



Statement of Coalition for the Homeless
in support of the Stipulation of Settlement
Butler v. City of New York 15-cv-3783 (RWS) (JLC)

before the Honorable Robert W. Sweet
United States District Judge
Southern District of New York

presented by
Giselle Routhier, Policy Director
Coalition for the Homeless

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Coalition for the Homeless submits this statement in support of the Stipulation of Settlement in *Butler v. City of New York*.

The Coalition was founded in 1981 to help ensure that all homeless New Yorkers have access to life-saving shelter and to fulfill our obligations under the *Callahan* right to shelter consent decree signed that same year. We serve as the court and city-appointed monitor of New York City shelters for homeless men, women, and children, and serve 3,500 New Yorkers each day through a dozen programs including housing, crisis, job training, mobile food, and children's programs, including one specifically designed to help homeless people with disabilities obtain disability benefits and housing.

An estimated 42 percent of shelter residents have a disability compared with 12 percent of the general NYC population. And yet the very safety-net meant to protect homeless individuals and families far too often fails to provide proper access for those with disabilities. As the *Butler* litigation has demonstrated, homeless New Yorkers with disabilities face unlawful barriers, practices, policies, and omissions as well as a lack of sufficient staff training that combine to make city shelters inaccessible for them.

Specifically, as it currently exists, the NYC Department of Homeless Services shelter system:

- Unfairly burdens those with disabilities in the intake and placement process by failing to accommodate their disabilities; failing to adequately screen for and identify disabilities for which an accommodation may be needed or which may make a housing or shelter placement unworkable; and failing to provide appropriate services and suitable transportation.
- Fails to provide shelter accommodations that properly support those with service animals; special diets; personal care, home care, or in-home nursing services; medical devices; a need for private bathrooms, air-conditioning, or special beds and toilet seats or bathing devices; and compromised immunity with rooms and/or shared spaces in which these needs can be met.
- Fails to adequately inform homeless people with disabilities of their rights with respect to reasonable accommodations and how to file grievances.
- Fails to train staff and ensure that those with disabilities are not inappropriately assessed, placed, or denied services without the provision of lawful appropriate accommodations.
- Provides too few facilities that can accommodate the needs of people with a variety of disabilities, causing them to face obstacles that delay access to shelter, harming them and causing illness or family separation, and sometimes leaving them without shelter altogether.

The individual plaintiffs in *Butler* and their fellow class members have suffered a lack of access to shelters (sometimes for months) and services because of a number of obstacles, including:

- Architectural barriers
- Broken elevators
- Lack of access to electricity
- Lack of air-conditioning
- Unsanitary conditions
- Lack of refrigeration
- Lack of cooking facilities

- Lack of accommodations for specific needs
- Lack of beds and bathrooms accommodating wheelchair users
- Lack of access for those with service animals
- Lack of suitable transportation
- Lack of space for medical equipment
- Lack of private space in which to receive home health and nursing services; oxygen support; nutrition

As a result, class members have suffered health crises including seizures and asthma attacks, segregation by reason of disability, preventable emergency room visits and hospitalizations, and inappropriate family separations. At times class members have faced outright denial of shelter placements, leaving them to makeshift arrangements such as sitting upright all night in a chair or a car.

As a result of this unlawful discrimination, homeless New Yorkers with disabilities face barriers to access to the same help available to those without disabilities, are segregated from those without disabilities, and are unable to live in the most integrated setting appropriate to their needs.

Coalition for the Homeless strongly supports the Stipulation of Settlement in this case as it will provide a systematic approach to addressing these problems. This agreement will require DHS to provide reasonable accommodations, cease discriminating against class members, communicate effectively with homeless people with disabilities, develop appropriate policies and procedures, properly train staff, identify and remediate barriers, and provide an appeals process for adverse determinations.

As a result of the implementation of this agreement, service animals will be accommodated, our clients will receive services in the most integrated setting appropriate to their needs, every shelter will be assigned an Access and Functional Needs Coordinator, a menu of possible reasonable accommodations will be established, and their provision will be tracked.

Further, the Stipulation's baseline population and architectural analyses will inform the critically needed remediation plan to ensure geographically balanced, meaningful access to shelters and services for those with disabilities, and at the same time, avoid segregating them from others without disabilities.

Finally, it will provide for a database of accessible features of DHS facilities and units; the establishment of emergency evacuation plans; creation of other procedures to ensure that homeless individuals and families are not sent to housing units or discharged/transferred to shelters that do not accommodate their disabilities; and the development of a monitoring protocol.

For these reasons, Coalition for the Homeless strongly supports these measures and urges the Court to approve the Stipulation of Settlement. We look forward to the work ahead to ensure that its objectives are realized and homeless people with disabilities are appropriately served by the DHS shelter system.