

Testimony by the New York Legal Assistance Group (NYLAG)
Before the Assembly Standing Committee on Veterans' Affairs, Assembly Standing
Committee on Social Services, and Assembly Subcommittee on Women Veterans
regarding: Meeting the Needs of New York's Homeless Veterans

December 19, 2023

Chair Jean-Pierre, Chair Davila, Chair Hunter, Committee Members and staff, thank you for this opportunity to testify about meeting the needs of New York's homeless veterans. This testimony has been prepared by Deborah Berkman, Supervising Attorney of the Shelter Advocacy Initiative, and Ryan Foley, Supervising Attorney of the Veterans Practices, of the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil matters to low-income New Yorkers. The New York Legal Assistance Group uses the power of the law to help New Yorkers in need combat economic, racial, and social injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG assists military veterans, the homeless, immigrants, seniors, the homebound, families facing foreclosures, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence survivors, persons with disabilities, patients with chronic illness or disease, low-wage workers, members of the LGBTQ community, Holocaust survivors, and others in need of free civil legal services.

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people in and trying to access the shelter system. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each

step of the shelter application process. We also assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings.

NYLAG serves the diverse needs of veterans through legal clinics within the Bronx and Manhattan VA Medical Centers, including the nation's first legal clinic focused entirely on women veterans, as well as through referral partnerships with veteran-focused community-based organizations. We provide comprehensive services to veterans and their families, regardless of their discharge status and eligibility to use the VA Healthcare System. We staff a legal clinic at the Borden Avenue Veterans Residence, a 243-bed short term housing shelter for veterans, and serve large numbers of homeless and housing insecure Veterans.

I. Screening for Status and Federal Resource Connection

As a legal services agency that provides assistance to hundreds of veterans every year, we know the importance of screening for veteran status. The question "Have you ever served in the U.S. military?" has the potential to open up numerous benefits and resources that can solve legal problems, including housing insecurity, that otherwise may never have been considered. Disability benefits, healthcare access, housing vouchers, temporary financial assistance, vocational training, and educational benefits are just a few of the extensive and life-changing federal benefits veterans could be eligible for, but only if their veteran status is identified.

There is no reason why every New York state, city, and local agency should not screen for veteran status and provide direct referrals to NYS DVS. Similarly, there is no reason why veteran status is not asked to every homeless individual seeking shelter or critical service and then connected to NYS DVS. It is important to recognize that while there are trends in New York's veteran population, veteran status is not something that can be discerned simply by

looking at an individual. Reliance on stereotypes is one reason why women veterans are the fastest growing segment of the veteran homeless population.

II. Female Veterans Are Often Overlooked

In 2018, 9.2% of all U.S. veterans were women¹, with over 63,000 living in New York State.² This number will continue increasing to reflect the growing number of women serving in the military. However, women veterans are not accessing proportional VA benefits such as healthcare and disability compensation despite entitlement. Discrimination at VA Hospitals and within the disability benefit application process creates barriers for women veterans to obtain the care and income they earned. NYLAG women veteran clients have shared how their experiences have caused a reluctance in pursuing benefits and even disclosing their prior military service.

In New York City, the Borden Avenue Veterans Residence provides a short-term housing facility for single male veterans. This location provides a central location for homeless male veterans to access services and organizations that provide housing assistance, legal aid, benefits help, and more. Notably, every veteran in this location has their own “pod” with a locking door where they are able to sleep in a private, safe environment. This model shows how beneficial veteran-specific shelter can be, while simultaneously exposing the gap that exists for homeless women veterans as well as homeless veterans with families.

Female veterans must rely on the standard shelter system, where staff may not ask about military service and often lack an understanding of the different resources and benefits available for veterans. Moreover, standard shelter does not employ the “pod” system that grants veterans

¹ <https://www.womenshealth.va.gov/materials-and-resources/facts-and-statistics.asp>

² <https://nyhealthfoundation.org/wp-content/uploads/2021/10/new-york-veterans-in-depth-profile-oct-2021.pdf>

privacy and safety. In contrast, most of New York City's non-veteran shelters consist of congregate sites which can have up to 100 people in a single dorm or room. Many of NYLAG's veteran clients who identify as having post-traumatic stress disorder (PTSD) are afraid to sleep in a room with multiple other people and have attempted to stay in congregate shelters but have not been able to remain there because their PTSD was triggered. Moreover, most of the clients who have stayed in congregate shelter have either experienced or witnessed assault and trauma while there, which is particularly difficult for veterans with PTSD. As a result, these clients turn to sleeping outside. Female veterans must have a dedicated shelter that caters to their needs.

Unless this inequity is addressed, women veterans will continue to be at greater risk for homelessness. Remedying the problem begins with ensuring that all individuals are screened for veteran status, and that staff in government agencies and shelters are trained on the assistance available through the NYS DVS and on the process for connecting veterans to services. It also requires community education and outreach, so individuals know they qualify as veterans and understand what their military service entitles them to. Outreach must include in-person advocacy, to allow homeless veteran with a lack of technological access and urgent needs to get help. Further, providing dedicated shelters for women veterans and the implementation of individual pods in more shelters will allow for greater privacy and safety and prevent veterans from being forced to sleep on the street.

III. Addressing Gaps in Legal Assistance for Homeless Veterans

In 2023, the United States Department of Veterans Affairs (VA) launched its Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grants (LSV-H), a first-of-its-kind direct legal services funding from the Department of Veterans Affairs. This funding is the newest step in the VA's continued homelessness prevention efforts, which have found the inability to access civil legal assistance as a critical factor in veteran homelessness.

NYLAG is an inaugural recipient of this funding, which has allowed us to serve more veterans experiencing or at-risk of homelessness.

The VA's decision to issue this direct legal services funding is related to the VA's Community Homelessness Assessment, Local Education, and Networking Groups ("Project CHALENG"), which conducts annual assessments of homeless veterans to understand local challenges, identify unmet needs, and encourage partnership action to meet those needs. The most recent survey found that legal services accounted for eight of the top ten unmet needs for homeless veterans.³ These results, which emphasize the impact of civil legal assistance, have been consistent across the twenty years the survey has taken place.

The VA's LSV-H funding is important, both in how it will impact homeless veterans and in spotlighting how legal assistance can dramatically improve conditions for homeless veterans and housing outcomes. This funding helps legal services organizations like NYLAG, who have struggled to keep up with demand, increase capacity to serve this population of veterans. However, this program only provides \$11.5 million dollars for its nationwide initiative⁴, and the program has eligibility limitations, including ones related to military discharge status, a crucial determinant of homelessness in veterans, that will continue to prevent many low-income veterans from accessing the legal services they need.

New York is and has always been a leader when it comes to initiatives supporting the military and veteran community. This is evident in the creation of Veterans Treatment Courts, which connect justice-involved veterans to the mental health and substance use treatment, and the enactment of the Restoration of Honor Act, recognizing the role of sexual orientation

³ https://www.va.gov/HOMELESS/docs/chaleng/CHALENG_2022_Fact_Sheet.pdf

⁴ <https://news.va.gov/press-room/first-of-their-kind-grants-for-legal-services-for-homeless-veterans/>

discrimination and mental health for many less-than-honorably discharged veterans. New York has another opportunity to lead on the issue of veteran homelessness, this time by reinforcing the VA's legal service funding and adding flexibility to ensure our most vulnerable are not left behind. The VA's LSV-H funding is an endorsement of how impactful legal services are for homeless veterans, but without full support veterans will continue to miss out.

One example of an at-risk veteran who NYLAG assisted, but who could have easily missed out on help because of his discharge status, is DW, a 67-year-old Army veteran. DW received an OTH discharge from the military and was determined ineligible for VA healthcare. DW suffers from severe depression and anxiety as a result of service-related trauma experienced and he developed alcohol issues due to using alcohol to self-medicate his untreated mental health symptoms. Financial hardship related to deaths in his family from COVID, caused him to have a mental health crisis and he self-enrolled in an inpatient substance use and mental health program. In order to pay the costs of the inpatient treatment, since he was ineligible for VA sponsored programs, he fell behind on his rent and his housing voucher became at-risk. DW met with a NYLAG attorney, who was able to take immediate action. NYLAG assisted DW in negotiating a settlement agreement related to the owed rent and helped connect him to financial resources to pay that amount. NYLAG worked with HRA to explain his financial situation during his short-term stay at the inpatient treatment program and ensure that his voucher was protected. NYLAG also worked with DW on a discharge upgrade application, which is currently pending a decision, but could open up additional mental health and disability benefit resources if awarded. Most importantly, NYLAG's efforts allowed DW to focus on his mental health treatment without the fear of homelessness when he completed the program.

IV. Veterans Need Greater Access to Supportive Housing

Availability and accessibility of supportive housing is critical to help veterans experiencing homelessness transition to permanent housing. In New York City, the vast majority of supportive housing is only available to people who are both homeless and have a serious and persistent mental health condition, even when they have veteran status.⁵ While there is some very limited supportive housing available to veterans who have other conditions that necessitate assistance, it is extremely difficult for anyone without a serious and persistent mental health condition to obtain supportive housing.⁶ Only approximately 55% of homeless veterans suffer from mental health issues while 70% are affected by substance abuse issues (along with the high rates of PTSD and traumatic brain injury).⁷ For those homeless veterans who do not live with severe mental illness, it is extremely difficult, if not impossible, to transition from shelter into permanent housing. Supportive housing is by far the most successful way to end homelessness for people living with disabilities and other challenges,⁸ and eligibility must be expanded to include people with physical disabilities and other vulnerabilities to meet the needs of the veteran homeless population in New York City.

We thank the Assembly for the work it has done to facilitate services for vulnerable veterans, and for taking this opportunity to continue to improve the conditions for our clients. We hope we can continue to be a resource for you going forward.

Respectfully submitted,

⁵ <https://www.coalitionforthehomeless.org/get-help/im-in-need-of-housing/eligibility-for-supportive-housing/#:~:text=To%20be%20NY%20FNY%20I,and%20persistent%20mental%20health%20condition.>

⁶ Id.

⁷ <https://www.calvet.ca.gov/VetServices/Pages/Homeless-Veterans-Outreach-Awareness.aspx#:~:text=Along%20with%20the%20high%20rates,experience%20severe%20forms%20of%20mental>

⁸ <https://www.coalitionforthehomeless.org/supportive-housing-ends-homelessness/>

New York Legal Assistance Group