



Testimony of
Coalition for the Homeless
And
The Legal Aid Society
On
Oversight: Homeless Shelter Conditions

Presented before
New York City Council
Committee on General Welfare

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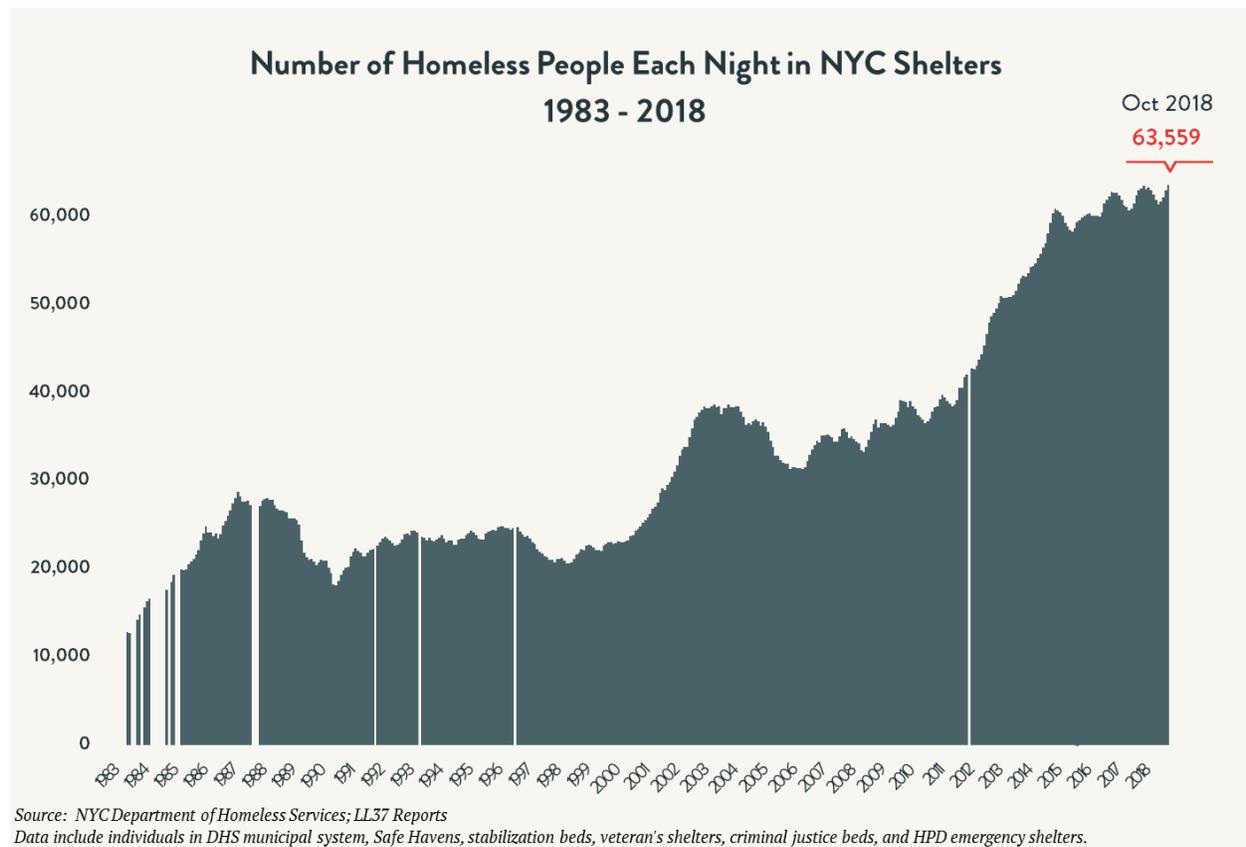
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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council Committee on General Welfare regarding shelter conditions for homeless New Yorkers.

Record Homelessness in NYC

New York City remains in the midst of the worst homelessness crisis since the Great Depression, as the number of men, women, and children sleeping in shelters each night reached a new record high of 63,559 in October. The number of homeless single adults has now surpassed 17,000 for the first time ever, and shows no sign of abating. Indeed, in the past three months, the number of homeless single adults has reached a new record high 21 times.

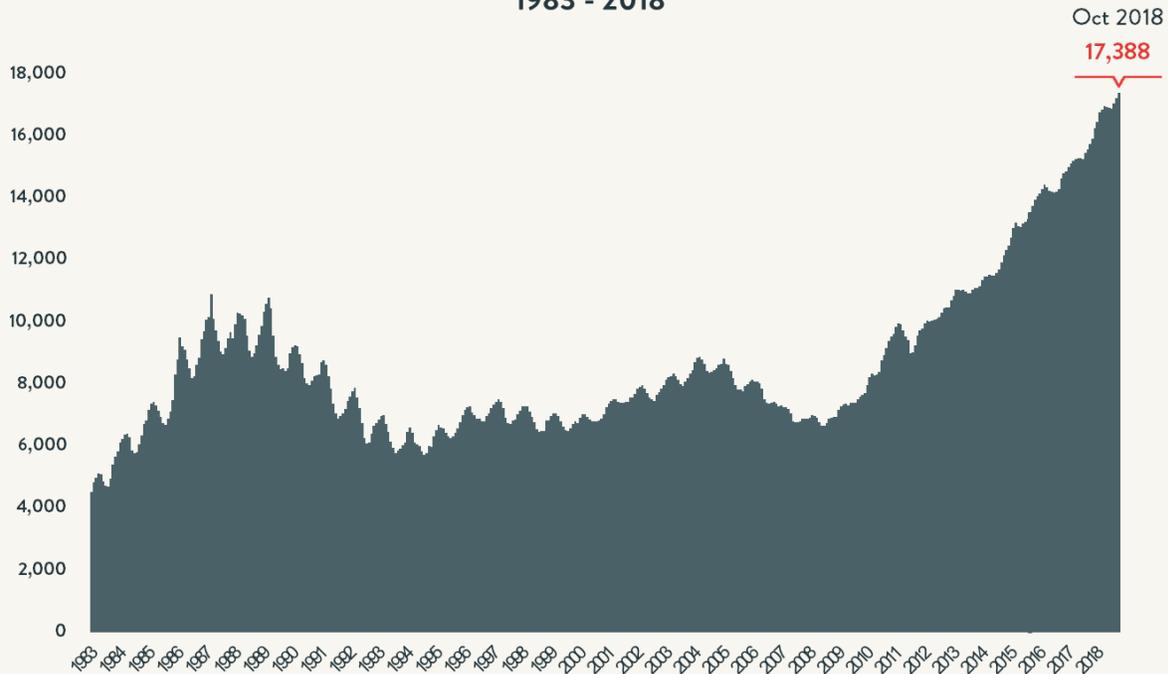


Data from the City and State indicate large increases in the number adults being released from State prisons directly to the shelter system; increases in the number of adults discharged from medical, psychiatric, or other institutions; and increases in the number of adults being forced into homelessness from tenuous housing situations, such as overcrowded or unsafe living environments.¹ For families, domestic violence, eviction, and overcrowding continue to be the top factors immediately precipitating homelessness.²

¹ Source: NYC Department of Homeless Services, via FOIL, and NYS Department of Corrections and Community Supervision.

² Source: NYC Department of Homeless Services, via FOIL

Number of Homeless Single Adults Each Night in NYC Shelters 1983 - 2018



Source: NYC Department of Homeless Services and Human Resource Administration; LL37 Reports

Shelter Conditions

The record number of individuals and families in shelters necessitates a comprehensive examination into shelter conditions and upkeep. As the court-appointed independent monitors of the single adult shelter system and the City-appointed independent monitors of the family shelter system, we gather a steady stream of information about shelter conditions through in-person visits, joint inspections, and resident complaints. The most common issues we encounter fall into three broad categories: large-scale capital needs, cleanliness and regular maintenance, and disability accommodations.

Large-scale capital needs are most prevalent at older, larger, City-owned shelters and most commonly involve heating, ventilating, and air conditioning (HVAC) issues; leaks and plumbing issues; bathroom fixture degradation; electrical capacity; and broken elevators, among other issues. The City's Fiscal Year 2019 Capital Commitment Plan lists capital projects at shelters that have been ongoing for years. The State also inspects shelters to determine whether they are in compliance with its rules and issues reports of those inspections, which require shelters to correct any deficiencies. We urge the City to speed up progress on addressing outstanding physical plan issues, particularly those targeting critical daily needs of residents, including boiler updates, roof repairs, bathroom repairs, and elevator repairs.

In addition to capital repairs, routine cleaning and maintenance of facilities is an ever-present problem. It is a common occurrence for a late-night visit by one of our shelter monitors to uncover filthy bathroom conditions. This situation is particularly prevalent on overnight and

weekend shifts. In more than one instance, we have met residents who have attempted to take charge of cleaning themselves, despite lacking proper supplies. This situation can and should be rectified by adding or redirecting maintenance staff to shifts where they are most needed.

Although we spoke at length on this issue at the last General Welfare Committee hearing, disability accommodations in shelters are an important component when considering physical conditions. Pursuant to the settlement in *Butler v. City of New York*, a class-action lawsuit The Legal Aid Society filed on behalf of the Coalition for the Homeless, the Center for Independence of the Disabled-New York (CIDNY), and disabled homeless New Yorkers, the City has hired a consultant to assess barriers to shelter system accessibility, including intake offices and the shelters themselves. With the information it gathers from the surveys, the City will propose a remediation plan to bring the shelter system into compliance with its legal obligation to accommodate the disabilities of homeless New Yorkers. Presumably, in order to fulfill this task, the City will be required to open new sites that are accessible to more clients, which is consistent with the City's goals in the *Turning the Tide* plan of closing older, deficient shelters and ceasing the use of cluster sites and commercial hotels. We will closely monitor this effort to ensure that the City is able to meet the needs of our clients.

Lastly, we routinely witness and hear well-founded concerns about the lack of dignity many people in shelters feel as a result of the environments they are living in. We know that shelters are not homes, but some of the daily conditions and practices serve to make the experience of homelessness even more traumatic and dehumanizing for individuals and families. Some examples of such practices include: requiring individuals to request toilet paper every time they need to use the restroom; being provided with low-quality food, not enough food, or being denied second portions of food; and not being provided adequate laundry services.

Intros: 883, 884, 915, 1110, 1232, 1233

Of the bills introduced at today's hearing, we offer the following comments:

- Intro 915 would require reporting on permanent supportive housing and shelters, disaggregated by community board and council district. Although we understand the importance of open data, we are concerned that these numbers would be used solely to prevent the opening of much-needed emergency shelters and supportive housing and additionally stigmatize homeless individuals and families, including those living with disabilities. The focus on data production should remain on the needs of homeless individuals and families themselves, including for example: the number of people found eligible for supportive housing and the number actually receiving it; the number of supportive housing tenants who have retained their housing for more than one, two, and three years; the number of supportive housing units gained (and lost) each year; and similar metrics. We would also recommend regular reporting on the number of City-financed affordable housing units (separate from supportive housing) that have been built and preserved for homeless households, as well as the number of homeless households that have actually moved into such units.
- Intro 1110 would require the designation and training of housing specialists in domestic violence shelters, HASA shelters, and DHS shelters, as well as reporting on such shelters. While housing specialists are needed across the system, in addition to more affordable housing, the reporting requirements that all shelters be disaggregated by community

district and type of shelter pose serious privacy concerns for individuals living with HIV/AIDS and survivors of domestic violence. These vulnerable New Yorkers are entitled to a considerable degree of confidentiality about their health conditions and crime victim status, which could be jeopardized by such disclosures.

- Regarding Intros 1232, 1233, and 884, which all relate to shelter transfers, it is important to note that many of the process issues that come up with transfers are directly related to a lack of capacity, which inhibit DHS' ability to appropriately manage transfers with timely notice and respond to reasonable accommodation requests. It is therefore extremely important to focus on expanding the production of affordable housing in the Mayor's *Housing New York 2.0* to provide homeless households an exit out of shelters and reduce the strain on the system. It will also be important, in some instances, to open new shelter capacity to maintain a better-functioning system. We urge the Council to focus on efforts to reduce shelter crowding so that appropriate transfers can be made rationally and transparently, rather than limiting the City's ability to add new, accessible capacity.
- Intro 883 would require customer service training for shelter employees. We agree better training is required in many instances, but effectiveness will depend largely on how the training is implemented, and we urge the Council to demand that the City report on how it will conduct the training and implementation of any such program.

Conclusion

We want to thank the Council for holding this important hearing and continuing to focus on the dire issue of homelessness in New York City.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 1,100 lawyers, working with some 800 social workers, investigators, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. The Society, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of RHY in New York City. Our goal in litigation is to ensure that the City creates and maintains enough youth-specific beds to meet the needs of *all* youth seeking shelter. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of

homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.