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OTDA grants final permit to Bowery Residents' Committee

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BY WINNIE McCROY | Five months after the Bowery Residents' Committee (BRC) began to move clients into its 127 West 25th Street facility, the facility is operating at full capacity. Despite the possibility that a long-standing lawsuit mounted against the BRC may undergo a final appeal, state agencies seemingly found no further reasons for withholding the certificate for the BRC's 96-bed Reception Center (which serves homeless men with one or more diagnosed mental illnesses).

"BRC's programs in Chelsea and throughout New York City, are successfully helping the people we serve," said BRC Executive Director, Muzzy Rosenblatt. "Our programs at West 25th Street have already helped hundreds find stability, sobriety and housing."

On December 19, the NYS Temporary Disability Assistance (OTDA) granted the final operating certificate to the BRC's 96-bed Reception Center, one of the three shelter bed programs in the BRC's new building at 127 West 25th Street. The Reception Center now occupies floors 4 and 5 of the 12-story facility. Along with the 200-bed Jack Ryan Residence and the 32-bed Chemical Dependency Crisis Center, this puts the BRC is now at full occupancy.

Mark Kaplan, director of public information at OTDA, said in a January 19 phone interview that the agency "Can't comment on the situation, because litigation is still going on around it."

"Obviously we're disappointed with the court's decision," said CFC attorney Daniel Connolly in a November interview, adding that, "We are currently evaluating our options in terms of an appeal or other actions."

City Council Speaker Christine C. Quinn's representative also noted at the January 4 CB4 meeting at Fulton Auditorium that the BRC had received their third and final certificate necessary to operate.

The speaker had been vocal in her opposition to the size of the 328-bed facility since the project was introduced, but did not intervene on behalf of local residents and business owners until the city lawyers challenged the city's Administrative Code § 21-312, limiting the number of beds in homeless shelters to 200.

During a July 22 appeal hearing for the CFC, city lawyers Sheryl Neufeld and Amanda Goad attempted to pre-empt this argument by noting 1997 state law amending the 200-bed cap because of the homeless crisis in the city.

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“The city is not permitted to ban conduct that the state approves, as long as it’s safe and effective,” said Goad at that hearing. “There is a need for flexibility in New York City. It’s likely to be impossible to meet the need if we don’t exceed 200 beds.”

With that challenge, Speaker Quinn, with the support of the City Council, decided in late July 2011 to intervene and file an amicus brief in the case of Chelsea Business & Professional Assoc. v. City of New York. Council Member Gale A. Brewer, who sat in for Wanda Chait, said then that she too believed that even 300 beds was too large.

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community-at-large.”

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Quinn did write several letters to public entities, including the OTDA, asking support for the project’s 66 bed Reception Center and 600 bed shelter for homeless.

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Exactly four months later, the OTDA signed off on the operating certificate for the Reception Center, bringing the shelter to its full capacity of 328 beds, despite the vocal opposition from the City Council Speaker.

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“We continue to feel that a 328-bed facility is too large to effectively serve the needs of the homeless and the surrounding community and brings NYC in the direction of the bad-old days when homeless people were warehoused in unsafe, unhealthy conditions,” said Speaker Quinn’s press officer, Zoe Tobin, in a January 19 email. That said, the court has ruled that BRC can open the facility. Unless, and until, that ruling is overturned on appeal, we will work with both BRC and the community to ensure that the facility is as successful as possible.”

Speaker Quinn vowed to remain proactive and vigilant, and encouraged community members to bring any grievances to the BRC’s monthly Community Advisory Committee meetings, at 5:30pm on the first Tuesday of each month at the shelter — to which Rosenblatt has also invited community participation.

“I am particularly grateful for the support of so many in the community, including those who have joined our Community Advisory Committee, volunteered their time in service to our clients, and have attended graduations and other events,” said Rosenblatt. “We look forward to a continuing to working with our neighbors while successfully supporting our clients on their path to housing and stability.”

For more information about the facility, visit brc.org.

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