

NEW YORK STATE BAR ASSOCIATION

JOURNAL

The Demise of Affirmative Action: Where Do We Go From Here?



SEPTEMBER/OCTOBER 2023
VOL. 95 | NO. 5

Homelessness in New York: Keeping a Crisis From Becoming a Catastrophe

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The crisis of homelessness is felt in nearly every community across New York State – and it’s getting worse. Just a year ago, state and local officials were bracing for an increase in homelessness as the COVID-19 eviction moratoriums and rental assistance programs ended. What they didn’t anticipate were weekly busloads of migrants from the southern border – arrivals that continue on a regular basis today, not just in Manhattan but upstate as well, forcing officials to focus their attention on finding shelter and support for the newcomers. In some communities upstate, low budget motels, having signed contracts to house migrants, have evicted their former extended-stay guests, including families with children who have no place to go. It is a daunting challenge, with a list of problems that demand attention.

Problem No. 1 – It’s Serious

The root causes of homelessness have not shifted a great deal from the 1980s. Individuals who experience homelessness still tend to be affected by lack of affordable housing, poverty, low wages, addiction, mental health disabilities and domestic abuse. This year also saw a historic rise in the homeless population in New York State due to the recent migrant influx, as mentioned above. The New York City Department of Homeless Services census indicates that as of July 1, 2023, more than 81,000 persons are seeking shelter support from the city, compared with approximately 47,000 persons in the shelter system at this same time last year.¹ In the downstate area, nearly 1 in 3 persons without stable housing are children.²

Problem No. 2 – The Impact of COVID-19

The COVID-19 pandemic produced complex public health challenges and exacerbated national crises that existed long before the coronavirus. COVID-19 had a real and substantial impact on the homelessness crisis and the availability of housing. During the initial stages of the outbreak, jurisdictions across the country imposed moratoriums on eviction proceedings, but for those already homeless, the COVID-19 infection protocols made finding placement next to impossible. Many shelters downsized to avoid crowded conditions, leading far more homeless people to exist in unsheltered conditions like train stations, parks and church vestibules. The loss of employment and lack of adequate savings pushed many to the brink, causing a wave of evictions when eviction moratoriums were lifted. The impact of those unprecedented times is still felt today. With the end of COVID-19 relief measures, many New York State residents have struggled to get back to stable living conditions.

By January 2022, New York City’s eviction rate was on the rise, with marshals removing nearly 4,400 households

from their apartments since the moratoriums expiration on Jan. 15.³ The number of legal residential removals rose each month from January to November 2022 following the end of the pandemic-spurred eviction moratorium. “We’re already in a situation where the homeless crisis is pretty overwhelming,” said Judith Goldiner, the top attorney in the Legal Aid Society’s civil unit. “Any evictions add to that crisis, and any eviction is an unbelievable tragedy for the family going through it.”⁴

Once in the housing court system, many tenants lack adequate resources to retain legal counsel for the purposes of defending against an eviction proceeding. New York City appeared to be leading the charge in tenants’ rights when it adopted the country’s first Right to Counsel law. The program has struggled to keep up with the overwhelming demand for legal assistance in the housing court parts. “The Right to Counsel program is a proven lifeline for New York City families facing eviction, but it is rendered meaningless without adequate funding and a dysfunctional contracting process,” said Lisa Rivera, president and CEO of New York Legal Assistance Group. “Every week, hundreds of New Yorkers are at risk of losing their homes because of Right to Counsel’s unfulfilled promise. The city has the power to change this by fully funding the Right to Counsel program so that all tenants receive the legal representation to which they are entitled.”⁵ It is apparent that COVID disruptions have meaningfully impacted housing stability for residents throughout the state, and the long-term effects will be felt for years to come.

Problem No. 3 – The Impact of Mental Health Disabilities

It has long been suggested that mental health disabilities are a driving factor in homelessness. Readers of this article are likely to recall the many headlines that have populated news cycles of late, especially pertaining to perceived increases in violent acts allegedly committed by homeless individuals with untreated mental illness. It is often true, however, that mental illness alone is not the sole determining factor in whether a person falls victim to an unstable living condition, as explained by Brent Kramer in an article published by the Fiscal Policy Institute:

Most researchers agree that the connection between homelessness and mental illness is a complicated, two-way relationship. An individual’s mental illness may lead to cognitive and behavioral problems that make it difficult to earn a stable income or to carry out daily activities in ways that encourage stable housing. Several studies have shown, however, that individuals with mental illnesses often find themselves homeless primarily as the result of poverty and a lack of low-income housing. The combination of mental illness and homelessness also can lead to other

factors such as increased levels of alcohol and drug abuse and violent victimization that reinforce the connection between health and homelessness.⁶

Treating mental illness can be a complex challenge. Without stable living arrangements and readily identifiable support mechanisms, it becomes nearly impossible to render effective, long-term mental health support to those in outpatient care. Stable housing not only provides privacy and safety; it is also a place to receive treatment for an illness without worry about where to sleep and find a meal, or how to balance these needs with obtaining health care and social services.⁷ The best, most coordinated medical services are not very effective if the patient's health is continually compromised by street and shelter conditions. Even in-patient hospitalization or mental health care do not have lasting impacts if a client must return to the streets upon discharge. Greater investment in community-based mental health treatment will be essential to tackling this complex issue. But this cannot be accomplished while the state faces a substantial lack of affordable housing.

Problem No. 4 – Competition for Housing Is More Robust Than Ever

It is undeniable that a lack of affordable housing is causing and prolonging homelessness in communities across New York State. While this issue is a national cause for concern (a staggering 11 million American households pay over half of their income in rent), the affordable housing crisis is particularly severe throughout New York State, especially for families of color. This is attributable to the widening gap between housing costs and stagnant or falling incomes. In the aftermath of the 2008 financial crisis, the affordability crisis become especially acute, causing affordability problems to become more severe throughout New York.⁸ In a 2018 study, the National Low-Income Housing Coalition found that New York lacked 624,688 rental housing units that were affordable for extremely low-income households, and that for every 100 households with extremely low incomes, there are only 32 affordable housing units.⁹

In 2023, we can see the real time effects of the lack of affordable housing stock. The median timeline in New York City for shelter residents moving to permanent housing has doubled since 2020.¹⁰ It takes at least seven months on average for families to find affordable housing, and that is for the most fortunate among the housing lottery. The process of applying and qualifying for low-income housing is too cumbersome and bureaucratic for many applicants, and barriers to entry are too many, with too few staff members to assist the public. This confluence of factors is the perfect storm that keeps too many in the shelter system where they experience an unending cycle of housing instability.

What's Next

In order to address this crisis, in hopes of preventing catastrophe, NYSBA's Task Force on Homelessness and the Law has been charged to "examine the causes and effects of the homelessness crisis, including, but not limited to the ways in which that crisis is affected by the criminal justice and health care systems, with focus on legal and policy considerations in New York State." By meeting that challenge, the task force will help bring clarity to a crisis that has taken far too long to resolve.



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Endnotes

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