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NO. 36377-8

THE COURT OF APPEALS, DIVISION I
FOR THE STATE OF WASHINGTON

WASHINGTON STATE COALITION FOR)
THE HOMELESS,)
Plaintiff,)
vs.)
DEPARTMENT OF SOCIAL AND HEALTH)
SERVICES,)
Defendant.)

(King County Cause
No. 91-2-15889-4)

TRANSCRIPT OF PROCEEDINGS

OF

A TRIAL

BEFORE THE HONORABLE ANN SCHINDLER

May 26, 1994

Seattle, Washington

Transcribed at the request of Michael Collins

Transcribed under the supervision of Brian Killgore

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A P P E A R A N C E S

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MOTIONS

None.

ARGUMENTS

None.

INSTRUCTIONS

None.

1 THE COURT: Please be seated.

2 MS. SALZARULO: Plaintiff calls Barbara Sard.

3 THE COURT: Miss Sard, would you put your first hand,
4 and raise your right hand? Do you solemnly swear the testimony
5 you're about to give will be the truth, the whole truth and
6 nothing but the truth?

7 THE WITNESS: I do.

8 THE COURT: Please be seated.

9 * * * * *

10 D I R E C T E X A M I N A T I O N

11 BY MS. SALZARULO:

12 Q. Please state your name and business address, please, Miss
13 Sard.

14 A. My name is Barbara Sard, I work at Greater Boston Legal
15 Services, which is 68 Essex Street, Boston, Massachusetts.

16 Q. What is your occupation?

17 A. I am an attorney. My current job is managing attorney of
18 the homelessness unit at Greater Boston Legal Services.

19 Q. Are you being paid a fee for your consultation and
20 testimony in this case, Miss Sard?

21 A. I am.

22 Q. How much are you being paid?

23 A. \$75 per hour.

24 Q. Miss Sard, where did you get your graduate -- your
25 undergraduate education?

1 A. Radcliffe College.

2 Q. What was -- excuse me?

3 A. Harvard University.

4 Q. What was your degree in?

5 A. Problems of Industrial Societies.

6 Q. What about graduate study?

7 A. I spent about eight months at the London School of
8 Economics, in the Master's program in Social Science and
9 Administration, and then I got a JD at Harvard Law School.

10 Q. When did you get your JD?

11 A. 1974.

12 Q. And you're currently employed at Greater Boston Legal
13 Services; is that correct?

14 A. That's correct.

15 Q. What do you do there, now?

16 A. I'm managing attorney of the homelessness unit; what that
17 involves is -- it's a unit of five other attorneys and a
18 paralegal, and generally a number of law students. Our focus is
19 on representation of homeless families and individuals. We
20 represent approximately a thousand clients per year on individual
21 matters, in addition to doing legislative and administrative
22 advocacy on behalf of client groups, and class-action litigation;
23 approximately half to two-thirds of our work involves
24 representation of homeless families. I'm somewhat divided
25 between issues of access and retention of emergency shelter, and

1 access to permanent, subsidized housing.

2 Q. You mentioned legislative and administrative advocacy; can
3 you describe what types of advocacy you mean by that, and what
4 you have been involved in?

5 A. I'll focus, first, on the work I've been doing in the
6 homelessness unit. I've had my current position for a little
7 over five years, and in the course of that time Massachusetts has
8 gone through several major examinations of its homelessness
9 policy.

10 I have been involved -- I was invited to be a member, in
11 1989, of the Governor's Advisory Group on Homeless Families,
12 which was a -- a four- to six-month process of examining both the
13 policies of the welfare agency with regard to emergency
14 assistance and related programs for homeless families, and the
15 programs of the state housing agency and the local housing
16 authorities, with regard to trying to balance them so that
17 families who are assisted on the welfare side as homeless would
18 not be permanently retained in an emergency state, but would gain
19 access to housing.

20 I've also -- And in the course of that advisory committee
21 it -- it was part of my role to propose policy solutions to the
22 problems that everyone agreed were there.

23 I've also been involved in drafting legislation for
24 programs for homeless families on the state level.

25 Most recently, in the last year or so, I've spent a lot of

1 my time involved with federal advocacy. I am a member of the
2 steering committee of a group called the Legal Services
3 Homelessness Task Force, which involves attorneys from legal
4 services programs around the country.

5 We have put together a position paper of policies that both
6 the federal housing agency, the Department of Housing and Urban
7 Development, and the welfare agency, the Department of Health and
8 Human services, could and should do to remedy the problem of
9 homelessness in general, and homeless families in particular.

10 We have had in -- in that hat, I have had -- been part of a
11 group that has had several meetings with the secretary of HUD
12 concerning the steps that HUD should take what's -- on homeless
13 families. I have had meetings with top officials at HHS
14 concerning changes that ought to be made in their emergency
15 assistance policies.

16 Q. What is HHS?

17 A. Sorry. Health and Human Services. It's the federal agency
18 that -- that supervises the AFDC program in general and the
19 emergency assistance program in particular.

20 Q. And HUD is the Department of Housing and Urban Development?

21 A. Yes.

22 Q. In your current position as a homelessness specialist, have
23 you had any involvement with child welfare, more traditional
24 child-welfare issues?

25 A. It -- Yes, in several respects. A number of our

1 individual clients are families who are either at risk of losing
2 their children to foster care because of homelessness, or are
3 parents who are homeless who could get their children back from
4 foster care if they had housing.

5 On a more project level, almost two years ago now, GBLS got
6 a -- what's called a Skadden Fellow, funded by the law firm of
7 Skadden Arps, to work on a project involving homeless families
8 and the child welfare system.

9 I was one of the three lawyers involved in supervising her
10 work and from a multi-disciplinary perspective, working on a
11 range of policies and advocacy approaches for homeless families
12 in -- in the child welfare system, and that has culminated in --
13 in two efforts: A state legislative initiative to develop a
14 transitional rental allowance -- a temporary rental allowance for
15 families who could be reunited with their children from the
16 foster care system if they had the money for housing, and also
17 litigation concerning the duty of the child welfare agency to
18 provide housing assistance.

19 Q. Miss Sard, I am going to show you what's been marked as
20 Plaintiff's Exhibit No. 35; could you tell what that is?

21 A. It's a copy of my resume.

22 Q. That might be helpful if you need to refer to something for
23 the next questions; what did you do, what was your position
24 before you became a homelessness specialist with Greater Boston
25 Legal Services?

1 A. From the time I began work at GBLS, until 1989, when I took
2 over the homelessness unit, I was the program's leading
3 specialist in welfare law. In -- For the first four years, it
4 was just as a specialist attorney; then in 1982, the program
5 reorganized into specialty units, and I became the managing
6 attorney of the welfare unit.

7 Q. And what -- what would welfare encompass, what programs,
8 what would you be talking about by that -- using that term?

9 A. The AFDC program and its related components in terms of
10 special needs and emergency assistance, as well as the state
11 general assistance program and food stamp benefits.

12 Q. You referred to the special needs program; is that a
13 federal program?

14 A. Special needs is a component of the AFDC program, it -- in
15 Washington, you call it additional requirements --

16 Q. That was my question: What do we call it in Washington?
17 And emergency assistance; do you know what the Washington version
18 of emergency assistance is that you referred to?

19 A. It's CEAP, I think is your acronym, CEAP.

20 Q. So, if you use special needs, you mean -- you mean
21 additional requirements, correct? Or that would correlate to our
22 program?

23 A. It would correlate. The federal special needs program
24 allows states to do far more than Washington has elected to do
25 under additional requirements.

1 Q. And -- and we'll talk about that. I just wanted to make
2 sure we were all using the same terms. Miss Sard, before you
3 focused your advocacy on -- on welfare programs, what did you do
4 in your legal career?

5 A. I started as an attorney in 1974 in New Hampshire, and I
6 had a general practice, which, at the time, in addition to
7 welfare cases, also involved a significant number of child
8 welfare cases; I represented parents in the juvenile court, and I
9 participated in some advisory committees concerning the problems
10 of parents in abuse and neglect proceedings.

11 Q. Do you hold any teaching positions, Miss Sard?

12 A. Not currently. I had taught at Harvard Law School as a
13 lecturer from 1987 through the fall of 1992.

14 Q. What did you teach at Harvard Law School?

15 A. I taught a course on -- titled Advocacy Strategies in
16 Social Welfare Policy. For the first three years the course
17 focused on welfare law, and for the second three years the course
18 focused on homelessness.

19 Q. And have you taught anywhere besides Harvard Law School?

20 A. I have been a guest lecturer at both Boston College, and
21 Boston University law schools. I have been one of the faculty
22 members at the Practicing Law Institute, homelessness programs,
23 particularly concerning public benefits programs, and for --
24 since 1987, I have annually been one of the instructors at the
25 annual National Legal Aid and Defender Association training

1 conference on homelessness, where I have mostly focused on
2 teaching other advocates and legal services programs around the
3 country about emergency assistance and special needs.

4 Q. Miss Sard, have you published any articles relating to
5 homelessness or homelessness advocacy?

6 A. Yes.

7 Q. And are those listed in your resume?

8 A. Yes.

9 Q. Is that a complete list of your articles and publications?

10 A. The -- the first listing on the Massachusetts Experience
11 with Targeted Tenant-based Rental Assistance for the Homeless --
12 the citation is to the first part of the article, the second and
13 third parts of the article have now been published as well.

14 Q. Miss Sard, in your professional career have you assessed or
15 assisted in the design of programs for assistance to homeless
16 families?

17 A. Yes.

18 Q. In what way and in what capacity?

19 A. As I -- I earlier testified, I have participated in both
20 formal advisory committees at the state level, as well as more
21 informal advocacy in terms of drafting policies that have been,
22 then, submitted to state agencies for discussion, and drafting of
23 legislation that has been filed in the legislature and testified
24 on behalf of that legislation.

25 I also in -- in addition to the policy paper of the Legal

1 Services Homelessness Task Force for the federal agencies, I
2 was -- in November of 1993 I was invited to testify before
3 Congress to the oversight committee on the problems of homeless
4 families, to testify about Massachusetts Experience and what
5 solutions could work to alleviate the problem of homeless
6 families.

7 Q. Miss Sard, are you knowledgeable about the federal income
8 assistance programs, AFDC, special needs, and emergency
9 assistance?

10 A. Yes.

11 Q. And briefly, how did you acquire that knowledge?

12 A. As a practitioner for, now, 20 years, in which I have
13 either represented or supervised others in representing thousands
14 of clients involving these programs. I have been counsel in a
15 substantial number of cases involving emergency assistance. I
16 have taught in the courses that we talked about -- all of them
17 have involved some number of classes involving emergency
18 assistance and special needs.

19 Q. Can you give a brief description of what these programs
20 are, AFDC, emergency assistance and special needs?

21 A. The AFDC program is the primary federal/state program for
22 assistance to families with children without other adequate
23 income. It is -- its origin is the Social Security Act of 1935;
24 it works as a federal, state match, with a varying matching rate,
25 depending on, essentially, how well off the state is.

1 The families who are eligible for AFDC, based on federal
2 law, are families that have a child under the age of 18, or with
3 some small exceptions, slightly older, who are deprived of the
4 care of a parent through death, absence, incapacity, or
5 unemployment, and it provides a monthly stipend in an amount set
6 by the states for basic needs.

7 Q. And what about special needs?

8 A. Special needs is a federal option for states under the AFDC
9 program. A state that participates in AFDC, as every state does,
10 can, at its discretion, decide to adopt any number of special
11 needs from one to a thousand.

12 The definition is simply a need that applies only to some
13 people in the AFDC caseload and not everyone, that's what makes
14 it special. It could be a majority of families, but still be
15 "special" in federal terms.

16 It can be a one-time payment, or it can be a recurring
17 payment, and it is part of the AFDC benefit.

18 Q. And what about emergency assistance, can you describe that,
19 briefly?

20 A. Emergency assistance is, again, a federal option that is
21 related to AFDC, but not part of the AFDC program. It has a --
22 it is authorized by a subpart of Title 4(a) of the Social
23 Security Act, 42 USC 606(e). It is a federal option for the
24 states to adopt.

25 According to the most recent statistics I've seen, it is

1 now more than 40 states that have adopted emergency assistance,
2 which is a dramatic change in the last few years.

3 Under -- unlike AFDC, states can opt, under the emergency
4 assistance program, to assist intact families with children, and
5 not just families that are deprived of the care of a parent.

6 They also can establish an income eligibility standard at
7 any level they wish, including significantly higher than the AFDC
8 program, and, indeed, one of the federal purposes in enacting the
9 program, as shown in the legislative history, was to reach the
10 working poor and families who, otherwise, might require ongoing
11 income maintenance assistance.

12 Q. Are emergency assistance and special needs federally
13 matched programs?

14 A. They are. Emergency assistance is always matched at 50
15 percent. The AFDC program, as I said, has a varying matching
16 rate, which is set by a complicated formula. My understanding is
17 that the Washington State federal matching rate for AFDC is
18 slightly over 50 percent.

19 Q. Miss Sard, can you describe how states can use the AFDC,
20 the emergency assistance, and the special needs programs to
21 assist, in particular, homeless families?

22 A. Yes. It's important to look, first, at the relationship
23 between AFDC and homeless families. While studies in different
24 states have shown that the percent of homeless families who are
25 AFDC recipients varies quite substantially, I think in every

1 state the studies have shown that a majority of homeless families
2 are AFDC recipients.

3 So there's clearly just a -- a correlation that leads one
4 to want to know how the programs that are AFDC related can assist
5 homeless families.

6 The easy and obvious answer on the AFDC side is that if
7 grants were high enough to enable families to afford their
8 housing, they would not be homeless.

9 If, however, a state chooses, as it can under federal law,
10 to pay less than the amount that families need, and I think it's
11 important, in this context, in Washington, that the State of
12 Washington acknowledges that its AFDC benefits are only, I
13 believe, 47 percent of what it admits families need in order to
14 live.

15 Then the less expensive way, perhaps, for a state to go, if
16 they won't assist all AFDC families at an adequate level, is to
17 target assistance to those AFDC families most likely to become
18 homeless or who are homeless.

19 In -- in a targeted approach, special needs and emergency
20 assistance play a particularly valuable role, because they can be
21 tailored to a targeted approach.

22 And I'll just give you some examples of -- of types of
23 special needs. Through the special needs program a state could
24 provide an additional supplement to the basic grant for families
25 in expensive housing. Many states do that, including

1 Massachusetts.

2 A state could provide rent arrearages to prevent eviction.
3 A state could provide barrier payments to access new housing, and
4 the composition of those payments could vary with the practices
5 in a particular state; most commonly first month's rent and
6 security deposit, depending on what landlords in the locale
7 require.

8 A state could also provide emergency shelter as a special
9 need, and a state could provide an ongoing supplement to the
10 grant for -- that is narrower than just families in expensive
11 housing that was limited to families who would otherwise be in
12 emergency shelter; New Jersey, for example, does that.

13 On the emergency assistance side, all of the benefits I
14 have just mentioned could be funded, instead, through emergency
15 assistance as opposed to special needs.

16 The -- Some states choose to do it that way, or some
17 states chose to do both, but through emergency assistance they
18 can reach more families, because, as I said, they can reach
19 higher income families, and they can reach intact families. And
20 there are also some payment -- they can control how the payment
21 is made.

22 In addition, through emergency assistance, states can fund
23 services that they cannot otherwise fund through special needs.
24 So, for example, through emergency assistance a state can fund
25 legal services to prevent eviction. New York does that. And a

1 state can fund housing search services to assist house --
2 homeless families to obtain new housing; Massachusetts does that.

3 As well as a range of other services.

4 Q. Miss Sard, do you have any knowledge or familiarity with
5 the housing costs in Washington state?

6 A. I do.

7 Q. And how did you acquire that information?

8 A. At my request, to know about housing costs in Washington
9 state, you sent me a study called The Report on Cost of Living in
10 1991 for Low Income Families in Washington State, published by
11 the Washington State Department of Social and Health Services.

12 Q. And do you know what year that was published?

13 A. 1990 -- I believe 1991.

14 THE COURT: Is that an exhibit?

15 MS. SALZARULO: No, it is not an exhibit, your Honor.

16 THE COURT: Okay.

17 Q. And the -- And that -- and that forms the basis of your
18 knowledge and opinions concerning the affordability of housing in
19 Washington state?

20 A. Yes.

21 Q. Do you consider, or does that information to you look
22 reliable?

23 A. It does.

24 Q. And what are you basing that assessment on?

25 A. In the course of my work in Massachusetts, I have had the

1 occasion to learn a great deal about how housing economists look
2 at housing affordability and what the various methods are of
3 studying housing affordability.

4 So the methodology that was used by the state agency in
5 this report is a very liable -- reliable and accepted method.
6 They essentially used a variation on the federally determined
7 fair-market rents, as the best information available. That is
8 particularly reliable information for determining what rents
9 families seeking access to housing will face.

10 It might slightly overstate the costs of rent for families
11 who have been fortunate enough to be in stable housing for a long
12 time.

13 Q. Does that report give an average monthly housing cost for
14 families in Washington state?

15 A. It does.

16 Q. What does it state?

17 A. It says -- It states that for housing alone, without
18 utilities, the average statewide cost in 1991 was \$419 per month.

19 Q. And what sized family would that be for?

20 A. A family of three.

21 Q. Miss Sard, are you knowledgeable about Washington State's
22 AFDC program?

23 A. I have read the regulations and program manual instructions
24 regarding AFDC, the additional requirements program, and the CEAP
25 program.

1 Q. Have you also had an opportunity to review the Stipulation
2 of Facts that was submitted in this case?

3 A. Yes.

4 Q. Are you familiar with Washington's version of special
5 needs, which is called additional requirements?

6 A. Yes.

7 Q. Based on your -- based on the information that you have
8 about that program, how does Washington State provide assistance
9 to homeless families under the additional requirements program?

10 A. If I may just -- My general conclusion is that
11 Washington's additional requirements program is inadequate in its
12 coverage and inadequate in the benefits provided. And I can
13 explain --

14 Q. Why do you -- Why do you say that?

15 A. -- explain that. First of all, who is eligible for the
16 benefits is very limited. The beginning point is that only
17 families receiving AFDC appear to be eligible under the
18 Washington rules for additional requirements.

19 According to the stipulation in this case, only slightly
20 less than two-thirds of homeless families in Washington are
21 single-parent families.

22 It is reasonably likely that not much more than that of the
23 families are going to be eligible for AFDC, so that roughly only
24 two-thirds of the overall number of homeless families have a
25 chance of qualifying for the program.

1 Then, out of those two-thirds, the -- the emergency
2 circumstances that are recognized for the special needs for the
3 additional requirements benefits fail to adequately match the
4 circumstances that cause family homelessness.

5 Q. And what are those circumstances?

6 A. Based on my knowledge of the national literature and the
7 literature that has summarized state studies on family
8 homelessness, it is my opinion that in a state like Washington
9 where housing is very expensive in comparison with AFDC grants,
10 only a minority of AFDC families who become homeless become
11 homeless from their own -- directly from their own housing.

12 And the reason for that is unfortunately simple: Most
13 families on AFDC are not able to afford, to access the housing
14 market to begin with, so they aren't going to get evicted from
15 their own housing.

16 They tend to live in a series of doubled-up or guest
17 situations, which are inherently unstable, and may lose those
18 temporary accommodations, they become homeless.

19 Even for families who have managed to access their own
20 housing, who are the only families who can receive benefits under
21 the Washington state program. In my experience, working with
22 poor families, very few families who are at risk of eviction stay
23 in their housing through the formal eviction process.

24 Q. And why is that a problem for accessing additional
25 requirements?

1 A. Because under the additional requirements rules, only if a
2 family is subject to eviction, based on a formal eviction notice,
3 can they receive the benefit. So, if they haven't stuck it out
4 through the court process, they're not going to qualify. And the
5 other circumstances are natural disaster, or seriously
6 substandard conditions, or abuse.

7 So, most, or at least half, even on a generous estimate of
8 -- of those families who become homeless, would, in my
9 estimation, never -- of those families who become homeless, who
10 could -- who are AFDC recipients, so we're already down to less
11 than a majority, could qualify for the additional requirements
12 program.

13 But then the most serious problem, or at least as serious,
14 is the inadequacy of the benefits provided.

15 Q. And what do you mean by that?

16 A. The maximum benefit is a -- is -- is capped at one month of
17 the AFDC payment standard for the equivalent family size. So,
18 taking the average family of three, that would mean that in
19 Washington the maximum benefit that could be paid is \$546, and if
20 you look at homelessness prevention, for example, paying rent
21 arrears, it's reasonably unlikely that that amount of money will
22 pay off the arrears that would have accumulated by the time a
23 family was subject to eviction. So it's very unlikely to work,
24 to prevent eviction, in situations where families have very
25 expensive housing.

1 It is even less likely to work to enable families to access
2 new housing, because, assuming the practice here is, as in most
3 places, that you need both first month's rent and a security
4 deposit to access new housing, it is unlikely that there is any
5 decent housing that one could access for a total of \$546.

6 Q. And you're basing that on the affordability study?

7 A. That's correct. I should add that those benefits of -- of
8 eviction prevention, or accessing new housing, are, in
9 themselves, very -- only limited pieces of the possible
10 solutions, because if a -- if a special needs program is going to
11 be inadequate to prevent homelessness, and inadequate to access
12 new housing, then the question is, does it do anything for
13 families caught in the emergency situation?

14 And nothing in the Washington State program meets the need
15 for emergency shelter; there simply is no shelter benefit under
16 -- emergency shelter benefit under the special needs program.

17 Q. Are you also familiar with Washington's version of the
18 emergency assistance --

19 A. Yes.

20 Q. -- program? And how does Washington provide assistance to
21 homeless families under the CEAP program?

22 A. It is both significantly less adequate than additional
23 requirements in terms of who it reaches, and generally less
24 adequate with regard to the benefits provided.

25 Q. Can you explain that, please?

1 A. The way the eligibility rules work, virtually no family on
2 AFDC could qualify for the CEAP program, thereby eliminating most
3 homeless families from qualifying.

4 Q. And why could they not qualify?

5 A. There is an income eligibility rule that says that family's
6 income must be less than 90 percent of the AFDC payment standard.
7 While there is an "unless" clause, it is an extremely narrow
8 "unless" clause, and in my experience it is very unlikely that
9 very many people would fit into the alternative categories.

10 So families with zero income could qualify. Families who
11 are not on AFDC, with very low wages, could qualify. But, again,
12 most homeless families would not qualify to even walk in the door
13 to figure out what benefits they could get.

14 On the other hand, the good news is about the program that
15 unlike the restrictions in additional requirements, where you
16 have to fit in certain pigeon holes for why you are homeless,
17 CEAP does cover any emergency need for shelter. That's the good
18 news.

19 The bad news is that the benefits provided don't meet the
20 emergency need.

21 Q. And why do you say that?

22 A. The maximum benefit that can be provided for shelter under
23 CEAP is for -- for the average family of three -- \$404, once in
24 12 months. We've already seen that the average cost in this
25 state, for housing alone, without utilities, is more than that

1 amount; it's \$419 a month.

2 Q. How would you summarize or characterize Washington's use of
3 emergency assistance and special needs, those programs, to target
4 assistance to homeless families?

5 A. I think the summary of what I just said is that Washington
6 has made a very extremely limited use of the available federal
7 funds that are AFDC related to assist homeless families.

8 Most homeless families will qualify neither for additional
9 requirements, nor for CEAP, and those few who do qualify will
10 only, rarely, be able to get a benefit which will do them any
11 good.

12 Q. How could assistance under those programs be better
13 targeted to homeless families?

14 A. Several ways: Eligibility would have to be broadened to
15 include all homeless families, or at least most homeless
16 families, even if the state had some rules that --
17 Massachusetts, for example, has a rule that you can't get
18 benefits under the emergency assistance program if you rendered
19 yourself homeless for the purpose of getting the benefits, as a
20 protection against abuse.

21 So a state could certainly have that sort of protection,
22 but eligibility would have to be broadened to include, at the
23 very least, homeless families receiving AFDC, but hopefully,
24 given the Washington data, which in fact shows, more so than in
25 other parts of the country, that a significant minority of

1 homeless families are not on AFDC, it would be important to use
2 the emergency assistance program to reach those families.

3 Q. And does federal law allow that?

4 A. Yes, as I said earlier, under emergency assistance, any
5 family with a child up 'til the age of 21 can be assisted under
6 emergency assistance, at state option.

7 But then, in addition to broadening eligibility for
8 homeless families, both in different income categories, different
9 family structures, and -- and a broader concept of how they
10 became homeless, the state would have to provide more adequate
11 benefits.

12 Q. Pay more?

13 A. Have to pay more and pay in a broader range of
14 circumstances.

15 A comprehensive homelessness policy has to both prevent
16 homelessness, wherever possible, make sure that children are in a
17 safe, and hopefully stable environment, while they are homeless,
18 when homelessness cannot be prevented, and assist families to
19 obtain permanent housing, as a long-run solution.

20 As we saw, Washington does an extremely limited job of
21 homelessness prevention: No emergency care whatsoever, and very
22 limited job of helping families access permanent housing.

23 Q. Miss Sard, I'm showing you what's been marked as
24 Defendant's Exhibit No. 5, which is the department's plan; have
25 you reviewed that document before?

1 A. I have reviewed a copy of this document.

2 Q. How would you assess the assistance that Exhibit No. 5, the
3 department's plan, provides to homeless families in Washington?

4 A. It does extremely little to meet any of the problems that
5 I've identified. And let me take you through it. There is no
6 increase proposed in the plan for either special needs or
7 additional requirements, or emergency assistance, or CEAP or any
8 broadening of eligibility.

9 The only financial assistance changes that are proposed in
10 the plan are small changes of the margins for families whose
11 children are in the foster care system and a continuation of AFDC
12 or early start up, with all the problems of the limitation of the
13 amount of AFDC paid.

14 The only benefit mentioned in the plan that is more
15 adequate financial assistance, that I could find, is home-based
16 services. That, I believe, could be in an amount up to \$1,500,
17 which is certainly far more adequate than the 500 odd, or 400
18 cap, that applies to either additional requirements or CEAP.

19 The problem is, as I read it, the only families who can
20 receive home-based services under this proposal are families that
21 are already enmeshed in the child welfare system. And my
22 understanding is that that is an extremely small proportion of
23 homeless families.

24 So that that more adequate benefit will not work for the
25 families who can't get it because they're not in the child

1 welfare system.

2 Then -- the -- the plan does begin to recognize the
3 importance of linking homeless families with subsidized housing.
4 We haven't talked about that yet, but, if -- if families who are
5 on AFDC, or who have very low income through earnings, can't
6 afford housing on the private market, which is fundamentally the
7 case, it seems to me in Washington, the only answer other than
8 more adequate income assistance is to help them access housing
9 that is subsidized through the housing providers.

10 The plan does acknowledge the need to create links with the
11 public housing agencies; that's good, but it's too little, and
12 it's too little for several reasons.

13 Public housing agencies only administer, if Washington is
14 like national data, approximately two-thirds of the subsidized
15 housing resources. Approximately a third or more of the
16 affordable subsidized housing for families is controlled by
17 private owners, with federal subsidies, and applications have to
18 be made at each development.

19 Q. What does the plan, the department's plan, say about
20 linking homeless families to affordable housing?

21 A. It talks only about linking families through referrals to
22 the public housing agency in the area. So that has the problem
23 of it's only the public housing agency, not the private,
24 subsidized owners, which means, as I said about a third of
25 affordable housing opportunities are not even considered.

1 Secondly, it's too limited geographically. It's my
2 understanding that the state of Washington has upwards of 50
3 public housing agencies.

4 In my experience, homeless families are often willing to
5 move outside of the area where they are immediately at, if
6 necessary, to obtain affordable housing. By linking families
7 only to the public housing agency that is geographically the
8 closest, the majority of housing opportunities for those families
9 are not being considered.

10 In addition, a significant portion, perhaps up to half of
11 the housing subsidies administered by public housing agencies,
12 are Section 8 subsidies, that are tenant based. The tenant can
13 take them to move anywhere they want, so a tenant, a homeless
14 family, could get a Section 8 subsidy from one part of the state
15 and take it to live in another part.

16 That's particularly important because national data has
17 shown that the waiting time for subsidies is longest in the
18 larger cities, with the larger number of homeless families, and
19 shortest in the suburban areas, where there are fewer very poor
20 families and certainly fewer homeless families.

21 So accessing that greater range of resources in -- in the
22 suburbs is extremely important.

23 Finally, a referral to another agency is, unfortunately,
24 given the complexities of the housing system, unlikely to be
25 adequate for the result, which is to enable the family to get the

1 housing.

2 Q. What needs to happen?

3 A. Our experience has shown, and I have been working, I have
4 written about this problem and I have been working on it in -- on
5 national task forces, until the housing system changes, people
6 need assistance to get access to the subsidized housing. And
7 that assistance, really, takes two forms.

8 It's assistance in submitting applications, because, as
9 I've discussed, it's important to apply not just at one place,
10 but at potentially hundreds. And that in itself is difficult for
11 families who are homeless to get the applications; it can be
12 difficult to fill them out; it can be difficult to get the
13 documents that housing agencies will require in order to
14 substantiate the applications.

15 And providing assistance to people in that process,
16 Massachusetts has found, is perhaps the most cost effective thing
17 that the State can do through its emergency assistance program,
18 is to enable families to really access the permanent, subsidized
19 housing that exists.

20 Q. That's through emergency assistance?

21 A. Yes. Massachusetts does it through emergency assistance.

22 And secondly, very often, additional advocacy is required
23 with the housing agency to overcome eligibility issues.

24 Q. Miss Sard, in your experience, how important is it to have
25 coordination between the agency that administers welfare programs

1 and agencies that administer housing programs in order to
2 adequately assist homeless families?

3 A. It's vital. Unless and until the welfare agency paid
4 enough money to enable families to afford housing, without a
5 housing subsidy, the only other thing that can work is assisting
6 families to get the housing subsidies. And that coordination has
7 to exist to be effective on two levels.

8 The first is what are the housing rules? Virtually all
9 subsidized -- Virtually all subsidized housing is governed by
10 preference rules as to which there's a fair amount of discretion
11 in ranking.

12 If homeless families come first, or near the top of those
13 preference rules, they are going to get much quicker and much
14 greater access to the subsidized housing.

15 Having the government agencies work together, in terms of
16 how they set their preferences, has a dramatic effect on how much
17 of the existing subsidized housing will actually go to homeless
18 families. So that's kind of on the macro level.

19 Then, on the sort-of street level, the need for
20 coordination is, as I said, through a program like housing search
21 assistance, so that families are actually assisted in a real way
22 to get through the application and eligibility process for the
23 various housing programs.

24 Q. And does that -- does the importance of coordination also
25 extend to other agencies besides public housing authorities?

1 A. Yes. As I said, approximately a third, and perhaps more in
2 Washington, I understand you will have a witness about -- who's
3 familiar with Washington State housing programs, later, all of
4 the subsidized housing is controlled by private owners.

5 A state housing agency can exercise supervisory authority
6 with regard to the application process for that housing. They
7 can decree that there shall be a uniform application, for
8 example, which would make it much simpler to apply.

9 They can make sure that there's easy access to the lists of
10 where the housing is. And there also, I believe, are going to be
11 opportunities, soon, under federal law, for demonstration
12 programs for one-stop shopping for applications for all housing
13 assistance, and three states are going to be fortunate enough to
14 be chosen as demonstration states. And so it's a question of
15 which states apply.

16 I forgot the rest of your question.

17 Q. We were talking about coordination. In describing your
18 experience, it sounds like you have given advice to the federal
19 government about homelessness assistance, to Congress, to your
20 state government in Massachusetts, to state and federal agencies
21 in Massachusetts and -- and in Washington DC; what should the
22 state of Washington have in their comprehensive plan to
23 adequately assist homeless families?

24 A. The State, to adequately assist homeless families, a
25 state's comprehensive plan would have to have adequate programs

1 to meet three elements of need:

2 It would have to have adequate homelessness prevention
3 programs, which Washington, as I've testified, does not have. It
4 would have to have adequate emergency programs for families that
5 become homeless, and it would have to have adequate programs to
6 assist families to relocate to permanent, affordable housing.

7 Those elements can be built through welfare side programs
8 alone; as I've testified, you could use AFDC, emergency
9 assistance, and special needs to meet all of those needs, or they
10 could be built through some combination of programs on the
11 welfare side and the housing sides, so that the long-term
12 affordability of housing is paid for on the housing side, but
13 that families are -- who are otherwise homeless are linked to
14 those housing programs.

15 I -- May I -- Now I remember what I wanted to say
16 before. There's a -- In the last two years, there's a new
17 federal housing program called the Home Program, and the funds
18 go, in significant part, to state housing agencies. And some --
19 while most of the funds in the -- in the home program are
20 generally used for higher income families, there is an option for
21 a program that is tremendously useful for homeless families which
22 is called the tenant-based rental assistance program.

23 And it can be used up to two years or on a renewable,
24 permanent basis, to provide housing subsidies to families. The
25 State has the discretion to develop its own eligibility criteria

1 for that program; it can target families in shelter through that
2 program, and it enables families, at relatively low cost, at 100
3 percent federally financed, to access affordable housing.

4 Q. So you've described what you think needs to be in an
5 adequate plan; does the department's comprehensive plan, Exhibit
6 No. 5, meet on those standards, in your opinion?

7 A. Absolutely not.

8 MS. SALZARULO: I have no further questions for Miss
9 Sard.

10 THE COURT: Miss Clark-Mahoney?

11 MS. CLARK-MAHONEY: Thank-you, your Honor. I'm planning
12 to show our Exhibit No. 11, your Honor. As soon as I find it.

13 * * * * *

14 C R O S S - E X A M I N A T I O N

15 BY MS. CLARK-MAHONEY:

16 Q. Miss Sard, I'm going to hand you what's been marked as
17 Defendant's Exhibit No. 11, and ask you to turn to page 14. Are
18 you there?

19 A. Umm-hmm.

20 Q. Okay. And if you'd look at 4-3, paragraph 4-3, the second
21 paragraph that's in bold face, that says "current status." Is
22 that the home program that you were just describing?

23 A. Looks like it.

24 Q. Thank-you. Now, in setting up the standard that is used by
25 the AFDC program, as you described the standard of need and

1 indicated that Washington uses 47 percent of the standard of
2 need --

3 A. Yes.

4 Q. -- correct? Did the -- there is -- there are no set
5 federal guidelines on what a state would have to do to set the
6 standard of need; isn't that correct?

7 A. That's not quite correct. The state has to either use the
8 needs it considered in the late 60s in developing its standard of
9 need, or state reasons why it has changed the components of the
10 standards of need, and it has to use an adequate pricing
11 mechanism. But HHS was supposed to have issued guidelines to the
12 states and hasn't done so.

13 Q. And because of that failure, the -- in fact, states can
14 estimate that the standard of need is very low and then pay 100
15 percent of that --

16 A. That's correct.

17 Q. -- and in fact, isn't it true that 100 percent of the
18 standard of need in one's state could be, in actual dollars, less
19 than, say, a 50 percent standard of need offering in another
20 state?

21 A. Yes.

22 Q. In our -- How many states use all the available options
23 under the special needs and CEAP programs?

24 A. Asked that way, it's almost an impossible question, because
25 "all" is the extent of a state's imagination. I --

1 Q. Oh, I see. I misunderstood. I thought --

2 A. Okay.

3 Q. -- that you had testified that there were certain
4 standards --

5 A. Well, --

6 Q. -- listed and they could -- according to the various
7 options --

8 A. -- no.

9 Q. -- in there?

10 A. The federal law is general about special needs or emergency
11 assistance. It doesn't say what emergencies can be covered, and
12 it doesn't say who can get it; that is up to the states to decide
13 within very broad federal guidelines.

14 Q. Okay. And in the states that would -- Well,
15 Massachusetts housing is an entitlement, isn't it?

16 A. No.

17 Q. It is not an entitlement? What states is it an
18 entitlement, or how many states is housing an entitlement?

19 A. It depends on what you mean by "housing." Housing, per se,
20 is not an entitlement, to my knowledge, in any state.

21 Q. Is housing assistance an entitlement in any state?

22 A. What do you mean by housing assistance?

23 Q. Well, actually, when we were having our deposition earlier
24 and I inquired, you answered -- you answered -- you had indicated
25 that there was an entitlement --

1 A. I --

2 Q. -- to certain programs, or certain assistance that would
3 help in homelessness.

4 A. Any benefit that a state chooses to provide through special
5 needs, or through emergency assistance, must, under federal law,
6 be a so-called entitlement to the people defined as eligible.

7 So what that means, is let's say a state decides that it
8 will provide rent arrearage benefits through either emergency
9 assistance, or special needs; federal law requires that every
10 family who meets the circumstances under which rent arrearages
11 can be paid, must be allowed to receive those benefits.

12 The state cannot say midway through the fiscal year, Sorry,
13 we've run out of money, we're closing our doors.

14 But -- And that's just a -- it's a funding criteria, it's
15 just like AFDC. If a state participates in AFDC, every family
16 who meets the eligibility for AFDC has an entitlement to get the
17 benefits. The state can't say, We've run out of money.

18 Q. Now, the state -- can the state --

19 A. But the state can say we have run out of money, and,
20 therefore, we are going to reduce benefits across the board to
21 live within our appropriation. So what entitlement means is a
22 very particular kind of meaning, which is that every family
23 that's similarly situated must be similarly treated.

24 Q. I see. And has there been a -- going back to your working
25 with the federal government's advisory group, has there been a

1 proposal to increase the funding from HUD or through federal
2 agencies to help homeless families?

3 A. You mean have the federal agencies made such a proposal?

4 Q. Yes?

5 A. Yes.

6 Q. And how is that expected to be distributed?

7 A. On the HUD side, first, HUD has requested of Congress, for
8 its fiscal '95 budget, I think a 50 percent increase in
9 homelessness assistance, including, in part, a new program of
10 Section 8 tenant-based rental assistance targeted to people who
11 are homeless.

12 HUD has not yet stated more than bare bones of how that
13 money would get distributed. What I anticipate, based on
14 conversations that I have had with HUD officials, is that it will
15 be some kind of competitive process, based on some kinds of
16 objective criteria, about both need for the assistance and the
17 extent to which the State can show that it is otherwise making
18 substantial effort.

19 So, it's going to be a carrot, in effect, for the State to
20 do other things, and to show that it needs additional, permanent
21 housing assistance to complete what the federal agency likes to
22 call the continuum of care.

23 Q. And is all of the -- options that you've described are --
24 are discretionary with it, and the AFDC program, the emergency
25 program --

1 A. If I may, I want to add one other thing. On the -- on the
2 HUD side, it also is likely to be the case, I think, for the
3 first time, starting in the -- in the fall, with the new federal
4 fiscal year, that -- McKinney program homelessness assistance to
5 the states, which is what is going to be significantly increased,
6 will be able to be used for permanent housing for families, and
7 not just transitional housing or emergency shelter.

8 Up 'til now, federal restrictions have prevented it being
9 used for permanent housing, so the State will have more leeway in
10 what it can do.

11 Q. And that would -- these would be also discretionary
12 selections by the State that they could choose how they would
13 expend the funds?

14 A. Yes.

15 Q. Within parameters?

16 A. Yes.

17 MS. CLARK-MAHONEY: I have no further questions, your
18 Honor.

19 MS. SALZARULO: No questions.

20 THE COURT: Before you leave.

21 THE WITNESS: Sorry. I forgot. Most important part.

22 THE COURT: I just had a couple questions. The
23 eligibility requirements that the states adopt are ones that they
24 have the discretion, as I understand it, under federal law, to
25 adopt and to limit eligibility based on their considerations of

1 -- of revenues, I suppose.

2 THE WITNESS: That's only partly true, your Honor. Let
3 me explain this in two parts: The state can design a program
4 that it estimates will result in expenditures no greater than the
5 appropriation, that's correct.

6 But there are some federal strings with regard to how a
7 state does that, for example: It would be unlawful for a state
8 to have an emergency assistance program that systematically
9 excluded AFDC recipients; indeed, one could question whether
10 Washington's program is currently illegal under federal law.

11 It would also be unlawful to have a special needs program,
12 the Washington additional requirements program, that does not
13 consider the special need as part of the eligibility standard.
14 Washington's current administration of that program is, also,
15 probably illegal under federal law.

16 And similarly it would be illegal, in my opinion, for a
17 state to have such an open-ended, discretionary kind of
18 eligibility criteria that it would violate a federal regulation
19 that requires the eligibility to be objective and equitable,
20 those are federal terms. But within those broad parameters, the
21 statement is correct.

22 THE COURT: And based on your legal experience and
23 opinion, there are problems with the very restrictive definitions
24 that the state of Washington has adopted for those additional --
25 or needs, or special needs in the emergency program?

1 THE WITNESS: Yes. And I -- I think that is probably
2 because the program was designed at a time, some decades ago,
3 when living situations were very different.

4 In most states, 20, 30 years ago, AFDC benefits were more
5 adequate, and, most importantly, housing costs were a lot
6 cheaper. And so the common situation was that AFDC families
7 would lose their housing but easily be able to find another
8 apartment. And in that sort of world a additional requirements
9 program that essentially restricted eligibility to people with
10 tenancies, would not be unreasonable and would not fail to meet
11 the need.

12 That situation is what has dramatically changed in
13 Washington state, like, as in many states, in the last 25 years.
14 So that as low-cost, private housing has essentially disappeared
15 from the market, due to a convergence of a range of forces, you
16 have an increasingly greater percentage of very poor families who
17 are closed out of the private housing market, and as a
18 consequence, a special needs program that is still based on what
19 have become outdated assumptions, is increasingly inadequate to
20 meet the real problem of homelessness today.

21 THE COURT: You testified to a process that you've been
22 participating in in Massachusetts related to the re-analyzing of
23 policies related to welfare agencies and homelessness, and I take
24 it that's been going on for a number of years; what was the
25 impetus for Massachusetts to begin re-analysis?

1 THE WITNESS: It has gone through several phases.
2 Initially the -- in the -- in 1983, the State recognized that
3 there was a growing problem of family homelessness, and
4 essentially developed a -- a response that was an emergency and
5 -- and prevention response; the State adopted a fairly broad
6 range of homelessness prevention programs, as well as an
7 expansion of emergency shelter.

8 But there was no consciousness, or recognition, that the
9 State had to go beyond prevention and emergency to deal with the
10 permanent housing side of the problem. So within some years, it
11 became increasingly obvious that what was happening was that
12 families -- those families whose homelessness could not be
13 prevented were entering emergency shelter and sitting there,
14 staying there, and not able to get out into permanent housing.

15 The State, then, adopted a variety of responses that were
16 very effective in terms of targeting increasing amounts of
17 subsidized housing that were under the direction or control of
18 the state housing agency to homeless families, and that was
19 extremely effective. It reduced the number of homeless families
20 in shelter at any point in time quite dramatically, and it, most
21 importantly, it reduced the length of time that families were
22 homeless.

23 As the State, then, encountered increasing financial
24 trouble, for reasons unrelated to homelessness, by the end of the
25 80s, the beginning of the 90s, the State's ability to fund its

1 own housing programs diminished.

2 And as a result, the state agencies faced the problem of
3 what were they going to do if they kept having so many families
4 enter shelter if they couldn't provide them with housing. And so
5 there was an attempt to -- to try to converge the eligibility
6 rules in the two programs. The two types of programs, I should
7 say, it was more than two programs.

8 And that has -- that's essentially as far as the State got.
9 I mean they've now gone through some further attempts to do more
10 on the homelessness prevention side, in some ways, although some
11 of our state benefits for homelessness prevention have been
12 reduced in terms -- because of financial cutbacks.

13 THE COURT: Was there success in seeking to converge the
14 eligibility rules in the programs between the different agencies?
15 Or was it effective, I guess it's --

16 THE WITNESS: It -- it was -- yes that is complicated.
17 But, the bottom-line conclusion is it was substantially
18 effective, as far as the State tried to go. The biggest problem
19 is that the State didn't reach enough of the housing resources.

20 The -- in -- in a broader perspective, if a state wants to,
21 both, prevent homelessness, and help homeless families, that's a
22 larger number of people to assist than just those families, once
23 they've become homeless, so to do that, and not hurt homeless
24 families, in order to do prevention, the State has to reach a
25 fair -- the broadest possible range of housing resources with

1 targeted priorities.

2 THE COURT: You testified that Washington has made an
3 extremely limited use of AFDC funds to assist homeless families;
4 is that because of the testimony that you've given related to the
5 restrictions related to eligibility for the programs?

6 THE WITNESS: Yes. I shouldn't -- I think AFDC
7 benefits in Washington State don't compare so badly to other
8 states. It's the limited use of special needs and emergency
9 assistance in compare -- in comparison with other industrial
10 states.

11 THE COURT: I didn't have any further questions. Did
12 you wish to follow up?

13 MS. SALZARULO: Your Honor, I just need to offer
14 plaintiffs' Exhibit No. 35, I think, Miss Sard's resume, in
15 evidence. It's been stipulated to by the parties.

16 MS. CLARK-MAHONEY: No objection.

17 THE COURT: All right. Miss Clark-Mahoney?

18 MS. CLARK-MAHONEY: I have one follow-up question.

19 * * * * *

20 R E C R O S S - E X A M I N A T I O N

21 BY MS. CLARK-MAHONEY:

22 Q. How does -- how does the front-end payment of a AFDC
23 benefit compare with other states, do you know?

24 A. The basic AFDC grant? I don't know specifically. What I
25 -- what I do know is that the Washington State payment is pretty

1 similar to Massachusetts; the average grant here is 546, the
2 average grant in Massachusetts is 539 for a family in subsidized
3 housing and 579 for a family in private housing.

4 And I know that Massachusetts is eighth in the country, so
5 I assume that Washington is close.

6 MS. CLARK-MAHONEY: Thank-you.

7 THE COURT: All right.

8 MS. SALZARULO: I have one follow-up question. Miss --
9 Sorry.

10 * * * * *

11 R E D I R E C T E X A M I N A T I O N

12 BY MS. SALZARULO:

13 Q. Miss Sard, you just compared the AFDC grant of
14 Massachusetts with Washington; how does Washington's expenditures
15 on additional requirements and CEAP compare to Massachusetts?

16 A. Extremely less. If that is English. I had looked at the
17 numbers for -- in the -- what I understand have been made
18 exhibits from the deposition of Lorrell Evans on the CEAP
19 expenditures and the additional requirements expenditures and my
20 estimate was that in early 1994 the average monthly expenditures
21 for both programs combined, taking Ms. Evans' estimate that 40
22 percent of CEAP expenditures were related to housing, and putting
23 in all the additional requirements, expenditures, which is a
24 grave overstatement of what's related to housing, I came up with
25 a number of approximately \$700,000 per month that Washington

1 State pays in the combination of programs.

2 And in comparison, Massachusetts, in the month of February
3 1994, paid 4.3 million dollars for emergency assistance benefits
4 to prevent or alleviate homelessness. And other states, I should
5 say, like New York and New Jersey, also, I think, spend more than
6 Massachusetts does on a monthly basis for targeted benefits for
7 homelessness.

8 Q. Are the number of AFDC case loads between the states
9 similar or dissimilar?

10 A. They're very similar. I think they're within a few
11 thousand ever each other.

12 MS. CLARK-MAHONEY: Nothing further.

13 THE COURT: I had a question about what you've just
14 stated. The disparity between the amount of money spent by the
15 state of Washington versus other states that have similar case
16 loads and economic situations, what's that attributed to, a
17 policy decision of the governments of the different states based
18 on meeting a need, or not, in the -- as in the case of
19 Washington?

20 THE WITNESS: I believe so.

21 THE COURT: All right.

22 THE WITNESS: I mean, I -- I think that in a -- there --
23 it varies in each state how they got to where they got, but in
24 each case the states -- I -- I think it is fair to say that the
25 states have made their own endeavors, in New York, New Jersey,

1 and Massachusetts, to meet the homelessness problem.

2 They also have been pulled, kicking and screaming, in part,
3 to meet it; not all been voluntary, by any means, in any of the
4 states. But they have at least, in those states, acknowledged
5 that they had a problem, and that they had to develop programs to
6 deal with it.

7 THE COURT: And, again, part of the impact would be
8 based on your testimony related to the restrictive eligibility
9 requirements for those two programs.

10 THE WITNESS: Absolutely.

11 MS. SALZARULO: No further questions.

12 THE COURT: Ms. Clark-Mahoney?

13 MS. CLARK-MAHONEY: Nothing further.

14 THE COURT: All right. Thank-you, very much. Is it my
15 understanding the next witness is at 1:30?

16 MR. MIRRA: Yes. Dr. Chin.

17 THE COURT: All right. We'll be in recess until 1:30.

18 MR. MIRRA: Thank-you, your Honor.

19 MS. SALZARULO: Thank-you.

20 MS. CLARK-MAHONEY: Thank-you.

21 THE CLERK: Please rise, Court is in recess.

22 (RECESS TAKEN)

23 THE CLERK: -- presiding.

24 THE COURT: Please be seated.

25 MS. SALZARULO: Your Honor, plaintiffs are going to call

1 Dr. Mary Beth Chin to the stand.

2 THE COURT: All right. Dr. Chin? Would you raise your
3 right hand. Do you solemnly swear the testimony you're about to
4 give will be the truth, the whole truth and nothing but the
5 truth?

6 THE WITNESS: I do.

7 THE COURT: Please be seated.

8

9 * * * * *

10 D I R E C T E X A M I N A T I O N

11 BY MS. SALZARULO:

12 Q. Please state your name.

13 A. Mary Beth Chin.

14 Q. Where do you live?

15 A. In New York City.

16 Q. And what is your occupation?

17 A. I'm a professor of psychology at New York University.

18 Q. Dr. Chin, did you charge a fee for your consultation work
19 in this case?

20 A. No. I did not.

21 Q. Are you being paid to appear and testify in court today?

22 A. No. You're covering my expenses, but not paying me
23 otherwise.

24 Q. Why are you here?

25 A. To try to help the state of Washington do a better job with

1 its homeless families.

2 Q. Dr. Chin, where did you receive your undergraduate
3 education?

4 A. At Radcliffe College, Harvard University.

5 Q. What year did you graduate?

6 A. 1973.

7 Q. What did you study?

8 A. I majored in something called Social Relations, which is an
9 amalgam of psychology, sociology, and social anthropology.

10 Q. Did you obtain any special awards or honors while you are
11 at Radcliffe?

12 A. Yes. I graduated phi beta kappa, summa cum laude. I got
13 the Michael Rockefeller Travelling Fellowship, and received the
14 Jonathan Fake Prize, which is the top prize that Radcliffe gives.

15 Q. Where did you receive your graduate education?

16 A. At the University of Michigan.

17 Q. And what year did you graduate from Michigan?

18 A. In 1978.

19 Q. What did you study?

20 A. Psychology. I completed the requirements for both the
21 social and the community psychology doctoral programs.

22 Q. And what is community psychology?

23 A. Community psychology is the relationship between people and
24 their social settings, and an effort to improve people's well
25 being by understanding those relationships and changing social

1 settings and people's relationships to them.

2 Q. Does community psychology have anything to do with
3 homelessness?

4 A. Certainly within psychology, probably more community
5 psychologists than others study homelessness, yes.

6 Q. Did you prepare a thesis for your Ph.D.?

7 A. Yes, I did.

8 Q. And what was the thesis?

9 A. It was an evaluation of a program to improve the efficacy,
10 or social climates, of group homes and halfway houses,
11 residential programs for children.

12 Q. Dr. Chin, how long have you been a professor at NYU?

13 A. Since 1978.

14 Q. Are you tenured?

15 A. Yes, I am.

16 Q. When did you become tenured?

17 A. It would be in my vitae, I think, around 1985.

18 Q. What are the requirements for tenure at NYU?

19 A. It has to do with research, teaching, and service, but
20 research is the predominant block of the evaluation of your
21 peers, of your published work, would be the predominant
22 criterion.

23 Q. Currently, what are your responsibilities at NYU?

24 A. To teach and do research. I teach in the undergraduate
25 masters and doctoral programs. I am the coordinator of the

1 community psychology doctoral program, and I do research.

2 Q. With respect to your teaching responsibilities, do you
3 teach any classes related to homelessness?

4 A. Yes, homelessness per se would be too narrow a topic for a
5 class, but I certainly talk about homelessness both in my classes
6 in community psychology and in psychological theory and social
7 issues.

8 Q. How long have you taught homelessness in your classes?

9 A. Oh, probably half a dozen years.

10 Q. Are you involved in any professional activities related to
11 homelessness?

12 A. Yes. I was a member of the American Psychological
13 Association Task Force on Homelessness. And I'm involved in some
14 other professional activities that touch on homelessness,
15 although that's not their main thrust. This year I served on a
16 behavioral sciences task force for the National Institute of
17 Mental Health that was charged with trying to help NIMH set
18 directions for behavioral science research.

19 And I was on the subcommittee on environmental and cultural
20 influences and was the person who dealt with homelessness within
21 that subcommittee.

22 I also served on what's called an initial review group for
23 the National Institute of Mental Health; when people talk about
24 peer review of grant proposals, these are the review groups that
25 look at those grant proposals and give them ratings for their

1 degree of excellence.

2 And, again, work that has to do with homelessness would
3 come before our -- homelessness among families at least, would
4 come before our committee, which is the child and adolescent risk
5 and prevention review group.

6 Q. Who submits proposals to that NIMH review group?

7 A. People from any discipline, primarily psychologists,
8 sociologists, MDs, anthropologists.

9 Q. And what does your work entail on the committee?

10 A. We review on the order of 120 applications a year, and I
11 would be the primary -- I would have to write a written review,
12 be a primary reviewer on, perhaps, eight a session and about 24 a
13 year. And when you do a written review, you do an extensive
14 written analysis of the grant and its strengths and weaknesses;
15 otherwise, you simply read it and participate in the discussions.

16 Q. Are you assigned to review -- to provide a written review
17 for any particular proposals?

18 A. It -- it varies, but certainly anything that came before
19 our committee having to do with homelessness, I would be the
20 first or second reviewer on.

21 Q. The first professional activity that you mentioned, the
22 task force on homelessness, what is that?

23 A. That was a task force designed to help the American
24 Psychological Association and particularly the public interest
25 directorate and the science directorates of the American

1 Psychological Association decide on their stance, vis-a-vis
2 homelessness, in terms of lobbying and any activities that the
3 association should undertake.

4 Q. Dr. Chin, have you conducted any research on homelessness?

5 A. Yes, I have.

6 Q. Can you describe that research?

7 A. Okay. I've -- The major study that I've been involved
8 with is a longitudinal study of homeless families in New York
9 City and of housed poor families. And we began the study in
10 1988. "We" being myself and two colleagues of the Graduate
11 School of Public Administration at NYU.

12 And at that point, the study was financed by the Human
13 Resources Administration in New York City, which is the
14 organization approximately equivalent to DSHS, here in
15 Washington, with the goal of trying to come to understand the
16 predictors of homelessness among poor families in New York City,
17 so that they could do something of a preventive nature about
18 homelessness.

19 And so at that time we interviewed 700 families at the
20 point that they were requesting shelter from New York City, and
21 524 families randomly drawn from the public assistance caseload
22 as a comparison group, to try to understand what differentiated
23 those families with a view to trying to understand something
24 about the causes of homelessness.

25 Q. And what did you determine as a result of that research?

1 A. The primary causes of homelessness in New York, that also
2 affect large numbers of families, really have to do with housing.
3 So that we found, for example, that 44 percent of homeless
4 families had never broken into the housing market in New York.
5 They had never had a place of their own as long as they'd been
6 families; they'd been doubled up with other people.

7 By comparison, four percent had prior experience with
8 mental hospitalization, so that never being a primary tenant was
9 a major predictor that also affected large numbers of families.

10 Similarly, living in crowded quarters was a predictor.
11 Living in buildings with a great many building problems, such as
12 lack of heat in the winter or lack of running water for some
13 period, or rats, was predictive of homelessness.

14 Living in subsidized housing, whether public housing or
15 other forms of subsidy, that I could describe if you like, was
16 protective, so that fewer families who -- under those
17 circumstances came into homelessness.

18 And home -- factors having to do with housing really
19 dwarfed other factors as -- as predictors. Factors having to do
20 with individual problems that families might experience were less
21 important, although they were important for -- for a subgroup, so
22 that, as I said, 4 percent had prior histories of mental
23 hospitalization, compared to 1 percent in the public assistance
24 caseload; that was certainly a predictor, but not one that
25 explained a great deal of homelessness.

1 Substance abuse taken to the point of being in
2 detoxification affected 8 percent of homeless families, compared
3 to 2 percent in the public assistance caseload. So, again, a
4 predictor for that subgroup of families, but not one that
5 effected a great many families.

6 Poor social ties, we had expected to be important, but in
7 fact we found that at the point that families initially requested
8 shelter, their social ties, actually, looked better than those of
9 housed families.

10 They had been in touch with their relatives more recently,
11 and they were more likely to report having close relatives and
12 friends, and having a mother or grandmother living in the New
13 York area, than were housed families, and indeed, they had lived
14 with their families prior to coming into shelter. 77 percent of
15 them had lived with families and friends prior to coming into
16 shelter. And it was only when they had eventually exhausted
17 their welcomes in other peoples's homes that they turned to
18 shelter.

19 Youth was a -- an important predictor. Young families, and
20 by that I mean between 20 and 25 -- we didn't have teenagers in
21 the sample, were at much higher risk than older families. And
22 pregnancy was an important risk factor.

23 For example, we figured that in 1988, when we did the
24 initial study, about 2 percent of families in the public
25 assistance caseload became homeless in the course of the year.

1 Where as -- who -- who were not pregnant; whereas, among families
2 who were pregnant, 18 percent became homeless in the course of
3 the year.

4 And it's not that the families were bigger; indeed, the
5 homeless families, if you ignore age, were smaller than the
6 housed families, and if you control for age, then the family
7 sizes were really, exactly the same.

8 It's that the homeless families were at an earlier stage in
9 their child bearing, and pregnancy increased the vulnerability of
10 those families to -- to homelessness, so homelessness was
11 affecting families that were -- were most vulnerable and kind of
12 in -- in greatest need, not because of particularly problems that
13 they brought to -- to the situation, but more because of natural
14 course of events, such as child bearing and having -- having --
15 building their families.

16 Q. Dr. Chin, what is the significance of understanding these
17 predictors of homelessness?

18 A. Well, if you can understand what differentiates families
19 who become homeless from other poor families who do not become
20 homeless, that gives you some clues as to the kinds of activities
21 that would be helpful in preventing homelessness, or in helping
22 families to escape homelessness once they become homeless.

23 Q. Besides the research that you've just described, have you
24 conducted any other research on homelessness?

25 A. Yes. We're currently following up those families who had

1 not already been in shelter in our 1988 study, and we've
2 re-interviewed about two-thirds of them, with equal proportions
3 of that housed in the homeless families successfully
4 re-interviewed. I'm not prepared to talk about that yet; we're
5 still entering the data, and I can't really tell you what we
6 found at this point.

7 I've also done a study of different models for sheltering
8 families in New York, where we compared different kinds of
9 shelter models, models that specialized in domestic violence;
10 large-scale, apartment-style shelters; smaller,
11 roominghouse-style shelters; we'd hoped to include the city
12 welfare hotels, but the city was not eager to have us come in and
13 look at those.

14 Q. And what were the -- the results, or what was the outcome
15 of that research?

16 A. Well, we showed, with an analysis of costs, that the
17 nonprofit shelter models were as cost effective as the city
18 hotels, that is you could provide high-quality shelter with
19 services at the same costs that the city was spending on using
20 welfare hotels.

21 But that there were a variety of models that seemed to be
22 more or less equally effective with that respect; there weren't
23 strong findings that one particular nonprofit model was
24 appreciably better than another.

25 Q. Have you participated in any research or studies of

1 homelessness outside New York?

2 A. No. I have not. I've read those studies, and I've done
3 literature reviews of -- of some of those studies, but I haven't
4 conducted them myself.

5 Q. Are you familiar with studies of homelessness outside New
6 York?

7 A. Yes.

8 Q. And how are you familiar with those studies?

9 A. From reading the literature, from knowing the researchers
10 who do that work, from talking with them at conferences and the
11 like.

12 Q. Based on your familiarity with those studies, do those
13 studies indicate that there are any differences between states
14 with respect to either the causes of homelessness among families,
15 or the needs of homeless families?

16 A. I'd say there are some differences with respect to the
17 causes, which have to do with the tightness of the local housing
18 market.

19 But the -- the needs of homeless families and children are
20 universal needs. And those don't vary, particularly, by
21 geography.

22 Q. Dr. Chin, have you published any books or articles on
23 homelessness?

24 A. I've published a number of articles and edited a special
25 issue of a journal.

1 Q. Can you describe some of those, please?

2 A. Sure. I've -- with Yvonne Rafferty -- done a review of
3 research on the effects of homelessness on children. The study
4 -- the 1988 study I described, that compared homeless and housed
5 poor families in New York, has lead to a number of publications.

6 One in the Journal of Social Issues, looking at different
7 pathways into homelessness among families; one in the American
8 Journal of Community Psychology that describes some of the
9 differences between homeless and housed families; one in the
10 American Psychologist that looked at social ties, and their role
11 in predicting homelessness.

12 I've also looked at and reviewed research on poverty and
13 housing, and -- nationally -- and how those impinge on
14 homelessness, and one of those is included in the American
15 Journal of Community Psychology article that I mentioned
16 previously, and another is a recent article in the American
17 Behavioral Scientist, and I also did a -- a just one paper on the
18 result of the Shelter Model Study that's published in The Journal
19 of Social Issues.

20 Q. The article that you mentioned regarding the effects of
21 homelessness on children, what were the central findings of that
22 article?

23 A. Well, I think that homelessness is really devastating for
24 children. It has effects on their health, on their mental
25 health, on their growth and development, and on their educational

1 attainment.

2 And would you like more detail about that?

3 Q. Yes.

4 A. In terms of medical issues, I think there are a number of
5 studies that show that children are at an appreciable
6 disadvantage with respect to -- to health. They're at greater
7 risk for low birth weight; they're more likely to be delayed in
8 immunizations; infant mortality is higher among homeless
9 children; they're more likely to have lead poisoning; they're --
10 the prevalence of a variety of kind of -- of both acute and
11 chronic illnesses tends to be higher in homeless children than in
12 the population at large, and typically, also, than in studies of
13 housed poor children.

14 Now, those are primarily studies of children in shelters,
15 because that's where researchers most readily find children. The
16 Stanford studies also managed to look at children who were not in
17 shelter and found that children who are not sheltered were worse
18 off than children who were in shelter in northern California.

19 In terms of nutrition, homeless children are more likely to
20 have gone hungry than poor children, and are more likely to
21 suffer some particular nutritional deficits, such as anemia, that
22 suggest broader nutritional deficits.

23 In terms of growth and development, children -- homeless
24 children are frequently behind other poor children in vocabulary,
25 in studies of various developmental indicators in the preschool

1 years; the Denver developmental screening test has been used in a
2 variety of studies that -- and that looks at a variety of
3 different developmental outcomes for -- for children, and
4 homeless children tend to be behind.

5 In terms of mental health, the results are somewhat mixed;
6 not all studies find mean differences, that is differences
7 between the average homeless child and the average housed child,
8 but a number of studies have found differences in the tails of
9 the distribution, that is the children who are in the -- have
10 extreme scores on mental health inventories, and who might be in
11 the clinical range or diagnosable.

12 What I take that to mean, I realize that's a lot of jargon,
13 is that the average homeless kid may be able to weather
14 homelessness reasonably well, but a greater proportion suffer
15 severe consequences that might be called mental illness, or might
16 lead to diagnosable mental health conditions.

17 In terms of school outcomes, this is primarily for older
18 children, children in homeless families are more likely to have
19 been left back. They're more likely to be absent from school
20 quite a lot. They're more likely to score poorly on standardized
21 tests of achievement, reading or mathematics achievement. So I
22 think there is -- quite -- quite a number of problems that are --
23 are associated with homelessness for children.

24 Q. Thank-you. You also mentioned an article that you
25 published regarding poverty's impact --

1 A. Umm-hmm.

2 Q. -- on homeless children? What were the central findings of
3 that article?

4 A. Well, it's -- it's more an article looking at the roles of
5 poverty and loss of low-income housing in predicting
6 homelessness, and trying to understand why homelessness among
7 families, and also among single individuals, has been on the
8 upswing in the last two decades.

9 And I think the central findings there are that housing is
10 becoming unaffordable to poor renters, so that if you look at
11 people who are in the bottom quartile of the distribution of
12 renters by income, folks at the top of the that bottom quartile
13 have incomes only a little bit over about \$7,000 a year, and if
14 you take HUD standards that you should spend only 30 percent of
15 your income on housing; then folks on the bottom quartile of the
16 rental distribution have only about \$184 a month to spend on rent
17 and utilities.

18 And all over the country it's pretty hard to find housing
19 at that level. So that the number of units that is affordable to
20 low-income renters has not kept pace with the increase in
21 low-income renters, and, indeed, we've lost units in the last two
22 decades. So that in the early 1970s there was an actually, an
23 excess of housing units relative to the numbers of families that
24 needed them, and now there's a gap of something like 5 million
25 housing units, nationwide, relative to the families in the bottom

1 quartile of the rental distribution.

2 Q. Dr. Chin, in your career have you had any experience in the
3 evaluation of child welfare systems?

4 A. I've been involved in aspects of child welfare systems for
5 a number of years.

6 I mentioned that my dissertation involved the evaluation of
7 residential programs for children, and in efforts to improve
8 those programs; that was in Michigan, and also in northern Ohio.

9 When I first moved to New York, the Ford foundation hired
10 me to do an evaluation of a program somewhat similar to your home
11 builders program in the state of Washington, and this is a
12 program that took place in Massachusetts, and in two areas of New
13 York, and involved giving paraprofessional caregivers to what
14 might be called multi-problem families. One way it looked a
15 little different from your home builder's program is that the
16 families that were served were primarily minority and the
17 paraprofessionals were drawn from the communities that those
18 families lived in, so that they were people who had gone through
19 some of the same challenges that the families were facing and had
20 done well and survived those -- those challenges and could
21 intervene in the culturally appropriate way with those families;
22 and it was called the grandmother program, because those
23 caregivers took the role of foster grandmothers to those
24 families.

25 I've also -- when I came to New York, continued to look at

1 residential programs for children that were operated by, at that
2 time it was called the unit for special services for children,
3 it's now the child welfare administration, it's the unit that's
4 responsible for children who are in foster care, or children that
5 have been neglected or abused, or also children that, because of
6 behavioral problems or delinquency, might be in residential care,
7 and we looked at 14-such childcare agencies serving New York
8 City, and tried to look particularly at the problems that staff
9 were facing in those agencies and how that impinged on the kind
10 of services that they were delivering.

11 Q. Dr. Chin, I'm going to hand you what's been marked as
12 Defendant's Exhibit No. 5?

13 A. Umm-hmm.

14 Q. Are you familiar with what's described in this document as
15 the child welfare system for the --

16 A. Yes, I am.

17 Q. -- state of Washington? And I realize that you're --

18 A. I have a copy as well.

19 Q. -- you'll probably want to refer to it. How are you
20 familiar with that system, that child welfare system?

21 A. Through reading this document and the annual plans that --
22 that the Department of Social and Health Services has developed.

23 Q. Do you have an opinion regarding the effectiveness of this
24 child welfare system in addressing the problems of homeless
25 families in Washington State?

1 MR. COLLINS: Objection, your Honor, only to the weight
2 of the evidence given; the expertise that she has stated.

3 THE COURT: All right.

4 Q. You can go ahead.

5 A. All right. I would say that, overall, this seems to be a
6 catalogue of existing services to which, not -- most of which are
7 not targeted to homeless children and families, but which
8 families are -- have available to them in the state of
9 Washington, and most of it does not seem to be targeted towards
10 homelessness and, most of all, have very little impact on
11 homeless children.

12 Q. Dr. Chin, are there any services that are listed in this --
13 this plan that will have a positive impact on -- on homeless
14 children in Washington State?

15 A. Umm-hmm. Well, the -- I think there are several programs
16 that have some potential for positive impact. One is the
17 consolidated emergency assistance program to provide payments to
18 -- to families for emergency purposes, but I understand from the
19 attachments that that's really very small; that in the six-month
20 period covered in the attachment, that only about \$5,000 was
21 expended. So at that level, I don't think it's having much
22 impact.

23 The additional requirements that might allow families to
24 secure housing, particularly if they've become homeless due to
25 eviction or abuse, again, would have some potential for impact.

1 But, again, I understand that in the six months that are covered
2 in the attachment, that only a little over \$11,000 was spent.
3 So, again, I don't think that's currently having a whole lot of
4 impact.

5 The homeless childcare program, I think, could be very
6 important; indeed, childcare services are associated with
7 developmental outcomes for children. And there's one study in
8 which homeless and housed children did not differ so much as
9 children who did and did not receive childcare services, on those
10 developmental outcomes. So I think that could be very important.

11 Homeless childcare's likely to be useful, though, only for
12 families who are at least sheltered, because, otherwise, it's
13 going to be very hard for families to make use of those services.
14 And from what I understand in the attachment, the services
15 currently are delivered to only about half of the children who
16 are in shelter and of course none of the children -- I assume
17 none of the children who are not sheltered in this state. And
18 the amount of money is a little over \$100 per-child, which
19 doesn't seem like it's likely to provide continuity of care in
20 childcare, which is very important to children.

21 The street youth programs, I think, could be helpful, but I
22 understand that that's not part of this -- this case.

23 The service enhancements for continuation of AFDC, when a
24 child has been temporarily removed from the -- the household,
25 will be useful to that subgroup of families who are on AFDC and

1 who have had a child removed from the household. So the idea
2 being able to continue AFDC payments may well prevent that small
3 group of families from becoming homeless.

4 Early issuance of AFDC to expedite return of children who
5 are in placement would be helpful, but probably not at the
6 amounts; if you can only get AFDC 30 days prior to the child's
7 expected return home, that's probably not enough to allow a
8 family to secure housing, if it doesn't have housing, given first
9 month's rent, last month's rent, security deposit and the like.
10 And to the extent that the family has to demonstrate, say,
11 successful visitation in the home, over time; then 30 days of
12 AFDC payments aren't going to do the trick, there. So that
13 program, if expanded, could be helpful.

14 Q. Dr. Chin, are services in and of themselves effective in
15 either preventing or remedying homelessness?

16 A. Well, it depends on what kind of -- of services you're
17 talking about. If you mean mental health and substance abuse
18 services, for example, as are described in the plan, probably
19 only rarely. I mean, I think mental health and substance abuse
20 services, we hope, effect mental health and substance abuse, but
21 they're not likely to effect homelessness, per se, because mental
22 health and substance abuse problems among families are not major
23 causes of homelessness; that is, they don't differentiate
24 homeless from housed families in the majority of cases. They
25 effect only a minority of families.

1 Q. What percentage of families do face problems of mental
2 health and alcohol or substance abuse?

3 A. Well, it varies some from study to study; in New York, we
4 found, using a fairly strict criteria of -- of prior mental
5 hospitalization, 4 percent of substance abuse severe enough to
6 get to detox, 8 percent if you looked at any mental health
7 problem or substance abuse problem, it would be higher than that,
8 but it's still going to be minority of families that -- that have
9 those problems. And even so, services to help families with
10 mental health problems, effect their mental health, they don't
11 necessarily effect their homelessness. Their -- their housing
12 status.

13 Other services, for -- for prevention and remediation of
14 homelessness, I think, can be helpful. Those -- those are not
15 described here.

16 Q. Have there been any studies done, with respect to the
17 impact of services in either preventing or remedying
18 homelessness?

19 A. Yes. There have been. In terms of prevention services,
20 you've done one pilot study in Washington State; your CDC has
21 done a -- done a pilot project in which families received money
22 to prevent eviction or rental assistance to either prevent
23 homelessness or to help families out of homelessness, that was
24 apparently fairly successful --

25 Q. Can I stop you there, you said CDC --

1 A. I'm sorry.

2 Q. -- do you mean the Department of Community Development,
3 DCD --

4 A. DCD, excuse me.

5 Q. -- is that what you were referring to?

6 A. Excuse me, I'm sorry. DCD. I apologize. I'm not very
7 good at the alphabet soup.

8 There's been a much larger, longer-lasting program in the
9 state of New Jersey, along the same lines, that's been similarly
10 effective; it's been going on for ten years. And they help about
11 2,400 families a year there, with, actually, very similar cost to
12 the pilot project that you did here.

13 In New York City we have a provision for loans to families
14 who are at risk of -- of homelessness, through the welfare
15 system; it only pertains to families who are on welfare. And
16 then those loans are recouped from families' checks, and that
17 appears to be helpful. That was, actually, an interesting
18 finding in our research. The advocates were very concerned that
19 if we -- if the payments were only offered as a loan and not as a
20 direct grant to families, that that would -- because families on
21 the -- receiving AFDC are having such a hard time getting along
22 anyway, that they wouldn't be able to pay back those loans
23 without putting themselves at risk for homelessness. But, in
24 fact, we found in our study that families who had been recouped
25 were more likely to be housed than homeless; that is the -- the

1 recoupment process did seem to be protective, it did seem to help
2 families weather the immediate crisis and get back on their feet
3 and they were able to pay back that money.

4 And the New Jersey program sometimes requires people to pay
5 back money, particularly if it's a security deposit that would
6 otherwise return to the family, or if it's mortgage payments that
7 would accrue to equity; then it's taken as a loan, otherwise it's
8 a grant, and that does seem to be helpful.

9 Q. The services that you just described are housing services?

10 A. Umm-hmm.

11 Q. Are there any studies that discuss what impact other non-
12 housing, for example case management services, have in either
13 preventing or remedying homelessness?

14 A. Umm-hmm. Yes. In remedying homelessness, there's been an
15 interesting study, actually, in New York, just -- just recently,
16 that looked at the effect of case management services in -- for
17 families who received housing at the end of a shelter stay. And
18 the question was would case management services help families to
19 stay out of shelter once they had housing? And I think the --
20 the most interesting finding there, there's -- there were two
21 groups of families, all of whom received some housing, half of
22 whom received case management services; four-fifths of both
23 groups were still housed as primary tenants a year later,
24 irrespective of whether they received the case management
25 services.

1 The case management service group was housed at a slightly
2 higher rate, it was 87 percent, in the case management group,
3 versus 80 percent in the group that did not receive specialized
4 case management services.

5 The interpretation's a little ambiguous, because the
6 families that received case management also got slightly better
7 housing; they were more likely to be in public housing.

8 Q. And what is the significance of that research?

9 A. Well, it suggests that housing is, in the majority of
10 cases, sufficient to help families stay -- stay housed, to avert
11 homelessness. And so, and should -- I should mention, actually,
12 this was not a random sample of folks who had been in shelter,
13 this was a group that was chosen because it was at high risk and
14 would be deemed to be in the top quarter, or third, of families
15 for -- for risk for return to shelter; nonetheless, when they
16 received housing, that seemed to be sufficient to allow them to
17 stay out of shelter, at least for a year.

18 Q. Dr. Chin, can you envision a scenario where better
19 coordination of -- of services would constitute an effective plan
20 for Washington State's homeless children?

21 A. Well, it really depends on what there is to coordinate.
22 And I notice that the -- the plan presented by the Department of
23 Social and Health Services does describe coordination of
24 services, but it doesn't describe what it is it's coordinating,
25 so that it doesn't describe the kinds of housing services or

1 community development services that might be part of an overall
2 comprehensive plan. So it's very difficult to evaluate how
3 effective it would be without information about what services are
4 out there.

5 For example, linkage with public housing authorities is
6 helpful if the public housing authorities have vacancies; it's
7 not very helpful if it simply leads to families going on a
8 waiting list.

9 Q. Dr. Chin, what do you believe are the elements necessary
10 for an effective plan for Washington State's homeless children?

11 A. Well, I would say there are five elements that I would say
12 that would be essential to an effective plan:

13 One is a needs assessment on a county-by-county basis. And
14 we've said before that some of the causes of homelessness are
15 local in the sense that they depend on the local housing market.
16 And if housing is available in Spokane, it's not necessarily
17 helpful to a family in Seattle. So that one needs to understand
18 what the housing situation is on a county-by-county basis in the
19 state.

20 The second element would be preventive services and you've
21 pilot-tested some of those preventive services and found them
22 effective here in Washington, and they've been effective in -- in
23 other states. And I imagine they're also really, fairly cost
24 effective, that is that relatively small grants --

25 MR. COLLINS: Objection, no foundation, your Honor.

1 THE COURT: Sustained.

2 A. -- so --

3 Q. You can't answer that question.

4 A. I can't answer that question.

5 Q. You can go on and answer the general question.

6 THE COURT: Unless you would like to ask the doctor
7 questions.

8 Q. Well, my general questions was: What are the elements
9 necessary for an effective plan? And you were talking about
10 the --

11 A. And I said --

12 Q. -- about the pilot program.

13 MS. SALZARULO: I take it that your objection was to her
14 testimony --

15 THE COURT: About the cost effectiveness. So whether or
16 not this witness can testify about cost effectiveness will depend
17 on the foundation you lay.

18 Q. Do you have any familiarity with what the pilot program
19 costs the state of Washington?

20 A. Yes, based on the DCD report, I understand that it's the
21 prevention aspects of that program were in the neighborhood of
22 \$1,500 per family, which is also about the cost of the New Jersey
23 plan.

24 The rental assistance costs were a little higher than that,
25 in the neighborhood -- a little over \$2,000 per family, which

1 would be considerably cheaper than shelter stay in most areas of
2 the country, though I can't testify to what shelters cost here in
3 Washington.

4 Q. Thank-you.

5 A. But prevention is -- is the second element out -- out of
6 five. I said needs assessment and prevention.

7 I think the third element is shelter. That is when we've
8 talked about the problems that homeless children face, we're
9 primarily talking about children who are in shelter and children
10 who are not even in shelter are far worse off.

11 And we see that, really, in the Stanford study, there are
12 very few other studies that have looked at children who aren't
13 even in shelter, but it certainly makes sense that children who
14 are exposed to the elements, or moving around from place to
15 place, are not in a position to receive other kinds of services
16 that might be helpful to them. It's very hard to have daycare
17 services if you're not in a -- a fixed place of residence. It's
18 very hard for families to receive mental health services if
19 there's not a place they have to stay, and if they're worried
20 about where the next meal is coming from and where they're going
21 to sleep that night.

22 So that I would say that shelter to allow families to
23 become stable, to allow parents to try to plan for the family and
24 to try to find housing for the family, to allow for the delivery
25 of other kinds of services is an essential element of a plan.

1 Fourth, I think you want something to remediate
2 homelessness, to move families into permanent housing as swiftly
3 as possible. There's a lot of research, and I could talk about
4 it, that suggests that instability is very -- or stability -- is
5 very important in children's lives, and that even children who
6 are not homeless, if we look at national samples, for example, a
7 study, the National Health Interview Survey, which is a
8 nationally representative sample, of -- of children, and recent
9 analyses have shown that children with a lot of moves are at risk
10 for behavioral problems, emotional problems, and educational
11 problems, irrespective of income, that is you can control for
12 income, you can control for family factors and nevertheless
13 families who move a lot have children who experience more
14 problems. And that's also consistent with research that's been
15 done on school transitions, so that even normative school
16 transitions from elementary school to junior high, and from
17 junior high to high school, are periods of risk for children, and
18 if children are going to exhibit problems they're going to
19 exhibit them much -- much more readily during those periods.

20 So, providing a stable environment for children is
21 essential, and shelter just doesn't do that by itself. Shelter's
22 certainly more stable than being in cars or abandoned buildings
23 or on the streets, but it's not sufficient to allow for
24 children's further growth and development.

25 So a successful plan would have to -- or an effective plan

1 would have to move families into permanent housing.

2 And the fifth element of a plan would be evaluation. That
3 is, you have to see whether what you're doing is working. You
4 have to monitor it and see whether it's having an effect on the
5 overall numbers of families that are homeless, and on the well
6 being of children who become homeless, or who are prevented from
7 becoming homeless.

8 So, I would say needs assessment, prevention, shelter,
9 remediation, or permanent housing, and evaluation would be
10 important elements of a plan.

11 Q. And in your opinion are any of these elements present in
12 the State's plan?

13 A. I'm afraid I really don't see any of those elements in the
14 State's plan.

15 MS. SALZARULO: Your Honor, I have no further questions,
16 although I do want to admit plaintiff's Exhibit No. 33, which has
17 been stipulated to, which is a copy of Dr. Chin's resume.

18 MR. COLLINS: No objection.

19 * * * * *

20 C R O S S - E X A M I N A T I O N

21 BY MR. COLLINS:

22 Q. But the vast majority of your research has been done in New
23 York City; isn't that correct?

24 A. That's correct, on homelessness.

25 Q. And New York City probably -- has the highest or the

1 largest homeless population in the nation?

2 A. We have about 5,000 families in shelter today; that's --
3 that's smaller than the total of the state of Washington, but
4 it's in a more concentrated area, certainly.

5 Q. And New York City has an entitlement to emergency shelter,
6 doesn't it?

7 A. That's correct.

8 Q. I just want to clarify something: you talked about
9 evaluating some sort of child welfare program? It was in New
10 York, it dealt with 14 childcare agencies?

11 A. Umm-hmm.

12 Q. And the work that you were doing in that particular
13 evaluation was related to staff burnout; isn't that right,
14 stress?

15 A. That's correct, and how that impinged on the care that
16 children were receiving, yes.

17 Q. You weren't actually helping redesign the program, or
18 deliver services?

19 A. I wasn't redesigning that program, no. The only redesign
20 efforts I've made are in the -- the residential programs in
21 Michigan and Ohio; though actually in New York I also consulted
22 with the staff of special services for children on some of their
23 internal staffing issues.

24 Q. You were looking at Exhibit No. 5, the comprehensive plan,
25 and you looked at the CEAP numbers and the additional requirement

1 numbers, --

2 A. Umm-hmm.

3 Q. -- did the plaintiffs ever inform you that those numbers
4 were incorrect?

5 A. No. I'm simply referring to your plan.

6 Q. Now, you haven't done any research on homelessness in the
7 state of Washington, have you?

8 A. That's correct.

9 Q. And you're primarily a researcher and a professor, a
10 teacher?

11 A. That's right.

12 Q. And have you ever administered any social service programs
13 here in the state of Washington?

14 A. No.

15 Q. Have you ever administered any housing programs here in the
16 state of Washington?

17 A. Not in the state of Washington, no.

18 Q. Have you contacted or interviewed any administrators of
19 DSHS regarding social service programs here in the state of
20 Washington?

21 A. No. My knowledge of your programs has to do with your
22 plan.

23 Q. And that's the same regarding the housing programs in the
24 state of Washington, also? You haven't contacted anybody from
25 the Department of Community Development, the housing division?

1 A. No. I've read the evaluation of that program, of those
2 pilot programs.

3 Q. All right. And when you reached your conclusion that this
4 plan was inadequate, and you told me at your deposition, you had,
5 I think, four documents, that you had looked at, the Stipulation
6 of Facts, On Firmer Ground, which was the Department of Community
7 Development evaluation of the pilot program --

8 A. That's right.

9 Q. -- of the housing division, and you also had the -- the
10 emergency shelter assistance program characteristics in front of
11 you --

12 A. Umm-hmm.

13 Q. -- and do you remember the fourth document, is that --

14 A. Well, I had both this comprehensive plan, and I also had
15 the annual plans, I think the most recent was '94 to '97.

16 Q. The child welfare plan?

17 A. The child welfare plans, yes.

18 Q. So you did not have a copy of the Governor's Task Force on
19 Homelessness for the State of Washington?

20 A. No. I was basing my opinion about the adequacy of the plan
21 on the plan as presented to me.

22 Q. Did it ever occur to you that -- that the agency which did
23 the pilot program On Firmer Ground, that that housing division
24 might have other plans which would relate to housing and to
25 prevention and to affordable housing?

1 A. They may well. I would say that on the basis of the
2 Stipulation of Facts, that they're not presently working, in the
3 sense that you have almost 8,000 families in shelter and far more
4 families that have been turned away from shelter.

5 Q. So -- You also didn't examine a document entitled State
6 Action Agenda to End Homelessness, a Progress Report, put out by
7 the State Advisory Council on Homelessness?

8 A. No. I haven't seen that.

9 THE COURT: That's Exhibit 11, right?

10 MR. COLLINS: That's Exhibit No. 11.

11 Q. In your -- in your opinion, that the plan is inadequate, is
12 basically based on empirical evidence, that is if there are
13 homeless families in the state and turn aways from shelters, then
14 the -- the comprehensive plan is inadequate; isn't that correct?

15 A. Well, I think certainly it's an important empirical
16 question. I also don't see in the plan those elements that I
17 said would be an important part of any effective plan; I don't
18 see in the plan any evidence of needs assessment, and, indeed, in
19 the Stipulation of Facts, I think you stipulate that you're not
20 doing research on a variety of issues.

21 I don't see elements of an evaluation of the plan. I don't
22 see elements of --

23 Q. Okay.

24 A. -- prevention or remediation.

25 Q. Sorry. Did you ask the plaintiffs if anybody was doing

1 research regarding home -- the homeless population, another
2 agency, in the state of Washington?

3 A. No. I did not.

4 Q. But you did realize that the statistics that were compiled
5 for the emergency shelter assistance program were compiled by a
6 different agency than DSHS?

7 A. I'm not sure I paid attention to what agency was compiling
8 this.

9 Q. Okay. Could you tell me what the -- the waiting list is
10 for public housing in the City of New York? How long it is?

11 A. It's substantial. In many cases the waiting list is
12 closed. People throw around numbers, like ten years or twenty
13 years; it's a very long waiting list.

14 Q. Now, the On Firmer Ground, the pilot program, or the
15 evaluation of the program, that was a -- a fairly limited
16 project?

17 A. Umm-hmm. Yeah, it's very similar to the New Jersey
18 project, which has a lot more experience over the --

19 Q. Yeah. Is the New Jersey project, is that statutorily
20 authorized; do you know?

21 A. I don't know the answer to that.

22 Q. Okay. The -- the pilot programs that were run here, by
23 DCD, and evaluated, they are relatively unique programs, aren't
24 they?

25 A. Well, as I say, I -- I know that New Jersey is doing

1 something similar on a statewide basis. New York's recoupment
2 program, in which welfare recipients can be advanced money, which
3 is later recouped from their checks, is a similar program. I'm
4 not sure how widely such programs are --

5 Q. And you don't remember reading anything in the -- the
6 evaluation about that, about their uniqueness or their
7 innovativeness?

8 A. I honestly don't recall.

9 MR. COLLINS: I have no further questions, your Honor.

10 MS. SALZARULO: I have no questions, your Honor.

11 THE COURT: All right. Thank-you, I have no questions.

12 MR. MIRRA: We are done for today, your Honor.

13 THE COURT: All right. It's my understanding Mr.
14 Creager will be here on Tuesday. Defendants should be prepared
15 to present any rebuttal witnesses that they may wish to present.
16 Both sides should be prepared to have closing arguments.

17 How much time do you want, Mr. Collins?

18 MS. CLARK-MAHONEY: Ten -- ten or 15-minutes.

19 MR. MIRRA: 45 minutes to an hour.

20 THE COURT: No.

21 MR. MIRRA: 30 minutes to 45 minutes.

22 MR. COLLINS: Do I hear 35?

23 THE COURT: You don't get any more than 30 in the
24 Supreme Court. 30.

25 MR. COLLINS: He's just got to practice, your Honor.

1 THE COURT: That's right, well, we'll have only four
2 days. 30.

3 MR. MIRRA: Your Honor, we also on Tuesday, need to
4 review the various exhibits.

5 THE COURT: Well, I would ask counsel to review the
6 various exhibits, and to bring to the Court's attention which
7 ones you are in dispute about.

8 MR. MIRRA: Will we have time on Tuesday to do that, or
9 would you like to do that today?

10 THE COURT: I -- I have time today, and will probably
11 have time on Tuesday, unless there is a lot of rebuttal that's
12 anticipated by the defendants.

13 MR. COLLINS: There -- there probably is not.

14 MS. CLARK-MAHONEY: Well, we have to consult with
15 counsel; there are some issues that have come up in the testimony
16 that we need to --

17 THE COURT: All right. To the extent that you can
18 resolve it today, that would be fine.

19 MR. MIRRA: Okay. Why don't we --

20 THE COURT: We'll be in recess until you tell me.

21 MR. MIRRA: Thank-you.

22 THE CLERK: Please rise, the Court is in recess.

23 (COURT ADJOURNED)
24
25

C E R T I F I C A T E

I, Brian Killgore, do hereby certify:

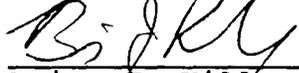
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Dated this 6th day of July, 1995.



Brian J. Killgore
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Notary Public in and for the
State of Washington, residing at Seattle.

My commission expires 11/1/96

