



October 11, 2023

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

Legal Aid, Coalition for the Homeless Respond to Mayor Adams' Ill-Conceived and Cruel Effort to Gut Right to Shelter for Single Adults, a Plan Now Supported by Gov. Hochul

City's Revised Application, Supported by the State, Would Not Only Impact New Arrivals, but also Thousands of Long-time New Yorkers

If Successful, this Plan Would Result in a Massive Increase in the Number of People Sleeping on the Streets, as Winter Approaches

Counsel for Plaintiffs Petition Court to Engage the Parties in Mediation

(NEW YORK, NY) – The Legal Aid Society and the Coalition for the Homeless today [responded](#) to the City's October 3, 2023, letter request - now supported by the State - to gut New York City's long-standing Right to Shelter for single adults.

If successful, this proposal would not only impact the vast majority of new arrivals, but also thousands of low-wage working poor New Yorkers, homeless individuals who receive federal disability payments, and long-time New Yorkers who lack immigration status. Thousands of human beings would be relegated to sleeping on the streets, exposed to the elements and at grave risk of bodily harm and even death.

If the State and the City prevail, New Yorkers will likely see the emergence of mass homeless encampments and tent cities, as seen in so many other major cities across the United States that lack a Right to Shelter. The New York State Legislature sought to prevent such inhumane outcomes when it ratified Article 17 of the State Constitution.

The proposed modification of the *Callahan* consent decree would also set a dangerous precedent and call into question similar decrees that afford protections to especially vulnerable populations, including families with children.

The State and the City have many alternative options for handling the needs of new arrivals without invoking the drastic and harmful remedies they now seek.

“The City’s revised application, supported by the State, would decimate Right to Shelter, protections that have defined our city and served as a lifeline for New Yorkers in need,” said **Adriene Holder, chief attorney of the Civil Practice at The Legal Aid Society**. “Working with both Albany and City Hall, we’ve identified various resources to help the City meet this moment, but our leaders have failed to follow through on these solutions. Instead of pursuing an outcome that will only lead to mass street homelessness and increased suffering, Governor Hochul and Mayor Adams must fully execute these additional steps to increase shelter capacity and transition homeless New Yorkers from shelter to permanent housing.”

“Mayor Adams has said repeatedly that he does not intend to suspend the Right to Shelter for New Yorkers, but that is precisely what this application seeks to do,” said **Dave Giffen, Executive Director of the Coalition for the Homeless**. “Make no mistake: if the Mayor and Governor get their way, they will be closing the door of the shelter system to thousands of people without homes, leaving them nowhere to sleep but the streets. That is their plan. And that is exactly the inhumane and unacceptable outcome that New Yorkers reject, and that the Right to Shelter was meant to prevent.

The City’s proposed modification to the consent decree would obliterate the Right to Shelter.

While the City claims that its proposed modification would be “temporary,” under their proposed modification, the period of *suspension could last indefinitely*. As outlined in the City’s most recent letter, the City — and the City alone — would decide when to suspend the Right to Shelter. At any time in the future, whenever the mayor or the governor declares an emergency following a surge in the need for shelter, long-time New Yorkers and new arrivals alike could be denied shelter and be relegated to the streets, parks, subways and other places that are unsafe for living.

The City’s claim that the *Callahan* Judgment is “Outmoded” and “Cumbersome” is patently false.

The City mischaracterizes the *Callahan* consent decree as an “outmoded and cumbersome framework.” They ignore not only the collaborative efforts of the parties over the last year, but over 40 years of history. Their claim that they need greater “flexibility” is not only false but misleading.

The consent decree has survived for the last four decades because it provides sufficient flexibility to accommodate crises.

During Superstorm Sandy, for example, when the City was confronted overnight with thousands of people unexpectedly in need of shelter from the storm, the City was not constrained by the consent decree in addressing demand.

Even as the storm approached, the City set up shelters that did not comply with *Callahan* but offered refuge for people suddenly without a safe place to sleep. During that period, the parties worked together, and the fundamental tenets of the right to shelter survived without court intervention. The response to Superstorm Sandy demonstrates that the City has sufficient flexibility to address future extreme weather events that can be expected to occur with more frequency due to climate change.

Similarly, over the last year, as the City’s needs for shelter sites grew acute, the City opened shelters at hundreds of new sites outside the New York City Department of Homeless Services (DHS) shelter system.

Many of these sites deviate from the standards outlined in the consent decree. Given the circumstances, Legal Aid and the Coalition worked collaboratively with the City to ensure that class members would be protected, rather than seeking court intervention.

The City's plan to conform New York City to the other 57 State Counties is inappropriate, misleading and would result in chaos.

The City also seeks to confirm its practices for providing shelter for single adults to New York's 57 other counties, but they fail to accurately depict the realities of their proposed modification and the chaos that would ensue.

There is no uniform statewide standard for providing shelter: different counties have different rules.

In practice, New York's counties diverge widely in how they screen applicants for shelter. Many counties simply deny people shelter when they run out of room without applying any criteria whatsoever. Upstate counties commonly turn single adults away from shelter because they have employment income or disability income, or due to their immigration status. As a result, they rely on sleeping in cars, in public places or return to other dangerous places

Even if the other 57 State counties did conduct shelter screening uniformly, New York City's diverse demographics, high population, acute affordability crisis, dense geographic landscape, historic cultural significance to immigrants, and attraction as an international tourist destination differentiate its needs from other New York counties.

New York City's densely populated areas and well-connected transit network make homelessness visible in and around schools, daycare sites, parks, bus stops, subways, and restaurants and other businesses. Because parking proves scarce and expensive, unhoused people rarely sleep in their cars as they do in more rural areas and sprawling cities.

Simply put, turning away individuals who seek shelter would look very different on the streets and subways of New York City than it does in other parts of New York State. Aside from the irreparable harm to individuals, without a right to shelter, New York City will become a national and international spectacle.

The State and City have failed to follow through on prior crisis planning.

Just recently, many of the resources identified to address the City's needs have now been put into place and are beginning to take effect. These resources include expedited processing of work authorization documents and Temporary Protected Status for Venezuelans. Yet, despite these productive efforts, the State and City have not followed through on the additional steps necessary to carry out their detailed plans to meet this moment.

For months, for example, the State promised to help resettle families outside of New York City through their Migrant Resettlement Assistance Program ("MRAP"), the current version of the historic State role of resettling refugees to upstate communities in need of new residents to promote economic development and employment. **However, according to the City's revised application from last week, only five families have been relocated from New York City shelters through this State program.**

Additional glaring acts and omissions by both the State and the City include:

- failing to timely connect new arrivals to available immigration relief that would have put them on a pathway to employment much sooner (enabling them to move out of shelter much earlier and reducing the need for shelter capacity);
- failing to assist new arrivals in obtaining work permits and jobs that would allow them to exit shelter;

- failing to rapidly implement effective case management services at all new arrival shelter sites that could have enabled people to move out of shelter earlier and reduced the need for shelter capacity. For example, many new arrivals simply need reticketing to other jurisdictions;
- failing to make use of federal properties outside of New York City that the federal government has offered for shelter capacity;
- failing to make use of State properties outside of New York City that could be used for shelter capacity;
- failing to make use of all available properties in New York City that could be used for shelter capacity;
- failing to address the need for additional rental assistance and homeless prevention efforts to avert and abbreviate shelter stays for New Yorkers, which would reduce the need for shelter for New Yorkers and free up existing shelter capacity to address the immediate humanitarian crisis;
- failing to provide adequate staffing in City offices and programs that new arrivals and longer-term New Yorkers alike rely on to avoid and exit shelter.

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