

**NYS FY 2025 Joint Legislative Budget Hearing on Housing
Housing Works Testimony
February 14, 2024**

Thank you for the opportunity to submit written testimony to the Joint Legislative Budget Hearing on Housing on behalf of Housing Works, a healing community of people living with and affected by HIV/AIDS. Founded in 1990, Housing Works now provides a range of integrated services for over 15,000 low-income New Yorkers annually, with a focus on the most vulnerable and underserved—those facing the challenges of homelessness, HIV/AIDS, mental health issues, substance use disorder, other chronic conditions, incarceration, and, most recently, migrants displaced from their homes due to violence or other crises who seek safety and a better life in the United States. In 2019, Housing Works and Bailey House merged, creating one of the largest HIV service organizations in the country. Our comprehensive prevention and care services range from over 750 units of housing, to medical and behavioral health care delivered through our four Federally Qualified Health Centers, to job training. Our mission is to end the dual crises of homelessness and AIDS through relentless advocacy, the provision of life saving services, and entrepreneurial businesses that sustain our efforts.

Housing Works is part of the **End AIDS NY Community Coalition**, a group of over 90 health care centers, hospitals, and community-based organizations across the State. Housing Works and the Community Coalition are fully committed to realizing the goals of our historic State *Blueprint for Ending the Epidemic* (EtE) for all New Yorkers. We address certain key EtE priorities in this testimony and have attached the full set of EtE Community Coalition *FY25 NYS Budget and Policy Priorities*.

Housing Works has long understood that safe, stable housing is a critical component of HIV prevention and care, and that the experience of homelessness fundamentally undermines medical and behavioral health, overall wellbeing, and the opportunity to lead a full and meaningful life. We also know from long experience that affordable, appropriate housing is simply unavailable to far too many New Yorkers, increasing their vulnerability to housing instability, overcrowded housing situations, and homelessness. We are encouraged and fully supportive of the increased focus of the Legislature on preserving and creating safe, affordable housing opportunities, including supportive housing for those who need it. Housing Works' testimony will focus on initiatives required to meet the urgent unmet housing needs of people with HIV across the State and other vulnerable New Yorkers, on the broader but equally urgent needs to invest in truly affordable housing while taking action to meet the immediate needs of hundreds of thousands of New Yorkers whose housing can and must be stabilized, and transforming New York's response to those experiencing homelessness, the most extreme form of housing insecurity.

Provide Equal Access to Housing Assistance as Healthcare for All New Yorkers with HIV

We call upon the Senate and Assembly to include in your one-house budgets the adjustments to relevant Aid to Localities language and ELFA Article VII provisions necessary to provide equitable access to meaningful HIV housing supports for people with HIV experiencing homelessness or unstable housing in all parts of NYS.

We have made significant progress implementing the 2015 [*Ending the Epidemic \(EtE\) Blueprint*](#) recommendations developed collaboratively by HIV community members, providers, advocates, and New York State and local public health authorities. Our EtE efforts enabled us to “bend the curve” of the epidemic by the end of 2019, decreasing HIV prevalence in NYS for the first time, and recently released 2022 surveillance data show this trend continues and that the number of persons newly diagnosed with HIV in NYS decreased 42% from 2011 to 2022. However, the 2022 data also show that stark and unacceptable disparities persist in HIV's impact on Black, Indigenous and other

people of color (BIPOC) communities, particularly transgender New Yorkers, and young men who have sex with men, with the rates of new HIV diagnoses among Black and Hispanic New Yorkers 7.6 and 4.8 times higher, respectively, than the rate for non-Hispanic Whites. Additional financial investments and policy changes are necessary to fully implement *EtE Blueprint* recommendations to end AIDS as an epidemic in every region of the State and for all New Yorkers—including meaningful new investments to address the social and structural determinants that we know drive HIV health inequities and protection and improvement of HIV service delivery systems that serve the most vulnerable low-income New Yorkers.

These persistent and unacceptable disparities in HIV health outcomes are driven in large part by the State's failure to fulfill key *ETE Blueprint* recommendations. Despite repeated promises to fully implement the *Blueprint* recommendations of an appointed 64-person EtE Task Force, the State's Executive leadership has been unwilling to expand meaningful HIV rental assistance to homeless and unstably housed people HIV/AIDS living outside of NYC.

Housing Works and the End AIDS New York Community Coalition are dismayed that once again, the Executive Budget fails to include cost-neutral provisions that would end homelessness among people with HIV (PWH) across New York by providing access to HIV rental assistance that is currently available only to PWH who live in NYC. Every low-income New Yorker with HIV experiencing homelessness or housing instability should have equal access to NYS housing resources necessary to benefit from HIV treatments and stop HIV transmission. Ongoing homelessness and housing instability among people living with HIV in communities outside NYC is fundamentally unfair, perpetuates HIV health inequities, undermines the State's ability to end our HIV epidemic, and costs the State money.

The Governor's failure to address this inequity in HIV housing assistance is particularly frustrating since the OTDA's own fiscal analysis clearly demonstrates the wisdom of such an investment of NYS public assistance funds. Housing assistance for unstably housed people with HIV has been repeatedly shown to dramatically improve individual and public health outcomes, generating savings in public health spending on acute care and averted HIV infections that more than offset the cost of housing.¹

Indeed, expanded statewide access to the HIV Emergency Shelter Allowance will save both lives and money. The OTDA analysis forecasts additional public assistance costs to the State for the housing assistance of only \$3M in the first year of implementation, which would be more than offset by \$4M in estimated Medicaid savings from avoided acute care and averted HIV infections. In out years, Medicaid savings are estimated to exceed the NYS housing investment by as much as \$13M annually.

Safe, stable housing is essential to support effective antiretroviral treatment that sustains optimal health for people with HIV and makes it impossible to transmit HIV to others.² Indeed, NYS data show that unstable housing is the single strongest predictor of poor HIV outcomes and health

¹ See, e.g., Basu, et al. (2012). Comparative Cost Analysis of Housing and Case Management Program for Chronically Ill Homeless Adults Compared to Usual Care. *Health Services Research*, 47(1 Pt 2): 523-543.

² Aidala, et al (2016). Housing Status, Medical Care, and Health Outcomes Among People Living With HIV/AIDS: A Systematic Review. *American Journal of Public Health*, 106(1), e1-e23.

disparities.³ For that reason, NYS’s 2015 *ETE Blueprint* recommends concrete action to ensure access to adequate, stable housing as an evidence-based HIV health intervention.

The *Blueprint’s* housing recommendations have been fully implemented in New York City since 2016, where the local department of social services employs the longstanding NYS HIV Emergency Shelter Allowance program to offer every income-eligible person with HIV experiencing homelessness or housing instability access to a rental subsidy sufficient to afford housing stability, as well as a 30% rent cap affordable housing protection for PWH who rely on disability benefits or other income too low to support housing costs.

Upstate and on Long Island, however, as many as 2,500 households living with HIV remain homeless or unstably housed because the 1980’s NYS regulations governing the HIV Emergency Shelter Allowance (HIV ESA) set maximum rent for an individual at just \$480 per month – far too low to secure decent housing anywhere in the State, and local districts are not required to provide the 30% rent cap affordable housing protection. Only the NYC local department of social services works with NYS to approve “exceptions to policy” to provide meaningful HIV ESA rental subsidies in line with fair market rents and other low-income rental assistance programs.⁴

Language included in the last five enacted NYS budgets *purports* to extend access to the same meaningful HIV housing supports across the State, but as written has failed to assist even a single low-income household living with HIV outside NYC. This failed language, unfortunately carried over again in the recently released Executive Budget, allows but does not require local departments of social services to provide meaningful HIV housing assistance, and provides no NYS funding to support the additional costs to local districts outside NYC.

Access to statewide HIV housing assistance has been a top priority of Housing Works and members of the EtE Community Coalition for years. The HIV Emergency Shelter Allowance program was established by NYS regulation in the 1980’s. Action to make the program work for New Yorkers living with HIV in communities outside NYC is long overdue. Simply put, the ongoing failure for many years to meet the housing needs of New Yorkers with HIV who live outside of NYC prevents us from ending our NYS HIV epidemic in every community and population.

To finally provide equitable Statewide access to HIV housing supports, we urge the Legislature and Governor to correct the relevant Aid to Localities language on public assistance benefits and enact Article VII legislation necessary to: i) ensure that every local department of social services provides low-income PWH experiencing homelessness or housing instability access to the NYS HIV Emergency Shelter Allowance program to support rent reasonably approximate to up to 110% of HUD Fair Market Rates (FMR) for the locality and household size (the standard for Section 8 Housing Choice vouchers and other low-income rental assistance programs); ii) make the NYC-only HIV affordable housing protection available Statewide to cap the share of rent for extremely low-income PWH at 30% of disability or other income; and iii) notwithstanding other cost-sharing provisions, recognize the fiscal reality of communities outside NYC by providing NYS funding to

³ Feller & Agins (2017). Understanding Determinants of Racial and Ethnic Disparities in Viral Load Suppression: A Data Mining Approach. *Journal of the International Association of Providers of AIDS Care*, 16(1): 23

⁴ The NYC Human Resources Administration’s current payment standard for HIV Emergency Shelter Allowance rental assistance aligns with the local Section 8 Housing Choice Voucher program and other low-income housing assistance, to ensure that PWH are not disadvantaged in the housing market.

support 100% of their costs for providing HIV Shelter Allowances, and of additional rental costs determined based on limiting rent contributions to 30% of income.

If this is not accomplished in the FY25 NYS budget, we call upon the Legislature to pass legislation introduced in the Senate (S183/Hoylman-Sigal) and Assembly (A2418/Bronson) to finally implement *EtE Blueprint* housing recommendations in the rest of the State outside NYC. The EtE Community Coalition stands ready to work closely with sponsors and allies to educate members of the Legislature on the critical need for and importance of this legislation.

At Housing Works, we have seen firsthand the healing power of safe, secure housing—especially for persons who face the most significant barriers to effective HIV treatment. Currently, over 90% of the residents of our HIV housing programs are virally suppressed, including housing serving vulnerable groups such as HIV-positive LGBTQ+ youth, transgender women, and women recently released from incarceration. We believe that every homeless or unstably housed New Yorker with HIV deserves the same equal access to life-saving housing supports, regardless of which part of New York State they call home.

Develop a PrEP Housing Pilot Program As Part of Comprehensive HIV Prevention

We call on the Governor and Legislature provide at least \$10M in funds in the FY25 budget to create a PrEP housing pilot as a critical component of HIV prevention for New Yorkers most vulnerable to acquiring HIV infection.

The proposed PrEP housing pilot would integrate temporary housing and intensive case management services for persons experiencing homelessness or housing instability and at heightened vulnerability for acquiring HIV infection, including young men who have sex with men and people of transgender experience. People with unstable housing face formidable barriers to accessing PrEP, which reduces the risk of acquiring HIV infection by about 99% when taken as prescribed. Young people with unstable housing experience up to 12 times greater risk of HIV infection than those with stable housing. Ending the epidemic requires implementing integrated solutions that address the comprehensive health, social services, and housing needs of people who could benefit from HIV prevention so they can stay healthy and prevent HIV acquisition

Create Permanent Housing Opportunities for New Immigrants

Housing Works strongly urges the Legislature and Governor to enact A5513 (Rosenthal)/S1631 (Kavanagh) to make NYC FHEPS vouchers available regardless of immigration status.

This important legislation would authorize NYC to make certain housing assistance, including CityFHEPS vouchers, available to immigrants who do not yet have a documented immigration status, and provides for State reimbursement for this housing. Safe, stable housing is the baseline for individuals and families to thrive, and this change would dramatically increase housing opportunities for vulnerable and marginalized newly arrived New Yorkers.

The hotel that Housing Works operates for asylum-seeking families currently houses 358 individuals, including 187 children. Each household we serve is eager to work, to contribute to the life of New York City while bettering their lives. They have the same hopes and dreams as every group of immigrants that have come to our City and have made it the rich and diverse place that we love.

Indeed, the asylum seekers we've met have a deep culture of working and are eager to gain employment. It is also true, however, that like every group of new immigrants they are dealing with legal, language, and cultural challenges. Erecting additional barriers to housing and other basic survival services only deepens their marginalization. Housing Works believes that as a State and City we have not only a legal and moral obligation to provide both emergency shelter and permanent housing opportunities for new arrivals.

Increase Harm Reduction Models of Supportive Housing for New Yorkers with Substance Use Disorder

Since our founding in 1990, Housing Works has been committed to providing low-threshold, harm reduction housing that recognizes that safe, stable housing is an essential baseline for achieving medical and behavioral health goals. Persons with substance use disorder experience high rates of homelessness and housing instability, exacerbating chaotic and harmful substance use and making it difficult or impossible to achieve harm reduction goals. Our experience and ample research demonstrate that stable housing is an essential component of effective harm reduction for individuals experiencing substance use disorder.

Expand OASAS housing to include harm reduction models

OASAS funds transitional and permanent supportive housing for people with substance use disorder, but limits access to this housing to individuals and families in recovery from substance use disorder or who began a course of abstinence-based treatment and/or recovery while experiencing homelessness, excluding persons engaged in a harm reduction approach. We call on the Governor and Legislature to expand OASAS supportive housing to include homeless people following a harm reduction path, not just those who have established success at abstinence.

Provide \$10M in additional funding for harm reduction-oriented supportive housing for people with substance use disorder. Given the high rate of housing instability among persons with substance use disorder, and the critical importance of stable housing as the baseline for behavioral change that reduces the harms associated with chaotic substance use, we call on the Governor and Legislature to allocate an additional \$10M in funding to expand the availability of supportive housing units for persons with substance use disorder that employ a harm reduction modality.

Remove barriers to the housing market for persons with drug-related convictions.

It is equally important to take steps to reduce homelessness among New Yorkers with drug-related convictions by removing barriers to the housing market. ***We call on the Governor and Legislature for immediate action eliminating prohibitions on renting to people with drug-related convictions.*** Limiting access to housing perpetuates the harms caused by the war on drugs by making it difficult or impossible to secure the safe, stable housing that is essential to fully reintegrate into society and advance employment and other goals.

Create Housing With Deep Affordability While Stabilizing and Protecting Tenants

We cannot end homelessness and housing instability in New York unless we address the gross lack of housing that is affordable and accessible to low-income households, and we welcome renewed commitment at the State level to affordable housing development and expanded access to voucher programs that employ meaningful and uniform payment standards across low-income housing assistance programs to ensure that no population is left behind in the increasingly challenging rental

market. Especially critical is the creation of permanent housing units with deep affordability, including supportive housing units. However, it is critical to avoid the mistakes of the past which have left us in the current housing crisis. And while new housing with deep affordability is developed, we must take steps to protect and stabilize households at risk of housing loss.

Refuse calls to renew the failed 421-a program

Housing Works adamantly opposes calls from the real estate industry to reinstate the failed 421-a program. For over 50 years New York State offered a total tax exemption to luxury developers in exchange for a tiny share of “affordable” rentals, often priced much higher than members of the community can afford. It is appalling that the 421a Real Estate Developer Tax Exemption program cost NYS taxpayers \$1.8 Billion a year, more than any other housing program, including public housing, vouchers, and non-profit affordable housing development subsidies. We must stop funding luxury development and fund deeply affordable housing.

Housing Works calls for any affordable housing developed with public resources to be permanently affordable, with deep affordability that will ensure those at the lowest end of the income spectrum have housing opportunities in our city.

Enact Good Cause Eviction protection

Housing Works strongly supports passage of S.395 (Salazar)/A.4454 (Hunter) Good Cause Eviction legislation, which protects tenants from unreasonable rent hikes and retaliatory or discriminatory evictions. Good Cause will help families stay in their homes, fight unfair rent increases and evictions, and keep our neighborhoods stable and safe.

Prevent Evictions and Protect Tenants Rights

We also strongly support Statewide Right to Counsel legislation (S.2721 Joyner/A.1493 May) paired with \$260M in implementation funding, would ensure that every tenant in New York State has the right to a lawyer when facing an eviction. In late 2017, New York became the first city in the country to implement a Right to Counsel (RTC) law. RTC proved to be effective from the onset, and 84 percent of tenants with access to counsel in eviction cases were able to stay in their homes. The state RTC bill would build upon the success of the narrowly-targeted city law and provide funding to make counsel available to all in need.

Transform New York’s Response to Homelessness

We urge the Governor and Legislature to protect homeless services, facilitate and promote innovative harm reduction approaches to address our homeless crisis, and streamline the process for converting underutilized hotels and commercial properties into affordable housing, including supportive housing units.

From our beginning, Housing Works has been committed to a low-threshold, harm reduction approach to housing assistance, where admission and retention in housing is based on behaviors, rather than status as a drug user, person with mental health issues, or other condition. Residents are held accountable, as we all are, for the behaviors and conditions necessary to live safely with neighbors, are entitled to privacy within their own home, and are encouraged to feel safe to share behavioral health needs or crises without concern about jeopardizing housing security or being required to engage in a particular course of treatment. We have employed a “Housing First”

approach for over 30 years and are pleased that it is now widely acknowledged as an evidence-based model that is endorsed as best practice by HUD and HRSA.

Housing Works has evolved in response to client needs from an initial 40-unit city-funded housing program in 1990, into a large multi-service organization that offers integrated medical, behavioral health and supportive services, and over 750 units of housing, including Housing Works-developed community residences that serve people with HIV who face specific barriers to both the housing market and retention in effective HIV care, transitional housing for people experiencing homelessness upon reentry to the community from incarceration, and most recently, newly arrived immigrant families.

To address the COVID crisis, Housing Works opened a Department of Homeless Services Isolation Hotel in March 2020, with 170 rooms to provide a safe, private, and supported space for people experiencing homelessness to recover from COVID-19 illness. This program served over 2,500 guests before the isolation hotels were closed in June 2021, applying lessons learned from years of providing harm reduction housing for people with HIV.

We learned a great deal from our COVID experience, including the critical importance of a true harm-reduction approach, and that private rooms are both humane and necessary, especially for people with mental health issues who cannot manage a shared space with a stranger. Onsite medical and behavioral health services were also key, as most of our isolation residents arrived with multiple chronic conditions that had been untreated or undertreated and present health issues as serious or more serious than COVID-19 infection. Finally, we learned that good case management, even during a short (14+ day) stay, could be life-altering if we took the opportunity to identify needs and explore options. Sometimes this meant refusing to transfer a resident until an appropriate discharge plan was in place.

Most significantly, we came to deeply appreciate how awful and dehumanizing the City shelter system is and have come to believe that we must transform the way homeless people are treated in New York. What is needed to transform our homeless response? Resources of course, but what is perhaps more vital are new approaches, a new vision for what is acceptable, and of course, collaboration to build and sustain the political will for systemic change.

Of course, as noted above, we cannot end homelessness without creating new affordable and supportive housing opportunities. Meanwhile, however, homelessness has risen to record levels in NYC, with thousands of long-time NYC residents sleeping in NYC shelters each night, thousands more New Yorkers struggling to survive on the streets or other places not intended for sleeping, and the arrival of new immigrants displaced from their homes due to violence or other crises and seeking safety and a better life.

Like most New Yorkers, we at Housing Works are shocked by and deeply oppose the Adams Administration's troubling efforts to modify right to shelter legal protections to suspend the City's obligation to shelter homeless adults, limit shelter stays, or effectively deny safe shelter through "churning" marginalized newcomers to our City who are experiencing homelessness. As you know, our New York State constitution, reflected in over 40 years of court orders and local laws, requires that our City and State provide shelter and services to all single adults in need. Housing Works calls on the Governor and Legislature to oppose these efforts, and we are saddened that these efforts to

undo or undermine the fundamental right to shelter seek to pit newly arrived New Yorkers against other residents experiencing homelessness.

It is simply not true that we lack the “resources and capacity” to meet all current needs. What we lack is political will. Housing Works joins calls on the Federal government to increase funding to help New York meet the needs of new immigrants, and to grant immediate work authorization for new arrivals who desperately want employment. But in the face of record homelessness, a record number of evictions, and unacceptable numbers of vacant affordable and supportive housing units, New York State and City can and must deploy every tool at our disposal to keep low-income households from losing housing and get New Yorkers experiencing homelessness back into permanent housing more quickly.

Housing Works, on behalf of the vulnerable New Yorkers we serve and represent, implore New York City and State to transform the City’s inhumane and ineffective response to the homelessness crisis by urgently adopting effective, evidence-based approaches that will save lives and money. We must stop criminalizing and harassing people experiencing homelessness through sweeps of the subways and encampments of those who opt for survival in public rather than entering frightening shelters, and stop stigmatizing people experiencing homelessness, especially those who are dealing with untreated or undertreated chronic medical and/or behavioral health issues while trying to survive in shelter or on the streets.

We must stop treating mental illness and substance use disorder among low-income New Yorkers as criminal justice rather than public health issues, and instead adopt harm reduction approaches that provide every New Yorker with the safe, stable housing necessary to engage in behavioral health care, including private rooms for those struggling with mental health issues. It is time to reduce reliance on large congregate facilities for homeless single adults and shift the creation of new capacity toward single-occupancy accommodations as well as smaller, low-barrier shelter designs such as Safe Haven shelters and single-occupancy stabilization beds for persons experiencing unsheltered homelessness.

Bailey House and Housing Works have been working for over three years now to secure an underutilized hotel to house an exciting new pilot “street to home” program with support from the NYC Department of Homeless Services – our Comprehensive Stabilization Services Pilot Program. Our harm reduction stabilization hotel will operate 24/7/365 and offer residents private rooms, intensive case management services, access to onsite medical and behavioral health services, and peer supports at the co-located drop-in center. The Stabilization Center will offer primary care and behavioral healthcare services, case management support, housing placement assistance, and navigation and referral services. The overarching goal of the Stabilization Center – like all Housing Works services – is to improve the health and well-being of clients experiencing street homelessness by providing low-threshold “Housing First” emergency housing and services delivered in a respectful manner using a harm reduction approach. We plan to evaluate the pilot rigorously, to continue to build our own competence to offer effective services, and to provide the evidence necessary to support advocacy for system-wide change.

Housing Works believes that this is the kind of innovation that is essential to a more humane and effective homeless response, but we have repeatedly lost potential sites due to avoidable hurdles, setbacks, and politics. It is imperative that the State and City take meaningful action to facilitate and streamline the process for converting underutilized hotels and commercial spaces to create

affordable housing, including supportive housing programs. And equally important to support and fund innovative strategies designed to meet real need while rejecting approaches that instead criminalize and harass people experiencing homelessness.

We cannot end homelessness in New York unless we address its drivers. Those include the gross lack of affordable housing, mass incarceration that removes people from the workforce and deprives them of access to low-income housing, and the insistence on treating mental illness and substance use disorder among low-income New Yorkers of color as criminal justice rather than public health issues. We do nothing to help homeless people by warehousing them in mass congregate shelters designed to strip them of their autonomy and even of their dignity. We must insist on policies, investments and innovation that treat people who find themselves homeless as people worthy of dignity, autonomy, respect, and care. We look forward to working with all of you towards this vision of a transformed New York State and City homeless response.

Sincerely,

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Attachment: End AIDS NY Community Coalition *FY25 NYS Budget and Policy Priorities*