

Testimony of  
Coalition for the Homeless  
and  
The Legal Aid Society

on

**The City of New York's Provision of Shelter and Other Emergency Services for  
People Displaced by Hurricane Sandy**

Presented before

The New York City Council  
Committee on General Welfare

Giselle Routhier  
Policy Analyst  
Coalition for the Homeless

Kathryn Kliff  
Law Graduate  
Equal Justice Works Fellow  
Sponsored by Sidley Austin LLP and KPMG  
The Legal Aid Society

Sarina Master  
Paralegal  
Health Law Unit  
The Legal Aid Society

February 5, 2013

Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Council about the City of New York's provision of shelter and emergency services to people displaced by Hurricane Sandy.

#### About the Coalition and The Legal Aid Society

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which now continues past its third decade. The Coalition also protects the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 12 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers, and demonstrate effective, long-term solutions. These programs include supportive housing for families and individuals living with AIDS, job-training for homeless and formerly-homeless women, rental assistance which provides rent subsidies and support services to help working homeless individuals rent private-market apartments, and permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes 900 nutritious meals each night to street homeless and hungry New Yorkers. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, client advocacy, referrals for shelter and emergency food programs, and assistance with public benefits.

The Coalition also represents homeless men and women as plaintiffs in Callahan v. Carey and Eldredge v. Koch. In 1981 the City and State entered into a consent decree in Callahan in which it was agreed that, "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The Eldredge case extended this legal requirement to homeless single women. The Callahan consent decree and the Eldredge case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults.

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of 1,000 of the brightest legal minds. These 1,000 Legal Aid Society lawyers work with nearly 700 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 25 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits some 2 million low income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the Callahan and Eldredge cases. The Legal Aid Society is also counsel in the McCain/Boston litigation in which a final judgment requires the provision of lawful shelter to homeless families.

### **Hurricane Sandy and New York City's Historic Homelessness Crisis**

Hurricane Sandy devastated much of New York City, but it was particularly savage for New Yorkers in the affected areas who were already living on the edge. Many of the hardest-hit neighborhoods — from Far Rockaway to Red Hook, from Coney Island to Midland Beach in Staten Island — are low-income communities. The storm instantly displaced thousands of poor New Yorkers, who have struggled ever since to obtain food, clothing or alternative housing. More than three months after the storm, government efforts to shelter victims remain chaotic, leaving many in need of basic necessities and, ultimately, stable long-term housing.

Sandy also worsened New York City's already historic homelessness crisis. The thousands displaced by the storm have added to the all-time record number of homeless people bedding down each night in the municipal shelter system. Before Sandy, 48,700 people were in shelter each night, including more than 20,000 children. And we have yet to see long-term housing assistance to help kids and adults who were homeless both before and after Sandy — so those numbers will continue to climb.

### **Preventing Harm During the Storm**

In the days before Sandy hit, the New York City Department of Homeless Services and not-for-profit service providers made extraordinary efforts to protect homeless New Yorkers from immediate harm. Shelters and intake centers that were located in flood zones were evacuated and nearly 1,200 homeless single adults and 300 homeless families were relocated to other facilities across the city. DHS temporarily stopped barring families it had found ineligible from entering the shelter system, and a directive was issued to ensure single men and women would not be turned away from emergency shelter.

After the storm struck, many municipal shelters were left without electricity and some without heat, particularly those in Manhattan below Midtown. Many shelters were able to operate with emergency generators while City workers and non-profit shelter providers continued to provide food and other vital services to residents.

A number of other private shelters were also hit. In the immediate aftermath of the storm, facilities housing HIV/AIDS patients had no heat and had run out of blankets – their residents left literally shivering in the dark as the days wore on. One of the premier shelters for LGBT youth – the Ali Forney Center – was completely demolished. Men and women who had suffered through the storm on the streets were in desperate need of assistance. Food was scarce, and the need was dire.

As soon as the storm passed, the Coalition's Grand Central Food Program vans hit the streets to feed hundreds of hungry storm victims, many of whom had no power and no access to a hot meal. When the first refugees were placed in hotels and YMCAs in Manhattan, the Coalition was there with extra meals, dry clothing and warm blankets – working closely with the Legal Aid Society to provide comprehensive care to homeless evacuees.

### **Planning for Storm Evacuees**

In the first few days after the storm, thousands of people sought refuge in emergency evacuation shelters, set up mostly in large spaces like high school gyms. While these locations served the purpose of keeping thousands of men, women, and children out of harm's way during the immediate crisis of the storm, it quickly became clear why these sorts of congregate shelters are, except in the most severe emergencies, unlawful for families. As the days wore on, the significant risks of congregate shelters, including crime, contagious disease, lack of accommodations for people with disabilities, and the threat such settings pose to the mental health of people who have just experienced a catastrophe – let alone people who were already experiencing mental health needs before the storm – were all manifest. These problems were worsened because the City had failed to prepare for the food, medical, and other special needs of evacuees; the co-location of children, adults, and seniors; and the possibility of long-term displacement. Other possible providers, including the Red Cross and FEMA, failed to step in to remedy the situation.

It was also clear that no one undertook an organized canvas of affected neighborhoods to determine where people in need might still be trapped, waiting for help. While this did occur in some neighborhoods, such as Red Hook, where the not-for-profit Red Hook Initiative maintained a database on all the homebound individuals in the community and sent volunteers to check on them on at least a daily basis, in other communities no one knew where or even whether anyone needed help. HRA has acknowledged to Legal Aid that it made no effort to reach out to its clients who it knew to be homebound in the affected zip codes. In Coney Island, Legal Aid staff at the FEMA site were handed a handwritten list by Red Cross staff of people in need of assistance in their homes, but City workers on site refused to even take the list. One notation, for a disabled woman still living in her destroyed basement apartment, read, "client requests welfare check—still alive?" When Legal Aid staff went to her home, they found her medical needs to be so extreme that they helped her call 911, and she left the home immediately in an ambulance.

The Legal Aid Society and Coalition for the Homeless began regular outreach in evacuation shelters shortly after the storm. About two weeks after the storm, the City started shutting down some evacuation sites and transferring evacuees to other large-scale shelters, many of them in existing DHS shelter facilities. Families, single adults, seniors, and people with disabilities were transferred to multiple sites, including armory drill floors in existing DHS shelters, and often crowded together.

Hundreds of evacuees ended up on drill floors at the Franklin Armory in the Bronx, the Bedford Atlantic Armory in Brooklyn, and the Fort Washington Armory in Manhattan. They were placed far away from their home neighborhoods, and conditions were terrible. A scathing *New York Times* article relayed the experience of those being moved and the conditions at Franklin<sup>1</sup>:

*"It's like you were being processed to go to jail," Mr. Etienne said, echoing many others who described waiting for hours in the cold to enter a vast sea of cots under constant fluorescent lights, with one shower for everybody and one toilet for men, where guards yelled into two-way radios all night and, Mr. Etienne and a Salvation Army official said, a couple had sex in the open.*

Indeed, Coalition and Legal Aid staff witnessed firsthand many of the deplorable conditions in armory shelters and elsewhere. A lack of bathroom facilities for men at the Franklin armory (there was one toilet) was a serious problem, because dozens of men had been placed there. Families with young infants had no cribs, resulting in at least one baby falling from a cot to the floor. Many other individuals spent weeks without access to medical care or essential prescription medication. One family we recently spoke with at the end of January said her 7-year-old daughter is still traumatized from her experience at Franklin and any mention of it causes her to experience extreme anxiety. A Legal Aid social worker found that she, like many of the people we continue to meet through our outreach, suffers from Post Traumatic Stress Disorder (PTSD).

### **Unmet Medical Needs**

In the days after the storm, The Legal Aid Society's Health Law Unit was inundated with calls about people in need of assistance. Of particular concern were the calls about the disabled or elderly residents of high-rise apartments. Without elevators, these residents were unable to access any of the distribution centers that had been set up to supply the community with food, water, blankets, and flashlights. Many of these residents also needed new medications and durable medical equipment. Legal Aid Society staff walked up flights of stairs, dozens of floors high, to bring assistance to those in need.

These disabled and elderly residents of high-rise apartments were forced to rely on the coordinated efforts of community members and volunteers for the most basic necessities. A Legal Aid Society staff member spoke with a home attendant who had stayed with her elderly patient for nine straight days because her agency could not find anyone to relieve her. She worked around the clock taking care of the many frail and elderly residents on the upper floors of that fourteen-floor building, walking gallons of water up to the top floors.

Evacuees able to leave their apartments still experienced tremendous barriers when trying to access health care. Immediately after the storm the New York State Department of Health (NYSDOH) released emergency pharmacy guidelines to help consumers access needed medication. The guidelines were not distributed and were only posted on the State website without official letterhead. Consequently, residents and local pharmacies in Far Rockaway and Coney Island were unaware of the temporary emergency rules.

A Legal Aid Society staff member met a woman in Far Rockaway who had been without insulin or epilepsy medication for over two weeks. She was one of the many people in her building who were turned away at the pharmacy for failing to obtain a new prescription. The woman in need of insulin explained that her doctor's office was closed and she didn't know where else to go to get a prescription. This resident would have benefited greatly from the emergency guideline

which directed pharmacists to refill certain medications without a new prescription. Unfortunately this needed information did not reach the affected communities, or else reached them too late.

While some Medicaid health plans worked hard to help consumers locate alternative providers, others offered no help at all. Because information about access to care was inconsistent and uncoordinated, residents of affected areas spent significant time coping with an array of unmet medical needs. The City's oversight and education of Medicaid managed care plans was not sufficient to meet the needs of those affected by the storm. The lack of information about access to healthcare in affected communities similarly highlighted the need for enhanced education and outreach efforts.

### **Lack of Accountability**

Throughout this entire process in the weeks after the storm, there was no accountability or transparency regarding the City's organization of relief efforts, nor any clear indication of who was in charge, leaving evacuees and advocates in the dark. Indeed, in many cases, it seemed as though no one was in charge. At Brooklyn Tech High School evacuation shelter, a volunteer had taken over responsibility for coordinating food, services, and medical care to the frail evacuee population, which included over 200 patients with mental health issues evacuated from group homes. A 52 year old schizophrenic man went missing from this shelter. According to the *Daily News*<sup>2</sup>:

*The two city agencies run the temporary shelter – the health and homeless services departments – declined to say how many staff from the city or from either of the group homes – Surf Manor or Chai - were on hand when Thomas wandered off.*

It was additionally unclear who was making decisions to move large groups of people to armory drill floors and why those groups included a mixing of single adults, families, elderly and disabled individuals. Repeated calls for clarification from advocates and evacuees went ignored. When on-site staff were present at these sites, they indicated that they had not been given any information about the needs of the populations they were there to serve.

### **Ongoing Needs**

Right before Thanksgiving, after the media exposure of the conditions on drill floors, the City began moving evacuees to hotels, YMCA's, and, tragically, to some hazardous "flophouse" hotels and rooming houses.

In early December, Coalition staff found an 85-year-old woman who was placed on the third floor of the Park Avenue Hotel, a decrepit East Harlem hotel with no elevator that is, to this day, still used by the City to shelter evacuees. She was dehydrated, unable to get up and down the stairs and had to rely on one compassionate security guard – himself homeless– who bought her food with money from his own pocket. Coalition workers reconnected this elderly woman with her Coney Island seniors' residence and moved her back to safety.

As December rolled on, the Coalition and Legal Aid staff met scores of displaced families, unable to find affordable apartments with their FEMA grants, on the brink of eviction to the streets because their hotel stays were being terminated. We battled with government officials to get their hotel stays extended so they would not be forced into the bursting-at-the-seams municipal shelter system.

Lack of food, transportation, medical services, social services, and looming FEMA and City hotel deadlines continue to be major problems with the thousands of storm evacuees who remain displaced. Moreover, conditions at some locations where the City has placed evacuees are not only bad, but potentially dangerous. A recent *New York Daily News* exposé highlighted such conditions<sup>3</sup>:

*Another garden spot where Sandy victims wound up is a fleabag at 104 W. 128th St. in Harlem — a building the city has said is chopped up into illegal apartments. The Buildings Department issued a stop-work order there in January 2012, but the owners kept operating as an SRO. After Sandy hit, the city began placing Sandy victims there. As of last week, there were 34 open housing code violations.*

Legal Aid and the Coalition have continued outreach efforts at some of the locations where evacuees remain and continue to find unmet needs on a daily basis. The majority of evacuees we have met are struggling to survive on very low incomes. Many were in precarious housing situations even before the storm—in illegal conversions, renting rooms or apartments without a lease, doubled up, or living in illegal boarding houses, known as “three-quarter houses.” The impact of the storm has been particularly severe on these individuals and families, who now have even fewer resources and greater needs.

Nearly all evacuees have been placed in hotels or shelters far from their original neighborhoods, making it difficult and more expensive to travel back and forth for school, doctor’s appointments and other necessities. Many students have missed days and even weeks of school as a result. Some evacuees have been forced to put medical treatments on hold or have been unable to see their physicians and psychiatrists for necessary appointments.

Additionally, most evacuees have been placed in settings where cooking or preparing meals is impossible and buying prepared meals is expensive, especially since many of these families are food stamp recipients. Many families placed in midtown Manhattan hotels cannot afford higher-priced groceries and many stores in the neighborhood do not accept food stamps. Some families on food stamps have tried to apply for the additional restaurant allowance, but have been unsuccessful when hotels refuse to provide necessary documentation about the lack of cooking facilities.

### **Urgent Housing Needs**

Apart from the immediate needs of food and transportation, the broader need of permanent, affordable housing for low-income evacuees remains the biggest challenge. Our informal assessment that most evacuees are struggling to survive on very low incomes was confirmed just last week in the *Wall Street Journal*, which reported that of the 1,100 families that have applied for assistance through HPD so far, over three-quarters are ineligible because their incomes are too low.<sup>4</sup>

It is clear that the majority of households who are still homeless after being displaced by Sandy – including the unknown number of displaced people who are not residing in hotels and shelters, and who are living doubled up or sheltering in place – will require long-term housing assistance. Indeed, similar needs emerged quickly after Hurricanes Katrina and Rita devastated the Gulf Coast. Sadly it took years before the Federal government and Congress allocated Section 8 voucher resources to assist thousands of low-income households left homeless by those storms.

It is therefore urgent that every level of government involved in the Sandy recovery and rebuilding work rapidly to ensure that people displaced by the storm are guaranteed stable, long-term housing aid and that they are not left to languish in hotels or unsafe settings for months and months.

Thank you for the opportunity to share this testimony. And, as always, we look forward to working with the Committee and the City Council in the coming months and years on efforts to assist New Yorkers displaced by the storm and to reduce New York City's homeless population.

---

<sup>1</sup> Bernstein, Nina. November 20, 2012. Storm Bared a Lack of Options for the Homeless in New York. *The New York Times*. Online: <http://www.nytimes.com/2012/11/21/nyregion/storm-worsens-shortage-of-nyc-housing-for-homeless.html?ref=ninabernstein>

<sup>2</sup> Smith, Greg B. November 7, 2012. Mental patient disappears from a Hurricane Sandy evacuation shelter at a Brooklyn high school. *The New York Daily News*, online: <http://www.nydailynews.com/new-york/brooklyn/mental-patient-disappears-hurricane-sandy-shelter-article-1.1198254#ixzz2HbS5K18K>

<sup>3</sup> Smith, Greg B. January 27, 2013. City wasting Hurricane Sandy FEMA cash on roach-infested hotels and single room occupancies. *The New York Daily News*, online: <http://www.nydailynews.com/new-york/city-wasting-hurricane-sandy-fema-cash-roach-infested-hotels-article-1.1248619#ixzz2Ja3vCwnY>

<sup>4</sup> Kusisto, Laura. January 27, 2013. No Panacea for Sandy's Displaced. *The Wall Street Journal*. Online: [http://online.wsj.com/article/SB10001424127887324539304578263983439125290.html?mod=googlenews\\_wsj](http://online.wsj.com/article/SB10001424127887324539304578263983439125290.html?mod=googlenews_wsj)