



JENNER & BLOCK LLP

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

***Legal Aid and Jenner File Emergency Motion to Ensure Due Process  
Before Disabled Homeless New Yorkers Are Transferred to  
Congregate Shelters; Hearing Scheduled for Thursday at 3:00 pm***

(NEW YORK, NY) – The Legal Aid Society and Jenner & Block LLP, on behalf of the Coalition for the Homeless, Center for Independence of the Disabled, and homeless New Yorkers, in coordination with the Safety Net Project at the Urban Justice Center, have filed a new [emergency motion](#) to ask that the previously issued preliminary injunction be amended to halt all future moves of disabled homeless New Yorkers from their existing hotel placements until the City of New York and the Department of Homeless Services present a credible staffing and training plan as well as a detailed schedule ensuring any future moves will be conducted in compliance with the original injunction.

A hearing on the motion will be held on Thursday, August 5 at 3:00 P.M in the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. The Court further provided that “interested members of the public may attend by dialing 1-888-363-4749, using the access code 3121171 and the security code 3783. All of those accessing the hearing are reminded that recording or rebroadcasting of the proceeding is prohibited by law.”

In their rush to return New Yorkers to congregate shelters, the Defendants have [repeatedly](#) violated the requirements of the preliminary injunction by moving class members without the required notice and/or the required individualized caseworker meetings. Without these essential safeguards in place, homeless individuals will incur immediate and irreparable injury, loss, and damage.

“The Department of Homeless Services has blatantly and repeatedly violated the Court’s preliminary injunction,” said **Joshua Goldfein, a staff attorney with The Legal Aid Society’s Homeless Rights Project**. “The City is required to conduct a thorough assessment of every homeless New Yorker who requests a reasonable accommodation and for those New Yorkers whom the City knows has a disability, health ailment, safety concern or other issues. They are not.”

“The City is able to ensure its compliance with the requirements of the Court’s Order – but not at the speed with which they are moving,” said **Jenner & Block Partner Dawn Smalls**. “We are filing this motion to halt all moves until the City can develop and present a plan and schedule that ensures that homeless New Yorkers are provided the notice, individualized assessment, and ultimately the accommodations, they are due.”

“The misguided shuffling of vulnerable homeless people with disabilities from bed to bed in the Department of Homeless Services (DHS) shelter system must stop now. For months, DHS has ignored our reasonable suggestions for how to make this transition less traumatic for our clients. And, yet again, DHS has proven itself to be indifferent to the needs of our clients with disabilities – except when they offer empty promises as we seek judicial intervention. Our shelter monitoring reveals that moves from de-densification hotels continue to be chaotic. Many individuals continue to be unsure about where they are going to move until they are being ushered onto transportation. They do not find out whether their new placement meets their access needs until they arrive there. We continue to meet individuals with disabilities who should never have been transferred to a congregate shelter or an inaccessible hotel placement. DHS cares more about the race to empty hotels than their obligation to fix the problems they have created by their mindless displacement of homeless people while the city grapples with the resurgence of the

pandemic,” said **Deborah B. Diamant, Esq., Director of Government Relations and Legal Affairs at the Coalition for the Homeless.**

“DHS has tried to plow through the mass displacement of nearly ten thousand homeless individuals who are overwhelmingly people of color. The effort has resembled the kind of meanness and racism underlying the disgraced policies of Robert Moses. We’ve watched as City officials have acted with utter indifference and disregard as to the needs of people with disabilities and survivors of domestic violence, in midst of a severe rise in COVID cases across the City,” said **Helen Strom, Supervisor of Public Benefits and Homeless Advocacy at the Safety Net Project.** “The transfers need to stop, immediately. Instead of evicting homeless people from hotels at breakneck speed, the City should use that same energy to help homeless people move into permanent housing.”

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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. [www.legalaidnyc.org](http://www.legalaidnyc.org)*

*[Jenner & Block LLP](http://www.jennerblock.com) is a law firm with global reach, with offices in Chicago, London, Los Angeles, New York, San Francisco, and Washington, DC. The firm is known for its prominent and successful litigation practice, global investigations, and experience handling sophisticated and high-profile corporate transactions. Its clients include Fortune 100 companies, technology companies, large privately held corporations, emerging companies, Native American tribes, and venture capital and private equity investors. The American Lawyer recognized the firm as the #1 pro bono firm in the United States 10 times in the past 14 years. In 2021, the publication also recognized the firm as the #2 international pro bono firm, and in 2018, named the firm as its first "Pro Bono Champion." In 2020, Reuters Legal named the firm its inaugural "Pro Bono Hero."*