



Testimony of
Coalition for the Homeless
and
The Legal Aid Society

on

Intro No. 1153
presented before

New York City Council Committees on General Welfare; Housing and Buildings;
Mental Health, Disabilities and Addiction; and Veterans

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Id.

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, Housing and Buildings, Mental Health, Disabilities and Addiction, and Veterans. 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 provide insight about the City's removals of unhoused individuals.

Encampment Sweeps

For more than 40 years, the right to shelter has served as the bedrock of New York City's response to mass homelessness, keeping our city from witnessing the emergence of the vast tent encampments seen in so many other major American cities. However, for several years there have been reported increases in street homelessness in New York City, despite the difficulty of ascertaining accurate estimates of this population.¹ The Adams administration seized this opportunity to increase the removal of encampments and unsheltered individuals from public spaces, sometimes involuntarily detaining people for mental health evaluation.

Sweeps negatively impact those who are unhoused and only serve to disperse and traumatize them without providing the critical resources they need to transition into a more stable housing situation. Earlier this year, the Comptroller's Office confirmed that sweeps do not result in unhoused individuals achieving stability (in shelter or housing). The report notes that, of the 2,308 people forcibly removed in NYC during an 8-month period, only 47 remained in shelter months later and only 3 secured permanent housing.² In addition, people resumed sleeping at 31% of the 99 cleared encampment sites surveyed.³ If less than 1% of those subject to sweeps achieved a positive housing outcome and nearly a third of the encampments swept reappeared, it is apparent that the sweeps policy is grossly ineffective at addressing street homelessness.

Beyond ineffectiveness as a policy matter, such removals negatively impact the health and well-being of impacted individuals. On numerous occasions, sweeps involve the confiscation or destruction of medications, tents and other personal effects that are critical to health and protection from the elements. Even when conducted in a manner that does not violate constitutional protections, such deprivation of property without the means to easily replace or safely store such items subjects unhoused people to greater risk of harm and increased need to utilize emergency rooms for care. Further, as set forth in a study⁴ published earlier this year examining the impact of sweeps in New York and other cities, sweeps will "result in a significant increase in morbidity, mortality and a shortened life expectancy. . . contributing to 15-25% of

¹ Josephine Stratman, *Street Homelessness in NYC Jumps 17% Despite Eric Adams' Efforts to Get People Off The Streets*, N.Y. DAILY NEWS, July 5, 2023, <https://www.nydailynews.com/2023/07/05/street-homelessness-in-nyc-jumps-17-despite-eric-adams-efforts-to-get-people-off-the-streets/?clearUserState=true>.

² CITY OF N.Y. OFFICE OF THE COMPTROLLER, AUDIT OF THE DEPARTMENT OF HOMELESS SERVICES' ROLE IN THE "CLEANUPS" OF HOMELESS ENCAMPMENTS – ME23-059A (2023).

³ Id.

⁴ Joshua A. Barocas, MD et. al., *Population-Level Health Effects of Involuntary Displacement of People Experiencing Unsheltered Homelessness Who Inject Drugs in US Cities*, in 329(17) JAMA 1478–1486 (2023).

deaths among the unsheltered population over 10 years.”⁵ Clearly, the Adams administration is wrong to suggest this policy is a “humane” and “compassionate”⁶ way to address street homelessness.

In addition, when such sweeps are conducted by law enforcement, the result is simply the criminalization of homelessness, compounded trauma and increased distrust in the institutions tasked with protecting New Yorkers. Just this week, unsheltered individuals in the East Village reported being assaulted and arrested by NYPD in connection with sweeps, some of which allegedly occurred without prior notice.⁷

Accordingly, encampment sweeps and involuntary detention should cease and be replaced with policies that accord people the dignity to which they are entitled and the housing that they need. These include:

- Connecting individuals to more low-barrier shelters and permanent housing, resources that unhoused people want and will use;
- Opening at least 3,000 new Safe Haven and stabilization beds in single-occupancy rooms and offer them to all unsheltered homeless individuals, with a focus on expanding the number of these facilities for women and transgender or gender-non-conforming individuals;
- Creating more affordable permanent housing and more supportive housing;
- Increasing drop-in center capacity citywide;
- Reopening all inpatient psychiatric unit beds that had been diverted to COVID-19 care, and assuring that all admissions, whether for observation or inpatient care, include full care management and discharge planning services. Expand access to low-barrier physical and mental health care, including virtual care and street medicine;
- Improving shelter conditions, including density, to make shelters a more desirable alternative to sleeping rough on the streets and in other public places; and
- Prohibiting NYPD from responding to 311 calls requesting assistance for homeless individuals and removing NYPD from all homeless outreach functions. Calls to 311 should only result in the deployment of properly trained DHS contracted outreach workers.

Intro 1153

This local law is necessary for oversight of an activity that we believe is patently inhumane and the wrong approach to addressing mass homelessness. To the extent such efforts occur, it is critical that we understand the manner in which they are conducted, the impact on the people we

⁵ NAT'L HEALTH CARE FOR THE HOMELESS COUNCIL, *Study Shows Involuntary Displacement of People Experiencing Homelessness May Cause Significant Spikes in Mortality, Overdoses and Hospitalizations*, (Apr. 10, 2023), <https://nhhc.org/media/press-releases/study-shows-involuntary-displacement-of-people-experiencing-homelessness-may-cause-significant-spikes-in-mortality-overdoses-and-hospitalizations/#:~:text=Today%20the%20Journal%20of%20the%20American%20Medical%20Association,opioid%20use%20disorder%20%28along%20with%20other%20detrimental%20impacts%29.>

⁶ Transcript: Mayor Eric Adams Makes a Social Services Related Announcement (Mar. 30, 2022), available at <https://www.nyc.gov/office-of-the-mayor/news/169-22/transcript-mayor-eric-adams-makes-social-services-related-announcement>.

⁷ Dean Moses, *'Please Leave Us Alone': East Village Homeless Say Surprise Encampment Sweeps Are Becoming More Violent*, AMNY The Villager, Dec. 5, 2023, <https://www.amny.com/news/east-village-homeless-encampment-sweeps-violent/>.

serve, and the cost allocated to such efforts. Accordingly, we support this measure and would encourage the Council to consider expanding the effort in the following key ways:

- **Revise Definition of “Removal”**: Reports should not be limited to documenting personal property that provides shelter or a means to rest. Unhoused individuals often possess documents, medications and other personal effects that should be considered part of the personal property identified by the term “removal.” As currently drafted, the enumerated list could be construed as a limitation on the types of personal property triggering this reporting requirement.
- **Include Non-Personally Identifiable Demographic Information**: Critical to oversight of the sweeps being conducted is understanding who is involved and the resources being offered to them. As such, the data on individuals affected by each sweep should be disaggregated by race, gender identity, age, sexual identity and disability status. To alleviate any possibility of personally identifying individuals, this disaggregation could be required only in instances where more than one individual is involved in the removal.
- **Include Information Regarding Storage**: Current law and DHS procedure provide that the City will offer up to 90 days storage of certain personal property that individuals are unable to take with them in connection with a removal.⁸ However, the proposed bill does not require reporting of whether individuals utilized temporary storage following a sweep, the various costs related to such or whether the individuals involved were offered information about applying for storage grants provided by the Human Resources Administration for any storage needs beyond this initial 90 day period.⁹ These items should be included in the report.

With these additions, the data provided by this bill will allow us to once again demonstrate the ineffectiveness of sweeps. In addition, it will highlight that the financial and human cost of removals far outweigh the costs of investing in other solutions such as those outlined above.

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.

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

⁸ DHS Encampments & Cleanups Procedure, DHS-PB-2022-009 (Aug. 12, 2022).

⁹ HRA Payments to Applicants/Participants for Storage of Furniture and Personal Belongings (Storage Fees), Policy Directive #23-03-OPE (Mar. 2, 2023).

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. 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 Wi-Fi 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 mass 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 unhoused 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 Wi-Fi 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.