



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

on

**Oversight: Long-standing NYC Shelter Intake Issues
and the Recent Increase in Asylum Seekers**

before the

New York City Council Committee on General Welfare

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August 9, 2022

At this critical moment, 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 long-standing shelter intake issues and the recent increase of asylum seekers in City shelters. The growing shelter census can be attributed to a number of factors, such as the typical summer surge, the end of the statewide eviction moratoria and other tenant protections, and bureaucratic hurdles that prevent timely shelter exits. While we applaud Mayor Adams’ commitment that New York City will remain a sanctuary city for asylum seekers and other migrants, his conflation of the rising shelter census with a growing humanitarian crisis does nothing more than perpetuate false, dangerous rhetoric about migrants and people experiencing homelessness, and it deflects responsibility for the crisis we are facing from the City and State actors in a position to address it. No amount of scapegoating can detract from the City and State’s negligence to provide for those in need. New York’s homelessness crisis is an affordable housing crisis, a shelter capacity crisis, and a crisis of bureaucratic inefficiency—not a crisis caused by asylum seekers.

As the court- and City-appointed independent monitor of the DHS shelter system and counsel in the historic *Callahan*, *Eldredge*, and *Boston* cases that created the right to shelter in NYC, we are uniquely situated to inform the Council of the inaction by the City that has led to the crisis in the shelter system for families with children in particular.

To Comply with the Right to Shelter Court Orders, the City Must Ensure It Has a Sufficient Vacancy in the Shelter System at All Times

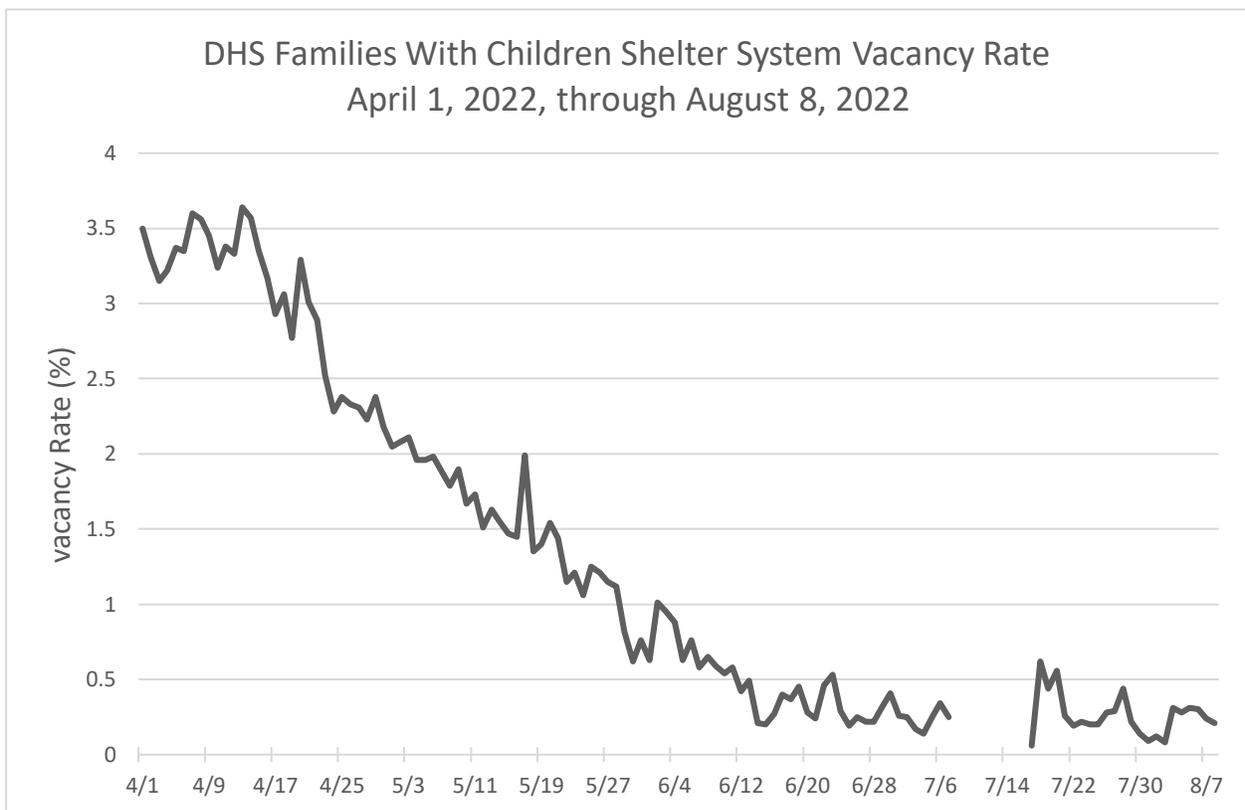
In order to comply with its obligations under New York City’s right to shelter, DHS, which manages the city’s primary shelter system, must plan for changes in demand for shelter placements throughout the year.

Despite the abundance of historical and current data that should have prepared the City for the current surge, DHS failed to secure adequate capacity to meet demand for shelters by families with minor children. April 2022 began with a vacancy rate of 3.5 percent for shelter units available to service this population; by the end of May 2022, the vacancy rate had fallen precariously low – below 1 percent. The vacancy rate for shelter units available to serve families with children has remained below 1 percent each night since June 3, 2022, dipping to 0.14 percent on July 4th and below 0.1 percent (fewer than 10 vacant units) on three days since mid-July, even as DHS has opened new hotel-based shelters for families with children. This shockingly low vacancy rate limits the flexibility DHS needs at all times to place families in shelter units that can accommodate their disabilities, and are close to their children’s school or in a borough where the family is able to safely distance from an abuser or trafficker.

The current surge in the need for shelter beds was entirely predictable. For decades, it has been well established that there is increased demand for shelters for families with children during the summer months. In addition, as has been noted in the press, owing to the end of COVID-19-focused protections for tenants, evictions have increased each month of this calendar year, and there is a shortage of lawyers to represent tenants in Housing Court.¹

¹ Brand, David. NYC Evictions Have Increased Every Month This Year. July 26, 2022. Available at <https://citylimits.org/2022/07/26/nyc-evictions-have-increased-every-month-this-year>.

It is important to note that the shelter vacancy rate is not only a function of demand. Supply of shelter units has been artificially limited by cynical NIMBY groups and the elected officials who enable them, who oppose every attempt by the City to open new sites to serve New Yorkers who have lost their homes, even when doing so would enable the City to replace aging and inaccessible capacity with modern, ADA-compliant purpose-built sites. Families have also been forced to stay in shelters longer than necessary, further tying up potentially available space, as access to permanent housing has been needlessly limited by staffing shortages and rule changes in subsidy programs that are supposed to help people exit shelters. Finally, the City’s failure to enforce laws barring source-of-income discrimination has limited the options of shelter residents who are relying on rental vouchers to find permanent housing, further reducing the shelter vacancy rate.



Source: Department of Homeless Services (DHS has not reported data for July 8, 2022, through July 16, 2022)

As soon as we detected that the shelter vacancy rate had fallen to a dangerously low level, we reached out to the City to express our concern and demand action. On July 11, 2022, before the media began reporting on the issue, the Coalition for the Homeless wrote to DHS Administrator Joslyn Carter and Department of Social Services (DSS) General Counsel Martha Calhoun, copying DSS Commissioner Gary Jenkins, to request the agency’s plan to address the capacity crunch. In particular, the Coalition asked how DHS would prepare for the typical influx of families who enter the shelter system in the summer months, between school years.

DHS leadership met with the Coalition for the Homeless and The Legal Aid Society on July 14th and admitted that capacity in the shelter system was too low and that the optimal vacancy rate

across all three DHS shelter systems is 5 percent. At that time, they also claimed that one issue contributing to increased demand was migrant and asylum-seeking families coming to NYC from the southern border.

During the July 14th meeting, DHS leadership informed us of imminent shelter openings and agreed to send us their plan to ensure sufficient capacity in the shelter system for families with children moving forward. **As of August 8th, we have not received the plan.** However, DHS has notified us when new shelters for families with children have opened since that meeting. To date, from July 11th, the day we sent an email to DHS asking for a plan, through August 8th, DHS has told us that seven new shelters opened for families with children, accounting for a total of 832 additional units. **Nonetheless, the vacancy rate in the families with children system was only 0.21 percent on August 8th.**

On July 19th, Mayor Adams called a press conference at which he chose to blame asylum seekers coming to NYC from Latin America as the root cause for this increase in demand for shelters. At that time, he did not divulge that the City had already run out of beds and, in violation of the law², left families with children to sleep overnight in the waiting rooms of City offices. These violations only came to light when journalists and the homeless families themselves informed us of the situation.

The City has failed to offer any evidence to support its contention that the surge of applicants this summer is primarily due to asylum seekers who recently crossed the border. In a July 21st press conference, City Hall offered three different totals of recent arrivals in the shelter system – 2,800, “almost over 3,000,” and 3,000 – and only DSS Commissioner Jenkins acknowledged that the number is an estimate. In an August 1st press statement, the Mayor claimed that 4,000 asylum seekers had entered the shelter system since late May 2022. Despite requests by us and numerous journalists, the City has yet to disclose any data underlying these “estimates.” Using the daily census data provided by the City to the Coalition for the Homeless, we have been unable to reconcile these claims and require more data from DHS to understand the extent of the increased demand.

A reason that it is difficult to reconcile the numbers provided by the City to the press is that **the City’s own publicly available [DHS Daily Report](#) is not consistently updated and available.**³ Despite the City’s own admission that the numbers of families at PATH have increased and that some have been provided with overnight placements, the Daily Report has not indicated how many families have been given overnight placements. Further, DHS is required to send the Coalition for the Homeless a daily capacity and census report for the family shelter system. DHS failed to timely provide – or did not provide at all – this report to the Coalition for multiple dates in July. The agency has yet to even provide us with formal notification of the violations at PATH that it only admitted to once we discovered it.

Regardless of how many thousands of individuals have come to apply for shelter in DHS offices this summer, the numbers offered by the administration, to the extent they can be verified by any

² NYC Admin. Code § 21-313 and *Boston v. City of New York*, Index No. 402295/08.

³ Local Law 57 of 2018 requires that “every weekday, Monday through Friday, [DHS] shall post on its website a shelter census report for the prior calendar day immediately preceding such weekday, excluding holidays.”

data, represent a net increase in the total number of people sleeping in DHS shelters after taking into account many factors in addition to asylum seekers. These factors include the annual summer surge of families with children, newly evicted individuals and families, households without housing because they cannot afford to renew leases with skyrocketing rents, and individuals reentering society via the prison-to-shelter pipeline that brings as many as half of those released to NYC from State prisons directly into shelters, among others. The shelter census is also inflated because of the City's failure to assist shelter residents in moving into permanent housing due to staffing shortages, lack of source of income discrimination enforcement, bureaucratic delays, and years of inadequate investments to build desperately needed, deeply subsidized, affordable housing.

The dozens of migrant families we have spoken with at PATH have arrived in NYC with the assistance of various charitable and faith-based organizations. Mayor Adams' claims in July that the governors of Texas and Arizona were sending migrants by the busload to NYC in a coordinated effort were simply not true (and were contradicted by statements made by the governors themselves until August 5th⁴). Mayor Adams' July statements served as a distraction from the real issue: DHS failed to properly monitor its capacity for families with children.

Monitoring of the PATH Intake Office for Families With Children Following the City's July 2022 Violations of Local Law and Court Order

The City is required by NYC Administrative Code § 21-313 to

maintain a facility open for intake twenty-four hours a day, seven days a week to accept and process applications for shelter from families with children. Any family with children seeking shelter who is still in the process of applying as of ten o'clock in the evening on the day such family sought shelter shall be provided temporary shelter placement for that night. The following morning the family shall return to the intake facility to complete the application process. The department shall arrange transportation for the families to and from the temporary shelter placement.

This local law directs that a family who arrives by 10 p.m. to PATH must be given an "overnight" placement in order to finish the intake process the following day. A family in this position should be counted on the DHS Daily Report in the "Families Placed in Overnight Accommodations" section. They are not to be overnighed a second or more nights, and instead should receive a "conditional" placement where they can begin to stabilize while their eligibility determination is made. As part of an eligibility determination, DHS considers whether the applicants constitute a family and whether they have other housing options available. Should a family be found ineligible, they have a right to an agency conference at PATH conducted by a DHS attorney or to request a State fair hearing. Should a family need to reapply during the

⁴ Early on August 5th, Governor Abbott of Texas issued a statement that his government had begun sending migrants directly to NYC, even if the city was not the individual's or family's intended destination, and that the first bus would arrive later that morning at the Port Authority Bus Terminal. This development, while cruel and exploitative of people who have already suffered so much during their journey to the U.S., is largely a predictable response to Mayor Adam's original false accusations.

pandemic, they are not required to return to PATH and instead can call PATH to reapply, and all appointments and assessments will be performed telephonically.

On July 20th, we began hearing from reporters and clients about the capacity issues at PATH. During a July 21st meeting with DHS leadership, two days after Mayor Adams' premature claims that the Texas and Arizona governors were busing new arrivals to NYC, **DHS admitted it failed to give shelter placements to four families who arrived prior to 10 p.m. on the night of July 17th and instead left them to sleep on chairs and the floor at PATH** (in violation of local law). DHS' census report showed **six vacant units** on that date (and a barely registerable **vacancy rate of only 0.06 percent**). DHS acknowledged that they failed to tell us about the violation and promised it would not happen again. While DHS has maintained that no additional violations have occurred, we are aware of multiple families who arrived at PATH prior to 10 p.m. and also ended up sleeping in the building following the July 17th violations. On those nights, the line to get to the front desk at PATH was so long when these families arrived that DHS did not record their arrival until after 10 p.m., even though they were in the building hours before the deadline.

The delays in processing the applications of families with children at PATH have been compounded by an insufficient number of Spanish-speaking staff. DHS staff have acknowledged to us that the additional time required to process these cases using translation services was as great a factor in their inability to move people through the building as the alleged increased volume of asylum seekers. On our most recent visit to PATH, we found that DHS had brought in contracted interpreters to address this shortfall, which had significantly improved the situation.

Processing time has also been prolonged by the agency's inexplicable failure to follow its own procedure to allow reapplicant families to submit applications from their shelters. Instead, shelter and PATH staff have been telling some migrant families that they must return to PATH for appointments or to reapply, in violation of COVID-19 protocols, and further increasing traffic and delay in the building. While some recent migrant families do not have access to phones, the staff at their shelters should be providing them access to a phone so they do not have to return to PATH.

In a letter memorializing our July 21st conversation, we urged DHS to defer parts of the eligibility screening process for applicants who are recent arrivals in the United States in order to shorten the intake process at PATH and to quickly connect families with a shelter placement. DHS' own policies preclude them from investigating addresses outside of the United States if a family is seeking asylum, so as not to endanger the family or jeopardize the family's immigration status.

Our July 21st communication further memorialized our data requests, including the number of families who arrived after 10 p.m. and spent the night in the PATH office, data that should be reported in the DHS Daily Report; the poor shelter conditions, such as unclean overnight placements without air conditioning, reported by families we met at PATH; and DHS' admissions about the difficulty they are experiencing in helping clients move out of shelters and into permanent housing.

After we learned that the City had violated local law by failing to provide at least four families with immediate shelter placements on the night of July 17th, forcing them to sleep in the PATH office despite their arrival before 10 p.m., we increased our visits to PATH to speak with families seeking shelter placements and learned that the City's violations extended beyond that one night. What we found the week of July 18th was an agency unprepared for the additional demand, even though DHS leadership told us they had increased monitoring of their capacity at least two months earlier.

A family like those four on July 17th who arrived before 10 p.m. and were not given conditional or overnight placements, should be counted in the "Families w/children at PATH Overnight (pre 10PM)" section of the DHS Daily Report. The information contained in the DHS Daily Report is not fully archived on the City's Open Data website. Anecdotally, we do not recall the last time we saw a figure entered into the "Families Placed in Overnight Accommodations" and "Families w/children at PATH Overnight (pre 10PM)" section that was greater than zero.

Legal Aid and the Coalition have visited PATH on nine days since the City violated local law and the *Boston* stipulated judgment on July 17th. While we did not meet more families who arrived before 10 p.m. and were forced to sleep at PATH rather than in overnight placements, we did observe many families sleeping in the building, which is not a usual practice and not the type of welcome we want new arrivals or longtime New Yorkers to experience in the shelter system. Some families were inappropriately placed in "overnight" placements multiple nights and others arrived at 10 p.m. or later and had to sleep in the building. It was also not uncommon to come across a family who had to wait the better part of a day to be transported to an overnight placement, like one family The Legal Aid Society met who arrived at PATH before noon on July 20th but was not given an overnight placement until about 4 a.m. on July 21st. The long lines we observed leading into PATH caused some families to be checked-in much later than they arrived, with some incorrectly being considered a post-10 p.m. arrival.

Further, the lack of Spanish speaking staff significantly delayed processing times at PATH and limited the ability of some clients to receive subsequent assistance via telephone, in violation of Local Law 30 of 2017 that requires interpretation and translation services in the city's most common languages. On July 22nd, The Legal Aid Society met a family who tried to reapply via telephone, a practice encouraged by DHS during the pandemic, but they were hung up on after they requested a Spanish-speaking interpreter. The lack of services via telephone in Spanish caused clients to unnecessarily return to PATH and contribute to the overcrowding.

The Coalition met a family on July 26th who not only had been overnighed multiple nights, in violation of local law, but they were also forced to share their overnight placement when another family keyed into their unit at 3 a.m. The other family slept in the living room and they remained in the bedroom.

We found that families typically had to wait a few hours late at night before a bus arrived to bring them to their overnight placements. This led to families sleeping for only a few hours before they had to return to PATH to continue the intake process. During a July 27th visit, the Coalition learned that the bus arrived twice very early that morning, around 1 a.m. and 4 a.m.

This infrequent bus service caused at least one family to pay their own way to their overnight placement so they could get much needed rest sooner rather than later.

By August 3rd, we began to observe improvements at PATH, including fewer and fewer families sleeping there. The new presence of contracted Spanish-speaking interpreters on multiple PATH floors certainly helps to make the intake process more efficient.

Despite these improvements, DHS is without an effective way to track a family's arrival time at PATH, which makes the data in the DHS Daily Report unreliable. DHS is also not consistently informing families that they do not have to return to PATH to reapply and can use the phone system instead. Likewise, DHS has not yet streamlined the intake process for migrant families, who do not have extensive housing histories in the United States for DHS to investigate.

As summarized here, our visits to PATH since July 21st demonstrate efforts undertaken by DHS to improve the intake process following the public airing of the City's violation of local law and the *Boston* stipulated judgment. However, a return to "normal" at PATH is not ideal. "Normal" at PATH requires families with children to wait long hours, if not a second day, to complete the intake process. The more people are unnecessarily forced to return to PATH, the greater the crowds and demands on a limited workforce. Prior to the current crisis, the Coalition and The Legal Aid Society met with DHS leadership and made several recommendations to improve the intake and application process, and we look forward to hearing from DHS about when they will take action to implement our recommendations and reduce the trauma families experience at the shelter system's door.

Intake Issues That Predate the Current Crisis: Lack of Accessible Capacity and Overall Low Eligibility Rates in the Shelter Systems for Families With Children and Adult Families

Lack of Accessible Capacity

While this hearing is focused on issues at PATH and the abysmal vacancy rate in the shelter system for families with children, the Council should be made aware that DHS is also struggling to maintain accessible capacity for clients with disabilities in all three DHS shelter systems. Following the City's decision last year to cease using the vast majority of the hotels that had been used as shelters for single adults, allowing them to socially distance during the pandemic, DHS lost a significant portion of its accessible capacity and is now struggling to fulfill reasonable accommodation requests for ADA-compliant bathrooms, air-conditioned sleeping rooms, in-unit refrigerators, and placements close to shelter residents' medical providers, which are often located in or near Manhattan. In general, the current shelter infrastructure and design is too often inaccessible for people with disabilities, including individuals with psychiatric disabilities who find the congregate nature of many single adult shelters challenging to manage and thus often end up on the streets or in the transit system.

Some of the hotels recently opened as part of the shelter system for families with children are very old and lack the infrastructure to support air conditioning. The lack of appropriate climate-controlled shelter capacity can exacerbate serious health conditions such as asthma, epilepsy, and allergies, and are particularly risky for people who have difficulty regulating their body temperatures, such as those taking psychotropic medications. An analysis of DHS shelter

residents in November 2019 determined that nearly 30 percent of those sleeping in DHS shelters had a disability or medical condition that required access to air conditioning, with nearly 50 percent of adult families requiring air conditioning. This summer, the Coalition has heard from many clients who find it particularly difficult to sleep in DHS shelters without air conditioning in sleeping areas, especially those clients assigned to congregate shelters. As the planet continues to warm, DHS must modernize and provide more accessible, barrier-free, climate-controlled shelters.

Low Family Eligibility Rates

The eligibility determination process requires homeless families seeking shelter to provide documentation of every place they have stayed over the past two years (for families with children), or over the past year (for adult families). This is particularly challenging for families who were sleeping doubled-up in the apartment of friends or family or unsheltered for some period after losing their home, and in fact, the vast majority of homeless families are denied shelter for bureaucratic reasons related to a lack of documentation that is simply unavailable or impossible for them to obtain. City workers investigate the prior addresses to assess whether the family could return to one of their past residences. Families are frequently denied shelter when intake workers incorrectly determine that the family has other options, or fail to accept that a previous host (the “primary tenant”) refuses to permit the return of a homeless family. Although the City does provide families with “conditional” shelter placements during the eligibility process, repeated ineligibility determinations exacerbate stress and instability for homeless families encountering these obstacles.

Many homeless families are caught in a grueling cycle of applying and reapplying for shelter when they are incorrectly found ineligible. The monthly average shelter eligibility rate (the percentage of applicants found eligible) has plunged in recent years, dropping to a record low 23 percent for families with children in the first half of Fiscal Year 2022. Similarly, only about a quarter of adult families applying for shelter each month are found eligible.

In June 2022, 4 percent of homeless families with children and nearly 22 percent of homeless adult families found eligible for temporary housing had to submit six or more applications before they were finally deemed eligible – proof that they were incorrectly found ineligible on multiple prior applications.

While the City has implemented some helpful changes during the pandemic, such as exempting minor children from having to accompany their parents to the PATH intake center and allowing families whose applications are denied to reapply without being forced to leave their temporary shelter placements, further reforms are needed to end the inhumane and persistent practice of “churning” eligible applicants.

Recommendations

- **Ensure Proper Capacity Planning.** Part of the City’s legal obligation entails planning for additional capacity so that shelter placements remain immediately available to homeless individuals and families, which also allows DHS to more quickly respond to the needs of individuals and families who require transfers within the system due to safety

issues or poor shelter conditions. This planning includes having sufficient capacity for all shelters – **DHS leadership agrees that the vacancy rate for each shelter system should never fall below 5 percent.** When nearing this figure, the City must use all resources available to create and open up additional capacity. All municipal shelters should provide safe, clean, accessible, appropriate, and dignified accommodations. Part of the reason why some individuals are unsheltered despite NYC’s right to shelter is because they have been in the DHS shelter system and found that it did not meet their needs. The City must redesign shelters to provide what people want, need, and deserve – private, accessible, and low-barrier single occupancy rooms – until those individuals are able to move into permanent housing.

- **Significantly Increase Investments in Affordable Housing.** The City must radically increase its investment in deeply subsidized, affordable housing to create at least 6,000 new apartments per year for homeless households and an additional 6,000 new apartments per year for households with extremely low incomes. For context, throughout the eight years of the de Blasio administration, the City financed only about 2,100 units per year on average for homeless households and just 4,100 units per year for extremely low-income households, consisting primarily of preservation units rather than newly constructed units. The prior administration’s refusal to align their housing plan with the reality of mass homelessness meant that near-record numbers of New Yorkers languished in shelters and on the streets at the same time Mayor de Blasio touted the record production of allegedly affordable housing. The City must learn from the mistakes of the prior administration by significantly ramping up the production of housing for homeless and extremely low-income New Yorkers so that shelters exist as short-term housing options only and individuals and families can readily move into permanent housing.
- **Help People Move Out of Shelters.** For the shelter census to decrease, we must also be mindful that people need to exit shelters more quickly than people enter them. In order to have timely shelter exits, the City needs to not only invest in permanent, affordable housing, but also ensure that there is sufficient staff capacity to process housing packages and fight against source of income (SOI) discrimination. If all three of these factors are not concurrent, then the system will inevitably continue to lag as it already does.
- **Expansion of Subsidies.** As noted in The Legal Aid Society’s testimony to the Council’s Committee on Housing and Buildings from July 1, 2022, the City should implement the following action items to expand access to housing subsidies:
 - **Streamline the CityFHEPS review process.** This may include changes like:
 - requiring DHS reviewers to review an entire package for mistakes before sending it back to the shelter provider for corrections;
 - making it easy for shelter providers to communicate by telephone and email with DHS reviewers to discuss resolving issues with a package;
 - reducing the number of rounds of review for each package so that DHS must only review a package once;
 - reducing the amount of paperwork required;
 - correcting and approving packages with minor clerical errors, like an address that says “street” instead of “place”; and

- providing automatic email notifications with package updates.
 - **Set clear benchmarks for approving CityFHEPS packages.** DHS should set clear goals for move-out times for each application, and ensure that it meets those goals in facilitating moves.
 - **Re-train shelter staff.** DHS should track how long contracted shelter providers take to facilitate move-outs. Shelter providers that are the source of repeated delays must be intensively retrained.
 - **Approve apartments that pass inspections.** If an apartment passes a CityFHEPS inspection, the tenant should presumptively be permitted to move in, regardless of whether DHS has approved all the paperwork. Unless an apartment has not passed an inspection within 45 or 60 days, a tenants' package should be automatically approved and HRA should prepare checks to the landlord.
 - **Reevaluate the three-month shelter requirement.** While a prudent needs assessment is appropriate, 90 days is far too long for residents to have to remain in shelters before they can be eligible to receive a voucher and this benchmark does not appear to serve any purpose.
 - **Extend CityFHEPS vouchers** to those who do not receive public assistance.
 - **Waive the work requirements** for people who receive public assistance.
 - **Provide vouchers to those without eligible immigration status** by either deeming them eligible for CityFHEPS or accessing alternative funding sources.
 - **Eliminate the utility deduction** to allow tenants to rent apartments at FMR.
 - **Eliminate the rent reasonableness requirement** to ensure tenants are not unfairly prevented from renting apartments at or below FMR.
- **Help Pass “Good Cause” Eviction Legislation.** The City should place additional focus on working with the State to pass “good cause” eviction legislation while simultaneously investing in housing. Protecting unregulated tenancies from record-breaking rent hikes and unwarranted evictions is crucial to preventing more New Yorkers from becoming homeless as evictions continue to rise in the wake of the end of the statewide eviction moratorium earlier this year. Good cause eviction legislation is sensible, and fair to landlords who can still seek an eviction when a tenant has not paid rent or is causing a nuisance, or when a landlord wants to reside in the unit.
 - **Support New Arrivals to NYC.** To support new arrivals to NYC, the City must connect people to resources including food, economic support, interpretation and translation services, and legal counsel. In tandem with providing supports to new arrivals, the City should work with the Department of Education to make sure that newly arrived school-age children are timely enrolled for the 2022-23 school year and connected to the resources they need to learn.

Conclusion

We thank the General Welfare Committee for the opportunity to testify on this vital 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.