



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Int. No. 1927:
Requiring Private Rooms for Homeless Single Adults
During COVID-19 Pandemic

presented before

The New York City Council's Committee on General Welfare

Giselle Routhier
Policy Director
Coalition for the Homeless

Josh Goldfein
Staff Attorney
The Legal Aid Society

April 23, 2020

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 protecting homeless adults from COVID-19.

Homeless New Yorkers at Risk

The urgency of providing housing as healthcare has become glaringly apparent during this crisis. The more than 62,000 homeless New Yorkers sleeping in shelters every night and thousands more struggling to survive on the streets face increased risks for both contracting COVID-19 and experiencing serious complications from the virus. Homeless New Yorkers cannot isolate at home or practice social distancing in congregate shelters. Many may not be able to wash their hands as frequently as needed due to shared bathrooms, lack of soap, and inoperable fixtures. They often live in shelters where the necessary levels of cleaning and sanitation are not effectively achieved due to staffing and other operational challenges. Homeless New Yorkers staying on the streets face a critical lack of access to food, bathrooms, showers, and toiletries. All are struggling to maintain personal hygiene, experiencing intensified levels of stress and isolation, and contend with punitive policing that places them at risk of arrest and confinement in crowded jails. Many homeless individuals on the streets are afraid of entering shelters for fear of contracting the virus in such close quarters.¹

Homeless New Yorkers who contract COVID-19 are at a high-risk of serious complications due to high rates of underlying health conditions such as diabetes, heart disease, asthma, and COPD. The Coalition for the Homeless is already seeing disturbing evidence of an increase in homelessness due to COVID-19 as the economic fallout, coupled with already tenuous housing arrangements, has forced many individuals to the streets and shelters. Each week, the number of homeless single adults sleeping in shelters reaches new records.

Mortality Rate

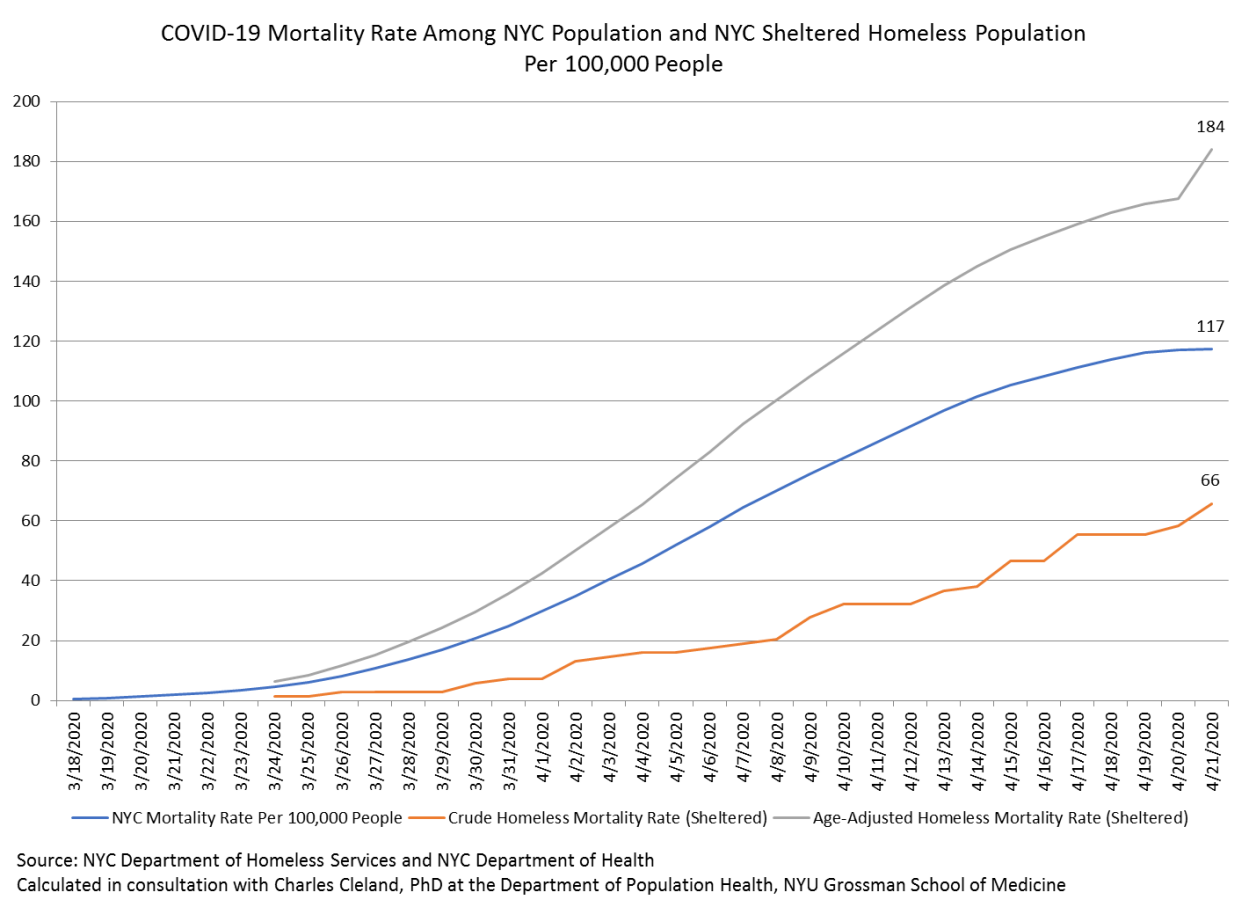
As this crisis has progressed, the lack of access to private spaces for single adults has exacerbated COVID-19 transmission, hospitalization, and deaths among homeless people. As of April 21, the Department of Homeless Services reports that 48 homeless people have died from the virus, including three unsheltered individuals. Because of a lack of testing across the city, and particularly among low-income communities, it is very likely that more deaths during this period can be attributed to COVID-19 but are not yet reported. Even so, because the sheltered homeless population skews much younger than the general New York City population, an age-adjusted analysis indicates that there have been 16 more deaths among sheltered homeless New Yorkers than would have been expected based on the overall city mortality rate.

In consultation with Charles Cleland, PhD, a biostatistician at NYU, Coalition for the Homeless calculated the age-adjusted mortality rates among sheltered homeless New Yorkers to date.² As of April 21, the overall New York City mortality rate due to COVID-19 was 117 deaths per 100,000 people. For sheltered homeless New Yorkers, it was 184 deaths per 100,000 people – or *57 percent higher* than the New York City rate. Moreover, because most homeless individuals remain crowded into congregate shelters and the City has moved fewer than 1,000 homeless people into private hotel rooms, it is very likely that the mortality rate among sheltered homeless New Yorkers will continue to grow, even as the

¹ <https://www.reuters.com/investigates/special-report/health-coronavirus-newyork-homeless/>

² Because age data are not available for unsheltered homeless New Yorkers, this calculation is not yet possible for that group.

overall New York City rate shows signs of leveling off. Although the age-adjusted rate for unsheltered homeless individuals is not yet calculable, these individuals also have high rates of serious underlying health conditions and it should be assumed that they face a similar, if not greater, risk of mortality compared with sheltered adults.



Int. No. 1927

The status quo is unacceptable for the health and safety of homeless New Yorkers – and for all New Yorkers. Coalition for the Homeless and The Legal Aid Society support Int. No. 1927, which would require the Department of Homeless Services to offer private hotel room placements to all homeless single adults. We recommend making the following amendments to strengthen the bill:

- In section b, the department should be required to provide safe and timely transportation to private rooms.
- In section b, the department should be required to ensure that single adults “eligible for placement in a shelter” include individuals seeking a hotel from congregate faith-based or community shelters run outside of the department or congregate youth shelters run by the Department of Youth and Community Development (DYCD).
- In section e, shelters should be required to post the plan in a conspicuous place in each shelter so clients can review it.
- In section f, in order to prevent the possible abrupt removal of individuals from hotels, the department should be required to give clients at least 72 hours’ notice that the requirement is no

longer in effect, and offer clients the right to be transferred back to their original shelter placement.

- Access to private rooms should also be offered to adult members of families who become symptomatic or test positive for COVID-19, assuming the remainder of the family will be safely sheltered without the adult, in order to prevent spread of the virus within families.

Individuals currently on the streets and in congregate shelters very much want access to private spaces to stay safe. Seamus, who has been homeless for four years, contracted COVID-19 in a shelter. He was discharged from the hospital to isolation on March 22 then discharged to the streets from isolation on April 14. He said:

“You know what’s funny, I was judging people about not getting tested for the virus because they were worried about losing shelter as a consequence. Now I understand their mentality. I decided to do the right thing, and now I am on the street without any resources. Yes, I was homeless before all of this, but I at least had (private) shelter. Now I lost that for doing the right thing and speaking out. Ironic, isn’t it?”

We thank the Council for your steadfast advocacy on behalf of homeless New Yorkers during this pandemic. We appreciate the opportunity to testify and look forward to opportunities to further 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. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

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. 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, which usually distributes about 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, is now regularly serving more than 1,100 meals per night and distributing emergency supplies during the COVID-19 pandemic. 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. In response to the pandemic, we are operating a special Crisis Hotline (212-776-2177) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

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.