



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

before the Committees on Contracts and Economic Development  
of the New York City Council

on

Oversight - Food Quality in New York City Shelters

submitted by

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The Coalition for the Homeless (“Coalition”) and The Legal Aid Society (“Legal Aid”) welcome this opportunity to testify before the New York City Council’s Committees on Contracts and Economic Development. We are 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 New York City. Accordingly, we are uniquely situated to provide insight about the issues discussed below.

### Food Quality in Shelters

One of the most frequent complaints made to the Coalition by shelter residents concerns the poor quality of food served in shelters. Residents consistently report receiving meals that do not meet their dietary needs, are frozen or overcooked, nutritionally inadequate, unappetizing, and that sometimes cause illness. Individuals with disabilities and health conditions who require special diets have difficulty getting their needs accommodated, even after being granted a reasonable accommodation under the Americans with Disabilities Act and obligations established under *Butler v. City of New York*.<sup>1</sup> Clients who need special diets due to their religious beliefs also frequently cannot access meals that comply with those diets.

New Yorkers residing in shelters deserve access to healthy, appealing food that is nourishing and meets dietary and religious requirements. When shelter meals go uneaten due to poor quality or inappropriate options, it not only wastes resources but impacts the health of residents who often have no other food option. Proper nutrition is fundamental to health and well-being, all critical factors in people being able to transition out of shelter.

Addressing these food quality issues through concrete policy changes would positively impact the daily lives of 124,000 individuals – including 43,000 children – currently living in shelters. These challenges are solvable through increased oversight and accountability and reforms to procurement and food policies.

### Reports of Food Quality Issues from Monitors and Clients

Reports from the Coalition’s shelter monitoring team and current shelter residents demonstrate persistent problems with food quality, nutritional adequacy and information, and dietary accommodation. The consistency between monitor observations and resident experiences underscores the severity and widespread nature of these issues.

#### *Food Service and Quality Control*

Most shelters rely on external catering services that deliver food to be reheated on-site. Residents report that meals often sit unrefrigerated on tables for hours before and during mealtimes.

"I've experienced serious health issues due to how they handle the food here," **reports shelter resident Rich G.** "I've witnessed staff leaving frozen meals out in the hallways for hours, where they aren't kept cold enough, which could lead to foodborne illness. The

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<sup>1</sup> *Butler v. City of New York* 15-CV-3783.

preparation issues are concerning, and we really need healthier options. Some staff members just seem careless about proper food handling."

In some shelters, every meal is heated in microwaves in the black plastic containers in which it arrives, despite research showing that chemicals leach from microwaved plastics<sup>2</sup> even when they are labeled as being "food safe."<sup>3</sup> Yet, staff have reported receiving no standardized reheating instructions and sites do not always have equipment other than microwaves to heat or prepare food.

Accurate food labeling presents another significant problem, as meals often do not match posted menus or signs, leaving residents unable to identify what they are consuming. Meals served frequently differ from posted menus, though just as often there are no posted menus or menus are from weeks or months earlier. This presents further challenges to those who have dietary restrictions, as they cannot reliably know whether the listed contents are accurate. This is evident in the photo below, taken by a shelter resident, where the label claims that the contents are vegetarian paella with mixed vegetables, but the contents appear to be plain rice with a fried object and carrots on the side.



<sup>2</sup> Díaz-Galiano, Francisco José, et al. "Cooking Food in Microwavable Plastic Containers: In Situ Formation of a New Chemical Substance and Increased Migration of Polypropylene Polymers." *Food Chemistry*, vol. 417, no. 135852, 2023, p. 135852, doi:10.1016/j.foodchem.2023.135852.

<sup>3</sup> Hussain, Kazi Albab, et al. "Assessing the Release of Microplastics and Nanoplastics from Plastic Containers and Reusable Food Pouches: Implications for Human Health." *Environmental Science & Technology*, vol. 57, no. 26, 2023, pp. 9782–9792, doi:10.1021/acs.est.3c01942.

Another example can be seen below from a picture sent by a shelter resident of part of their breakfast where the label claims that the contents are a hardboiled egg, while the photo shows a pancake-like object.



Both of these photos also illustrate the poor quality and unappetizing nature of the food.

### *Dietary Accommodations*

To access a diet that accommodates a person's disability (including diets that are medically necessary and allergen-free), a person in shelter must file a "reasonable accommodation" request, a process in which NYC DHS requires documentation, usually from a medical professional.<sup>4</sup> Even when clients successfully go through this process and get a formal approval for a special diet, they constantly struggle to receive meals consistent with that approval. Shelter staff frequently do not order the right kinds of meals from the vendor or the vendor struggles to provide food consistent with a client's dietary needs. Our staff often spend weeks and months trying to ensure clients' dietary needs are actually met once they have an approval from the Department of Homeless Services. Many clients resort to buying their own food to ensure they can safely eat it, but then they run out of funds and end up going hungry.

"I haven't been able to get the appropriate food to control my cholesterol," **reports resident Kassi**. "After two heart attacks, my doctor ordered me to follow a plant-based diet. I have an approved reasonable accommodation, but I still can't get the food I need. The only milk they serve to go with cereal in the morning isn't plant-based. The menu says they're going to serve oatmeal, which would be good for me, but we never get oatmeal. My health has gotten worse while living in shelter. The shelters never serve

<sup>4</sup> New York City Department of Homeless Services. "DHS-PB-2019-023 Food and Nutrition Policies for Providing Safe and Nutritious Meals in the DHS Shelter System." Issued 13 Nov 2019.

salad or fresh vegetables. My doctors are concerned about my uncontrolled cholesterol, but I can't do anything about it because they won't give me plant-based meals even though they're supposed to."

When available, alternative meals often lack proper nutritional equivalency. For example, vegan options frequently consist of side dishes without protein substitutes, as shown in the photo below where the vegan dinner is only plain white rice and mixed vegetables.



Additionally, people who need special diets consistent with their religious beliefs must make the request when they arrive at the site and provide supportive documentation from a religious official.<sup>5</sup> Despite these processes, many people who have been granted reasonable accommodations or religious diet requests report that they do not receive the appropriate meals.

### *Facility Conditions and Rules*

Visits from Coalition's monitoring team often reveal concerning environmental conditions, including excessive kitchen temperatures affecting staff working conditions and evidence of rodents in dining areas. One resident reports that staff don't wear appropriate food handling

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<sup>5</sup> New York City Department of Homeless Services. "DHS-PB-2019-023 Food and Nutrition Policies for Providing Safe and Nutritious Meals in the DHS Shelter System." Issued 13 Nov 2019.

equipment when preparing foods, despite Department of Homeless Services (“DHS”) policy that requires hair restraints and gloves to be worn.<sup>6</sup>

"There's no one we can talk to about the poor food quality in the shelters," reports a **shelter resident**, who prefers to remain anonymous. "The staff don't even wear proper equipment when handling food. There's absolutely no accountability or communication channels when we try to raise concerns about these issues."

While some shelters allow limited food to be brought into shelters from the outside and provide vending machines, many prohibit outside food. Thus, even if residents can afford to purchase their own food, they are often not able to bring it into shelter, let alone have the ability to prepare their own food within the shelter. However, for many residents, purchasing their own food is not within reach given the low public benefit grant amounts.

### *Policy Issues Affecting Food Quality in NYC Shelters*

Under current DHS regulations, shelter providers must select meals from pre-approved vendors and are required to select the lowest bidder unless they can provide sufficient justification for choosing a higher-cost option. Even if feedback consistently shows poor ratings across all approved vendors, shelter providers have little ability to contract with alternative food service providers that might better meet residents' needs. While DHS regulations require shelter providers to perform a “Client Food Service Satisfaction” survey twice a year, it appears that there are few options available to address issues identified in surveys because of DHS’s contracting requirements.<sup>7</sup>

A deeper examination of DHS contract requirements is crucial to understanding the role these policies play in food quality. While providers can theoretically select a bidder that is not the lowest if they have sufficient justification, that selection must be approved by DHS. An analysis of how often DHS approves these requests would reveal whether providers are realistically able to use subcontractors that provide higher quality food, and food that satisfies various religious and other dietary accommodations. This examination of DHS policies should include whether shelter providers are allowed to allocate sufficient money in their budgets to offer high quality food, especially given high inflation in food prices in recent years.<sup>8</sup>

Both shelter providers and vendors operate under numerous regulatory constraints that affect food quality and service. A prime example is the New York City Food Standards, which govern meals and snacks served by all city contractors, requiring that any contractor serving three meals per day limit total caloric content of those meals to 1,800 to 2,200 calories. That amount is less than the recommended daily calories for some categories of people, such as those who are physically active and growing adolescents. These prescriptive standards, while well-intentioned,

<sup>6</sup> New York City Department of Homeless Services. “DHS-PB-2019-023 Food and Nutrition Policies for Providing Safe and Nutritious Meals in the DHS Shelter System.” Issued 13 Nov 2019.

<sup>7</sup> New York City Department of Homeless Services. “DHS-PB-2019-023 Food and Nutrition Policies for Providing Safe and Nutritious Meals in the DHS Shelter System.” Issued 13 Nov 2019.

<sup>8</sup> “Food Inflation in the United States (1968-2020).” US Inflation Calculator, 2024, [www.usinflationcalculator.com/inflation/food-inflation-in-the-united-states/](http://www.usinflationcalculator.com/inflation/food-inflation-in-the-united-states/).

limit the number of vendors that can meet those standards. The standards may also be the source of issues of caloric insufficiency and palatability raised by shelter residents.

### Intro. 905-2024

We support the intention of Intro. 905-2024 as an important first step toward understanding and addressing the needs of shelter residents regarding food quality and service. The proposed quarterly feedback surveys could provide valuable insights into the experiences of those receiving meals through City-funded food service contracts.

While the legislation requires vendors to provide survey results to contracting agencies, shelter providers would not have access to these results. This disconnect between data collection and the entities making contracting decisions limits the practical utility of the surveys for improving food service.

To meaningfully improve food quality in shelters, we must examine and address the structural policies that currently limit both shelter providers' choice of vendors and vendors' ability to provide high-quality, culturally appropriate meals, beyond what feedback surveys alone can accomplish.

### Recommendations to Improve Food Quality in DHS Shelters

To address the systemic issues affecting food quality in shelters, we recommend the following measures:

#### *Accountability and Oversight*

DHS must provide more oversight and accountability to ensure that providers are fulfilling food-related reasonable accommodations for special diets and requests for religious diets as soon as the accommodations are approved. DHS must also ensure providers inform residents of their rights to receive meals when they are not able to be on site during meal service, and ensure proper storage and food handling. There must also be clear responsibility and accountability for receiving and responding to quality concerns raised by residents in real time.

#### *Vendor and Contract Reform*

The DHS subcontractor approval process requires significant revision to better serve shelter residents' needs. The process should consider factors beyond lowest bid when evaluating food service vendors, while creating a streamlined approval pathway for selecting higher-quality vendors. DHS should establish transparent criteria for justifying the selection of non-lowest bidders, supported by regular analysis of how frequently providers request and receive approval to select non-lowest bidders. Additionally, DHS should work to develop a more diverse pool of pre-approved vendors capable of meeting various dietary and cultural needs.

#### *Policy Review*

The New York City Food Standards need reassessment to better serve people living in shelter. These standards should ensure caloric requirements align with the needs of diverse shelter

residents while allowing appropriate flexibility to maintain nutritional quality. This review must consider the practical implications of standards on vendor availability and food palatability. The standards must also be reviewed to ensure that special diets provided to people with reasonable accommodation requests are nutritionally adequate and that nutritional information is consistently provided such that residents know what they are eating and whether it complies with their dietary needs.

We look forward to working more with the Council to address the pervasive and persistent food quality issues in shelters.

### About The Legal Aid Society and Coalition for the Homeless

**The Legal Aid Society:** Legal Aid, 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.

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

Legal Aid'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 Legal Aid's Pro Bono program. With its annual caseload of nearly 200,000 legal matters, Legal Aid 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.

Legal Aid'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 nearly 200,000 individual cases and legal matters, Legal Aid's law reform representation for clients benefits more than 1.5 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.

Legal Aid is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. Legal Aid is counsel to the Coalition and for homeless women and men in the *Callahan* and *Eldredge* cases. Legal Aid is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid, 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 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, Legal Aid along with Coalition 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, 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 distributed nearly 400,000 hot, nutritious meals to homeless and hungry people on the streets of the city this past year – up from our usual 320,000. 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 independent monitor of municipal shelters for homeless single adults, and the City has also authorized the Coalition to

monitor the municipal shelter system 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 Legal Aid 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 worked with Legal Aid 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.