

VIA EMAIL ONLY

July 21, 2022

Martha Calhoun, Esq.
General Counsel
Department of Social Services
150 Greenwich Street, 38th Floor
New York, NY 10007

Molly Park
First Deputy Commissioner
Department of Homeless Services
33 Beaver Street
New York, NY 10004

Dear Ms. Calhoun and Ms. Park:

Thank you for meeting with us to discuss the ongoing crisis at PATH. We write to memorialize the conversation and confirm next steps.

You acknowledge that at least four families who were recorded as having arrived at the PATH office before 10 p.m. on Sunday, July 17, spent the night there, in violation of Local Law and the *Boston* settlement. You believe that, since then, no one recorded as having arrived before 10 p.m. spent the night at PATH, although people who are recorded as having arrived after 10 p.m. have spent the night in the building. You acknowledged that you failed to promptly notify us of these violations and agreed to immediately notify us of any additional violations going forward.

As we told you, we have observed that people have been waiting in long lines to be processed at PATH. This morning, we observed a line out the front door of the building, while clients waited to be admitted into the building to go through the security line and to submit applications. We spoke to one family who arrived before 6 p.m. yesterday but was not recorded as having arrived until after 10 p.m. because it took that long for her to get through the line on the first floor to speak with someone about her case. You agreed to confirm at what point in the application process the client's arrival time is recorded and to investigate whether recorded times are accurately capturing what time people arrive at PATH. You also agreed to look at what steps you

could take to enable people to get inside the building sooner, which is a particularly urgent concern during the current heat wave.

We informed you that we observed a whole floor of the PATH office that is not currently being used. Given that people are spending the night in the building, all available space must be used to maximize people's ability to socially distance.

You told us that one factor contributing to the delays in processing applicants at PATH was a lack of Spanish-speaking staff and that you are seeking to redeploy staff to address this need. We urge you to also defer parts of the eligibility screening process for applicants who are recent arrivals in the United States. These clients do not have a significant housing history to investigate because, in compliance with DHS-PB-2017-04, PATH staff are precluded from investigating any addresses outside of the United States if the family is seeking asylum in the United States (so that they do not jeopardize their immigration status simply by seeking shelter). Screening for these families should be limited to identity and functional access needs and then they should be assigned to a placement and transported there. Shelter staff can follow up with any additional questions.

You agreed to provide us with data reflecting your determination that there has been an increase in applications at PATH and other intake offices over the summer, including the daily reports from May 1 to date. We acknowledged that some of this information may be preliminary or unrecorded due to CARES management issues. You also agreed to provide us with data regarding the numbers of people recorded as having arrived after 10 p.m. and how many of them spent the night in the PATH office.

We also note that some of the clients who reported to us that they did receive overnight placements told us that those placements did not have air conditioning and were not cleaned prior to their arrival, which may be dangerous for those with heat-sensitive disabilities or medical conditions.

You agreed to provide information about new capacity for families with children including: names, capacity, provider, and locations of sites you have already opened or will open in the future and to update this information regularly.

You acknowledged that staffing issues and program rule changes are impeding your ability to move shelter residents into permanent housing, which is also contributing to the exceptionally low vacancy rate in shelters. You represented that you have a plan to increase staffing and to let us know if there are other steps you could take to free up shelter space by moving people out.

You acknowledged that your current plan provides little to no margin for securing sufficient capacity to meet anticipated demand. We will be monitoring very closely to ensure that you are complying with your legal obligations to provide decent, accessible shelter to our shared clients. If we find that you are not, we may be forced to take appropriate steps to ensure compliance.

We also shared information regarding possible referral sources of applicants who are recent immigrants. We will continue to work with you to identify these parties so that we can together reach out to them to see if that can help address your current needs.

Regards,



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