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

Legal Aid, Coalition for the Homeless Respond to State's Support of the City's Request to Gut the Right to Shelter

Governor Hochul has Failed to Provide Sufficient Resources to the City to Meet this Moment

Attorneys, Advocates Demand that Hochul Implement a Statewide Decompression and Resettlement Strategy

Plaintiffs Renew Request for Court Mediation

Legal Aid and the Coalition will hold a Zoom avail on this response today from 1:00 PM to 2:00 PM

(NEW YORK, NY) – The Legal Aid Society and the Coalition for the Homeless [responded](#) today to the State's latest [letter](#) in *Callahan v. Carey* and Governor Kathy Hochul's continued attacks on Right to Shelter protections for single adults, her administration's failure to provide sufficient resources for the City and her refusal to implement a statewide decompression and resettlement strategy.

"For months, Governor Hochul has been missing in action, refusing to use her power and authority to galvanize the full weight of the State to meet this moment," said **Adriene Holder, Chief Attorney of the Civil Practice at The Legal Aid Society**. "If the City's request is granted, people will be injured or die in the streets of New York. Instead of supporting the City's application to gut right to shelter protections for new arrivals and thousands of working poor New Yorkers, Governor Hochul must implement the policies that we have called for since last year and act on the solutions that the City has identified through the pendency of this case."

“It’s easy for Governor Hochul to go on TV and decry this as a humanitarian crisis, but when it comes to humanitarian solutions - like actually helping NYC find more desperately needed shelter beds for asylum seekers - we get crickets from Albany. By supporting this cruel and misguided effort to gut the Right the Shelter, all the Governor is doing is ensuring that we’ll soon see Hochul-villes sprouting up around the city, just like the sprawling tent encampments we see in LA, Portland, and other cities lacking a Right to Shelter,” said **David Giffen, Executive Director of the Coalition for the Homeless**.

Zoom link: <https://tinyurl.com/4vfva8ys>.

The State has failed to provide resources the City identified as necessary to meet the crisis

The City has repeatedly and explicitly detailed the specific material resources, including funding, that it requires to meet their obligation under the consent decree to provide shelter from the elements.

Not only has the State failed to provide the City with the resources it needs, but the State has failed to meet its prior commitments expeditiously. For example, Governor Kathy Hochul set forth a specific set of measures for resettling new arrivals in communities around New York.

The State’s program, known as the Migrant Relocation Assistance Program (MRAP), places families outside the five boroughs, consistent with the Governor’s efforts to relocate families to locations with labor shortages and declining school enrollment. The State’s MRAP would stabilize families and connect willing workers with employers in need of workers.

As noted in the City’s [letter](#) earlier this month, as of that date, only five families had been relocated from City shelters with MRAP. The State cannot claim the proposed modification to the consent decree is necessary when the State has failed to make any significant effort to implement its own proposed remedy.

Moreover, the State has explicitly refused to let the City use State or Federal properties outside of the five boroughs for shelters, including properties that the Biden Administration has made available to shelter new arrivals.

The State has failed to exercise its authority over local governments to help address the crisis

Due to inaction by the State, the City has also been stymied in their efforts to temporarily shelter new arrivals in communities outside New York City.

The City’s efforts have been blocked by local measures the Governor has rightly [called](#) “bigoted policies based on fear and intimidation.”

Despite the acknowledged bigotry of these local measures, the State has refused to act to override them, as the State is authorized to do through an executive order. By failing to override these measures, the State has impeded the City’s ability to access shelter capacity that would help it meet its obligations under the consent decree.

The State Defendants support a proposed modification that would decimate the right to shelter.

The State alleges that the City proposed modification to limit entry to those eligible under State Office of Temporary and Disability Assistance (OTDA) regulations is a “measured and appropriate modification” of the *Callahan* consent decree.

The State fails to acknowledge that, under State OTDA rules, shelter entry is limited to those individuals eligible for ongoing public assistance. These regulations have never been applied in New York City.

The implementation of these eligibility standards in New York City would have disastrous consequences. Thousands of long-time New Yorkers with no eligibility for public assistance would, presumably, be expelled from shelter or barred from entering shelter. They would have no recourse other than the streets.

These New Yorkers include: low-wage workers, unemployed workers receiving unemployment insurance benefits, individuals with disabilities with federal Supplemental Security Income and Social Security disability benefits, and New Yorkers whose immigration status renders them ineligible for public benefits.

Moreover, such an eligibility standard would eliminate the explicit requirement in the consent decree mandating the provision of shelter to individuals who are experiencing homelessness “by reason of physical, mental or social dysfunction.”

That requirement protects individuals who lack the capacity to navigate the complex bureaucratic public assistance eligibility process. If the City implemented the proposed public assistance-based eligibility standards, many such individuals who do qualify for public assistance would fail to submit or complete the proper paperwork to actually obtain shelter benefits.

The State’s failure to ensure that the City comply with timely processing of public assistance applications demonstrates the dangers of conditioning shelter eligibility in New York City on public assistance eligibility

As discussed above, conditioning shelter eligibility in New York City on eligibility for public assistance, as supported by the State, would automatically exclude tens of thousands of current shelter residents from shelter. It would also require the City to assess the public assistance eligibility of each one of thousands of shelter residents and new applicants at a time when the City is [woefully failing](#) to cope with its existing public assistance caseload.

Per existing law, the State has the obligation to supervise the City in their administration of these programs, but they have clearly failed to do so.

The Legal Aid Society is currently litigating three class action cases seeking remedies for the City's systemic dysfunction and delay in processing public benefits. These include [Forest v. City of New York](#), [Agel v. City of New York](#) and [Reynolds v. Giuliani](#).

Despite having ample notice of these systemic failures, the State itself failed to take action to compel City compliance with federal and State law, leaving the duty of enforcement to Legal Aid and others. It is disingenuous for the State to now endorse a City plan that would greatly increase the demands on the already overwhelmed City public assistance agency that the State have failed to properly supervise.

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