

The Right to Shelter for Homeless New Yorkers

What is the Right to Shelter and why is it unique?

New York City and State have a legal obligation to provide shelter to homeless New Yorkers. Shelters must also meet minimum health and safety standards. Most cities in the United States have no right to shelter, and when shelter facilities are filled to capacity other localities can and do turn needy people away.

How was the right to shelter established?

In 1979, the Coalition for the Homeless brought a class action lawsuit against the city and state arguing that the New York State constitution provides homeless people with a right to shelter. That case, known as *Callahan vs. Carey*, was settled in 1981 when the city and state entered into a consent decree which established the right to shelter for homeless men. Through additional lawsuits, advocates were able to extend the right to shelter to homeless women and to homeless families with minor children.

The current status of the right to shelter:

In August 2005, the New York State Supreme Court ruled that the city could implement a new policy under which families who reapply for shelter within 90 days after being found ineligible may not be provided with temporary shelter while their application is reviewed. Under this policy, some families with children are not provided with shelter while the city considers their application.

New York City Mayor Michael Bloomberg has asserted his support for maintaining a legal right to shelter. His administration has also made significant improvements to the intake process for families seeking shelter. City lawyers have argued that the reforms they have made demonstrate the City's ability to manage the emergency shelter system without court oversight.

The Homeless Services United's advocacy for the Right to Shelter:

HSU is concerned that without a well-defined legal right to shelter the political will to offer decent accommodation to homeless people might wane and be subject to political winds and budget cutbacks. Similarly, future mayoral administrations could camouflage the city's most visible and costly manifestation of an affordable housing crisis by making it more difficult to enter shelter through increasingly severe restrictions on who is defined as homeless.

We believe a legal obligation to provide shelter to homeless people who do not have a viable alternative must be retained, and that the Department of Homeless Services and other city agencies should be given flexibility to pursue important reforms and implement the mayor's five year plan to end chronic homelessness. HSU provides opportunities for member agency staff to learn more about the family shelter application process so that they can help homeless families document their need and obtain shelter on their first application.

Homeless Services United is a coalition of sixty non-profit agencies serving homeless and at-risk adults and children throughout the five boroughs of New York City.

