



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Intro. 1995-2020: Shelter Security Guard Trainings

submitted to

The New York City Council's Committee on Contracts

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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to submit written testimony to the New York City Council's Committee on Contracts in support of Intro. 1995-2020, regarding shelter security guard training.

Homelessness During the COVID-19 Pandemic

The pandemic has been physically, economically, and mentally devastating for all New Yorkers, as it has been for people around the country and the world. The crisis has laid bare egregious health and economic disparities in New York City, and has taken a tremendous toll on people of color and those who lack stable housing. Homeless New Yorkers have been particularly at risk, as they often lack a safe and private place in which to practice preventive measures like social distancing and frequent handwashing while a deadly, airborne virus continues to spread across the city.

Shelter Residents are Required to Interact with Security Staff

When families and individuals in crisis show up at the front door of a shelter, they are greeted by metal detectors and security staff in uniforms that look very similar to those worn by NYPD officers. Often the first words people hear as they are shuffled through the security check are “no outside food allowed.”¹ For almost everyone sleeping in shelters, those first moments are quite difficult. Homeless New Yorkers regularly describe the day they first entered a shelter as being one of the worst days of their lives. Many of them are dealing with traumatic personal, economic, and/or systemic issues that left them with nowhere to turn but a shelter – a place they come to for *help*.

The primary reasons families seek shelter are to flee domestic violence or because they've been evicted from their homes. According to New York City Department of Homeless Services (DHS) data collected at shelter intake facilities in Fiscal Year 2019, the primary reasons for homelessness reported by single adults were: discord at prior residence (30 percent), release from jail or prison (11 percent), and coming in off the streets after a period of unsheltered homelessness (10 percent). An additional 9 percent of single adults entered shelters after being discharged from a hospital (including both medical and psychiatric units) or other non-hospital program, including nursing homes. New Yorkers grappling with difficult life experiences deserve to be met with compassion and understanding by shelter personnel.

Both the Coalition for the Homeless and The Legal Aid Society regularly work with people who report difficult interactions with security guards at shelters, which may stem from a lack of adequate training of security staff. Problems can arise in a number of ways, and the following is a non-exhaustive list of some of the issues encountered by homeless individuals and families:

- Many people from other countries who seek asylum or who are undocumented report feeling apprehensive about entering shelters simply because the acronym DHS is used for both the Department of Homeless Services in New York City and the Department of Homeland Security at the Federal level. Just seeing a uniform and badge with “DHS” can deter some individuals from seeking assistance. Moreover, we have heard complaints of shelter applicants being turned away by security staff who incorrectly told them that “only citizens can apply for shelter.”
- Despite the Department of Social Services' comprehensive policy to support LGBTQI clients, our transgender, gender non-conforming, and non-binary (TGNCNB) clients are regularly

¹ See Voices: Stories from Homeless Families in the New York City Shelter System. https://legalaidnyc.org/wp-content/uploads/2020/01/FINAL-705939v1_PathMagazin_English2017-New-Logo.pdf

misgendered, asked for identification, or turned away from the shelter system by security staff. In addition, security guards often patrol corridors and participate in bed checks, but some TGNCNB residents report feeling uncomfortable having security staff enter their rooms following disrespectful interactions at the front door.

- Sixty-three percent of all shelter residents have a disability, and many who use wheelchairs or other mobility equipment are often searched by security staff in a manner that is not safe or supportive. Also, residents in need of a reasonable accommodation for a disability are not likely to have that need identified and met by security staff, sometimes interfering with their ability to even enter a shelter's front door.
- We have learned of multiple instances in which shelter residents have been assaulted by security staff or in which security staff witnessed assaults against residents but failed to intervene.

Intro. 1995-2020

Staff from DHS as well as those working in shelters overseen by the Human Resources Administration (HRA), the Department of Youth and Community Development (DYCD), and the Department of Housing Preservation and Development (HPD) all receive training on a wide range of subjects that are designed to support shelter residents. Because security staff interact so frequently and closely with shelter residents, it is crucial that they are trained appropriately to ensure that individuals and families coming in the front door are treated with dignity and respect.

The Coalition for the Homeless and Legal Aid support the goals of Intro. 1995 because it is imperative that New Yorkers in crisis are greeted with compassionate, culturally competent, and welcoming staff the moment they enter a shelter. Without sufficient high quality training, negative interactions with security staff deter individuals and families from seeking shelter and services and sometimes cause them to leave the shelter system altogether. We respectfully suggest that the Council consider the following amendments to the bill:

- Require training to be done by social services professionals, with an emphasis on trauma-informed care and de-escalation techniques;
- Require training to include basic information about mental illnesses and addictions, including symptoms and appropriate responses to psychiatric distress and overdose, as well as other disabilities, including how to locate communication assistance for those who require it;
- Increase the amount of time devoted to shelter-specific training, as described in the legislation; and
- Solicit advice from people with lived experience, shelter providers, and advocates about training topics.

Conclusion

We thank the Council for the opportunity to provide written testimony, and we look forward to further collaboration 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. 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. Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children’s rights and welfare. Last year, our Juvenile Rights staff represented more than 33,000 children. At the same time, our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct last year. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults. Annually, our Civil Practice works on more than 52,500 individual legal matters, including advocacy for families with school-age children.

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, 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. Legal Aid has continued to litigate on behalf of thousands of New Yorkers experiencing homelessness during the COVID-19 pandemic, including in *E.G.* where we ensured WiFi access for students in DHS and HRA shelters as well *Fisher* where we continue to litigate to protect the rights of individuals living in de-densification hotels during the pandemic.

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 and at-risk New Yorkers each

day. The Coalition advocates for proven, cost-effective solutions to address 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 illnesses 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, scalable solutions and include: Permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income 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 PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services 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 (1-888-358-2384) 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. During the pandemic, the Coalition has worked with The Legal Aid Society to support homeless New Yorkers, including through the *E.G. v. City of New York*, Federal class action litigation initiated to ensure WiFi access for students in DHS and HRA shelters, as well as the *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.