at risk of domestic violence at the end of their short shelter stay. In fiscal year 2009 **only 15% of emergency shelter residents exited the system for safe, permanent housing**. Fourteen percent were transferred to longer-term transitional domestic violence shelters but the remaining **71% left shelter still homeless with no safe place to go<sup>1</sup>**.

The high cost of housing in New York City makes it difficult for low-income domestic violence survivors to find adequate apartments without obtaining rental subsidies. But, the short stay permitted in shelter (a maximum of 135 days or 4 ½ months) is not long enough to apply and qualify for Section 8 rental subsidies from HPD or NYCHA.

Rental subsidy application processes for domestic violence shelter residents at HPD and NYCHA should be streamlined and fast-tracked—similar to the HOV program for

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<sup>1</sup> Statistics for Advocacy, collected and analyzed by New Destiny Housing on behalf of the Coalition of Domestic Violence Residential Service Providers fiscal year 2009

homeless veterans—so that larger numbers of women and children can leave shelter with safe, stable housing.

### **NYCHA DV Priority Issues**

NYCHA administers Section 8 rental assistance and public housing in New York City. The waiting list for Section 8 rental assistance has nearly 130,000 applicants and is currently closed to new applicants. NYCHA does, however, give an emergency priority to domestic violence victims who have sufficient documentation under its guidelines. This priority, which allows eligible applicants to move to the top of the waiting list, is an incredibly valuable resource for domestic violence survivors who can meet the documentation requirements.

But, the criteria for establishing domestic violence are rigid and rely heavily on criminal justice documentation that may be difficult or unsafe for many survivors to obtain. The requirements include items like police reports, orders of protection and documentation of in-patient hospital stays where the hospital can verify that the patient sustained injuries due to domestic violence and can name the perpetrator.

Many victims of domestic abuse are not able to qualify for the NYCHA priority. In FY 2009 only 36% of domestic violence emergency shelter residents had the required documentation for the NYCHA priority even though residents are extensively screened for domestic violence before being admitted to shelter.

Moreover, because of the time required to process the NYCHA priority applications—typically 6 to 9 months—and the short length of stay in shelter, very few *qualified* emergency shelter residents obtain Section 8 vouchers or public housing through NYCHA before their shelter stay ends. **Only 2% of households exiting the domestic violence emergency shelter system left for a NYCHA Section 8 or NYCHA public housing apartment in FY 2009<sup>2</sup>.**

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<sup>2</sup> ‘Statistics for Advocacy’ – data from fiscal year 2009 provided by the Coalition of Domestic Violence Residential Providers and analyzed by New Destiny

The documentation requirements for meeting the NYCHA domestic violence priority should be expanded and made more flexible. In addition, the processing of NYCHA domestic violence priority applications from shelter residents should be expedited in order to align better with the emergency shelter length of stay.

### **Not a Special Needs Group**

At the local level, New York City provides a rental subsidy program to domestic violence shelter residents called Advantage NY (administered through DHS and HRA). That program lasts a maximum of two years with no safety net for additional assistance after that unless the family has a household member receiving a federal disability benefit or has active involvement with the Administration for Children's Services, the City's child welfare agency. Those households are considered special needs and are eligible to receive Section 8 rental assistance when the Advantage program ends. Domestic violence victims, by contrast, are not allowed to receive assistance after the two years despite the high level of trauma and many other obstacles to employment and self sufficiency that they face.

Domestic violence victims are also not eligible for New York City supportive housing programs. While the latest supportive housing agreement between the City and State, NY/NY III, included several new target populations such as families and youth aging out of foster care, domestic violence survivors were excluded. Most homeless survivors of domestic violence head families – the largest and fastest growing segment of New York's homeless population—and many survivors and their children would benefit from supportive services in permanent housing once their brief stay in shelter ends.

However, in order to qualify for NY/NY III housing, the head of household must be diagnosed with a severe and persistent mental illness or a MICA disorder (Category D) or, a disabling medical condition, substance abuse disorder or, HIV/AIDS (Category G). These categories exclude the majority of survivors who have experienced the dual traumas of domestic violence and homelessness. The medical basis of inclusion in

Categories D and G also presents a particular risk for domestic violence survivors with children.

Many domestic violence survivors are involved in family court proceedings involving child custody with their batterers. Labeling a survivor with a diagnosis of a mental disorder or other medical condition that limits her ability to function could become the basis for a batterer's claim that the survivor is somehow unfit to parent. By disclosing to the court that the victim intends to live in NY/NY III housing, the survivor is implicitly reporting a functionality-limiting diagnosis, creating a loophole around HIPAA (Health Insurance Portability and Accountability Act) health information privacy laws that would otherwise protect the victim against such scrutiny.

However, if survivors were recognized as eligible for NY/NY III housing because of their domestic violence, the court could look favorably on the victim's choice to seek housing in a supportive environment where she and her children could benefit from services as they work to heal and move forward in the wake of abuse.

NY/NY III already contains a precedent for recognizing a particular special needs group, without requiring a mental health diagnosis. Young adults aging out of foster care (Category I) is an eligible NY/NY III population. Homeless survivors of domestic violence should be given the same level of support and consideration as such youths given the traumatic, destabilizing effects of domestic violence and homelessness.

### **Immigrant Domestic Violence Survivors**

Domestic violence shelters in New York City serve immigrant survivors, providing a temporary safe haven for families and individuals fleeing domestic abuse. Shelters are required, with good reason, to accept at risk families into shelter regardless of their immigration status. But although out of status survivors can access emergency shelter, they encounter nearly insurmountable barriers to obtaining permanent housing.

In addition to obstacles faced by the general population in qualifying for Section 8 Housing Assistance, immigrants confront additional challenges. In order to qualify for the NYCHA DV priority survivors must provide criminal justice documentation. Out of status immigrants are less likely to contact police or obtain the orders of protection required by NYCHA for fear of deportation. Other local homeless housing resources available to US citizens and legal permanent residents remain out of reach for immigrants who do not yet have or cannot obtain work authorization even though many of these immigrants have US citizen children. The Section 8 and public housing programs allow for partial subsidies in such families so that the eligible members can receive the assistance. But, given the obstacles to obtaining criminal justice documentation, these households are in an extremely difficult situation.

The primary housing subsidy available to domestic violence shelter residents is the Advantage NY program. Advantage only serves families where each household member has enough immigration status to qualify for Public Assistance cash benefits. For example, a mother with two citizen children who filed a VAWA self-petition and received a prima facie notice thus allowing her to receive public assistance would qualify for Advantage. However, another parent, who also has two citizen children but was unable to file for immigration status under VAWA because she is not legally married to a US citizen abuser, would not qualify for Advantage since she could not access public assistance cash benefits in the absence of VAWA relief. She would only qualify for Advantage for Special Cases where she would be given a minimal shelter allowance through her children's public assistance case and have to find a third party to pay the balance of the rent—almost \$800 per month. For victims of domestic violence who have been isolated and controlled by their abusers, this is both impractical and potentially unsafe.

About 10% of households in the emergency domestic violence shelter system do not have enough immigration status to qualify for regular Advantage NY Housing. This puts many immigrants in an impossible situation: they may enter DV shelter for temporary safety but there is virtually no assistance for permanent housing after shelter. Once their maximum allowable 135 days in shelter ends such families will likely remain homeless

or be forced to return to the abuser or other unsafe, temporary housing for lack of permanent housing options.

Current State and Federal law and regulations under OCFS, OTDA and VAWA provide precedents for designating survivors of domestic violence as a special needs population requiring specialized support and protections under the law. In the past, City-sponsored housing subsidy programs like Housing Stability Plus provided pro-rated rental assistance to “mixed” families with some eligible and some ineligible household members.

NYCHA public housing and Section 8 currently offer such assistance where the family receives a partial subsidy to help with housing costs.

The Advantage program should be expanded to allow households with a mix of eligible members and out of status members to receive at least a partial subsidy giving the family a chance to exit shelter with safe permanent housing. Advantage is a critical resource for immigrant families since housing subsidy programs like the NYCHA DV priority for Public Housing and Section 8 are particularly hard for immigrants to access.

## **Conclusions**

Safe affordable permanent housing is a necessary requirement for homeless domestic violence survivors and their children seeking to heal from trauma and move beyond crisis. New York City has developed an extensive emergency shelter system that offers temporary safety to victims of abuse. It has also been a national leader in establishing criminal justice protocols and programs designed to address domestic violence.

However, the City has a less positive record on permanent housing outcomes. Most domestic violence shelter users leave shelter without a safe stable housing option. City, State, and federal agencies should consider domestic violence victims a priority population when making policies on permanent housing programs. In addition, the requirements of the programs should be better aligned with realities that a survivor faces as she navigates various systems trying to establish a safe, stable future for herself and

her family. Finally, the limited length of stay in emergency shelters should be considered in processing applications for housing and rental subsidies.

I appreciate the opportunity to provide testimony and welcome any questions you may have. Thank you.

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