

Testimony by the New York Legal Assistance Group (NYLAG), Oversight - Supportive  
Housing, Int 2177-2020, and Int 2176-2020,

Before the New York City Council Committee on General Welfare

December 14, 2020

Chair Levin, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Committee on General Welfare on supportive housing and homeless outreach. My name is Deborah Berkman, and I am a Coordinating Attorney in the Public Benefits Unit and Shelter Advocacy Initiative at the New York Legal Assistance Group (NYLAG).

Founded in 1990, NYLAG is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. Our services include comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. NYLAG exists because wealth should not determine who has access to justice. We aim to disrupt systemic racism by serving individuals and families whose legal and financial crises are often rooted in racial inequality. NYLAG goes to where the need is, providing services in more than 150 community sites (e.g. courts, hospitals, libraries) and on our Mobile Legal Help Center. During COVID-19, most of our services are virtual to keep our community safe. NYLAG's staff of 300 impacted the lives of nearly 90,000 people last year.

I am the Coordinating Attorney of the Shelter Advocacy Initiative at NYLAG. The Shelter Advocacy Initiative provides legal services and advocacy to low-income people in and trying to access the shelter system, and advocates for those experiencing street

homelessness. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. Additionally, we assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions and resources for their needs, and we offer representation at fair hearings.

The proposed local laws (Int. 2177-2020 and Int. 2176-2020) would have a dramatically positive impact on my clients' lives, and NYLAG wholeheartedly supports them.

Int. 2177-2020 would remove police officers from engaging in the outreach process to individuals experiencing street homelessness. This is an important step towards making outreach to those individuals more effective. Quite simply, police officers are not licensed social service providers. Clients experiencing street homelessness generally do not just end up on the street; rather most have stayed in shelters before, and often in other institutional settings as well (such as foster care, hospitals, residential treatment, jail and prison, halfway and three-quarter houses, etc.) and have found it intolerable to be there.<sup>1</sup> There are many reasons why this may be the case, but quite a few clients describe violent interactions with shelter police, staff and other residents and fear for their safety. Outreach efforts need to speak to those fears; however, police officers are trained to respond to emergencies, not to address the fears of traumatized people.

In general, most, if not all, of my clients experiencing street homelessness are extremely afraid of contact with the police. As stated above, many of them have had violent interactions with shelter police or the NYPD, and as a result actively avoid police

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<sup>1</sup> <https://www.brc.org/why-would-homeless-person-not-want-go-shelter>

contact. If the goal of outreach is to convince people to enter shelter, employing people they actively avoid to attain that goal is counterproductive.

Moreover, some of NYLAG's clients who are experiencing street homelessness have serious mental illness. In fact, people with serious mental illness comprise an estimated one-third of the total people experiencing homelessness in the United States and an even higher percentage of adults who experience chronic homelessness.<sup>2</sup> Clients describe the presence of police officers as increasing their anxiety and exacerbating the symptoms of their mental illnesses.

Additionally, while homelessness itself is not a crime, the laws criminalize conduct inherent in living on the street, such as public urination and other quality of life issues. Clients have described interactions with police officers purportedly engaging in outreach that have ended in a citation or even an arrest. For someone experiencing street homelessness, even getting a ticket can be devastating. If they do not pay their ticket (most likely because they cannot afford to do so), and do not appear in court, they may be subject to a bench warrant. An arrest may also lead to job loss and difficulty obtaining a job, either because they are not able to attend work or because of their interactions with the criminal law system. Both of these consequences also erode employer faith in hiring people experiencing homelessness because "they don't show up," or because they have "records".<sup>3</sup> Contact with the criminal legal system also can result in a criminal record that can prevent people from qualifying for NYCHA housing. In this way, "criminalization

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<sup>2</sup> <https://www.treatmentadvocacycenter.org/evidence-and-research/learn-more-about/3629-serious-mental-illness-and-homelessness>

<sup>3</sup> <https://www.nationalhomeless.org/publications/crimreport/problem.html>

actually perpetuates homelessness: if our goal is to eliminate homelessness from our city streets, criminalization is counterproductive.”<sup>4</sup>

Another reason that clients are hesitant to engage with the police is that some clients experiencing street homelessness have had their belongings taken or destroyed by the police as part of “sweeps” or, as they are referred to in New York City, “clean-ups”. When an encampment is scheduled to be “cleaned up”, clients have no choice but to carry away what possessions they can hold in their arms. This has led to my clients’ losing life-saving medications, treasured family mementos, and other property that they value. In fact, Int. 2177-2020 specifically addresses this distrust by defining outreach as “including but not limited to the removal of an individual’s personal property.”

For all of these reasons, many of my clients experiencing street homelessness deeply mistrust the police. Therefore, the reliance on police to carry out outreach with the goal of connecting individuals experiencing homelessness with services is counterproductive. The resulting avoidance and perceived reluctance to accept assistance from the police can lead to individuals being seen as “service resistant,” when in fact they do want services and housing, but feel threatened by police involvement.<sup>5</sup>

Int. 2177-2020 is an important step in the right direction, and NYLAG fully supports the removal of the police from the outreach process. We further strongly encourage this Council to enact legislation creating more private spaces in shelters, expand

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<sup>4</sup> <https://www.cohsf.org/Punishing.pdf>

<sup>5</sup> <https://scholars.org/contribution/why-cities-must-end-their-reliance-police-manage-homelessness-and-how-they-can-do-it>

protections for shelter residents, and create more pathways to permanent housing from shelter.

NYLAG also supports Int. 2176-2020, requiring the Department of Social Services to create a written notice for supportive housing residents of their rights pursuant to various state and local laws. We welcome any measure this Council takes to strengthen the autonomy and improve the quality of life of residents of supportive housing. However, a more pressing issue for our clients is that the number of supportive housing units available is woefully insufficient. In New York City, four out of every five people found eligible for supportive housing were not able to obtain it because there are too few supportive housing units available.<sup>6</sup> Thus, these people have no choice but to remain in shelter or street homeless. Recognizing that the lack of supportive housing results in homelessness, NYLAG hopes this Council will create additional supportive housing opportunities in New York City.

We thank the Committee on General Welfare for the work it has done to assist vulnerable New Yorkers and we hope we can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group

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<sup>6</sup> <https://www.coalitionforthehomeless.org/supportive-housing-ends-homelessness/>