



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Food Access, Quality, and Inspections at DHS Shelters

Presented before
The New York City Council's Committee on General Welfare

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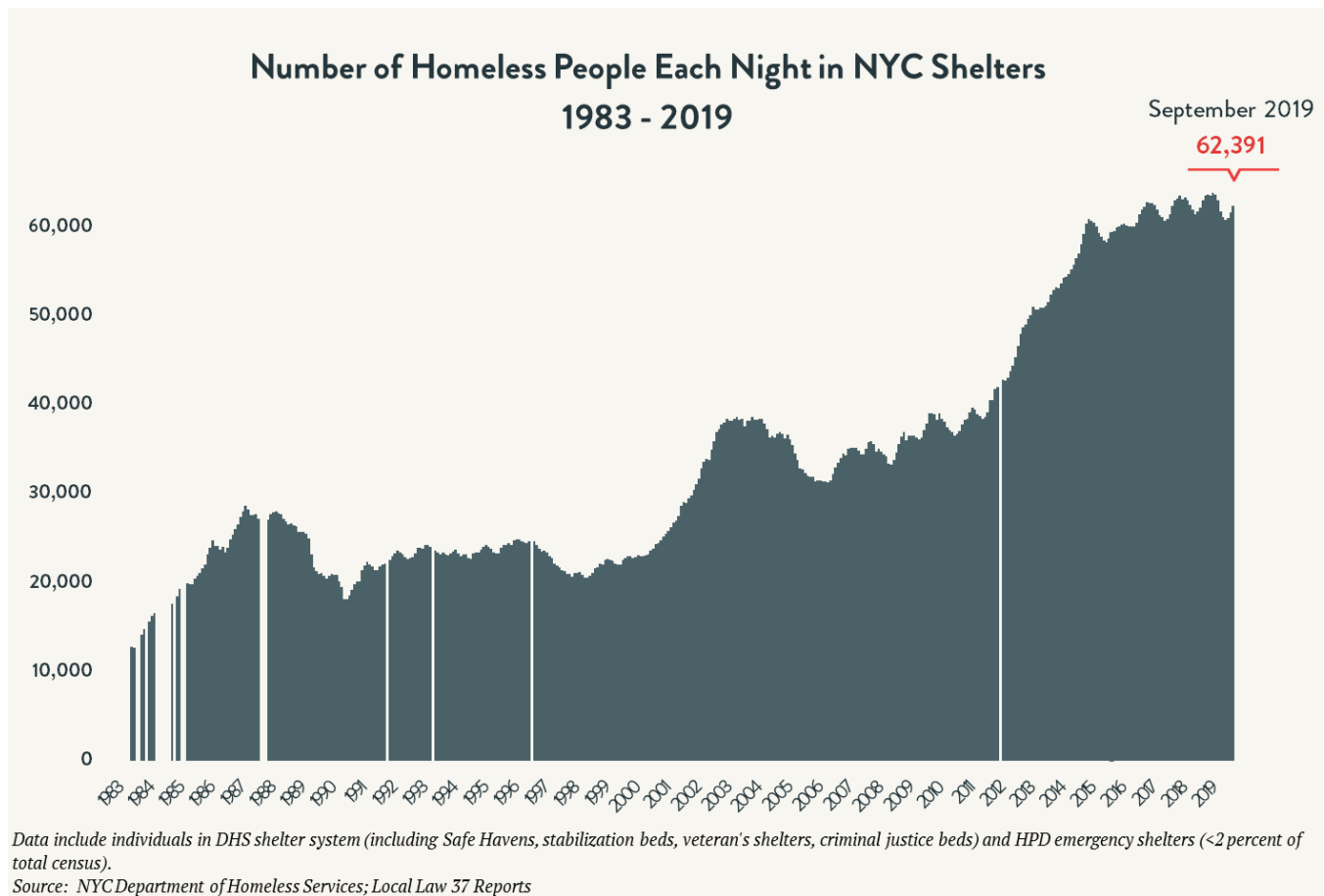
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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committee on General Welfare regarding food access, quality, and inspections at DHS shelters. We thank Chair Levin for his leadership and advocacy on behalf of homeless New Yorkers.

Record Homelessness in New York City

New York City remains in the midst of the worst homelessness crisis since the Great Depression, with more than 62,000 adults and children sleeping in shelters each night. As of September 2019, single adults spent an average of 425 days in shelters, families with children spent an average of 428 days in shelters, and adult families spent an average of 613 days in shelters. The length of time that individuals and families spend living in the shelter system underscores the need to provide appropriate, healthy, and appetizing meals to the most vulnerable New Yorkers. Food is a basic human necessity, and the quality of food in shelters does not appropriately meet the needs of the 62,000 New Yorkers who often have no other options for sustenance. Our first-hand observations and the information we collect from homeless New Yorkers highlight the inadequate oversight of food provision in shelters. Multiple State and City agencies with inspection authority have failed to ensure the food served in shelters is safe to consume and meets the needs of shelter residents.



Food Problems in DHS Shelters

Coalition for the Homeless operates 11 direct service programs serving homeless families, adults, and children. We serve as the court-appointed monitor of the single adult shelter system and the City-

appointed monitor of the family shelter system, and maintain a regular presence in shelters at all hours of the day and night. We also facilitate a weekly meeting of our Client Advisory Group (CAG), which includes individuals with lived experience of homelessness. Through these multiple roles, we receive frequent and widespread complaints about food in shelters, including issues such as quality, preparation, handling, storage, accommodations, and nutritional content.

Below are examples of reports Coalition shelter monitors have sent to the Department of Homeless Services regarding food issues we observed and complaints we received from shelter residents. Poor food conditions span all shelters but are particularly bad at single adult shelters, which more often than other types of shelters provide meals to residents through contracted vendors.

A May 2019 visit to Casa de Carino, a women's shelter, resulted in this report to DHS:

Several clients expressed issues with the quality of the food... several clients have reported having increased health issues since entering Casa de Cariño. One client ... reported that her diabetes medications have been tripled by her doctors since moving to Casa de Cariño in order to deal with the poor quality of the food that is served there. It was reported by more than one client that on several occasions meals were served by maintenance workers who do not have food handlers' licenses.

An April 2019 visit to Auburn Family Residence, an adult family shelter where several clients became ill in October 2019 when they were served spoiled chicken salad, resulted in this report to DHS:

We received many complaints from clients about the quality of the food served in the cafeteria. Common complaints related to burned or undercooked food, and moldy bread and spoilage.

An April 2019 visit to an East 3rd Street women's shelter resulted in this report to DHS:

Complaints about food are that there are no diabetic snacks. There are no alternative meals other than the day's prior meals which sometimes might contain the same allergy inducing ingredients or dietary restrictions and even in this case only some cafeteria staff will make you a peanut butter and jelly sandwich. They said often they are eating breakfast for lunch, e.g. pancakes etc. which are basically leftovers. Said staff taste the food and say they feel bad for us that we are eating it. Heard tales of throwing up and diarrhea about the food, provided by Ambassador.

A March 2019 visit to Broadway House, a women's shelter, resulted in this report to DHS:

The shelter has no vending machines and diabetic snacks are not available. Clients stated there is no alternative meal for those clients with allergies and other dietary restrictions. [CLIENT NAME] was in a diabetic coma for two weeks during 2018 because she could not access appropriate food. She spent a total of six weeks in the hospital.

A March 2019 visit to Jack Ryan Residence, a men's shelter, resulted in this report to DHS:

The shelter has no vending machines and diabetic snacks are not available throughout the day. Clients complained that they are not permitted seconds at meal times. Instead, extra food is discarded. Clients wait outside the building so they can open the garbage bags and find the discarded food. Other clients beg for food on the streets. Clients complained that the breakfast hours are too limited. Elevator issues delay their arrival to the cafeteria.

A March 2018 visit to Klara's Family Residence, an adult family shelter, resulted in this report to DHS:
Monitors also noted issues related to food preparation and storage. There are only two microwaves for the entire site, which has a census of 46 families. Fruit and bread were being stored near the microwave station in an area that is not temperature-controlled, and as a result the fruit appeared to be turning brown.

A July 2018 visit to Fort Washington Men's Shelter resulted in this report to DHS:
We spoke to two clients who have food allergies that were not being accommodated. [CLIENT NAME] is allergic to seafood and tomatoes. He has a doctor's letter, but is not offered any alternatives when those foods are provided. [CLIENT NAME] also has a doctor's letter for food allergies, but reports no accommodations.

In addition to these reports, we have interviewed shelter residents regarding issues with food accommodations, portions, and quality, and have compiled a sample of their quotations in the attached document along with photographs they took of the meals they have been served at shelters. These photographs show meals that are unappetizing, spoiled, under/overcooked, and lacking in appropriate nutritional content.

We recommend DHS implement a complete overhaul of food provision, including assessing the quality of its contracted food vendors, conducting routine inspections, and providing appropriate accommodations to individuals who have dietary restrictions due to medical conditions, religious observance, or other special needs. We also recommend that the City and State agencies with oversight authority immediately implement routine inspections of food provision at shelters. These agencies include the City's Department of Homeless Services and Department of Health and Mental Hygiene, and the State's Department of Health and Office of Temporary and Disability Assistance.

Conclusion

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to address the needs of all homeless New Yorkers.

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 2,000 attorneys, social workers, 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 runaway and homeless youth 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.

Selected Quotes from CAG Food Survey

Accommodations:

"If you are a vegetarian, there are only two options. You eat the same thing for lunch and dinner. Side dishes always run out. Given my health circumstances, a lot of food in the shelter may trigger medical issues. Even with a doctor's referral, I cannot obtain my dietary needs. The shelter staff give you an attitude like 'go buy something.' They do not take responsibility for people like me and diabetics have the biggest issues."

"[We] need better access to fruit and healthy fruit. I have to take medication for sleep, but the food they would give me, wouldn't go good with medicine. I would have to get letter from doctor, to prepare food for medication. Working and nothing to eat with your medication is no good."

"It has changed. I had to change my eating habits. I am feeling terrible because I am lactose intolerant. The illnesses I have, it is hard for to maintain my health. I have to stick with the diet my doctor gave me. I have to eat vegetables, but the vegetables there [the shelter] are dry and tasteless. Who is cooking this food? You do not want to eat it, it is very dry."

How food consumption changes:

"I do not eat at the shelter. I try to stay away from that situation. The cafeteria staff often harass and the portions are so small. It is embarrassing. Shelters vary across the City.... The shelter often treats homeless as if they are begging for food. They say: 'Do you really want the food?' I am kind of resourceful, I get food outside."

"I eat less. I come here to eat the pizza. I have to spend my money on outside food. This impacts my savings. I eat less and I notice I lost weight."

"I feel unhealthy and chubby. I cannot be active and I cannot exercise. If my food situation was better I would be healthier. I am eating all the wrong things at the wrong time. When I do eat, I eat junk and it is late."

Food quality:

"I was concerned when I was at Bedford-Atlantic Shelter because I saw rodents. The fruit was also an issue. Overall, I was worried about how food was stored. For example, sometimes the milk was frozen and sometimes the milk was warm. Also, if you are thawing out a meal, how do they make everything evenly thawed out? I would consider looking into the time allotments for preparing food."

"The food contains too much starch and most of it is processed food. The food is giving us health issues. If you eat in the shelter, you will get sick. I was there 1.5 years and you will get sick."

"Food at Bellevue was prepackaged and not healthy.... They will tell you to leave if you complain. It's terrible, they make these services so poor for the homeless."

“At Bobs Place where I am at, the food is terrible. Prepackaged food and for the most part it has no taste. It is like jail food. Small portions and they say the portions are recommended for a meal. Sometimes they will give you two trays. Food is terrible that they cannot give this stuff away. I don’t always eat it.”

“It is very bad. When they have something good, people eat it quickly. Sometimes the shelter cafeteria is open for forty minutes and not for an hour. They do not give enough food. The portions are for kids.”

“Terrible, terrible, terrible. Coming from the prison straight to the shelter, the shelter is worse. I don’t know where they get it. It is nasty. They give you an English muffin, and they give it to you raw. You cannot toast it. A lot of times, the menus aren’t correct. I have kidney failure and I need to access cranberry juice. I can only drink orange juice. Letters from my doctor identify I need certain foods. I am choking on chicken, who is preparing that? You have to be starving to eat this stuff. I am lactose intolerant, they are supposed to provide me with almond milk. They put an order in but I gotta buy out of my own pocket.”

“We went into PATH and that food is ‘jail food.’ They provided us a baloney sandwich and GMO fruit. It is definitely not above 200 calories.”

Recommendations:

“In the shelter, you couldn’t bring food to room but the role of microwaves allows people to get their own food. I would like to see microwaves available for all shelters. Prisoners have places to boil water, why not have that for the general shelter population. Access to your own food, and being able to prepare your own food is important. Having something to eat does a lot for someone overall.”

“I think they have to ask people in the shelter what they want. Not everyone can eat that food. People need quality food. They need a better kitchen and better food. The way people have to wait in line for food at some shelters. Some people would have to wait 50 minutes. Room is so small in some shelters. They should make a questionnaire for people in shelter. Improve interaction between homeless and food staff. We want more interaction, more of our opinion.”

“They need to have a better handle on fruits. Bananas go quick.”

“That whole food system needs to be changed. Hire a cook that can cook food. More people will come eat the food. A good meal will go a long way. You are served trash and it makes you feel bad. You should not deal with companies that provide prepackage food. Hire staff to cook.”

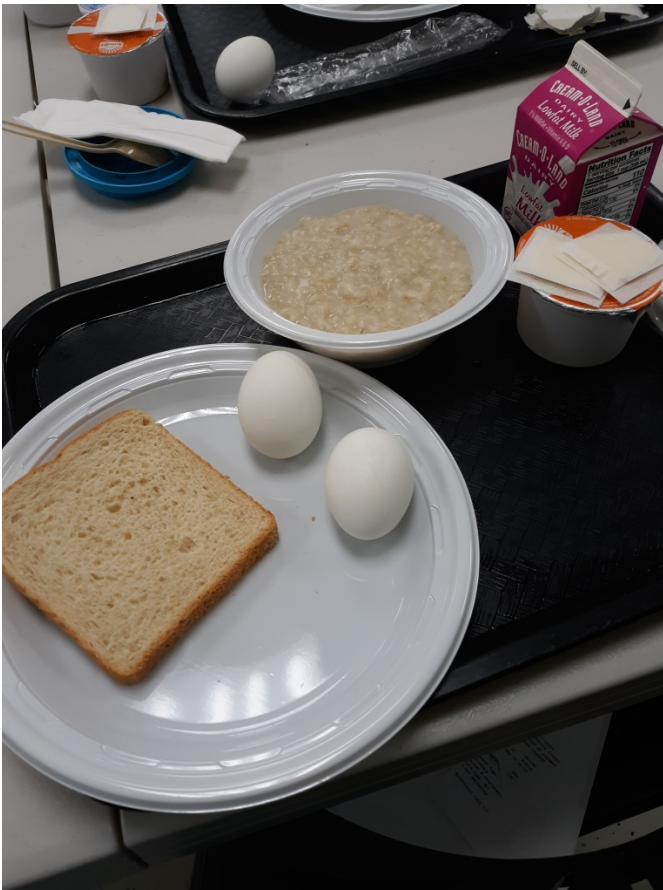
Photos



Keener



Bergen House



Bergen House



Casa de Carino



Catherine Street



Clarke Thomas



Atlantic House



Catherine Street