



Testimony of  
**Coalition for the Homeless**  
and  
**The Legal Aid Society**  
on

Reinvestment in Communities Impacted by Jail Closures on Rikers Island and Intro 1190

Presented before

The New York City Council's Committee on General Welfare jointly with  
the Committee on Criminal Justice

Giselle Routhier  
Policy Director  
Coalition for the Homeless

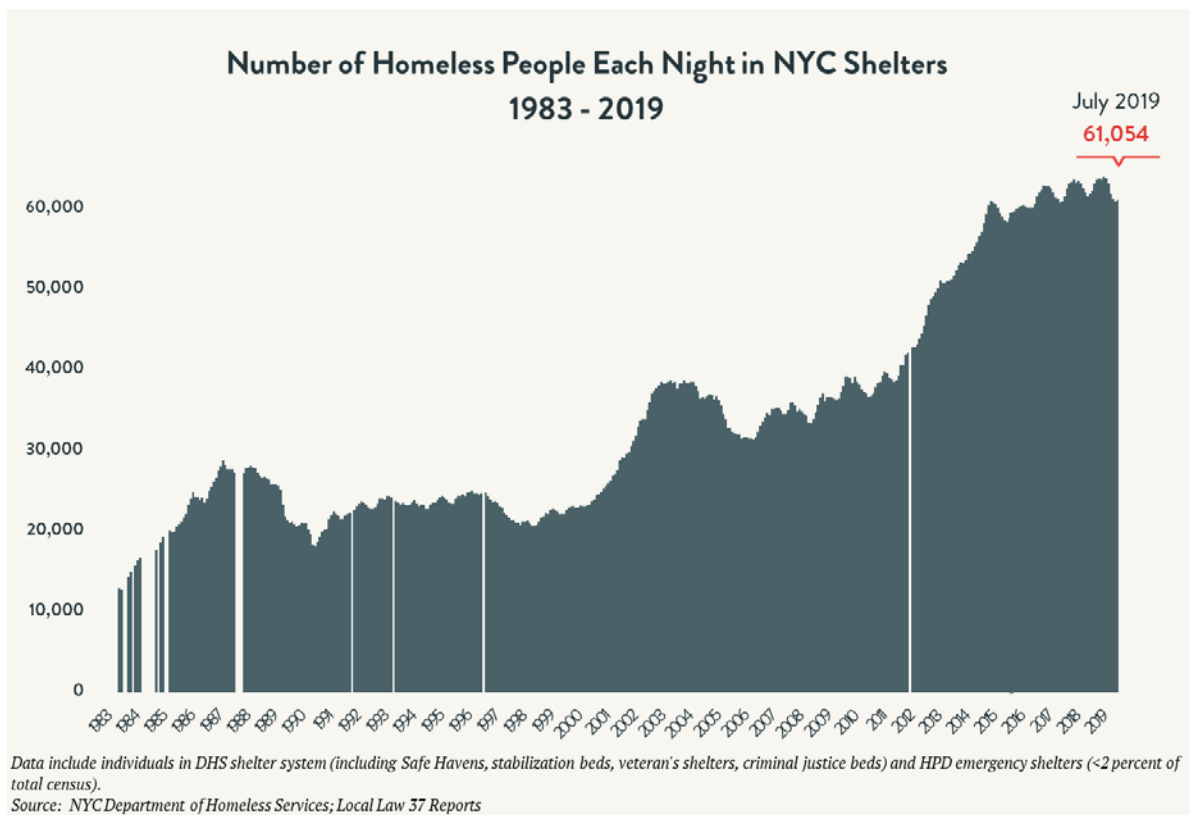
Josh Goldfein  
Staff Attorney  
The Legal Aid Society

October 2, 2019

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council’s Committees on General Welfare and Criminal Justice regarding investment in communities after closing jails on Rikers Island, and on Intro 1190 regarding drug treatment in shelters. We thank Chairs Levin and Powers for their ongoing dedication to advancing permanent housing as the solution to homelessness.

**Record Homelessness in New York City**

New York City remains in the midst of the worst homelessness crisis since the Great Depression, with more than 61,000 adults and children sleeping in shelters each night. Unfortunately, many individuals who are homeless have firsthand experiences with the criminal justice system. Eight percent of all households entering shelters cite “release from jail/prison” or “criminal situation at prior residence” as their precipitating reason for homelessness. An additional 14 percent of all adults and family households cite domestic violence as their precipitating reason for homelessness, which often also entails interactions with the criminal justice system.<sup>1</sup> Countless other homeless New Yorkers have at some point been entangled in the criminal justice system, often related to the systemic criminalization of poverty. New Yorkers who sleep on the streets and in the subways may experience arrests and time spent at Rikers Island for low-level offenses, and the recent City and State promises to more aggressively police quality-of-life issues in the subway system are likely to perpetuate this cycle. Our neighbors who are most directly impacted by mass incarceration are the same people who are at the highest risk of homelessness: low-income people of color. The issues of criminal justice and homelessness are therefore inextricably linked, and any efforts to reform the City’s system of jails must also acknowledge the broader needs of New Yorkers who have been overlooked for too long.



<sup>1</sup> Source: NYC Department of Homeless Services: Reasons for adult and family homelessness FY 2017, via FOIL.

### **Need for Permanent Housing**

Urgent action is needed to expand the supply of permanent housing necessary to break the cycle of homelessness and criminal justice involvement. Since January 2018, the House Our Future NY Campaign has urged Mayor de Blasio to align his *Housing New York 2.0* plan with the reality of record homelessness by building 24,000 new apartments and preserving the affordability of 6,000 more for homeless New Yorkers by 2026. So far, 67 organizations have endorsed the House Our Future NY Campaign, as well as 34 Council Members, the Public Advocate, the Comptroller, and the Borough Presidents from the Bronx, Brooklyn, Manhattan, and Queens. We appreciate the Council's steadfast support in this campaign as we continue to encourage Mayor de Blasio to take action to create this desperately needed housing. Furthermore, we encourage the City to accelerate the timeline for the creation of 15,000 supportive housing apartments by scheduling their completion by 2025 rather than 2030. The foundation of a permanent home can reduce the risk of recidivism and ensure that people who have been cycling between homelessness and incarceration have the stability and supports they need to thrive.

### **Intro 1190**

Intro 1190 would require drug treatment services to be provided on site at all shelters across the Department of Homeless Services (DHS) and HIV/AIDS Services Administration (HASA) systems. We believe in the importance of increasing access to drug treatment services, emphasizing a harm reduction approach that includes counseling and medication-assisted treatment, and we encourage the City to identify ways to expand access to care across the city. However, regarding the specific requirements of Intro 1190, it is important to note that not all shelters are capable of providing on-site care because they lack licenses authorizing them to provide treatment. In order to provide the best possible care for homeless individuals who are struggling with substance use issues, existing regulatory structures that ensure the safety of patients must be followed. While the number of drug-related fatalities among homeless individuals climbed from 35 in 2010 to 99 in 2018,<sup>2</sup> this increase mirrors a rise in drug-related deaths across New York state and the country during the same time period. As such, we are sensitive to the stereotypes of homeless individuals regarding substance misuse and do not wish to further such erroneous stereotypes by necessarily equating shelters with drug treatment programs. We recommend the City devise a comprehensive plan to increase access to drug treatment and harm reduction programs for New Yorkers regardless of housing status throughout the city, which may include increasing programming at some shelters where appropriate, instead of requiring such programming at all shelters.

### **Conclusion**

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to address the needs of all homeless New Yorkers.

---

<sup>2</sup> New York City Department of Health and Mental Hygiene, Bureau of Vital Statistics, and New York City Department of Homeless Services. *Thirteenth Annual Report on Homeless Deaths (July 1, 2017 – June 30, 2018)*.

---

## 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.

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. Our goal in litigation is to ensure that the City creates and maintains enough youth-specific beds to meet the needs of *all* youth seeking shelter. 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 distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. 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.

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.