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*****FOR IMMEDIATE RELEASE*****

***Legal Aid and Coalition for the Homeless Call on City Hall
and State to Ensure All Homeless New Yorkers Have Access to
Shelter by Providing Hotel Placements During COVID-19
Outbreak***

Shelter on 58th Street Could Be Available Immediately

(NEW YORK, NY) – The Legal Aid Society and Coalition for the Homeless, in a recently issued [demand letter](#), called on Mayor Bill de Blasio and his Administration to ensure that homeless New Yorkers have access to shelter by providing hotel placements during the COVID-19 outbreak. This would guarantee compliance with *Callahan v. Carey* – landmark litigation which eventually led to further legal victories enshrining the right to shelter for homeless men, women, children, and families in New York City. Coalition for the Homeless is a plaintiff in the *Callahan* litigation and the court-appointed shelter monitor.

Currently, the City is denying access to shelter to COVID-19-positive or likely positive homeless single adults who have not had recent prior contact with the Department of Homeless Services (DHS), and failing to comply with the City's Department of Health and Mental Hygiene guidance in regard to basic health and safety. In the meantime, hospitals have had to use increasingly scarce beds to admit homeless patients with mild possible COVID-19 symptoms or discharge them with no realistic expectation that they will be able to successfully socially distance themselves.

As of March 27th, DHS has reported a total of 70 confirmed positive cases of COVID-19 among the New Yorkers experiencing sheltered homelessness whom we serve. These cases have occurred across 45 shelter locations. Failure to ensure that homeless New Yorkers have access to isolation space will prevent them from recovering and also jeopardize the overall effort to reduce infections and contain the outbreak.

The City has an empty shelter with smaller rooms that could be used for isolation space on West 58th Street, but the State has to date failed to issue an operating certificate for this site. The Legal Aid Society and Coalition for the Homeless call for the State to immediately approve this site so that our clients can have access to safe space for recommended social distancing.

The letter states:

It is impossible for the City to meet its obligations without offering an alternative to congregate shelter. The Callahan decree was drafted and agreed to precisely to prevent the kinds of harm that our clients are currently facing as the virus spreads throughout the City and the shelter system, and your disregard of those protections not only violates the decree but also places every shelter resident and staff worker – and any New Yorker who came or will come into contact with them – at grave risk of becoming ill or further spreading the virus.

While we are aware of the extraordinary efforts you are making to respond to the crisis faced by all New Yorkers during the COVID-19 pandemic, your current plan is not consistent with the City's own assessment of best medical practices or the requirements of the Callahan decree, and it is endangering Callahan class members and unnecessarily consuming hospital resources urgently needed for other patients, while also placing these other patients and hospital staff at risk. The current practices also violate the City's obligations under disability law.

“The right to shelter includes the right to be safe in shelter. The City's current practices put homeless people at risk whether they are in the shelters or in the streets. If we fail to prevent the spread of COVID-19 among our homeless neighbors, we will prolong the epidemic for all New Yorkers. The State should also make every possible resource available. There is no legal impediment to opening the 58th Street shelter, which has single rooms and could be used as isolation space; the only obstacle to opening it is the Governor's pen,” said **Judith Goldiner, Attorney-in-Charge of the Civil Law Reform Unit at The Legal Aid Society.**

"Homeless people cannot safely distance themselves from others in crowded dorms and cafeterias in congregate shelters. They are already dying, and most homeless single adults have comorbidities that place them at high risk. For their own welfare and for the sake of those they interact with, there is an urgent need to place them in empty hotels and apartments to recover from mild illness, to isolate them after discharge from the ER or inpatient care, and to achieve the safety of social distance. Access to safe indoor shelter is desperately needed for all homeless New Yorkers -- those newly homeless, as well as those staying on the streets or in shelters -- regardless of whether or when they last received services from the Department of Homeless

Services. The State and City can save thousands of lives during the COVID-19 crisis by acting today, starting with the immediate approval by the State and opening by the City of the shelter ready to operate on 58th Street," said **Shelly Nortz, Deputy Executive Director for Policy with the Coalition for the Homeless.**

Homeless individuals in contact with advocates have reported (additional reports are listed in the letter):

- Living with dorm-mates in shelters who have tested positive for COVID-19 but remain in shelter dormitories, or in cordoned-off areas of congregate shelters.
- Being advised to return to a congregate dormitory or to practice social distancing on the street following testing for COVID-19 in an ER and learning of their positive test result days later.
- Being sent with positive symptoms not including fever to their assigned congregate shelter from an emergency department with a note to the shelter provider advising the need for isolation.
- Four LGBTQ COVID-19+ patients in one emergency department waiting over the weekend for eligibility determinations for DHS isolation placements based on prior DHS history.

Physicians have reported to advocates (additional reports are listed in the letter):

- A patient who is COVID-19+ and had been living with five other people in a studio, unable to quarantine at home, but ineligible for a DHS isolation bed because, although now temporarily homeless, they have not previously been served by DHS in the past 12 months.
- On one day alone, five homeless patients waiting in one emergency department, all with mild COVID-19 symptoms, denied isolation placements due to not having received DHS services in the past 12 months.
- Emergency departments advising people who are doubled-up, and unable to access isolation beds because they have been found not to have been served by DHS in the past 12 months, to figure out self-quarantine arrangements on their own.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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