

**INNOVATIVE  
WAYS TO  
EXPAND THE  
PIE**

**LEGISLATIVE, JUDICIAL,  
AND FEDERAL  
SOLUTIONS**



National Women's Shelter Network, LLC

# Introductions

Moderated By:  
Carly Grimm, Esq.  
Director  
Lotus Endowment Fund, Inc.  
Miami, FL



**Ron Book, Esq.**  
Chairperson  
Miami-Dade  
County  
Homeless Trust  
Miami, FL



**Lori Hanson, Ph.D.**  
Chief of Research,  
Evaluation and Strategic  
Planning,  
The Children's Trust,  
Miami-Dade County, FL



**Catherine Trapani**  
Executive Director  
Homeless Services  
United  
New York, NY



**Joshua Goldfein, Esq.**  
Attorney  
Legal Aid Society  
New York, NY



**Stephanie Berman**  
Chief Executive Officer  
CarrFour Supportive  
Housing  
Miami, FL

# STATE JUDICIAL SOLUTIONS: THE RIGHT TO SHELTER



# **NEW YORK STATE CONSTITUTION, ARTICLE XVII, SEC. 1 (1938)**

“The aid, care and support of the needy are public concerns and shall be provided by the state and by such of its subdivisions, and in such manner and by such means, as the legislature may from time to time determine.”

**CALLAHAN V. CAREY**  
**INDEX NO. 42582/79 (SUP. CT. N.Y. CO),**  
**FINAL JUDGMENT BY CONSENT (1981)**

“The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason to physical, mental or social dysfunction is in need of temporary shelter.”

# **BOSTON V. CITY OF NEW YORK**

**Index No. 402295/08 (Sup. Ct. N.Y. Co.),  
Final Judgment (2008)**

“Eligible homeless families with children, defined as families with children who lack alternate housing, and families with children seeking shelter who, pending the City’s eligibility determination, qualify for shelter pursuant to applicable local and/or State law, codes, regulations, and agency guidances (‘applicable law’), are entitled to emergency shelter and the City shall not deny shelter to such families.”

“The City shall provide shelter facilities for families with children that are safe, sanitary and decent as defined by applicable law. The City shall make shelter placements for families with children in a timely and appropriate manner as defined by applicable law.”



# Siena House, Bronx, NY

<http://sienahouseshelter.weebly.com/>



# Funding NYS Shelters



The Temporary Assistance for  
Needy Families Program  
(TANF Program)  
&  
Capital Funding



## § 260.20 What is the purpose of the TANF program?

The TANF program has the following four purposes:

- a) Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- b) End the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- c) Prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- d) Encourage the formation and maintenance of two-parent families.

# Operational Funding: Using TANF Program Block Grants

- New York State requires shelters to develop “Independent Living Plans” for sheltered families.
- This assistance in planning for long term or permanent housing and income (or case management) allows shelters to satisfy the first of the TANF Program’s four purposes and qualify for funding. (*“Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.”*)
- Shelters contract with the State to receive funding.

# Capital Funding:

## Nonprofit Ownership Term Sheet and the Shelter Acquisition and Predevelopment Fund

- New York State allows shelters to leverage their service contracts to finance the construction and/or renovation of high quality shelter facilities.
- SeaChange seeded a new loan fund to provide short-term, below-market loans to nonprofits that are in negotiation with the New York City Department of Homeless Services to build, own, and operate homeless shelters.

STATE & LOCAL  
LEGISLATIVE SOLUTIONS:

COUNTYWIDE **HOMELESS TRUST**  
FUNDED BY DEDICATED FOOD AND  
BEVERAGE TAX

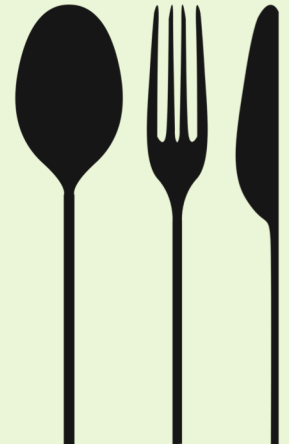




# STATE AND LOCAL LEGISLATIVE SOLUTIONS:

## 1% Food and Beverage Tax

- Created a dedicated source of funding “*to assist persons who have become, or are about to become, homeless.*” Funds shall be used for “*emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education and housing,*” with a dedicated percentage for construction and operation of domestic violence centers.
- Tax is locally administered and restricted to addressing homelessness.
- Before a county can levy the Tax, the county must appoint a “representative task force” to prepare a plan for addressing the need of persons experiencing homelessness or who are about to become homeless and a separate oversight board for construction and operation of domestic violence centers.
- County must also adopt a county-wide plan for addressing homelessness.



# STATE AND LOCAL LEGISLATIVE SOLUTIONS:

## Food and Beverage Tax is Foundational to Homeless Continuum of Care:

**The Homeless Trust**, a revocable public trust governed by an all volunteer community board, was established by County ordinance as a predicate to levying the Food and Beverage Tax.

- Administers the proceeds of the Tax, including grants and overseeing operations of the entire Continuum of Care.
- Develops and implements the County's Community Homeless Plan.
- Lead agency for County-wide Continuum of Care and serves as collaborative applicant for Federal and State funding opportunities.
- Manages County's HMIS and bi-annual PIT homeless counts.
- Develops policy and advises County on all issues involving homelessness.



## MIAMI-DADE COUNTY HOMELESS TRUST CALLED

“A model to be replicated.”

- US HUD Secretary Marcia Fudge

For more information, see copies of State and Local legislation  
and the Helpful Resources handout for this Session.





# STATE & LOCAL LEGISLATIVE SOLUTIONS:

COUNTYWIDE  
CHILDREN'S TRUST  
Funded as a Special  
Taxing District

[TheChildrensTrust.org](http://TheChildrensTrust.org)



What is



?

## A Special Independent Taxing District

- Florida state statute enables its creation to establish dedicated property tax revenues for children's services.
- Local county ordinance, approved by voters, not to exceed ½ mill, to “fund improvements for the children of Miami-Dade County in the areas of health, development, safety, parental responsibility, community responsibility and other necessary and important children's services.”
- Local bylaws further guide administration of funding.
- May not substitute for existing resources or resources that would otherwise be available for children's services.





**Mission:**

**We partner with the community to plan, advocate for and fund strategic investments that improve the lives of all children and families in Miami-Dade County.**



**Vision: We envision a community that works together to provide the essential foundations to enable children to achieve their full potential.**



CHILDREN'S TRUST  
10 Years Nurturing  
Success

- 33-member independent governing board of directors codified in statute
- Administers the funds of the special district
- Volunteers serve according to office held, representing an institution, gubernatorial appointees, and at-large members
- Diverse cross-sector representation



## Accountability

### Funding

- 23-24 Annual Budget: \$ 255 million
- 20-year Investment: \$ 2 billion

### Accomplishments

- Wide and varied, see strategic framework & annual reports

## Supporting children & families experiencing homelessness

- Early childhood community research with Lotus House
- Parenting supports
- Family & neighborhood support partnership-care coordination, referrals, & basic needs funds
- Public benefits enrollment
- Preventive physical, oral, vision & mental health care






## Partnerships to end youth homelessness with:

- Miami Homes for All
- Helping Our Miami-Dade Youth (HOMY) Collective
- Miami-Dade County Homeless Trust



## Connect with Us!

-  [fb.com/thechildrenstrust](https://fb.com/thechildrenstrust)
-  [@childrenstrust](https://twitter.com/childrenstrust)
-  [@thechildrenstrust](https://www.instagram.com/thechildrenstrust)
-  [The Children's Trust of Miami-Dade County](https://www.linkedin.com/company/the-childrens-trust-of-miami-dade-county)
-  [thechildrenstrust](https://www.pinterest.com/thechildrenstrust)
-  [childrenstrust](https://www.youtube.com/channel/UC...)

# Replication Resources

Florida Alliance of  
Children's Councils  
and Trusts—FACCT  
([www.facct.com](http://www.facct.com))

Children's Funding Project  
([www.childrensfundingproject.org](http://www.childrensfundingproject.org))

*For more information see copies of state and local legislation and helpful resources handouts for this session.*



FEDERAL SOLUTIONS:

LOW-INCOME HOUSING  
TAX CREDIT

TRULY AFFORDABLE  
HOUSING





# LOW INCOME HOUSING TAX CREDIT PROGRAM

What is possible using the Low-Income Housing Tax Credit (LIHTC) Program?





Dr. Alice Moore Apartments, West Palm Beach, Florida



The Residences at Equality Park, Wilton Manors, Florida



Karis Village, Miami, Florida



Northside Commons, Miami, Florida

## LIHTC PROGRAM

- The LIHTC Program, enacted in 1986 as part of the Tax Reform Act, is the single most important federal resource available to support the development and rehabilitation of affordable housing. LIHTC currently finance about 90% of all new affordable housing.



## HOW DOES THE LIHTC PROGRAM WORK?

- Federal tax credits are allocated to state housing finance agencies by a formula based on population
- Each state agency then establishes its affordable housing priorities and issues RFAs for developers to compete for an award of tax credits
- Once awarded tax credits, developers seek a tax credit investor to “purchase” the credits by contributing equity capital to the development in exchange for tax credits
- Investors make an equity contribution and then receive a dollar-for-dollar reduction in their federal tax liability over a 10 to 15-year period



## HOW DOES THE LIHTC PROGRAM WORK?

- Units funded by the LIHTC program must be affordable for people earning no more than 60% of the Area Median Income
- LIHTC funded developments must remain affordable for a minimum of 30 years





## LIHTC SUCCESSES

- Since its inception, the LIHTC program has created over 3 million units of affordable housing
- Each year, the program finances approximately 100,000 units of affordable housing and creates approximately 96,000 jobs in construction and property management
- LIHTC outperform market-rate housing, with occupancy rates averaging 96% and a foreclosure rate of less than 1%
- The LIHTC units tend to be occupied by very low-income families, with 48% of the units occupied by families making less than 30% of the Area Median Income



# WHAT ARE THE CHALLENGES OF USING THE LIHTC PROGRAM?

- Very competitive
- Very complicated transactions
- Lots of risk, often more risk than not-for-profit organizations are comfortable with
- NIMBYism
- Projects take a long time (minimum of 3 years)
- Expensive to execute (Florida total development cost averages \$200,000 to \$300,000 per unit)



# ADVICE FOR SHELTERS WHO WANT TO PURSUE SECURING LIHTCS FOR AN AFFORDABLE HOUSING DEVELOPMENT?

- Partner with an experienced developer (preferably a not-for-profit developer that shares your mission)
- Get to know your state's housing finance agency (familiarize yourself with your state's Qualified Allocation Plan and attend all meetings)
- Be flexible in your vision for the development
- Be unstoppable





**CARRFOUR**  
supportive housing

**For more information:**

**Stephanie Berman-Eisenberg**  
*President/CEO*

**Carrfour Supportive Housing**  
1398 SW 1<sup>st</sup> Street, 12<sup>th</sup> Floor  
Miami, Florida 33135

**305-371-8300 x1303**

**Email: [sberman@carrfour.org](mailto:sberman@carrfour.org)**

**Online: [www.carrfour.org](http://www.carrfour.org)**



THANK YOU!

QUESTIONS?



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