



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Oversight - Outreach NYC and Barriers to Shelter for
Individuals Experiencing Homelessness
presented before
The New York City Council's Committee on General Welfare

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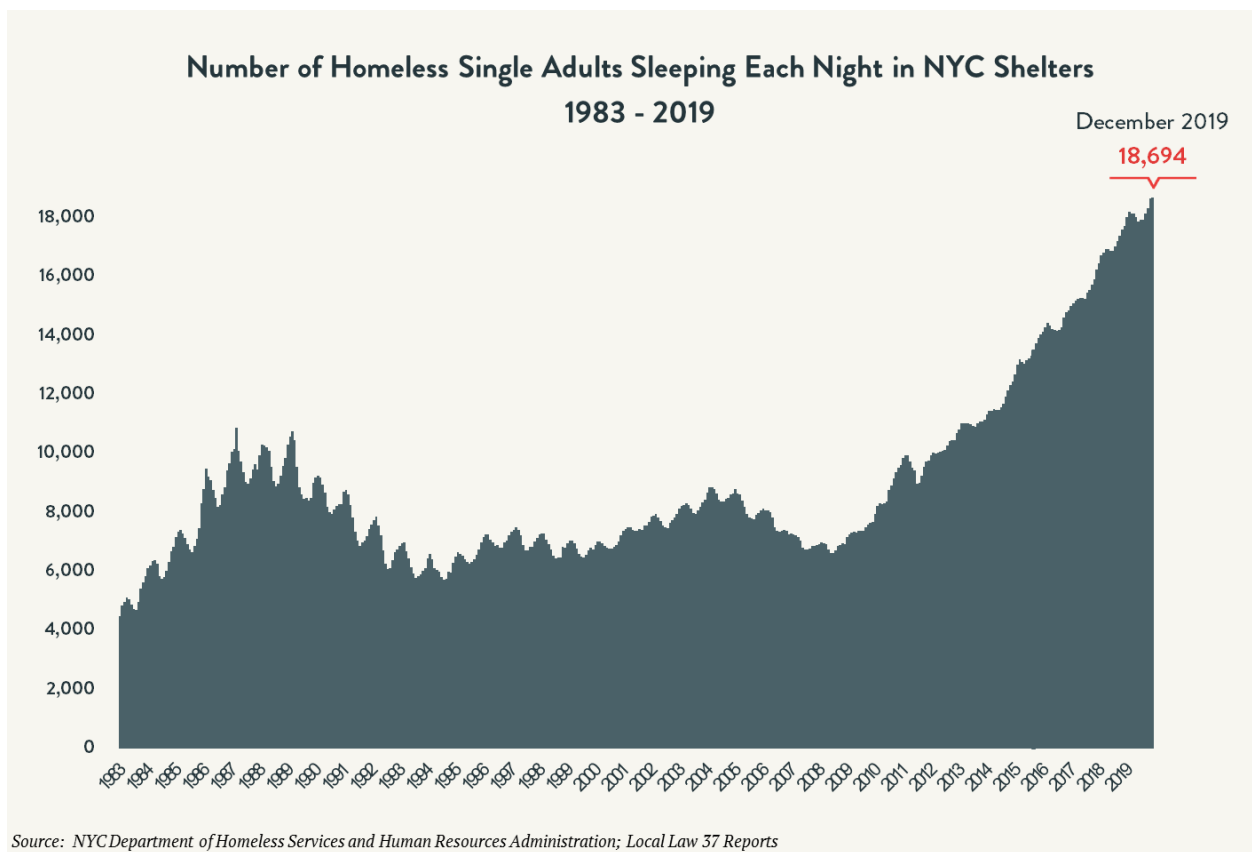
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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committee on General Welfare regarding Outreach NYC and street homelessness.

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 62,500 adults and children sleeping in shelters each night. The number of single adults in NYC shelters reached an all-time record high in December 2019 at 18,694 residents. Thousands more bed down on the streets every single night. Those who end up on the streets often do so after having attempted to access the shelter system and finding that it did not meet their needs or was unsafe for them. Others find the bureaucratic intake process too intrusive or complex to manage.



Outreach NYC

Mayor de Blasio’s Outreach NYC initiative comprises multiple policy shifts, none of which address the true cause of homelessness: a lack of affordable, safe, appropriate housing. The policies outlined in Outreach NYC, along with several other related street homelessness initiatives announced by Mayor de Blasio during the latter half of 2019, may seem innocuous, but they actually represent an underlying shift toward the criminalization of homeless New Yorkers. Taken together, these policies create a vast multi-agency surveillance system to monitor individuals who seek refuge in the transit system and bed

down on the streets, as part of a broader strategy to treat homelessness as a quality of life issue for non-homeless New Yorkers.

Outreach NYC consists of three distinct policies:

1. Training nearly 20,000 City workers to identify and report homeless individuals they see during the course of their work duties;
2. Launching a social media ad campaign to encourage family members of homeless individuals to contact the Department of Homeless Services for help reconnecting with them;
3. Establishing a Joint Command Center that actively tracks homeless people through CCTV and deploys outreach teams or NYPD to engage with them. This center and its cameras are actively monitored by the NYPD in real time.

The recently implemented Subway Diversion Program – as we testified at a prior Council hearing – adds an element of coercion to outreach by requiring NYPD Transit Bureau officers to issue summonses as a way to force homeless individuals to accept transport to a shelter, regardless of whether or not they intend to stay there. The underlying premise of the program fails to acknowledge that most people on the streets are aware of the shelter system and have made a rational choice to avoid shelters. The January 21st hearing illuminated how the Subway Diversion Program is increasing interactions between officers and unsheltered New Yorkers without offering them the services they actually want and need: NYPD officials testified that 1,296 summonses had been issued through this program, of which two-thirds had **not** been cleared. Please visit DiversionIsCoercion.nyc to learn more about why we vehemently oppose this misguided program.

Likewise, Outreach NYC is the wrong approach to street homelessness because it does not address the root causes of homelessness or treat our neighbors on the streets with dignity. The missing solutions to homelessness are simple: supportive housing, affordable housing, and low-threshold shelters. Instead of embracing these solutions, however, Mayor de Blasio has emphasized surveillance of New Yorkers who sleep on the streets and in the subways. The requirement that a vast army of City workers report on the locations of homeless individuals as part of their job duties, coupled with the implementation of real-time CCTV monitoring of homeless people by the NYPD, are policies that serves only to turn New York City into the “Big Brother” dystopian society envisioned in *1984*. Increased contact with law enforcement for “quality of life” issues is not only unwelcome by homeless New Yorkers, but is actively harmful to individuals whose freedom, finances, and ability to obtain housing could be directly impacted for years to come as a result – to say nothing of the trauma inflicted by such encounters.

We urge the City to immediately end surveillance of homeless New Yorkers through the Joint Command Center and the City worker reporting requirement. We also repeat our recommendation that the City immediately cease the Subway Diversion Program and administratively clear all quality of life summonses that were issued to the hundreds of individuals targeted over the past few months.

Legislation

Coalition for the Homeless and The Legal Aid Society support the two pre-considered bills in relation to case management and rent assistance eligibility for street homeless individuals. We look forward to working with Council Member Levin to strengthen the language where possible and to advance these bills.

Coalition for the Homeless and The Legal Aid Society also support Intro. 1483 and Intro. 1484, in relation to accommodating pets of homeless individuals and families in the shelter system and reporting on the placement of pets whose owners enter shelters. For homeless New Yorkers who have pets, the requirement that they part ways with their animal companions in order to enter a shelter could be a factor in their choice to reject shelters and sleep on the streets. If we want to help homeless New Yorkers move indoors, we must remove obstacles in order to make the shelter system more responsive to their needs.

The Need for Permanent Housing

In sum, there is no criminal justice, policing, or surveillance solution to homelessness in New York City. Homelessness is not a crime, and people avoid services and shelters for a variety of legitimate reasons, the most important being negative past experiences in the shelter system and other systems and bureaucracies that have repeatedly failed them. The vast majority of those bedding down in public spaces report a prior stay in the shelter system and contact with outreach teams since leaving the system. Because outreach workers are often unable to offer anything more than another trip to a shelter, their offers are frequently rejected. Reducing the tragedy of people taking makeshift refuge in transit facilities and on trains, or bedding down on the street requires giving them somewhere better to go. Urgent action is needed to expand the supply of permanent housing necessary to finally reduce homelessness. Mayor de Blasio must immediately expand access to low-barrier safe havens and low-threshold housing, and accelerate the pipeline of supportive housing for our homeless neighbors.

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.