

Judge temporarily blocks New York City's transfer of homeless people from hotels to group shelters

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New York City Mayor Bill de Blasio's plan to move 8,000 homeless people from hotels, where they have been living temporarily during the COVID-19 pandemic, back to group shelters faced a temporary setback last week. A federal judge blocked the plan, ruling that the city had not adequately considered the homeless peoples' health as it began implementing the move.

The ruling results from a legal challenge that was filed by the Legal Aid Society. The organization alleged that the city had refused to allow homeless people with disabilities or serious health problems to apply for reasonable accommodations, even though a 2017 class action settlement requires the city to do so. The Legal Aid Society accused the city of violating the rights and endangering the lives of the homeless. The judge agreed that violating the right to reasonable accommodation could cause "irreparable harm" to the "psychological, physical and mental health" of the homeless.

The homeless are the most vulnerable section of the population and suffer the effects of the social crisis most acutely. During the early stages of the pandemic in spring 2020, New York City moved about 8,000 homeless people from crowded group shelters to hotel rooms. This effort to reduce the spread of the coronavirus greatly improved the living conditions of the homeless. Hotel rooms gave these people privacy, security and a measure of dignity that the shelters had denied them.

But last month, de Blasio joined New York Governor Andrew Cuomo—both Democrats—in prematurely lifting public health measures and proclaiming an end to the pandemic. De Blasio, who is trying to attract workers

and visitors back to New York City, says that moving the homeless back to shelters is crucial for the city's reopening program.

Even as he professes concern for the welfare of the homeless, De Blasio has been shuttling them back to shelters where the coronavirus, particularly the more contagious Delta variant, can spread easily. In these shelters, a single room often houses as many as 20 people, who sleep within a few feet of each other. De Blasio also has claimed that moving the homeless back to group shelters will enable them to get the treatment and counseling services that they need. In fact, shelter operators have been able to maintain most of these services while the homeless have stayed in hotels.

Court documents show that as of July 9, the city had moved 3,685 homeless adults from 23 hotels back to shelters or to rooms in other hotels. The homeless have been made to stuff their belongings into garbage bags and have been packed into school buses to be driven to the furthest reaches of the city. One woman who uses a wheelchair and has kidney disease and prior strokes was moved to a shelter on a hill that she could not climb.

Mike Roberts was moved from the Lucerne Hotel in the affluent Upper West Side to a shelter with no air conditioning. At night, he often wakes up soaked in sweat. "Here, when I wake up, I'm in a cubicle," he told the *New York Times*. "It'll be three people around me sleeping, one snoring, one probably getting high or a guy pacing the floor. Who wants that?"

Michelle Ward applied for a reasonable accommodation that would allow her to stay in a hotel near the Empire State Building but was denied. She has severe sciatica and asthma, along with anxiety,

depression, post-traumatic stress disorder and bipolar disorder. “I can’t take this no more,” she told the *New York Times*.

Approximately 5,000 homeless people remain in hotels. On July 13, Judge Gregory Howard Woods of Federal District Court in Manhattan ruled that the city must meet with the homeless to determine whether any are disabled and qualify for reasonable accommodations. He held that the city must give at least seven days’ notice before transferring people who qualify for these accommodations. According to the city’s own data, approximately 68 percent of the homeless are physically or mentally disabled.

Although advocates for the homeless cheered the decision as a victory, it will not stop the transfers. The city will make “minor adjustments to our process” and begin moving people again this week, a spokesperson for New York’s Department of Homeless Services (DHS) told the *New York Times*.

These transfers are part of New York City’s relentless campaign to whisk homeless people out of sight. Police have been dismantling homeless encampments and city officials have created a program to allow New Yorkers to report panhandlers and homeless people to the authorities.

Homeless people who have protested the city’s mistreatment of them have faced police reprisals. Several hours before Judge Woods ruled on Legal Aid’s challenge, 12 homeless New Yorkers and their supporters went to the office of the Department of Social Services (DSS), which oversees DHS. They demanded to speak to Commissioner Steve Banks about providing permanent housing and increasing the value of the city’s rent subsidies for the homeless. Police arrested six of the protesters.

Although homelessness is at its highest level in New York City since the Great Depression, the candidates for the Democratic nomination for mayor scarcely mentioned it during the campaign. One exception was Andrew Yang, the businessman and former candidate for the Democratic presidential nomination. Speaking for the most heartless section of the city’s financial oligarchy at one of the primary debates, Yang blamed the homeless for degrading New Yorkers’ quality of life.

Former policeman and erstwhile Republican Eric Adams won the primary election and will be the

Democrats’ mayoral candidate. Adams has made vague promises to provide housing for the homeless, but they are as empty as the similar promises that fellow Democrat de Blasio made eight years ago.

As of July 13, more than 4,100 homeless people had been infected with the coronavirus, and more than 120 had died. DHS estimated that, as of July 2, it had fully vaccinated only 21.5 percent of adults who stayed in a shelter.

The data indicate that the pandemic is worsening in New York City. As of July 18, the daily average of total cases for the previous seven days was 523. This number is a 64 percent increase over the daily average for the previous 28 days, which was 318. Moreover, the more contagious Delta variant of the coronavirus now accounts for 41 percent of tested cases.

Because it represents only a temporary setback for de Blasio’s plan, Judge Woods’s ruling shows that it is impossible to protect the homeless by appealing to capitalist courts. These courts, like de Blasio and the New York City Council, subordinate all considerations, including the right to housing and the right to health, to the profit interests of the city’s financial elite.



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