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10-12-2021

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Cardozo Journal of Equal Rights and Social Justice

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Recommended Citation

Silverman, Emily, "Welcoming Shelters into Every Neighborhood: The New York City Homeless Shelter System and What Must Change" (2021). *ERSJ Blog*. 3.

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Welcoming Shelters into Every Neighborhood:

The New York City Homeless Shelter System and What Must Change

The COVID-19 pandemic has brought to light the importance of keeping unhoused people safe and helping to provide for their general needs. In New York City there was a daily average of 52,410 unhoused persons living in homeless shelters in the past year.[1] Thus, not only is it necessary for the city to maintain shelters, but also to ensure that these shelters are continuously functioning with proper care and safety mechanisms.

This past May, the New York Court of Appeals denied a coalition of local renters and business owners' Article 78 case (a proceeding brought against the City[2]) to enjoin the creation of a new shelter for men in an abandoned hotel in Midtown West in *Matter of W. 58th Street Coalition*. [3] The coalition claimed that the shelter was incorrectly rezoned as an R-2 building, that this classification was "arbitrary and capricious,"[4] and that the homeless shelter would be a threat to the general welfare and safety of the neighborhood.[5] While the Court rejected this claim and allowed for the shelter to be built,[6] the success of *Matter of W. 58th Street* is quickly negated by *Downtown New Yorkers, Inc. v. City of New York*. In this case, a coalition of residents and employees in the Financial District (FiDi), sued to enjoin the transfer of homeless men living at a temporary shelter at the Lucerne Hotel on the Upper West Side, to a temporary shelter at the Radisson Hotel in FiDi.[7] The appellate division denied the Downtown New Yorkers' request to enjoin the transfer,[8] but the blatant fact that housed citizens feel they can dictate the placement of homeless shelters highlights a broader issue of housed people not wanting homeless shelters to be built at the risk of "destroying" their "thriving" neighborhoods.[9]

Although New York City has extended its eviction moratorium until 2022, the rising backlash from landlords due to the end of the national moratorium has still sparked an increase in the necessity of shelters.[10] Thus, it is necessary that the New York City government (1) understands the failures of current shelters and why so many unhoused people choose to avoid them; and (2) fix these issues by creating more shelters which also operate safely and effectively. Many unhoused people in New York City choose not to stay in shelters because of the lack of security and the demeaning treatment.[11] Shelters are hotspots for robbery, and the increased police presence at many New York City shelters makes them intimidating rather than welcoming.[12] Additionally, many shelters are seen as a dead end, rather than a means of transitioning into, or helping to find, more permanent housing.[13] These issues are further perpetuated when housed New Yorkers refuse to accept these shelters into their "safe" neighborhoods and do not want to help maintain them.

While the goal of the New York City Department of Homeless Services is to assist people in shelters by helping them find permanent residency, these shelters impose strict rules that, if violated, are cause for people in

need of assistance to be released from the shelter system.[14] This system takes away the agency and dignity of unhoused people by treating them as prisoners, rather than free people with the ability to make decisions about their own lives.[15] Some New York City shelters operate as “lower threshold” facilities, meaning they have fewer requirements for entry.[16] However, many shelters still employ the rules set out by the Department of Homeless Services, which have higher entry barriers, making them undesirable places for unhoused people to actually go and seek help, and thus furthering the stereotype that homeless shelters are for people who do not want to get out of the system, rather than those who just need help.[17]

Matter of West 58th Street Coalition and *Matter of Downtown New Yorkers* are chilling examples of how difficult it is not only for the city to create new, effective shelters, but also for housed people in New York City to accept the necessity of shelters in their neighborhoods. Everyone needs a place to shelter and recognizing the broader faults within New York City’s shelter system highlights how all people, even those living on Central Park West or in FiDi, should not only welcome shelters into their neighborhoods, but also help to ensure these shelters are safe, effective places, rather than ones which demean people already under immense stress.

[1] *DHS Data Dashboard – Fiscal Year 2021*, N.Y.C. Dep’t of Homeless Servs., <https://www1.nyc.gov/assets/dhs/downloads/pdf/dashboard/tables/FYTD21-DHS-Data-Dashboard-Data.pdf> (last visited Oct. 4, 2021). Note that this statistic does not include unhoused people who choose not to live in shelters, about another 30,000 people. *Facts About Homelessness*, The Bowery Mission, <https://www.bowery.org/homelessness/facts-homelessness/> (last updated July 2021).

[2] N.Y. C.L.S. C.P.L.R. §7801.

[3] *Matter of W. 58th St. Coal. v. City of N.Y.*, 37 N.Y.3d 949 (N.Y. 2021).

[4] *Id.* at 951.

[5] *Id.* at 952.

[6] *Id.* at 951.

[7] *Downtown New Yorkers, Inc. v. City of New York*, 2020 N.Y. Misc. LEXIS 10144, (Sup. Ct. of N.Y. Cnty. Nov. 2020).

[8] *Matter of Downtown New Yorkers v. City of New York*, 144 N.Y.S.3d 850, 850 (1st Dep’t June 2021).

[9] *Matter of W. 58th St.* at 951.

[10] Mihir Zaveri & Luis Ferré-Sadurní, *New York Passes Bill Extending Eviction Moratorium to January*, N.Y. Times, <https://www.nytimes.com/2021/09/01/nyregion/eviction-moratorium-new-york.html> (Sept. 1, 2021).

[11] Kim Hopper, *Foreward to View From the Street: Unsheltered New Yorkers and the Need for Safety, Dignity, and Agency*, Coal. for the Homeless, 4-7, <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/View-from-the-Street-April-21.pdf> (Apr. 2021).

[12] Lindsey Davis, *View From the Street: Unsheltered New Yorkers and the Need for Safety, Dignity, and Agency*, Coal. for the Homeless, 16, <https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/View-from-the-Street-April-21.pdf> (Apr. 2021).

[13] Hopper at 6.

[14] *Single Adults: The Shelter System*, N.Y.C. Dep’t of Homeless Servs., <https://www1.nyc.gov/site/dhs/shelter/singleadults/single-adults-shelter.page> (last visited Oct. 4, 2021).

[15] Davis at 34.

[16] *Safe Haven*, Bowery Residents' Comm., <https://www.brc.org/safe-haven> (last visited Oct. 4, 2021).

[17] Davis at 16.