



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

Oversight: State of Single Adult Homelessness in NYC

submitted to

The New York City Council Committee on General Welfare

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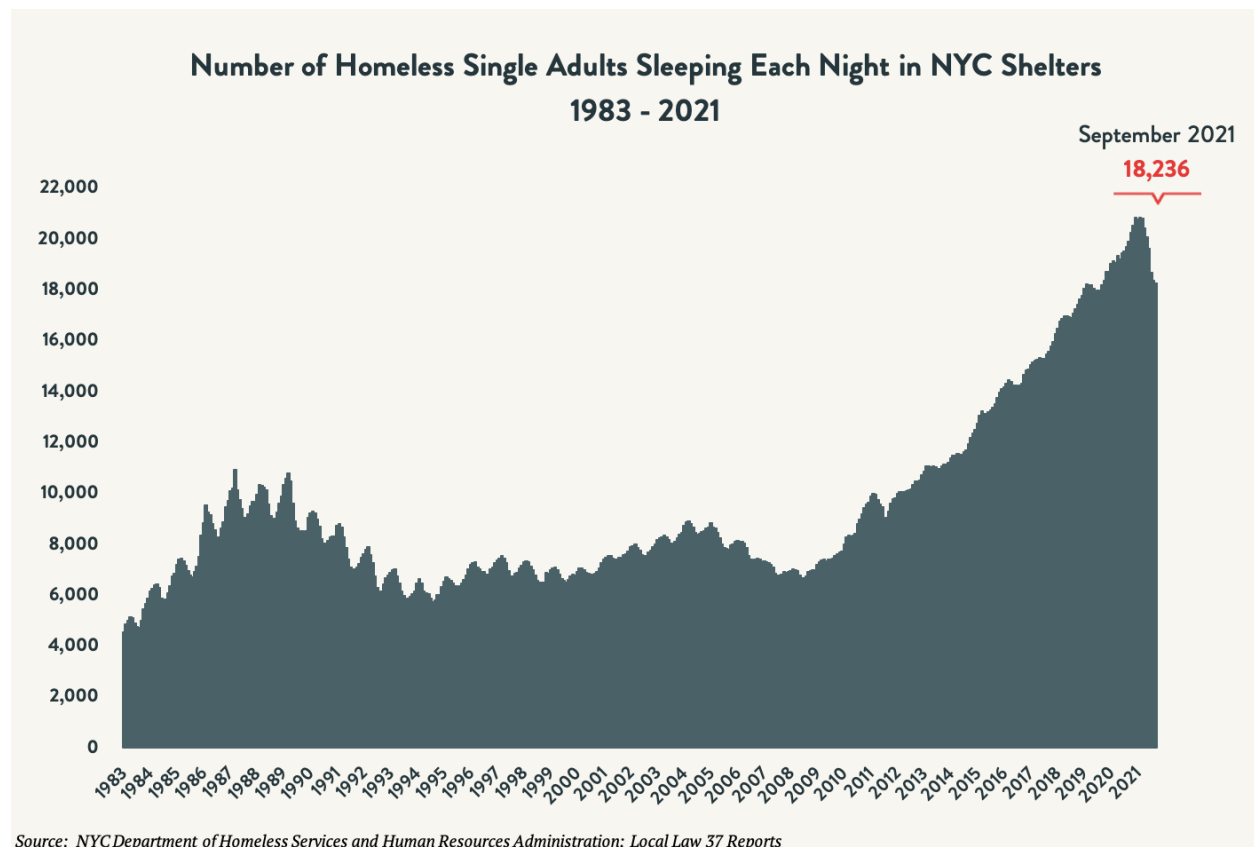
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The Coalition for the Homeless and The Legal Aid Society (LAS) welcome this opportunity to testify before the New York City Council’s Committee on General Welfare regarding the state of single adult homelessness in New York City.

Record Numbers of Single Adults in Shelters

Despite the recent progress in reducing homelessness among families with children, New York City continues to see near-record levels of single adult homelessness. There were 18,236 single adults sleeping in Department of Homeless Services (DHS) shelters each night in September 2021, a staggering 97 percent more than a decade ago.¹ Although this is a slight decrease from the record high of 20,822 in February 2021, the expiration of the New York State eviction moratorium next month threatens this progress. Due to systemic racism in housing and economic policies, people of color are disproportionately represented among the homeless population: 86 percent of single adults in DHS shelters in Fiscal Year 2021 were Black or Latinx.² Furthermore, an estimated 68 percent of single adults sleeping in DHS shelters have a disability.³ It is important to note that these data reflect only those single adults in the DHS shelter system. There are thousands of additional homeless single adults who reside in shelters overseen by other agencies, who bed down on the streets, or who are doubled-up or couch-surfing.



¹ <https://www.coalitionforthehomeless.org/facts-about-homelessness/>

² <https://www1.nyc.gov/assets/dhs/downloads/pdf/dashboard/tables/FYTD21-DHS-Data-Dashboard-Data.pdf>

³ <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/StateOfTheHomeless2021.pdf>

According to DHS data for Fiscal Year 2019, the primary reasons for homelessness reported by single adults are 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).⁴ 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. Long-overdue criminal justice reforms and a shift toward decarceration have contributed to record homelessness because of the absence of adequate reentry planning. In 2019, 52 percent of people released from New York State prisons to New York City were released directly to shelters, comprising 3,614 people, up from 3,466 individuals in 2018.⁵ While the right to shelter is a vital part of the safety net, people being released from prisons and jails need the stability of permanent housing to help them get back on their feet.

Given the various causes of homelessness among single adults, the City and State must collaborate on multifaceted prevention strategies, which can prove challenging. For example, some homeless single adults face formal evictions from apartments where they are tenants or lawful occupants, but others are forced to leave ad hoc living situations without judicial intervention or the opportunity to be represented by counsel. This explains why many single adults fell through the cracks of the eviction moratoria and became newly homeless during the pandemic. Once they become homeless, single adults frequently cycle between the criminal legal system, hospitals, nursing homes, the streets, and shelters.

Shelter Conditions and the Pandemic

The Coalition for the Homeless is the court- and City-appointed independent monitor of the DHS shelter system, and we regularly observe and hear reports of issues in shelters ranging from inadequate maintenance and extreme temperatures to perennial complaints about the quality and quantity of food served and conflicts with security staff not properly trained to work in shelters. The pandemic exacerbated many of these issues, bringing staffing challenges and the threat of contracting an airborne virus in a shelter system composed mostly of congregate dorms.

While DHS moved thousands of single adults out of congregate facilities and into single- and double-occupancy hotel rooms in 2020 to better protect them from the virus that causes COVID-19, Mayor de Blasio prematurely decided to return the vast majority of single adults to congregate shelters this summer. With mounting evidence of the chaos caused by the abrupt and unnecessary returns to congregate shelters, The Legal Aid Society and Jenner & Block LLP, on behalf of the Coalition for the Homeless, Center for Independence of the Disabled, and homeless New Yorkers, and in coordination with the Safety Net Project at the Urban Justice Center, filed a motion in *Butler v. City of New York* – a previous legal victory concerning disability-based discrimination in the City’s shelter system.⁶ The court papers documented numerous deficiencies in the City’s hasty process, including the sudden and inappropriate uprooting of people with physical and psychiatric disabilities without due consideration for the accommodations they may need to safely and fully access shelters and other support at DHS facilities. The court eventually required the City to develop and implement a notification and assessment procedure before

⁴ <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/StateOfTheHomeless2021.pdf>

⁵ <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/StateOfTheHomeless2021.pdf>

⁶ <https://legalaidnyc.org/wp-content/uploads/2021/07/Butler-Memo-of-Law.pdf>

proceeding with additional moves. Nonetheless, the mass shelter transfers over the summer were traumatic and disruptive for homeless single adults, some of whom left the shelter system entirely and now reside on the streets.

As COVID-19 infection rates again increase and the world closely tracks contagious new variants, thousands of homeless single adults will face the next phase of the pandemic – and likely future pandemics – in dorms rather than in the safety of hotel rooms due to Mayor de Blasio’s short-sighted decision. Learning from the pandemic, the City should redesign the shelter system for single adults to reduce the reliance on large congregate facilities, and shift the creation of new capacity toward single-occupancy accommodations with full accessibility features for those with disabilities as well as smaller, low-threshold shelters such as Safe Havens.

Unsheltered Single Adults

In addition to the single adults who reside in shelters, thousands of others bed down in the streets, subway system, and other public places. Interviews with hundreds of unsheltered New Yorkers indicate that most are aware of the shelter system but feel it does not fulfill their desire for safety, dignity, and independence.⁷ Unsheltered homeless New Yorkers have long faced daunting challenges and indignities as they draw on meager resources and their own perseverance to survive life on the streets. Their day-to-day struggles include meeting the basic needs for food, clothing, and restrooms, as well as avoiding abuse, including unnecessary, traumatic interactions with law enforcement personnel. The pandemic created new problems, as the subways were closed overnight for months and many public restrooms and other resources were largely unavailable.

Unfortunately, rather than adopting a harm reduction approach to unsheltered homelessness, Mayor de Blasio directed his agencies to dramatically increase street sweeps.⁸ These sweeps often result in City workers discarding homeless people’s meager belongings and forcing them to move to a different location if they do not want to enter the shelter system. Sweeps can be traumatic and counterproductive in that they break the trust that trained outreach staff work hard to build with unsheltered people, often over long periods of time. Furthermore, this increase in sweeps during the pandemic egregiously and shamefully flouts guidance from the Centers for Disease Control and Prevention, which states: “If individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are. Clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread.”⁹

The City must immediately cease all activities that criminalize unsheltered homelessness, while meeting the immediate needs of homeless New Yorkers and providing them with ready access to stable, permanent affordable and supportive housing options. Many people on the streets who are not interested in the main shelter system would be willing to accept the offer of a low-threshold shelter placement like a Safe Haven or stabilization bed, and the City must make more of these options readily available. Ultimately, what unsheltered New Yorkers truly want and need is permanent housing, but housing applications can be particularly challenging for those sleeping

⁷ <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/View-from-the-Street-April-21.pdf>

⁸ <https://www.nytimes.com/2021/03/03/world/new-york-city-homeless-cleanups-covid-coronavirus.html>

⁹ <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>

outdoors. For example, Coalition for the Homeless staff have struggled to meet the arduous documentation requirements to prove that an individual has been sleeping on the streets for a certain length of time in order to qualify for supportive housing. The City must identify and eliminate all bureaucratic barriers that prevent people from moving off the streets and into homes of their own.

Council Legislation to Help People Access and Maintain Permanent Housing

As we mark the 40th anniversary of the landmark legal right to shelter, it is clear that we must build upon that baseline of decency by embracing a right to housing. Perhaps the most enduring lesson from the past eight years is that substantial progress in addressing homelessness will remain elusive if there continues to be a disconnect between housing and homelessness policies. Future City housing plans must dedicate significantly more units to homeless and extremely low-income New Yorkers to help people avoid or exit homelessness. The de Blasio administration, which siloed housing and homelessness policies, has failed to quickly connect people to permanent housing: In Fiscal Year 2021, single adults languished in DHS shelters for an average of 476 days – a dramatic increase from the already-shocking 383 days in Fiscal Year 2017.¹⁰ The barriers to accessing housing include the persistent lack of affordable apartments for the lowest-income New Yorkers; the shortage of accessible and affordable apartments for those with disabilities; housing discrimination on the basis of source of income, disability, family composition, race and ethnicity, and gender identity and sexual orientation; and bureaucratic roadblocks that cause needless delays. The City must address these barriers through legislation, budget priorities, and robust enforcement against housing discrimination.

We applaud the Council for taking bold action this year to raise the value of CityFHEPS vouchers and to expand eligibility to other homeless New Yorkers in an effort to help people access permanent housing more quickly. We are already seeing the impact of these changes, as some of our clients who had struggled to find housing for years with the unrealistically low CityFHEPS voucher amounts have now moved into homes of their own.

We encourage the Council to use the remaining weeks of the session to build upon this progress and help connect other homeless New Yorkers to permanent housing. In particular, we urge the Council to pass three pieces of pending legislation: **Intro. 2047**, **Intro. 147**, and **Intro. 2176**. The Fair Chance for Housing Act, **Intro. 2047**, would prohibit housing discrimination in rentals, leases, subleases, or occupancy agreements in New York City on the basis of arrest or conviction records. Landlords and real estate brokers would be prohibited from doing background checks or inquiring about arrest or conviction histories at any stage in the application process. This would help thousands of New Yorkers, including many single adults who are currently sleeping in shelters or on the streets, access stable housing. Passing the Fair Chance for Housing Act would also advance racial justice, as it is impossible to deny the pervasive racism of the criminal legal system and therefore the disproportionate racial impact of the records created by that system.

Supportive housing is also an essential tool in the fight against homelessness, but there are currently an estimated five approved supportive housing applications for each vacancy.¹¹ We urge the incoming Council and administration to continue and strengthen the NYC 15/15

¹⁰ https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2021/2021_mmr.pdf

¹¹ <http://www.nynycampaign.org/>

program, which creates 1,000 units of supportive housing each year, and finance an additional 1,000 units per year – a mix of preservation and added housing for new populations that are not included in the current plan, such as people leaving jails, prisons, and hospitals. However, the City must also ensure that the process for accessing this housing is equitable and that tenants know their rights once they secure a supportive housing apartment. **Intro. 147** would shed light on supportive housing referrals, interviews, and rejections in order to deter discrimination and identify barriers to accessing supportive housing. **Intro. 2176** would equip supportive housing tenants with a bill of rights so they are empowered to assert those rights and know where to turn if they encounter issues – recognizing the importance of long-term housing stability. The City must continue to invest in new supportive housing to serve more New Yorkers, but it must also simultaneously implement these safeguards to guarantee that the supportive housing model is as effective as possible.

Conclusion

We thank the General Welfare Committee for the opportunity to testify on this important topic, and for the Council’s dedication to addressing the crisis of mass homelessness in New York City.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society (LAS), 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, LAS provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

LAS’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 LAS’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, LAS’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. LAS, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled-NY (CIDNY), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness, and Legal Aid is currently using the *Butler* settlement to prevent DHS from transferring disabled homeless New Yorkers to congregate shelters without making legally required reasonable accommodations. Also, during the pandemic, The Legal Aid Society along with Coalition for the Homeless continued to support homeless New Yorkers through litigation, including *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 *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.

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 fifth 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 800 to 1,000 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, had to increase our meal production and distribution by as much as 40 percent and has distributed 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 single 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 *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.