



HOUSING INSECURITY AND THE CRIMINALIZATION OF HOMELESSNESS AND POVERTY IN NEW YORK, UNITED STATES OF AMERICA

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Established in 1989, the National Homelessness Law Center (“NHLC” or “the Law Center”) is a national nonprofit organization with extensive legal and policy expertise around the criminalization of homelessness and related housing justice priorities at the local, state, and national levels. In 2023, the Law Center expanded its capacity-building efforts into New York. The Law Center has actively engaged in international human rights advocacy since the 1996 Habitat II conference in Istanbul. Since the 2020 Universal Periodic Review of the U.S. in 2020, it has participated in the 2022 U.S.-CERD review and 2023 U.S.-ICCPR review, and engaged with the U.N. Expert Mechanism on Law Enforcement and Racism for the U.S. Mission (2023) and various Special Rapporteurs (Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (2023), Contemporary Forms of Slavery (2023), Right to Adequate Housing and Human Rights/Extreme Poverty (2023 and 2024)).

The Center for Global Law and Justice (“CGLJ”) at Northeastern University School of Law focuses on global injustice and diverse forms of inequality and subordination through our commitments to promoting human rights, humanitarianism, climate justice, fair governance and democracy. It combines scholarship and practice with a keen commitment to the training of the next generation of advocates and scholars.

[Endorsers Annexed in Separate Attachment]

I. Executive Summary

1. The United States of America (“U.S.”) expressed its commitment to human rights and fundamental freedoms—including the human right to housing—by signing the U.N. Charter, the Universal Declaration of Human Rights (“UDHR”), and several other international declarations and conventions.¹ As this commitment extends to its state and local governments, this subnational joint submission by the National Homelessness Law Center (“NHLC”) and partner advocacy groups highlights the impact of laws and policies across New York State (“NYS”) and New York City (“NYC”) implicating the criminalization of homelessness and poverty, and housing insecurity since the U.S.’ 2020 Review.² Our comments stitch the intersectional, first-hand perspectives of vulnerable groups and elevate violations of international human rights standards hindering the recognition of New Yorkers’ right to adequate housing.
2. As the antidote to homelessness and its criminalization is adequate housing, the seven dimensions of the human right to adequate housing—(a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy—are foundational to our analysis of New York’s progress in actualizing this right.³ Although the U.S. has not ratified the International Covenant on Economic, Social, and Cultural Rights, the U.N.’s guidance around the scope and breadth of the right still holds persuasive weight. This submission orients its proposed recommendations around several of these dimensions.
3. While NYC officials have demonstrated some progress in addressing threats to criminalization of homelessness, poverty, and the housing crisis at large, they have failed to fully realize human rights standards. In addition to uplifting New Yorkers’ tireless organizing and policy advocacy efforts, this submission also critically draws on substantively relevant comments of the latest CERD and CCPR treaty body reviews,⁴ and the findings of several U.N. expert mechanisms.⁵

II. Background and Framework

4. The NYC and NYS governments have exacerbated homelessness and poverty over the past six years, grossly violating the rights to adequate housing, life, health, liberty and security, and freedom from inhuman or degrading treatment (among other human rights).

A. Introduction

5. These governments have fallen drastically short of ensuring that housing-related costs are commensurate with stagnating household income levels.⁶ The average NYC resident makes less than \$3,500 per month, while the average rent for a one-bedroom apartment exceeds \$4,000.⁷
6. Nearly three million New Yorkers are housing insecure or rent burdened, with middle-class households increasingly challenged in accessing food and healthcare essentials, based on their housing location.⁸ Overcrowding is rampant—over 170,000 households contain over 1.5 people per room and the annual turnover rate is 41% lower than the national average.⁹ New York’s poverty rate is 2% higher than the national average.¹⁰

7. NYS's homelessness count¹¹ increased at a rate four times the rest of the country between 2023 and 2024, with sharp increases across various counties and local jurisdictions.¹² NYC's homeless population is presently at its highest recorded level since the Great Depression.¹³ As of April 2026, the shelter census across NYC's shelter system tallied 84,239, with 64% of shelter residents reportedly families with children,¹⁴ and 4,504 residents living unsheltered in January 2025.¹⁵
8. The average length of stay in a NYC shelter has increased in recent years, with adult families residing an average of 750 days in 2023.¹⁶ Troublingly, NYC's CityFHEPS program, the country's largest municipal rent assistance program of its kind, faces legal opposition by the City administration despite advocates' tireless efforts to expand access to it and a favorable lower court ruling to do so.¹⁷ Structural income inequalities and the City's insufficient budgetary distribution for essential social services is affecting at least 66,000 CityFHEPS recipients citywide, in addition to the tens of thousands more shelter residents and tenants at risk of evictions who qualify for it.¹⁸

“Shelters are not homes, but shelters have become permanent housing in this city. That’s extremely problematic.” – Rob Robinson, Lived Expertise Advocate¹⁹

9. NYC uniquely recognizes a legal right to shelter pursuant to a decades old court-ordered consent decree (“Callahan decree”).²⁰ However, in May of 2024, then-Mayor Adams moved to weaken the decree, citing the dramatic influx of over 70,000 asylum-seekers²¹—rolling back protections for unhoused single migrants and migrants with children who arrived in the U.S. after March 15, 2022 and closing emergency migrant shelters by June 2025.²² Impacts on subpopulations of vulnerable migrant, LGBTQ+, gender-based violence survivors, and youth are discussed below.

B. In Violating Fundamental Human Rights, New York’s Criminalization of Homelessness and Poverty Disparately Impacts Intersecting Vulnerable Groups of New Yorkers.

10. Vulnerable subgroups bear the disproportionate brunt of New York’s housing and criminalization crises. As impacted advocates have expressed,²³ New York’s state and local governments have failed to understand the nuances of these groups’ needs, evidenced by policies that pit certain groups against others as “more deserving” of social services, welfare, shelter access, and housing subsidies.

“It is hard to watch the misalignment between social and political will in this city when money equals voice and power. But while it is still a struggle to be invited into rooms as civil society, we are starting to demand more seats at the table so we can heal and be more expressive.”
– Will Woods, Lived Expertise Advocate²⁴

a. Homelessness and Poverty Criminalization as Racial and Economic Injustice

11. Significant racial and ethnic disparities persist among New Yorkers living in poverty and/or experiencing homelessness.²⁵ 1.5 million New Yorkers live at or below the federal poverty level—up 187,000 from pre-COVID-19²⁶—including 24.8% of Hispanic residents and 21.7% of Black residents, compared to only 11.5% of their White counterparts.²⁷ Nearly 75% of NYC’s homeless residents are Black, compared to less than 25% of the general population.²⁸ As of June 2024, 31.6%

of families with children in city-contracted homeless shelters identified as Black non-Hispanic, while 59.1% of families with children identified as Hispanic.²⁹

12. NYC districts with the most affordable housing are predominantly comprised of Black and Latino residents, while districts with less affordable housing cut the rates of racial minority residents by 50%.³⁰ The NYC Housing Authority (“NYCHA”) houses to 1 in 17 New Yorkers. 43.47% of its public housing households are Black and 45.14% are Latino.³¹
13. Ironically, New York’s affordable housing stock is least accessible to the poorest New Yorkers, or those considered to be extremely low-income (“ELI”) ³² under the City’s primary income classification. 73% of ELI households across NYC are severely rent-burdened, with over half of their gross income contributing to rent.³³ Yet, a small fraction of rental units is available to ELI households, who constitute a sizable working-class demographic of NYC and demonstrate the most need.³⁴
14. With expired pandemic-era eviction protections, accelerating rates of market inflation,³⁵ and the growing unaffordability crisis, housing courts citywide³⁶ have predictably seen more eviction cases since January 2022. About 200,000 eviction cases were filed in 2024, with more New York renter households burdened by rental costs than the national average.³⁷ Issuing evictions for one’s inability to pay rent is a disproportionate penalty of poverty, compounding violations of New Yorkers’ rights to legal security of tenure and housing affordability. Due process is compromised by some landlords’ perjuries in eviction actions when disclosing apartments’ rent regulated statuses and inaccurately relaying tenant rental histories.³⁸ Concerns around the lack of timely heat inspections by NYC’s code enforcement agency during winter months, and the courts’ delayed calendaring of harassment and repair actions lodged by tenants are commonplace.
15. NYC’s robust Right to Counsel (“RTC”) law³⁹ aims to guarantee indigent tenants’ legal security of tenure, but the reality falls well short of that goal.⁴⁰ Between March 2022 and January 2023, RTC providers had to decline over 10,000 housing court cases and provide limited-advice-only in thousands more.⁴¹ These consequences disproportionately affect New Yorkers of color and single parent renter households—reinforcing the CERD Committee’s appropriate concerns of ethnic and/or racial minorities receiving unequal systemic treatment in seeking effective eviction remedies.⁴²

“ . . . landlords are systematically exploiting this imbalance of power in the courts to make a profit . . . Does this sound like justice? It sounds to me like countless New Yorkers remaining trapped in substandard housing, with nowhere to go, and no recourse to get repairs. It sounds like families being pushed out of the neighborhoods they helped, across generations, to build, and being forced to leave this state.”

- Randy Dillard, CASA Tenant Leader⁴³

16. Over 40,000 New Yorkers are incarcerated—75% being people of color⁴⁴—resulting in nearly \$2 billion in annual reduced earnings primarily withdrawn from communities of color.⁴⁵ As proffered by the CERD Committee’s 2022 findings and recommendations, this overrepresentation of racial and ethnic minorities in the prison system is highly consequential in regard to housing access, employment loss, and other civil penalties.

b. Criminal Legal System and Acts of Persecution Criminalizing Homelessness

17. NYS and NYC’s reliance on the criminal legal system to redress poverty and homelessness diverts already-scarce resources from evidence-based efforts to address root causes. Enforcing summonses on low-income New Yorkers of color for petty offenses⁴⁶ perpetuates the criminalization of poverty, as many of these individuals cannot appear in court when risking the loss of a day’s wages.⁴⁷
18. NYC’s “Encampment Cleanup and Voucher Procedure” authorizes city-administered agencies, including the New York Police Department (“NYPD”), to issue move-along orders to unsheltered New Yorkers living in encampments.⁴⁸ The city executes over 4,000 homeless sweeps each year,⁴⁹ summarily seizing and destroying the personal, life-sustaining property of New Yorkers without a warrant or adequate due process of law.⁵⁰ Consequently, many unsheltered New Yorkers are forcibly exposed to the elements and arbitrarily deprived of basic means of survival. Moreover, NYC has failed to provide these New Yorkers with “an effective remedy”⁵¹—i.e., permanent housing and voluntary support services.
19. The NYPD launched a new division targeting low-level quality of life offenses (i.e., street vending, fare evasion, public urination, and panhandling) as an additional ‘tough-on-crime’ measure.⁵² This supplemented its 2019 Subway Diversion Program,⁵³ that, in practice, uses summonses against homeless subway riders as a coercive tactic to accept transport to a shelter facility.⁵⁴ Under NYS’s “five-point subway safety plan,” over 1,000 additional NYPD officers and 250 additional National Guardsmen were deployed in transit hubs to deter ridership of vulnerable populations conflated as crime perpetrators. NYS Governor Kathy Hochul called on judges to expand their discretion in setting bail so that repeat offenders could be detained pre-trial.⁵⁵

“Poor people are punished in a number of ways in this city. If you can’t afford a metro card, you risk a \$100 fine. The same hostile architecture used to detract pigeons on top of buildings is used to deter the unsightliness of homelessness in subways. Criminalization of homelessness demonstrates a lack of human empathy. – Kamilah Newton, Lived Expertise Advocate⁵⁶

20. NYS has seen a rise in bias-motivated crimes against people experiencing homelessness.⁵⁷ Jordan Neely’s brutal murder in a NYC subway car in May 2023 instigated a public outcry against the horrors of vigilante violence and the rampant structural racism underlying homelessness criminalization actions.⁵⁸ Similar violent attacks occurred in July 2022, where three homeless New Yorkers were stabbed while sleeping—one fatally⁵⁹—as well as a lit firework attack targeting a homeless man sleeping outside.⁶⁰

“Living without a home—a reality we’ve both faced—has shown us that the unhoused are often viewed not as people but as easy targets for acts of cruelty.” – M.A. Dennis & Will Woods, Lived Expertise Advocates⁶¹

21. NYC’s criminalization of homelessness and poverty resembles a larger, more troubling health crisis, with discriminatory interventions precluding the safety and shelter of thousands of unhoused New Yorkers.⁶² In 2025, organizers commemorated the more than 376 New Yorkers who died

prematurely on account of experiencing homelessness.⁶³ In 2023, NYC disclosed 840 deaths among people experiencing homelessness, noting that over 50% occurred due to drug-related causes and another 13% due to heart disease.⁶⁴ Following its 2023 review of the U.S., the Human Rights Committee (“the Committee”) acknowledged the criminalization of homelessness as a right to life violation (ICCPR Article 6(1)), and akin to “cruel, inhuman or degrading treatment or punishment” (ICCPR Article 7).⁶⁵ These findings substantiate the Committee’s concerns of homeless persons’ “higher risk of premature death” as targets of criminalization.⁶⁶

c. Homelessness and persons with disabilities

22. NHLC and other advocates raised the criminalization of mental health in the 2023 U.S.-ICCPR review.⁶⁷ The Report⁶⁸ details forced institutionalization and the NYPD’s use of force as disproportionately and excessively imposed against racial and ethnic minorities and persons experiencing homelessness.⁶⁹ It reinforces additional human rights violations pursuant to CERD Articles 2, 4, 5, and 6, regarding “principles of legality, precaution, necessity, proportionality, accountability and non-discrimination.”⁷⁰ Between 2019 and 2022, mental health crisis centers citywide declined by 50%.⁷¹ Rikers Island—the country’s most notorious pre-trial detention facility stationed in Queens, New York—is considered the largest treatment provider.⁷² Accounts from Rikers inmates reveal the frequent denial of due process protections, inappropriate medical isolation, and tortuous “deadlocking” practices toward those with cognitive and/or developmental disabilities.⁷³

“Cell block workers at Rikers were found to have locked people in their cells for days, letting them decompensate without food or medications. This degree of cruel treatment happens most to people who are . . . without family ties who are often homeless.

Criminalization of mental health is a form of solitary confinement.”

– Conrad Blackburn, Criminal Public Defender (BxD)⁷⁴

23. In January 2025, Governor Hochul announced major legislative expansions of involuntary commitments and assisted outpatient treatment schemes.⁷⁵ As a form of forced detention,⁷⁶ forced treatment schemes undercut evidence-based, non-coercive approaches to promoting New Yorkers’ long-term care and stability. The NYPD’s exercise of discretion in forcibly institutionalizing a person with mental disabilities—particularly based on a perceived risk to self or others, and with a bias of their homelessness and/or poverty status—rises to the level of an arbitrary arrest, detention, or unlawful interference under international law.⁷⁷
24. NYS fails to comply with legal safeguards, since schemes like forced institutionalizations must only be measures of last resort “for the shortest appropriate period of time.”⁷⁸ The disparate impact of homelessness criminalization on persons with disabilities is evidenced through similarly unequal treatments of other vulnerable groups before the law.

“If a homeless person with mental illness were housed (and received the help they deserved and needed) they would not be so unhinged. We should help people instead of blaming them for their conditions.” – Susan Negron, Lived Expertise Advocate⁷⁹

25. NYC’s supportive housing system for tenants with serious mental illnesses in need of voluntary support services harms individuals and is “anything but permanent.”⁸⁰ Advocates have condemned the systematic surveillance of supportive housing tenants, from the point of their entry and into this housing scheme placement, to how their tenancy behaviors are monitored and stigmatized. For supportive housing tenants facing pressure from uninhabitable living conditions or a provider’s failure to sufficiently accommodate their health needs, their eviction risk is high⁸¹—these accounts derogate from the dimensions of habitability, availability of services and facilities, accessibility, and legal security of tenure that move tenants further away from actualizing their rights to adequate housing. Supportive housing applications have been found by many prospective, eligible tenants to be non-people friendly, with no appeal mechanism in place with the city’s Human Resources Administration (“HRA”) in the event of a denial.⁸²

d. Criminalizing Homelessness and its Effects on Newly-Arriving Migrants and Asylum Seekers

26. Starting April 2022, Texas governor Abbott systematically bussed over 130,000 newly arrived migrants from the southern U.S. border into cities nationwide.⁸³ NYC’s crumbling shelter infrastructure has disparately affected the delivery of homeless services to this vulnerable population with many individuals facing lengthy delays in immigration court proceedings and the processing of work authorization permits.

“Homelessness creates shame, which is part of what criminalization does to someone experiencing it. When I was granted asylum as a New Yorker, I was given no support by way of immediate shelter, so became street homeless. My experience led me to eventually create a shelter as an entry point for new LGBTQI+ arrivals coming into NYC. Our solutions to ending these crises require a public-private partnership.”
– Edafe Okporo, Lived Expertise Advocate⁸⁴

27. In May 2024, the Adams administration began enforcing 30- and 60-day shelter limits on adult and young adult asylum seekers, and tens of thousands received shelter eviction notices.⁸⁵ Undermining the legal right to shelter, these rules deliberately extend to migrants in emergency facilities⁸⁶ and DHS facilities. In the case of the latter, individuals who held an active Cash Assistance (“CA”) case for income maintenance with HRA were exempted from being issued a 60-day eviction notice. Individuals without lawful status could only receive CA and certain other public benefits through their minor children with status. Additionally, under the U.S. Department of Homeland Security’s public charge rule,⁸⁷ many non-asylum-seeking migrants may be precluded from accessing CA “if they are likely at any time to become primarily dependent on the government for subsistence.” Such policies, enforced at both the state and federal levels, violate principles of non-discrimination⁸⁸ based on statuses like national or social origin, or birth (ICCPR Articles 2(1), 24(1), and 26). They amount to an additional violation of ICCPR Article 4(1) regarding the validity of a public emergency.
28. By design, the shelter system and its shelter limits for newly arriving New Yorkers triggered forced mass displacement and heightened risk of U.S. Immigration and Customs Enforcement (“ICE”) detention to this population.⁸⁹ Building on Trump-era federal policies that increase ICE agents’ discretion to enter city property without a warrant, migrant shelter staff are forced to follow suit.

Workers at the city-contracted Roosevelt Hotel shelter facility were criminally subpoenaed by federal prosecutors, demanding the names and immigration status of persons at the facility and those who authorized their sheltering.⁹⁰ In 2025, ICE agents entered private NYC shelter quarters or otherwise obtained shelter residents' information intimidatingly and forcefully at least five times.⁹¹ This due process weaponization undercuts traditional DHS policy that otherwise deny ICE agents' warrantless shelter entry. They clearly depart from sanctuary policies by threatening city employees of a "federal crime" to "conceal, harbor or shield from detection a person who is in the United States unlawfully."⁹² This enforcement is fueling fear of arrest and forced detention across immigrant communities that seek temporary shelter.

29. Additionally, "NIMBY-ism"⁹³ in gentrified neighborhoods has fueled widespread opposition toward migrant populations. In the majority white, affluent Brooklyn neighborhood of Clinton Hill, residents persistently voiced quality-of-life concerns over large-scale emergency migrant shelter facilities in the summer of 2024.⁹⁴ Relatedly, conservative backlash swelled against a newly opened 2,200-bed migrant shelter in the South Bronx, with xenophobic remarks about the shelter system.⁹⁵ While emergency shelters are not akin to housing and do not satisfy the right to shelter mandate, the dearth of housing relegated to migrants in this manner demonstrates NYC's insensitivity to the cultural dimensions of housing. This disregard exemplifies the shedding of sanctuary protections and disrespect for the expression of cultural identity and diversity across New York's demographics.

e. Family Policing and the Criminalization of Poverty

30. New York's family policing system frames the symptoms of poverty as parental "neglect"—perpetuating poverty criminalization.⁹⁶ High rates of family separation are often closely associated with poverty-stricken circumstances. A recent racial equity audit by the Administration of Children's Services ("ACS")⁹⁷ found the systematic surveillance and punitive treatment of poor families of color to be biased,⁹⁸ as "Black and brown parents are [perpetually] treated . . . as if they are not competent parents capable of providing acceptable care to their children."⁹⁹
31. Accounts of NYC's family separation scheme highlight under-resourced housing conditions and surveillance tactics inflicted on impoverished tenant households with children. NYCHA public housing is notorious for its dangerous, depreciating housing quality standards and the health consequences for its tenants;¹⁰⁰ however, ACS frequently holds tenants—not landlords—responsible for such conditions, construing inferences of child neglect. Poor living conditions like leaks and mold, inadequate heat and hot water, and overcrowding¹⁰¹ trigger unannounced ACS visits, resulting in children's removal and foster care placement. These discriminatory, structural issues reinforce the city's shortcomings in satisfying the right to adequate housing's habitability and legal security of tenure dimensions.

"The family policing system in New York City and the rest of the country is a story about how the white, middle class has managed to survive."

- Joyce McMillan (JMac for Families)¹⁰²

32. ACS exercises higher scrutiny toward parents living in shelters and criminalizes homelessness as a cause and effect of family separation. Youth exiting foster care account for a sizable

subpopulation of NYC shelter residents, both in family shelters and adult shelters (when they age-out of youth shelters). DHS shelters collaborate with ACS, making family shelters grounds to investigate allegations of harm. Single parents who need to leave for work risk ACS contact for leaving children unattended,¹⁰³ or forced eviction if they habitually fail to return on-site within a designated curfew window.¹⁰⁴

33. A successful judicial process and hearing for reunifying families in shelter is typically contingent on the permanency of adequate housing and/or temporary shelter services.¹⁰⁵ During hearings, DHS staff remind parents of their 30-day limit to leave the shelter facility yet provide no additional support to secure permanent housing. ICE check-ins at migrant shelters have triggered interactions between ACS and migrant families, with advocates recently reporting surveillance instigated harm and fear across migrant parents, leading to ICE detentions caused by this ACS contact.¹⁰⁶
34. Practices and policies reducing the likelihood of family reunification display a persistent, abject failure to safeguard human rights, contradicting the CERD Committee's recommendation to "eliminate racial discrimination in the child welfare system, including by amending or repealing laws, policies and practices that have a disparate impact on families of racial and ethnic minorities."¹⁰⁷

d. Effects of Homelessness Criminalization on Gender-based Violence Survivors

35. Gender-based violence ("GBV") accounts for 41% of adults with minor children entering DHS in NYC.¹⁰⁸ As many as 57% of single adult clients indicated that GBV caused their homelessness.¹⁰⁹ Additionally, homeless LGBTQ+ people disparately experience GBV, with homeless queer youth sexually assaulted at three times the rate of their straight counterparts.¹¹⁰
36. Intimate partner homicides in NYC increase annually, yet emergency transfer requests for GBV survivors were historically the least prioritized across all NYCHA transfer categories (leaving survivors with an average 800-day transfer wait time).¹¹¹ While successful advocacy caused NYCHA to raise survivors' priority in November 2025, increased funding is necessary to ensure housing habitability for survivors to safely and swiftly move.¹¹²

"I was assaulted while waiting [over a year] to be transferred. NYCHA didn't take our safety concerns seriously, leaving me and my children stuck in a dangerous situation. We were told there was nothing they could do. I had to leave with my kids and go to a shelter just to stay safe."¹¹³ – Sarah, a GBV survivor

37. 99% of GBV survivors experience economic abuse, which may not only enable ongoing contact with their alleged perpetrators but may also enmesh them deeper in cycles of poverty criminalization and other civil consequences.¹¹⁴

e. Effects of Homelessness Criminalization on LGBTQ+ populations

38. 40% of LGBTQ+ adults in NYC have experienced homelessness in their lifetime, and 40% of homeless youth identify as LGBTQ+. ¹¹⁵ Compared to heterosexual and cisgender youth, LGBTQ+ youth had a 120% increased risk of experiencing homelessness.¹¹⁶ Homeless LGBTQ+ youth are

more likely than their straight counterparts to engage in sex work in exchange for basic needs—nationwide, the main driver for sex work was a bed to sleep in.¹¹⁷ The criminalization and stigmatization of sex work¹¹⁸ challenges the agency of homeless LGBTQ+ New Yorkers, compounded by unaccommodating DHS policies that trigger improper coercive restraints on liberty and personal autonomy.

39. DHS must legally allow individuals to stay in a shelter aligned with their self-determined gender identity, yet individuals must choose from the gender binary at all but one shelter.¹¹⁹ There are no trans-specific homeless shelters in NYC.¹²⁰ Once in city-run shelters, transgender and/or gender non-conforming (“TGNC”) clients commonly experience hostility from other residents and staff—of the LGBTQ+ individuals who reported using NYC homeless shelters, at least 90% reported feeling unsafe.¹²¹

“I don’t think the staff at Marsha’s House are being trained in queer issues, because I hear people all the time saying, ‘they don’t respect me by my name,’ or ‘they’re harassing me, misgendering me, they don’t treat trans people right.’”¹²²

- Maddox Guerilla, Point Source Youth

40. In 2021, DHS agreed to establish separate TGNC shelter units and create a specialized TGNC shelter in the *Lopez v. DHS* settlement.¹²³ However, as of April 2025, TGNC designated beds were only in four shelters, with an apparently full wait-list.¹²⁴ The *Lopez* settlement also created a complaint procedure for DHS clients that experience anti-TGNC harassment, discrimination, or retaliation.¹²⁵ DHS’ failure to develop a separate gender-expansive homeless shelter, and the sub-standard maintenance of the city’s sole LGBTQ+ shelter, violates CERD Article 5 and ICCPR Article 26.
41. Concerningly, the Trump administration’s recent homelessness funding application states that it can reject an application based on evidence that “the project has previously or currently . . . conduct[s] activities that rely on or otherwise use definition of sex other than binary in humans.”¹²⁶ Although a court order currently stays this provision,¹²⁷ it could both punish NYC shelters who have previously accommodated TGNC clients and those preventing them from doing so again.

f. Effects of Homelessness Criminalization on Older Adults

42. The lack of accountability at all levels of government has cultivated a culture of callousness throughout NYCHA, DHS, NYC Department for the Aging, and other NYC agencies, depriving older adults of their dignity and stability.¹²⁸ The number of homeless NYC adults aged 65 years and older more than doubled between 2014 and 2022, reaching the highest rate ever recorded. Single adults aged 50 years and older (“older adults”) comprise the fastest-growing population experiencing housing instability and homelessness.¹²⁹ The surge of homeless older adults—many of them experiencing first time homelessness—is unrelated to the migrant influx and will continue as the second half of the “baby-boomer generation” confront the rising costs of living in NYC.¹³⁰

“When you’re on an affordable housing wait-list and you’re living on a couch and you’re 80, you don’t have seven or nine years.” – Allison Nickerson, LiveOn NY Executive Director¹³¹

43. Older adults typically sit on housing waitlists for six years.¹³² They report discomfort in mixed-age shelters because of insufficient accessibility features, crowded rooms, and hostility from younger shelter clients. 74-year-old Mr. K was evicted by his new landlord and could not find an affordable apartment on his fixed social security income. Before moving to a hotel shelter for older adults, Mr. K was dissatisfied by the conditions at a mixed-age NYC DHS shelter. One day, after complaining to staff that his much younger roommate was disruptive, Mr. K was assaulted by his roommate at the DHS shelter.¹³³
44. Homeless older adults may have a harder time securing permanent housing due to the rampant intersectional discrimination (by landlords) based on source of income (i.e., refusals to accept housing vouchers and fixed income applicants), age, disability, and race.¹³⁴ 20% of Housing Connect users are older than 62-years-old, and over 16% of those older adults have a mobility disability, 8% have a vision and/or hearing disability, and 5% have both a mobility and vision/hearing disability.¹³⁵

h. Homelessness and Education

45. In January 2025, there were 41,615 children in NYC shelters.¹³⁶ A record-high of at least 146,000 public school students lacked permanent housing in NYC in the 2023-24 school year—23% higher than the previous year. For nine consecutive years, NYC has exceeded 100,000 homeless students, increasingly including migrant children.
46. 67% of unsheltered students in NYC missed over 10% of the 2022-2023 school year.¹³⁷ Truancy in NYC is punishable by fines and jail time for parents, yet there are no support mechanisms or internal policies that NYCHA prioritize shelter transfers with proximity to children’s schools.¹³⁸

“I’ve had families have to pick between participating in an economic empowerment program or taking their kid to school because the bus has never been set up and now they can never get to their economic empowerment program, which means then that they can never really establish independence and get out of shelter” - Janyll Canals-Kernizan, Robin Hood project director with Advocates for Children of New York¹³⁹

47. The Trump administration’s education policies are projected incur a \$1.4 billion federal funding cut for low-income and homeless NYS public school students.¹⁴⁰ These cuts directly affect the costs of school transportation, temporary housing facilities, early childhood education, and other related needs. Today, nearly 40% of families residing in city-contracted shelters are placed in a borough other than the one where their children attend school.¹⁴¹ This deliberate placement of shelters in under-resourced, spatially segregated areas place incidental demands on families with children and demonstrates NYC’s failure to satisfy the location¹⁴² and availability of services and infrastructure dimensions¹⁴³ of adequate housing.

i. Homelessness and Environmental Degradation

48. The criminalization of unhoused New Yorkers is exacerbated by unaddressed environmental hazards and climate change. Apparently polluted or contaminated sites are highly concentrated across NYS. Currently, at least 122 distinct federal hazardous waste (or “Superfund”) sites exist

across NYS, with four in NYC’s Queens and Brooklyn boroughs. Brooklyn’s Gowanus Canal—one of the country’s most polluted water bodies—is situated in a heavily gentrified neighborhood that incentivizes private developers’ purchase of contaminated land. Canal cleanup efforts began in 2020, though the dredging of toxic waste substances leaves behind certain toxins and recontaminates the surrounding area. Despite costly, lengthy attempts to store overflow toxins, additional investments in building subsidized housing and expanding shelter facilities in Gowanus have sparked environmental justice concerns. In April 2024—preceding NYS’s Department of Environmental Conservation’s evaluation of potential underground contaminants—a new 400-bed DHS shelter for migrant men opened alongside the Canal.¹⁴⁴

49. NYC’s sea level proximity most directly targets communities with substandard housing infrastructure and basement dwelling units.¹⁴⁵ The catastrophic effects of 2021’s Hurricane Ida left hundreds of residents displaced. Many displaced families faced eviction when FEMA aid expired while emergency shelter needs were especially critical.¹⁴⁶
50. NYCHA’s Coney Island and Red Hook Houses¹⁴⁷ were built in originally marshy areas, with tidal ponds filled for development purposes. Their locations in low-lying, flood-prone areas put these developments and their residents at a disproportionately higher risk of environmental disasters.¹⁴⁸ Today, both developments continue to grapple with poor apartment conditions due to 2012’s Superstorm Sandy—including degraded plumbing, faulty boilers, and pervasive mold. Rates of respiratory disease (i.e., asthma) have consequently increased.¹⁴⁹

III. Best Practices and Suggested Recommendations

51. States should raise the following points and considerations, either as questions to New York’s governments for further inquiry, or as recommendations.¹⁵⁰
52. The New York governments should enforce the security of tenure by:
 - a. Expanding the right to counsel to civil proceedings statewide involving the threat of eviction, inadequate housing conditions, landlord harassment, and other housing issues,¹⁵¹ and significantly investing in legal aid services to fully operationalize this universal right;¹⁵²
 - b. Enacting a statewide winter eviction moratorium;¹⁵³ and
 - c. Passing the Stop Legal Enforcement of Encampment Penalties Act,¹⁵⁴ decriminalizing forced evictions of encampment residents from public spaces.
53. The New York governments should enforce the availability of services, materials, and infrastructure by:
 - a. Investing in community-based healthcare and low-barrier housing for homeless individuals,¹⁵⁵ and divesting from law enforcement responses to remove homeless people from streets, subways, and other public places;
 - b. Investing in a robust citywide public bathroom infrastructure, with accessibility for persons with disabilities;¹⁵⁶

- c. Prioritizing financial resources (e.g. rental assistance, direct cash transfers, etc.) to support survivors of economic abuse, and creating legal mechanisms to discharge their coerced debt;¹⁵⁷ Training NYC school faculty and staff on best practices for keeping homeless students in school; and
- d. Expanding funding for low-barrier CA programs made accessible regardless of immigration status, criminal records, police reports, etc.

54. The New York governments should enforce housing affordability by:

- a. Enacting the Housing Access Voucher Program;¹⁵⁸
- b. Implementing the CityFHEPS rental assistance expansion laws;
- c. Expanding and enforcing SCRIE eligibility;¹⁵⁹
- d. Enforcing the elimination of landlords' measures to deregulate apartments;
- e. Strengthening source of income discrimination oversight, particularly around Section 8 and CityFHEPS vouchers and fixed SSI;¹⁶⁰
- f. Creating 12,000 deeply subsidized housing units per year for the next five years, available only to homeless and ELI households;¹⁶¹ and
- g. Establishing and financing social housing, including community land trusts, limited equity cooperatives and publicly-owned rentals.¹⁶²

55. The New York governments should enforce housing accessibility by:

- a. Streamlining supportive housing applications and eligibility procedures for prospective tenants;¹⁶³ and
- b. Filling NYCHA staff vacancies to increase housing accessibility after tenant turnover.

56. The New York governments should strengthen and enforce housing habitability by:

- a. Investing in NYCHA's major capital improvements;
- b. Implementing Local Law 1 (2024) to ensure code compliance of vacant apartments; and
- c. Prohibiting certain tenants living in hazardous conditions from being evicted.¹⁶⁴

57. The New York governments should enforce housing location by:

- a. Preventing housing construction along Superfund and other environmentally-hazardous sites;

58. The New York governments should enforce the cultural adequacy of housing by:

- a. Mitigating homeless immigrants' deportation risk by enacting the Access to Representation Act¹⁶⁵ to expand a right to counsel in immigration proceedings, amending the Protect Our Courts Act¹⁶⁶ to protect immigrants in homeless shelters, schools, and hospitals from ICE arrests, and enacting the NY For All Act¹⁶⁷ to strengthen sanctuary protections for immigrant New Yorkers.

59. Other holistic recommendations to decriminalize New York's homelessness and poverty include:

- a. Eliminating shelter providers' mandatory reporting practices for child abuse or neglect allegations, establishing family Miranda rights, and abolishing penalties triggering family separation and homelessness;
- b. Ending criminalization of labor forms accessible to housing insecure groups (e.g., sex workers), and collateral consequences (e.g., criminal record barriers, immigration status impacts, and lack of financial access);¹⁶⁸
- c. Enacting the statewide Homeless Protection Act¹⁶⁹ and Homelessness Non-Discrimination Act¹⁷⁰ to enhance protections for people experiencing homelessness targeted by hate crime(s).

¹ See Universal Declaration of Human Rights art. 25.1, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter "UDHR"]; see also International Convention on the Elimination of All Forms of Racial Discrimination art. 5(e)(iii), *ratified* Oct. 21, 1994, 660 U.N.T.S. 195 [hereinafter "CERD"]; see also International Covenant on Civil and Political Rights arts. 12, 17, *ratified* June 8, 1992, 999 U.N.T.S. 171 [hereinafter "ICCPR"]; see also Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *ratified* Oct. 21, 1994, 1465 U.N.T.S. 85 [hereinafter "CAT"]; see also International Covenant on Economic, Social, and Cultural Rights arts. 11.1, 2.1, *signed* Oct. 5, 1977, 993 U.N.T.S. 3 [hereinafter "ICESCR"]; see also Convention on the Rights of Persons with Disabilities art. 28.1, *signed* Dec. 13, 2006, 2515 U.N.T.S. 3 [hereinafter "CRPD"]; see also Convention on the Elimination of All Forms of Discrimination against Women art. 14.2, *signed* July 17, 1980, 1249 U.N.T.S. 13 [hereinafter "CEDAW"]; see also Convention on the Rights of the Child art. 27, *signed* Feb. 16, 1995, 1577 U.N.T.S. 3 [hereinafter "CRC"].

² During the 2020 Review of the U.S., at least seven Member States (Ethiopia, China, Cuba, Malta, Uganda, Azerbaijan, and Belgium) issued recommendations central to these key thematic areas, with an emphasis on reducing the role of policing to address poverty disparities and the disproportionate impact of criminalization practices on vulnerable groups (including African Americans). General recommendations from other Member States acknowledged the need to combat structural, racial, and other forms of discrimination—including the advancement of state and local policies, and the improvement of law enforcement-community relationships. In turn, the U.S. supported the following summarized recommendations of relevance to this joint submission: (a) Enhance activities to reduce homelessness among vulnerable groups (Ethiopia) and ending the criminalization of poverty (Cuba and Malta); (b) Ensure appropriate measures to protect persons suffering from mental illness during police operations (Uganda); (c) Increase efforts to protect migrants and asylum seekers by ensuring them access to basic services (Azerbaijan, Thailand, El Salvador, Myanmar, and Bolivarian Republic of Venezuela) and eliminating racial discrimination and xenophobia against them (Qatar); and (d) Advance policies to eliminate racial discrimination, xenophobia, and hatred in all forms, with measures to combat systemic racism and police violence against people of African descent (Togo, Azerbaijan, Lebanon, Lesotho, Kenya, Russian Federation, Saudi Arabia, South Africa, Chile, Montenegro, Slovakia, and Italy). See Hum. Rts. Council, Report of the Working Group on the Universal Periodic Review, United States of America, ¶¶ 26.286, 26.284, 26.285, 26.241, 26.287, 26.335, 26.327, 26.328, 26.331, 26.127, 26.220, 26.227, 26.118, 26.119, 26.143, 26.257, 26.123, 26.126, 26.121, 26.122, 26.112, 26.117, U.N. Doc. A/HRC/46/15 (2021) [hereinafter "Hum. Rts. Council 2021 UPR-U.S. Report"]. Following the 2020 UPR, the U.S. government accepted in whole or in part 280 out of the 347 recommendations it received. See U.S. DEP'T OF STATE, Concluding Remarks at the Adoption of the Third UPR of the United States (Mar. 17, 2021) (clarifying ¶ 6, U.N. Doc. A/HRC/WG.6/36/USA/1 (2020)), <https://www.state.gov/universal-periodic-review/2020-universal-periodic-review-of-the-united-states-of-america/>.

³ U.N. Comm. on Econ., Soc. & Cultural Rts., *General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)*, ¶ 8, U.N. Doc. E/1992/23 (1991) [hereinafter "CESCR General Comment No. 4"].

⁴ The CERD Committee in 2022 and the Human Rights Committee in 2023, respectively, urged the U.S. to strengthen legislation combatting housing discrimination and residential segregation, ensuring universal affordable housing, abolishing the criminalization of homelessness at *all* levels of government, and redirecting funding from criminal legal system responses toward adequate housing and shelter facilities. See Comm. on the Elimination of Racial Discrimination, Concluding observations on the combined tenth to twelfth reports of the United States of

America, ¶¶ 37-39, U.N. Doc. CERD/C/USA/CO/10-12 (Aug. 30, 2022) [hereinafter “CERD Comm. Comments”]; *see also* Hum. Rts. Comm., Concluding observations on the fifth periodic report of the United States of America, ¶¶ 40-41, U.N. Doc. CCPR/C/USA/CO/5 (Nov. 3, 2023) [hereinafter “Hum. Rts. Comm. Comments”].

⁵ Since the 2020 Review, U.S. civil society housing advocates have participated in several fact-finding missions stewarded by the Special Rapporteurs on slavery, extreme poverty and human rights, adequate housing, racism and other forms of intolerance, as well as by the Expert Mechanism on Law Enforcement and Racism (“EMLER”). Following their country visits, these expert mechanisms issued the following relevant recommendations: (a) Institute human rights-centered responses to poverty, homelessness, mental illness, and substance abuse by reforming law enforcement’s scope and mission; (b) Replace criminal legal system responses when addressing the causes and conditions of poverty and “the effects of intersectional discrimination” (*see* EMLER report); (c) Prevent and prohibit residential evictions by establishing mechanisms with public and private housing providers and other local authorities; (d) Provide non-discriminatory emergency and temporary housing toward persons experiencing homelessness; (e) Decriminalize conduct associated with homelessness (i.e., sleeping, living, cooking or washing in public places, begging, street vending, etc.) and establish alternatives to incarceration for petty offenses for persons experiencing homelessness; and (f) Provide permanent housing pathways for persons released from foster care, prisons, hospitals, and other institutions. *See generally* Hum. Rts. Council, Report of the International Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, U.N. Doc. A/HRC/54/69 (Aug. 21, 2023) (presenting findings by the International Independent Mechanism to Advance Racial Justice and Equality in Law Enforcement (“EMLER”) about the reimagining of policing, alternatives to use of force methods, and the intersections of policing, homelessness, cash bail, poverty, and migration) [hereinafter “EMLER Report”]; *see generally* Hum. Rts. Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, U.N. Doc. A/HRC/54/30 (July 12, 2023) (concerning manifestations of contemporary forms of slavery amongst persons experiencing homelessness and its criminalization) [hereinafter “Report from S.R. on slavery”]; *see also* Hum. Rts. Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, U.N. Doc. A/HRC/56/68/Add. 1, ¶¶ 23-28 (May 16, 2024) (concerning the Special Rapporteur on racism (Ashwini K.P.)’s country visit to the United States and compounding reports of the criminalization of poverty and economic inequality, housing and homelessness) [hereinafter “Report from S.R. on racism”].

⁶ Affordable apartment units are those with a monthly rent of less than 30% of a renter household’s gross income, while tenants who spend over 50% of their household income on rent are considered “severely rent burdened.” Pursuant to income band metrics, low- and extremely-low income New Yorkers are those with household earnings of 0 to 80% of the Area Median Income (“AMI”). The AMI standard, issued annually by the U.S. Department of Housing and Urban Development, is a federal income standard that accounts for a region’s median income for a certain household size. To further contextualize these figures, a household of 80% AMI or less is only able to afford a one-bedroom apartment of \$2,330 in maximum rent. *See* N.Y.C. HOUS., PRES., & DEV., *Area Median Income*, <https://www.nyc.gov/site/hpd/services-and-information/area-median-income.page> (last visited Apr. 3, 2025).

⁷ *How Much Does an Apartment Cost in NYC? A 2024 Guide*, INTRABUILD, <https://www.intrabuild.com/blog/average-cost-of-apartment-in-nyc> (last visited Apr. 1, 2025); *see also* Interview with Brittany McCoy, Managing Director of Policy, The Bronx Defenders (Mar. 7, 2025) (discussing how even the baseline system of housing access is inadequate for the average New Yorker, and that the city is expensive for maintaining a quality of life generally).

⁸ Press Release, Off. N.Y. State Comptroller Thomas P. DiNapoli, DiNapoli: Housing Cost Burdens for New Yorkers Among Nation’s Highest (Feb. 14, 2024), <https://www.osc.ny.gov/press/releases/2024/02/dinapoli-housing-cost-burdens-new-yorkers-among-nations-highest>.

⁹ SEAN CAMPION, A BUILDING CRISIS: THE QUALITY-OF-LIFE, POPULATION, AND ECONOMIC EFFECTS OF HOUSING UNDERPRODUCTION, 4-5 (2024), <https://cbcny.org/building-crisis> (finding that 20.8% of renters in NYC have lived in their unit for more than 10 years—3.5 times the national average).

¹⁰ *See* OFF. N.Y. STATE COMPTROLLER THOMAS P. DINAPOLI, THE FINANCIAL CONDITION OF NEW YORK HOUSEHOLDS 1, 13-14 (Dec. 2025), https://www.osc.ny.gov/files/reports/pdf/new-yorkers-financial-snapshot.pdf?utm_medium=email&utm_source=govDelivery (noting that New York’s Supplemental Poverty Measure (“SPM”) rate increased from 15.9% to 17.6% from 2019 to 2023, while the national rate increased from 14.2% to 15.2%). SPM—devised by the U.S. Census Bureau—is a fairly broad measure of assessing poverty, considering out-of-pocket expenses such as food, shelter, utilities, clothing, medical needs, tax payments, etc.

¹¹ See Report from S.R. on racism, *supra* note 5, ¶ 25 (“She also received information about high levels of homelessness in places . . . including . . . New York City.”).

¹² Press Release, Off. N.Y. State Comptroller Thomas P. DiNapoli, DiNapoli: Numbers of Homeless Population Doubled in New York (Jan. 22, 2025), <https://www.osc.ny.gov/press/releases/2025/01/dinapoli-numbers-homeless-population-doubled-new-york>.

¹³ COAL. FOR HOMELESS, *Basic Facts About Homelessness: New York City* (last updated Mar. 2025) <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>.

¹⁴ See N.Y.C. DEP’T HOMELESS SERV., *Daily Report* (Apr. 6, 2026), <https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf> (tallying 54,018 families with children in the shelter census, out of 84,239 total individuals).

¹⁵ N.Y.C. DEP’T SOC. SERV., *Homeless Outreach Population Estimate (“HOPE NYC”) 2025 Results* (2025), <https://www.nyc.gov/assets/dhs/downloads/pdf/hope/hope-2025-results.pdf> <https://www.nyc.gov/assets/dhs/downloads/pdf/hope/hope-2024-results.pdf>. We note that the HOPE (or point-in-time) count is methodologically flawed due to a variety of factors. Accordingly, the total estimate of 4,504 individuals who experienced unsheltered homelessness on a single night in January 2025 should be taken as an undercount.

¹⁶ COAL. FOR HOMELESS, *supra* note 13 (“In City Fiscal Year 2023, the average length of stay in the DHS shelter system was 412 days for single adults, 437 days for families with children, and 750 days for adult families.”).

¹⁷ In 2023, the NYC Council passed historic laws to expand the City Family Homelessness and Eviction Prevention Supplement (“CityFHEPS”) rental assistance voucher program, which then-Mayor Eric Adams vetoed for alleged budgetary concerns. Despite the Council’s subsequent override of this veto, the City administration did not implement the CityFHEPS expansion law. A court unanimously ruled that the expansion laws were valid, requiring the City to expand rent assistance eligibility to individuals at risk of eviction and/or living in shelter, though the City continued to pursue further appeals and administrative delays. See generally Patrick Spauster, *Adams’ Administration Delays CityFHEPS Expansion Again, Asks Court for Appeal*, CITY LIMITS (Sept. 5, 2025), <https://citylimits.org/adams-administration-delays-cityfheps-expansion-again-asks-court-for-appeal/> (detailing the legal battle over the expanded CityFHEPS income eligibility threshold, among other critical housing reforms for unhoused New Yorkers).

¹⁸ See Grace Thomas, *NYC Council’s preliminary budget response doesn’t include CityFHEPS expansion in its priorities*, CITY & STATE NY (Apr. 1, 2026), <https://www.cityandstateny.com/policy/2026/04/nyc-councils-preliminary-budget-response-doesnt-include-cityfheps-expansion-its-priorities/412573/>.

¹⁹ Interview with Rob Robinson, Housing Advocate and Organizer with Lived Expertise of Homelessness, Senior Advisor to Partners for Dignity and Rights (Feb. 20, 2025) [hereinafter “Interview with Rob Robinson”].

²⁰ *Callahan v. Carey* is the landmark litigation that birthed New York’s legal right to shelter, relying on protections under the NYS Constitution. The mandate was initially issued on behalf of homeless men but was subsequently extended to include women and families with children across the City. See *Callahan v. Carey*, No. 79-42582 (Sup. Ct. N.Y. Cnty., 1979) (“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.”); see also *Eldredge v. Koch*, 98 A.D.2d 675 (1st Dep’t., 1983) (extending the legal requirement of *Callahan* and the right to shelter to homeless single women).

²¹ Joe Anuta, *Adams defends decision to weaken right to shelter law*, POLITICO (May 25, 2023, 10:00 AM), <https://www.politico.com/news/2023/05/25/nyc-mayor-right-to-shelter-law-00098669>.

²² Press Release, City of New York, Mayor Adams Announces new Round of Migrant Shelter Closures, Including one of City’s Largest Facilities, after 27 Straight Weeks of Shelter Census Declines (Jan. 10, 2025), <https://www.nyc.gov/office-of-the-mayor/news/019-25/mayor-adams-new-round-migrant-shelter-closures-including-one-city-s-largest>.

²³ See Interview with Will Woods, Advocate with Lived Expertise of Homelessness, Urban Pathways (Feb. 20, 2025) [hereinafter “Interview with Will Woods”]; see also Interview with Susan Negron, Advocate with Lived Expertise of Homelessness, Unlock NYC/Participation Action Research Committee (Mar. 21, 2025) [hereinafter “Interview with Susan Negron”]; see also Interview with Kamilah Newton, Mother, Advocate with Lived Expertise of Homelessness, and Law Student, Unlock NYC/Participation Action Research Committee (Mar. 21, 2025) [hereinafter “Interview with Kamilah Newton”].

²⁴ Interview with Will Woods, *supra* note 19.

²⁵ See generally Daniel Parra, *Tale of Two Cities: Report Finds Stark Racial Wealth Gap Among New Yorkers* (Feb. 6, 2025), <https://citylimits.org/2025/02/06/tale-of-two-cities-report-finds-stark-racial-wealth-gap-among-new-yorkers/>, (discussing New York’s scale of wealth inequality and its disproportionate impacts on people of color).

²⁶ See CMTY. SERV. SOC’Y, *Latest Census Data Shows Poverty Remains Stubbornly High in New York City* (Sept. 12, 2024), <https://www.cssny.org/news/entry/latest-census-data-shows-poverty-remains-stubbornly-high-in-new-york-city-analysis> (“In 2023, 1.5 million New Yorkers lived at or below the official federal poverty level – about 187,000 more than in 2019, before the pandemic hit.”).

²⁷ *Id.*; see generally ANASTASIA KOUTAVAS ET AL., SPOTLIGHT ON THE RACIAL WEALTH GAP IN NEW YORK CITY (Jan. 2025), https://robinhood.org/wp-content/uploads/2025/02/PT_Racial_Wealth-Gap_1.21_rev_FINAL.pdf (discussing how New York City’s widening racial wealth gap has limited the intergenerational mobility of millions of New Yorkers, particularly amongst Asian, Black and Latino New Yorkers, who hold a median total wealth of \$43,100, \$2,800, and \$0, respectively (in extreme contrast to white New Yorkers’ median total wealth estimated at \$320,000)).

²⁸ See U.S. CENSUS BUREAU, *American Community Survey of New York City Race and Ethnicity Demographics*, <https://data.census.gov/table/ACSDT5Y2020.B03002?g=160XX00US3651000> (last visited Apr. 3, 2025).

²⁹ See N.Y.C. DEP’T HOMELESS SERV., *DHS Data Dashboard – Fiscal Year 2024 Q4 Final*, <https://www.nyc.gov/assets/dhs/downloads/pdf/dashboard/FY24-DHS-Data-Dashboard-Charts.pdf> (last visited Mar. 27, 2025).

³⁰ See Emily Swanson, *NYC’s HOUSING CRISIS: Breaking down what the city is doing, and not doing, to make housing affordable* (Feb. 26, 2025), <https://www.amny.com/news/nyc-housing-crisis-affordable-housing-construction-zoning-funding/> (“The top-producing districts [for affordable housing] are predominantly home to Black and Latino residents – with more than 70% of their populations comprised of these communities – compared to less than 30% in the least-producing districts.”).

³¹ See N.Y.C. HOUS. AUTH. [“N.Y.C.H.A.”], *Resident Data for All Programs*, <https://www.nyc.gov/assets/nycha/downloads/pdf/Resident-Data-Book-Summary-2023.pdf> (last visited Apr. 1, 2025).

³² Households classified as “extremely low income” are defined as those with a gross household income between 0% and 30% of AMI. In 2025, for example, a four-person family in the NYC region was assigned an AMI of \$162,000, meaning they were considered a four-person family of extremely-low income if their gross income was \$48,600 or less (i.e., 30% of \$162,000). See HOUS., PRES., & DEV., *Area Median Income*, <https://www.nyc.gov/site/hpd/services-and-information/area-median-income.page> (last visited Apr. 7, 2026).

³³ COAL. FOR HOMELESS & HOMES FOR NYC COAL., *BUILD FROM THE BOTTOM UP: AFFORDABLE HOUSING FOR HOMELESS NEW YORKERS 1, 3* (Jan. 2026), https://www.coalitionforthehomeless.org/wp-content/uploads/2026/02/Homes-for-NYC_Build-from-the-Bottom-Up-Policy-Brief.pdf.

³⁴ In 2024, the largest share of City-funded “affordable” rental units was restricted to households in the 121% to 165% AMI band. In other words, a three-person household (i.e., single parent with two minor children) would have needed to make a minimum of \$118,096 per year to qualify for an apartment of over \$4,000 per month in rent. Accordingly, housing production shortfalls have increasingly left most ELI households—nearly 80% over a decade’s worth of findings—without viable pathways to affordable and stable housing. See *id.*, at 5-7.

³⁵ See generally OFF. N.Y. STATE COMPTROLLER THOMAS P. DiNAPOLI, *ECONOMIC AND POLICY INSIGHTS: INFLATION IN THE NEW YORK CITY METROPOLITAN AREA* (Apr. 21, 2022), <https://www.osc.ny.gov/reports/inflation-new-york-city-metropolitan-area> (examining market forces affecting New York City’s economy).

³⁶ The pervasiveness of housing precarity has placed tens of thousands of city and state tenants in peril of homelessness, with the judiciary itself as a state-enforcer of evictions and the criminalization of poverty. See John Ketcham, *New York’s Housing Hell*, *City J.* (June 25, 2024), <https://www.city-journal.org/article/new-yorks-housing-court-hell>; see also Oksana Mironova and Yvonne Pena, *Tenants Facing Eviction Have a Right to Counsel – But Underfunding Subverts that Protection*, *CTR. N.Y.C. AFF.* (Feb. 12, 2025), <http://www.centrernyc.org/urban-matters-2/tenants-facing-eviction-have-a-right-to-counsel-but-underfunding-subverts-that-protection>.

³⁷ See DiNAPOLI, *supra* note 10, at 16 (showing that in 2023, 51% of New York renter households and 45% of renter households nationally were rent burdened (i.e., whose rent costs equaled at least 30% of their gross household income), respectively).

³⁸ Interview with Jenny Laurie, Executive Director, Housing Court Answers (Feb. 26, 2025) [hereinafter “Interview with Jenny Laurie”].

³⁹ New York City’s robust tenant movement made history in 2017 with the passage of the civil right to counsel (“RTC”) law, the nation’s first legal mechanism to provide free access to counsel to tenants at risk of housing displacement and homelessness. Since its passage, the number of represented tenants has increased from 10% to 33 to 67% (depending on the borough) and evictions have decreased by 26%--of represented tenants, over 72% have remained in their home. To address the city’s growing economic inequality, RTC’s role is not simply to increase the availability of counsel, but to guarantee a holistic right and achieve judicial fairness to those tenants accessing that right. RTC is paramount to due process and access to justice, and its victory must be credited to the multi-sectoral Coalition of impacted tenants, organizers, advocates and scholars steeped in housing law and policy expertise, and legal services organizations who continue to lead the charge. Still, the success of the RTC legal mechanism has ensured over 83% of city tenants remain in their homes. The city’s Office of Civil Justice, housed in its Human Resources Administration as the predominant oversight entity since RTC’s rollout, has conducted annual audits with joint input from the City Bar Association’s Civil RTC Task Force. They also successfully pushed for the passage and enactment of the state’s Good Cause Eviction Law in April 2024, which extends protections for certain tenants facing the threat of eviction in unregulated (or market-rate) housing stock. Pursuant to this law, eligible tenants are given the right to challenge unreasonable rent increases, and landlords are prohibited from terminating a tenancy without a lawful, meritorious reason for doing so. The power and effectiveness of these legal avenues since the last U.S.-UPR has been a testament to the mobilization of grassroots organizing resources, lived expertise of directly impacted, housing insecure New Yorkers, and technical cooperation with community-based legal service providers. See Interview with Jenny Laurie, *supra* note 30; see also TASK FORCE ON CIV. RT. COUNS. BEFORE N.Y.C. OFF. CIV. JUST., *Testimony of the New York City Bar Association* (Feb. 28, 2024), https://www.nycbar.org/wp-content/uploads/2024/02/20221251_NYCBaRTCTestimony.pdf; see also Frank Festa and Annie Iezzi, *NYC’s Floundering ‘Right to Counsel’ Fails to Keep Pace with Eviction Cases*, CITY LIMITS (Jan. 3, 2023), <https://citylimits.org/nycs-floundering-right-to-counsel-fails-to-keep-pace-with-eviction-cases/>; see also DEP’T SOC. SERV. NYC OFFICE OF CIVIL JUSTICE: FY24 ANNUAL REPORT (2024), https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2024.pdf.

⁴⁰ Nonprofit legal service-RTC providers have understandably struggled to meet this growing demand for tenant representation. RTC providers have limited capacity due to higher attorney attrition rates, dire organizational financial challenges, and the inherent “summary” (or expeditious) process of eviction cases that affect their ability to represent the full breadth of eligible tenants. See Festa and Iezzi, *supra* note 31.

⁴¹ See Festa and Iezzi, *supra* note 31.

⁴² CERD Comm. Comments, *supra* note 4, ¶ 53 (The CERD Committee noted “the right-to-counsel initiatives adopted at the local level to ensure that litigants have equal access to justice in civil proceedings, regardless of income, such as in . . . New York . . .” but it “remains concerned at the lack of a generally recognized right to counsel in civil proceedings, which disproportionately affects indigent persons belonging to racial and ethnic minorities, when seeking effective remedies in matters such as evictions, foreclosures, . . .”); see also Andrew Scherer, *The Case Against Summary Eviction Proceedings: Process as Racism and Oppression*, 53 SETON HALL L. REV. 1, 31-47 (examining how Black people’s “disproportionate status as renters is only part of the story” as “[t]he same forces that relegate people of color to tenant status have also forced them into housing that (1) is more deteriorated, (2) demands a higher portion of income for rent, and (3) is located in communities that are far more vulnerable to gentrification and displacement on the one hand and to deterioration and environmental degradation on the other.”).

⁴³ Randy Dillard, *Right to Counsel Coalition Testimony on Urgent Need to Fund and Pass Statewide Right to Counsel* (S2721) (Feb. 14, 2024), <https://www.nysenate.gov/sites/default/files/admin/structure/media/manage/filefile/a/2024-02/right-to-counsel-coalition-and-community-action-for-safe-apartments-new-settlement-24.pdf> (testifying for a joint legislative budget hearing before the New York State legislature on housing).

⁴⁴ See Ames Grawert et al., *Poverty and Mass Incarceration in New York: An Agenda for Change*, BRENNAN CTR. FOR JUST. (Feb. 23, 2021), <https://www.brennancenter.org/our-work/policy-solutions/poverty-and-mass-incarceration-new-york-agenda-change>.

⁴⁵ *Id.*

⁴⁶ See Report from S.R. on racism, *supra* note 5, ¶ 23.

⁴⁷ In a 2022 study, 85% of the city’s zip codes where New Yorkers were disproportionately issued summonses contained a majority or plurality Black or Hispanic demographic. Accordingly, an overwhelming number of these racial and ethnic groups (predominantly from the Bronx and Brooklyn boroughs) have experienced policing and enforcement of low-level offenses relative to the general population. See ANNA STENKAMP AND MICHAEL REMPEL, RACIAL AND NEIGHBORHOOD DISPARITIES IN NEW YORK CITY CRIMINAL SUMMONS PRACTICES (Mar. 2024), https://datacollaborativeforjustice.org/wp-content/uploads/2024/02/Criminal_Summons_Disparities_Report.pdf.

⁴⁸ See N.Y.C. DEP’T HOMELESS SERV. OFF. POL’Y, PROCEDURES & TRAINING, ENCAMPMENT CLEANUP AND VOUCHER PROCEDURE, DHS-PB-2024-011 (June 17, 2024), http://onlineresources.wnyc.net/nychra/docs/dhs-pb-2024-011_encampment_cleanup_and_voucher_procedure.pdf [hereinafter “sweeps policy”]; See also S.R. on racism, *supra* note 5, ¶ 26 (“The Special Rapporteur is shocked by such laws and policies, which criminalize homelessness, as well as by initiatives such as the targeting of encampments of unhoused persons . . . [which] unnecessarily and cruelly contribute to mass incarceration, obscure the State’s concrete obligation to prevent and address racial discrimination, and constitute a comprehensive status-based denial of social protection.”).

⁴⁹ See Urban Justice Center-Safety Net Project v. City of New York, No. 1:24-cv-08221, ¶ 2 (S.D.N.Y. Oct. 29, 2024) (detailing a putative class action complaint on behalf of homeless NYC residents impacted by homeless sweeps, specifying over 11,500 sweeps conducted annually) [hereinafter “NYC Sweeps Complaint”].

⁵⁰ Contrary to ICCPR Article 17(1), these systematic practices demonstrate NYC’s “unlawful interference” with the “privacy, family, [and] home” of unsheltered New Yorkers, who deserve the freedom to protect their personal effects and place of residence. In October 2024, six street homeless New Yorkers and the nonprofit anti-poverty organization, Urban Justice Center-Safety Net Project (“UJC-SNP”), sued the City and State in a federal lawsuit, alleging the unconstitutionality of the sweeps policy and related government-sanctioned practices. The sweeps lawsuit, co-counseled by the NHLC, UJC-SNP, and a civil rights law firm, contributes to a broader citywide Stop the Sweeps campaign. The campaign weaves together community organizing and policy advocacy efforts, with the recognition that ending the humane, discriminatory sweeps of unhoused New Yorkers requires a multi-pronged, strategic approach of various stakeholders and activists. Civil society advocacy groups, such as Washington Square Park Mutual Aid, VOCAL-NY, UJC-SNP, and others, have invested substantial resources and aid to these New Yorkers. See *id.* (directly violating Article 17(1) of the ICCPR); see also Press Statement, Nat’l Homelessness L. Ctr., Homeless New Yorkers Sue Eric Adams Administration to End Inhumane and Unlawful Sweeps (Oct. 30, 2024), <https://homelesslaw.org/adamslawsuit/>.

⁵¹ ICCPR, *supra* note 1, art. 2.

⁵² See Charles Lane, *No panhandling, peeing or lying on subway seats: NYPD launches new quality-of-life division*, GOTHAMIST (Jan. 30, 2025), <https://gothamist.com/news/no-panhandling-peeing-or-laying-on-subway-seats-nypd-launches-new-quality-of-life-division>.

⁵³ The NYC corollary to this plan is the Subway Diversion Program, launched in the summer of 2019 and subsequently expanded by the Adams administration. An anonymous group of NYPD Transit Bureau officers condemned the Program as a “blatant discrimination against the homeless in the NYC subway,” and, in practice, used summonses against homeless subway riders as a coercive tactic to accept transport to a shelter facility. See Giselle Routhier and Josh Goldfein, *Testimony of Coalition for the Homeless and Legal Aid Society on Oversight: NYPD Subway Diversion Program 3* (Jan. 21, 2020), https://www.coalitionforthehomeless.org/wp-content/uploads/2020/02/Testimony_SubwayDiversion_1-21-20_FINAL-1.pdf (referencing COAL. FOR HOMELESS & HUM.NYC, *About the “Subway Diversion Program,”* (last visited Apr. 4, 2025), <https://www.diversioniscoercion.nyc/>).

⁵⁴ Routhier and Goldfein, *supra* note 45.

⁵⁵ See N.Y.S. GOVERNOR KATHY HOCHUL, *Safer Subways: One Year After Deploying Additional Law Enforcement and Safety Measures*, Governor Hochul Highlights Ongoing Efforts to Keep Riders and Transit Workers Safe on Subways (Mar. 6, 2025), <https://www.governor.ny.gov/news/safer-subways-one-year-after-deploying-additional-law-enforcement-and-safety-measures-governor>; see also EMLER Report, *supra* note 5, ¶ 38 (“Arrests, fines and corollary criminal convictions result in incarceration, where persons may remain for prolonged periods, because of their inability to pay bail, with a vast array of social consequences, including losing their jobs, custody of their children, property and employment.”); see also Interview with Babatunde Aremu, Occupational Licensing and Strategies Counsel, Civil Action Practice of The Bronx Defenders (Mar. 7, 2025).

⁵⁶ Interview with Kamilah Newton, *supra* note 19.

⁵⁷ Anecdotaly, many of these bias-motivated crimes have been construed as racist hate crimes. *See* CERD, *supra* note 1, art. 4; *see also* CERD Comm. Comments, *supra* note 4, ¶ 14.

⁵⁸ Jordan Neely’s assailant, Daniel Penny, was acquitted for Neely’s homicide. In the aftermath of his trial, he was celebrated as a “national hero” by President- and Vice President-elect, Trump and Vance, at a sports match, in December 2024. Their endorsement represents a broadening right-wing effort to appeal to a predominantly white nationalist base through the dehumanization of Black lives. *See* Keka Araujo, *From Killing Jordan Neely to Hanging with JD Vance: Daniel Penny Is Living His Best White-Privileged Life*, BLACK ENTER. (Dec. 13, 2024), <https://www.blackenterprise.com/daniel-penny-is-living-his-best-white-privileged-life-despite-being-a-killer/>.

⁵⁹ *See* Andy Newman and Hurubie Meko, *Police Seek Man in String of Stabbings of Homeless Men Sleeping Outdoors*, N.Y. TIMES (July 12, 2022), <https://www.nytimes.com/2022/07/12/nyregion/nyc-homeless-stabbing.html>.

⁶⁰ *See* Leah Simpson, *Horrific video shows homeless man, 66, being set on FIRE after another man throws a lit firework at him while he sleeps on a New York City street*, DAILY MAIL (June 23, 2020), <https://www.dailymail.co.uk/news/article-8449703/Video-shows-homeless-man-set-FIRE-NYC-man-throws-lit-firework-him.html>.

⁶¹ M.A. Dennis and Will Woods, *Opinion: It’s Time We Acknowledge the Violence Endured by People Experiencing Homelessness*, CITY LIMITS (May 31, 2024), <https://citylimits.org/2024/05/31/opinion-its-time-we-acknowledge-the-violence-endured-by-people-experiencing-homelessness/>.

⁶² In May 2024, the Adams administration re-introduced a policy from the 2010s that allows DHS to temporarily evict residents from homeless shelters. Under the pilot program, homeless adults in shelters will be removed if they fail to maintain active public benefits cases, turn down a housing placement, or violate shelter rules. Rather than providing responsive care, New York City will punish those most vulnerable—a direct contravention to the 2020 Review. Shelter residents are eager to transition to permanent housing, and programs like this do not solve the lack of services and bureaucratic hurdles that hinder housing security. *See* Gwynne Hogan and Katie Honan, *City Tests New Shelter Rules Advocates Warn Will Lead to More Street Homelessness*, CITY (Mar. 18, 2025, 1:28 PM), <https://www.thecity.nyc/2025/03/18/street-homeless-shelter-adams-bloomberg-rules-molly-park-dhs/>; *see also* COAL. FOR HOMELESS, *Mission & Programs* (last visited Mar. 27, 2025), <https://www.coalitionforthehomeless.org/wp-content/uploads/2025/02/Coalition-Mission-and-Programs-2025.pdf> (reporting that that no homeless individuals have turned down a real offer of permanent affordable housing in 40 years).

⁶³ *See* Jeanmarie Evely, *Remembering the Homeless New Yorkers Lost Last Year*, CITY LIMITS (Jan. 2, 2025), <https://citylimits.org/2025/01/02/remembering-the-homeless-new-yorkers-lost-last-year/>.

⁶⁴ *Id.*

⁶⁵ In its Fifth Periodic Report to the Committee in 2021, the U.S. government misguidedly commented that access to housing and other basic human needs was not “inextricably related to or otherwise essential to the enjoyment of the right to life.” *See* Hum. Rts. Comm., Fifth periodic report submitted by the United States of America under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2020, ¶ 6, U.N. Doc. CCPR/C/USA/5 (Nov. 11, 2021) [hereinafter “U.S. Fifth Period Report”]. It went on to say that actions aiming to address poverty and homelessness are generally beyond the scope of State Parties’ obligations under the ICCPR and the inherent right to life. *See id.*, ¶ 23 (stating that the Committee wrongly assumes “that local, state and federal law ‘criminalizes everyday activities associated with homelessness.’”). However, since the last U.S.-UPR, the Committee explicitly cited to ICCPR Article 6, inferring that criminalization of homelessness marks an inherent and arbitrary deprivation of a person’s life. As the right to life is closely dependent on the right to a standard of adequate living, under UDHR, Article 25(1), it is by extension related to disability rights and the right to health.

⁶⁶ Hum. Rts. Comm. Comments, *supra* note 4, ¶ 40.

⁶⁷ *See* NAT’L HOMELESSNESS L. CTR. & UNIV. MIAMI SCH. L., CRIMINALIZATION OF HOMELESSNESS AND MENTAL HEALTH IN THE UNITED STATES: SHADOW REPORT TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE FOR THE UNITED STATES’ REVIEW OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, Sec. III (Sept. 12, 2023), <https://homelesslaw.org/wp-content/uploads/2023/09/ICCPR-Report-2023.pdf> [hereinafter “SHADOW REPORT ON CRIMINALIZATION OF HOMELESSNESS AND MENTAL HEALTH”].

⁶⁸ *See id.*, ¶¶ 34-44; *see also* Report from S.R. on racism, *supra* note 5, ¶ 42 (“Police officers and other law enforcement officials often fail to de-escalate situations, sometimes leading to the excessive and lethal use of force by police and law enforcement officials, that can lead to those from racially marginalized groups being injured or killed.”); *see also* Report from S.R. on slavery, *supra* note 5, ¶ 31 (finding that “persons with disabilities

experiencing homelessness are exposed to the risk of law enforcement actions and deprivation of liberty because survival behaviours, like loitering, begging and sleeping in public spaces, are criminalized . . .”); *see also* EMLER Report, *supra* note 5, ¶ 35 (“. . . the mere presence of armed, uniformed officers with police vehicles can exacerbate a person’s feelings of distress and escalate mental health-related situations.”).

⁶⁹ *See id.*, ¶¶ 34-44; *see also* Report from S.R. on racism, *supra* note 5, ¶ 42 (“Police officers and other law enforcement officials often fail to de-escalate situations, sometimes leading to the excessive and lethal use of force by police and law enforcement officials, that can lead to those from racially marginalized groups being injured or killed.”); *see also* Report from S.R. on slavery, *supra* note 5, ¶ 31 (finding that “persons with disabilities experiencing homelessness are exposed to the risk of law enforcement actions and deprivation of liberty because survival behaviours, like loitering, begging and sleeping in public spaces, are criminalized . . .”); *see also* EMLER Report, *supra* note 5, ¶ 35 (“. . . the mere presence of armed, uniformed officers with police vehicles can exacerbate a person’s feelings of distress and escalate mental health-related situations.”).

⁷⁰ Report from S.R. on racism, *supra* note 5, ¶ 43.

⁷¹ OFF. PUB. ADVOC. JUMAANE D. WILLIAMS, IMPROVING NEW YORK CITY’S RESPONSES TO INDIVIDUALS IN MENTAL HEALTH CRISIS (Nov. 16, 2022), <https://advocate.nyc.gov/reports/improving-new-york-citys-responses-mental-health-crisis-2022>.

⁷² *See* Annie McDonough, *Mental health care on Rikers: New York’s largest psychiatric provider*, CITY & STATE (Sept. 30, 2022), <https://www.cityandstateny.com/policy/2022/09/mental-health-care-rikers-new-yorks-largest-psychiatric-provider/377870/> (“Rikers Island is one of the largest psychiatric care providers in the country, and it is the largest psychiatric provider in New York City. Half of Rikers’ population in the previous fiscal year had a mental health diagnoses – about 2,780 people – and 16% had a serious mental health diagnosis.”).

⁷³ *See* Brief of Amici Curiae The Bronx Defenders et al., Council City N.Y. v. Mayor Eric Adams 1, 8 (2024) (No. 161499) (describing deadlocking as a “widespread practice” at Rikers whereby “patients who are severely mentally ill are locked in [their cells] for weeks and weeks without access to medications.”).

⁷⁴ Interview with Conrad Blackburn, Criminal Public Defender & Policy Counsel, Criminal Defense Practice of The Bronx Defenders (Mar. 7, 2025).

⁷⁵ *See* Rebecca C. Lewis, *Hochul says 2025 is the year to change involuntary commitment laws*, CITY & STATE (Jan. 3, 2025), <https://www.cityandstateny.com/policy/2025/01/hochul-says-2025-year-change-involuntary-commitment-laws/401948/>; *see also* Jon Campbell, *Gov. Hochul looks to expand forced hospitalization as Albany returns to session*, GOTHAMIST (Jan. 8, 2025) (regarding the Supportive Interventions Act, “which would enshrine the standard into state law” and allow law enforcement officials to take more individuals into custody for purposes of an evaluation for exhibiting signs of mental illness, thus codifying a criminalization standard). Altogether, with insufficient treatment facilities and heightened police intervention, what remains is a void of compassionate care.

⁷⁶ As per the use of force standard, any liberty deprivation impacting a New Yorker’s bodily autonomy must comport with principles of necessity and proportionality to protect them from serious harm to self or others.

⁷⁷ U.N. Hum. Rts. Comm., *General Comment No. 35: Article 9 (Liberty and security of person)*, Sec. II., U.N. Doc. CCPR/C/GC/35 (2014) [hereinafter “CCPR General Comment No. 35”]. The Committee also identifies concerns about the deprivation of liberty across a wide-ranging set of practices and procedures (e.g., police custody and involuntary hospitalization). *See id.*, ¶ 3. These actions derogate from ICCPR Articles 9 and 10, commented on by the Committee,⁷⁷ and CAT Articles 1 and 2 as constraints on one’s liberty and security. *See* Hum. Rts. Comm. Comments, *supra* note 4, ¶¶ 40, 42, 43(c), 44, and 45.

⁷⁸ CCPR General Comment No. 35, *supra* note 70, ¶ 19.

⁷⁹ Interview with Susan Negron, *supra* note 19.

⁸⁰ Interview with Sandra Gresl, Senior Staff Attorney, Mobilization for Justice (Feb. 20, 2025) [hereinafter “Interview with Sandra Gresl”].

⁸¹ *See id.*

⁸² *See* Interview with Sandra Gresl, *supra* note 74.

⁸³ In subsequent months, NYC began seeing waves of migrants arriving into its sanctuary jurisdiction, the vast majority of Latin/South American or West African descent. *See* Goodman, et al., *Bus by Bus, Texas’ Governor Changed Migration Across the U.S.*, N.Y. TIMES (Jul. 20, 2024), <https://www.nytimes.com/2024/07/20/us/abbott-texas-migrant-buses.html>.

⁸⁴ Interview with Edafe Okporo, Founder and Executive Director, Refuge America (Feb. 21, 2025) (Okporo is a Nigerian LGBTQ+ refugee who sought refuge in NYC and became an advocate for LGBTQ+ asylum seekers and refugees. He is also a candidate running for NYC Council (District 7)).

⁸⁵ OFF. N.Y. STATE COMPTROLLER BRAD LANDER, REPORT ON THE INVESTIGATION OF THE IMPLEMENTATION OF THE “60-DAY RULE” FOR ASYLUM-SEEKER FAMILIES, (May 9, 2024), <https://comptroller.nyc.gov/reports/report-on-the-investigation-of-the-implementation-of-the-60-day-rule-for-asylum-seeker-families/>.

⁸⁶ See N.Y. IMM. COAL., FACT SHEET: ADAMS’ 30/60-DAY SHELTER LIMIT HARMS NEW YORKERS, HURTS ECONOMY (May 22, 2024), <https://www.nycic.org/2024/05/fact-sheet-adams-30-60-day-shelter-limit-harms-new-yorkers-hurts-economy/>.

⁸⁷ Pursuant to § 212(a)(4) of the Immigration and Nationality Act [hereinafter “INA”]; 8 U.S.C. § 1182(a)(4) (2025).

⁸⁸ Report from S.R. on racism, *supra* note 5, ¶ 51 (“The Special Rapporteur is deeply concerned about reports of how systemic racism, including pervasive anti-Blackness and antipathy to other non-white migrants . . . is deeply embedded within migration governance in the United States. ‘Prevention through deterrence’ policies and practices often disregard or disdain the State’s obligation to asylum-seekers.”); see also Report from S.R. on slavery, *supra* note 5, ¶ 23 (“ . . . requiring proof of address, payments or identity documents to gain access to housing and essential public services is to be regarded as discriminatory.”).

⁸⁹ Interview with Rosa Cohen-Cruz, Director of Immigration Policy, Bronx Defenders (Mar. 7, 2025).

⁹⁰ George Joseph and Will Craft, *Trump’s justice department demands New York migrant shelter share names of residents*, GUARDIAN (Mar. 12, 2025, 4:06 PM), <https://www.theguardian.com/us-news/2025/mar/12/nyc-migrant-shelter-doj>.

⁹¹ See Arya Sundaram, *ICE enters NYC shelters armed and without judicial warrants, reports show*, GOTHAMIST (Dec. 15, 2025) (detailing that on one occasion, ICE arrested a 30-year-old Venezuelan shelter resident in Brooklyn with no criminal history, using an extreme show of force in contravention of city law).

⁹² Luis Ferré-Sadurni, *N.Y.C. Officials Give City Workers Leeway to Yield to ICE Agents*, N.Y. TIMES (Feb. 7, 2025), <https://www.nytimes.com/2025/02/06/nyregion/raids-migrants-shelters-nyc.html>.

⁹³ Miriam Axel-Lute, *What Is NIMBYism and How Do Affordable Housing Developers Respond to It?*, SHELTERFORCE (Nov. 17, 2021) (explaining “NIMBY” (an acronym for “Not In My Back Yard”) as a descriptor of existing residents in neighborhoods who oppose new housing development near their homes—particularly denser or more affordable housing—oftentimes motivated by racism and classism but framed as concerns over “quality of life,” lower property values, and overcrowded schools. NIMBY-ism is typically reserved for residents that aim to preserve their privilege, not residents afraid of displacement).

⁹⁴ Megan McGibney, *Voices from All Sides: Migrants, Volunteers Talk to Clinton Hill Residents About Shelter Complex*, BKREADER (Jun. 18, 2024, 12:58 AM), <https://www.bkreader.com/policy-government/voices-from-all-sides-migrants-volunteers-talk-to-clinton-hill-residents-about-shelter-complex-9092683>.

⁹⁵ See Kennedy Sessions, *Conservatives Oppose Bruckner Migrant Shelter, Citing Concerns Over Resources and Safety*, HUNTS POINT EXPRESS (Mar. 4, 2025), <https://huntspointexpress.com/2025/03/04/conservatives-oppose-bruckner-migrant-shelter-citing-concerns-over-resources-and-safety/> (e.g., “an unfair advantage to immigrants, even though native-born New Yorkers have greater access to government assistance . . . work authorization, and benefits . . .”)

⁹⁶ The city’s oversight mechanisms reinforce the criminalization of poverty when it comes to how it violates the privacy and autonomy of families experiencing poverty under the guise of a social protection program. Moreover, the city and state invest more money in foster care, adoption services, and protective services than they do on providing critical housing and other social supports at the root of its invasive government action. Annual agency expenditures increased nearly 23% between Fiscal Years 2022 and 2024 (totaling over \$3.2 million in city, state, and other funds in 2024). In Fiscal Year 2025, ACS’ budget has been funded with \$830.1 million from NYC, \$773.7 million from NYS, and an exorbitant \$1.1 billion from federal reserves. SAIYEMUL HAMID, REPORT ON THE FISCAL 2025 PRELIMINARY PLAN AND THE FISCAL 2024 PRELIMINARY MAYOR’S MANAGEMENT REPORT FOR THE ADMINISTRATION FOR CHILDREN’S SERVICES, NYC COUNCIL FIN. DIV. 3 (2024), <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2024/03/068-ACS.pdf>.

⁹⁷ *Id.*, at 1.

⁹⁸ Andy Newman, *Is N.Y.’s Child Welfare System Racist? Some of its own Workers Say Yes*, N.Y. TIMES (Jun. 20, 2023), <https://www.nytimes.com/2022/11/22/nyregion/nyc-acr-racism-abuse-neglect.html> (reviewing a 2020 survey where over 50 Black and Hispanic frontline ACS caseworkers and managers across Brooklyn and the Bronx

revealed a “predatory” and racist system towards New York families). Over 41,500 investigations were performed in 2020; *see also* Asher Lehrer-Small, *Exclusive Data: Educators’ Careless Child Abuse Reports Devastate Thousands of N.Y.C. Families*, THE74 (Oct. 6, 2022), <https://www.the74million.org/article/exclusive-data-educators-careless-child-abuse-reports-devastate-thousands-of-nyc-families/>.

⁹⁹ Newman, *supra* note 92.

¹⁰⁰ Emergency department visits attributed to asthmatic children living in NYCHA apartments has increased dramatically since the last U.S.-UPR Review. In 2022, districts with 10 or more NYCHA building developments had 318 emergency visits per 10,000 residents, in comparison to 183 visits per 10,000 residents in districts with fewer NYCHA building developments. Alison Argueta Raudales, *Report: Living Conditions in private, low-income housing are ‘horrendous,’* CITY & STATE NY (Jul. 25, 2024), <https://www.cityandstateny.com/policy/2024/07/report-living-conditions-private-low-income-housing-are-horrendous/398348/>. Agency oversight and policing has increasingly been a response to the frequency of lung-related health complications experienced by NYCHA residents who are children. Relatedly, maternal mortality is on the rise for NYC mothers who are ensnared in ACS cases. In a troubling majority of circumstances examined by NYC’s Maternal Mortality and Morbidity Review Committee, mothers (or mothers-to-be) with active ACS cases are more likely to die within 12 months of giving birth on account of the stress of ACS-intervention. *See* Interview with Joyce McMillan, Lived Expertise Advocate, Founder and Executive Director, JMACforFamilies (Mar. 3, 2025) (discussing her involvement as a parent advocate on the Committee and its findings) [hereinafter “Interview with Joyce McMillan”].

¹⁰¹ Overcrowding alone constitutes grounds for eviction in NYCHA housing. *See* Interview with Rob Robinson, *supra* note 15; *see also* NYCHA, CHAPTER 8: RECERTIFICATIONS & CONTINUED OCCUPANCY (Dec. 15, 2023), <https://www.nyc.gov/site/nycha/residents/acop/chapter-8.page>.

¹⁰² Interview with Joyce McMillan, *supra* note 94.

¹⁰³ Report from S.R. on slavery, *supra* note 5, ¶ 29 (emphasizing “implementing an appropriate strategy to facilitate [children’s] reintegration into their families and communities, including through the provision of tailored childcare arrangements and support to their parents, guardians or caregivers.”).

¹⁰⁴ Interview with Jade Vasquez, Director of Policy & Research, Women in Need, Inc (Feb. 21, 2025); *see also* Interview with Henry Love, Vice President of Public Policy & Strategy, Women in Need, Inc. (Feb. 21, 2025); *see also* Interview with Sean Eagan, Interim Policy Director, Bronx Defenders (Mar. 7, 2025) [hereinafter “Interview with Sean Eagan”].

¹⁰⁵ ACS-involved families living in shelter may be eligible for a rental subsidy when housing is the “only obstacle” to family reunification. This ACS-administered Housing Subsidy Program is treated as a needs-based system for NYCHA placement, and the agency almost always gets a waiver so eligible families are prioritized to receive housing more expeditiously. NEW DESTINY HOUS., *ACS Hous. Subsidy* (last visited Apr. 3, 2025), <https://newdestinyhousing.org/housing-help/nyc-rental-subsidies/acs-housing-subsidy/>. However, by design and as per our analysis, it is also a method of incentivizing family policing when the risk of a child’s removal due to lack of adequate housing is at least one basis for a family’s eligibility. *See* Emma Ruth, *Regulating Families: How the Family Policing System Deconstructs Black, Indigenous and Latinx Families and Upholds White Family Supremacy*, UPEND, <https://upendmovement.org/regulation/> (last visited Apr. 7, 2025). Even with a family court judicial order granting reunification, the system of reunification does not always succeed. Eagan, *supra* note 98.

¹⁰⁶ Eagan, *supra* note 98.

¹⁰⁷ CERD Comm. Comments, *supra* note 4, ¶ 44.

¹⁰⁸ URBAN RES. INST. NY, A BLUEPRINT FOR CHANGE: ENDING CYCLES OF GENDER-BASED VIOLENCE & HOMELESSNESS, 3 (2023) [hereinafter “A BLUEPRINT FOR CHANGE”].

¹⁰⁹ NEW DESTINY HOUS., A CRISIS COMPOUNDED: THE DUAL CRISIS OF DOMESTIC VIOLENCE & HOMELESSNESS 2 (2023).

¹¹⁰ Sunny Nagpaul, *NYC’s Only Designated Shelter for Queer Adults is a ‘Nightmare’ of Misconduct and Living Conditions*, FORTUNE (Jul. 28, 2025, 10:10 AM), <https://fortune.com/2024/07/28/marshas-house-shelter-bronx-new-york-lgbtq-jhaasryel-akquil-bishop/>.

¹¹¹ LEGAL SERVS. NYC, TRAPPED IN DANGER 9, 17-18 (2024) (explaining that in some circumstances, GBV survivors undergoing medical and therapeutic treatment may be eligible to jump to the top of the waitlist via the reasonable accommodation transfer under the Americans with Disabilities Act and the Fair Housing Act) [hereinafter “TRAPPED IN DANGER”]; *see also* A BLUEPRINT FOR CHANGE, *supra* note 102, at 2; *see also* NYC

MAYOR'S OFF. TO END DOMESTIC & GENDER-BASED VIOLENCE, N.Y.C. DOMESTIC VIOLENCE FATALITY REVIEW COMM. 2023 ANNUAL REPORT (2023), <https://www.nyc.gov/assets/ocdv/downloads/pdf/2023-Annual-FRC-Report.pdf>; *see also* Press Release, Legal Servs. NYC, NYCHA Elevates Emergency Transfer Priority for Domestic Violence Survivors, But More Action is Needed (Nov. 19, 2025), <https://www.legalservicesnyc.org/news/nycha-elevates-emergency-transfer-priority-for-domestic-violence-survivors-but-more-action-is-needed/>.

¹¹² Legal Servs. NYC, *supra* note 112.

¹¹³ NYCHA Traps Survivors, *supra* note 107.

¹¹⁴ N.Y. OFF. FOR PREVENTION DOMESTIC VIOLENCE, *Gender-Based Violence and Homelessness*, NYSTEACHS.ORG (May 4, 2023), <https://www.nysteachs.org/intersection-of-gender-based-violence-and-nhttps://www.allstatecorporation.com/the-allstate-foundation/relationship-abuse.aspx> (last visited Apr. 3, 2025)); *see also* DENIAL TACTICS, CMTY. SERV. SOC'Y N.Y. (2024) (finding that landlords discriminate against applicants with Section 8 housing vouchers and single moms, and request exclusionary credit scores to deter potential tenants).

¹¹⁵ Nagpaul, *supra* note 104; *LGBTQ+ Research & Data*, N.Y. STATE OFF. CHILD. & FAMILY SERVS., <https://ocfs.ny.gov/programs/youth/LGBTQ/research.php#rhy> (last visited Apr. 4, 2025); Bianca D.M. WILSON, ET AL., UCLA SCH. LAW WILLIAMS INST., HOMELESSNESS AMONG LGBT ADULTS IN THE U.S. (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Homelessness-May-2020.pdf>.

¹¹⁶ G. Worth & M. Harmer, *Layers of Complexity for Members of the LGBTQ+ Community Experiencing Homelessness*, COAL. FOR HOMELESS (Jun. 24, 2024), <https://www.coalitionforthehomeless.org/pride-month-2024/>; *see also* Report from S.R. on slavery, *supra* note 5, ¶ 26 (finding that homelessness is especially prevalent amongst queer young people “many of whom end up on the streets because they are neglected or abandoned by their families and communities.”).

¹¹⁷ *Understanding LGBTQ Homelessness*, NAT'L COAL. FOR HOMELESS, <https://nationalhomeless.org/lgbtq-homelessness/> (last visited Apr. 3, 2025).

¹¹⁸ *See, e.g.,* Daniel Parra, *The Immigrant Sex Workers Caught Up in 'Operation Restore Roosevelt,'* CITY LIMITS (Jan. 8, 2025), <https://citylimits.org/the-immigrant-sex-workers-caught-up-in-operation-restore-roosevelt/> (detailing impacts of Mayor Adams' Operation Restore Roosevelt in mid-October 2024, resulting in the arrest, fingerprinting, and detention of dozens of sex workers across NYC, as well as other significant economic, criminal, and immigration-related consequences to targeted local residents); *see also* Report from S.R. on slavery, *supra* note 5, ¶ 27 (“Due to a lack of alternatives, women may engage in sex work in order to survive, but various States have chosen to criminalize sex work, instead of providing assistance, further stigmatizing women sex workers.”).

¹¹⁹ Marsha's House is the only LGBTQ+ homeless shelter in NYC. Nagpaul, *supra* note 104.

¹²⁰ CALLEN-LORDE CMTY. HEALTH CTR. & MOUNT SINAI HEALTH SYS., NYC-METRO AREA TRANSGENDER & GENDER NON-BINARY (TGNB) CMTY. RES. (2018), <https://transatlas.callen-lorde.org/sites/default/files/attachments/2020-08/2018-NYC-Metro-Area-Transgender-and-Gender-Non-Binary-Community-Resources.pdf>.

¹²¹ *Results of a Survey of LGBTQ New Yorkers*, N.Y.C. COMPTROLLER (Jun. 20, 2017), <https://comptroller.nyc.gov/reports/results-of-a-survey-of-lgbtq-new-yorkers/>.

¹²² Nagpaul, *supra* note 104.

¹²³ *Know Your Rights for TGNC People in the NYC Shelter System: Lopez v. NYC DHS Settlement*, CTR. FOR CONSTITUTIONAL RTS. (Mar. 20, 2023), <https://ccrjustice.org/know-your-rights-tgnc-people-nyc-shelter-system-lopez-v-nyc-dhs-settlement> [hereinafter “*Know Your Rights for TGNC People in the NYC Shelter System*”].

¹²⁴ Email from Leah Todd, Senior Legal Worker, Center for Constitutional Rights (Apr. 4, 2025).

¹²⁵ *Know Your Rights for TGNC People in the NYC Shelter System*, *supra* note 119.

¹²⁶ FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants NOFO at 15, <https://perma.cc/7MSQ-5FHQ>.

¹²⁷ *See National Alliance to End Homelessness et. al. v. Turner*, Case 1:25-cv00447-MSM-AEM (Mar. 31, 2026), <https://democracyforward.org/wp-content/uploads/2026/03/31-SJ-Decision.pdf>.

¹²⁸ *See* Hum. Rts. Council 2021 UPR-U.S. Report, *supra* note 2 (explaining Cuba and Malta's recommendations to “Enhanc[e] activities to reduce homelessness among vulnerable groups and ending the criminalization of poverty.”). Secure housing is critical to physical and emotional health later in life and the inadequate housing supply deprives older adults of the opportunity to age with dignity and stability. *See also* SENIOR HOUS. REPORT 2024, LIVEON NY 3 (2024),

<https://static1.squarespace.com/static/562a3197e4b0493d4ffd3105/t/667dc5ad03c7896fe219abf7/1719518637303/LiveOn+NY+Affordable+Senior+Housing+Report+-+June+2024.pdf>.

¹²⁹ DENNIS CULHANE, ET AL., A DATA-DRIVEN RE-DESIGN OF HOUS. SUPPORTS & SERVS. FOR AGING ADULTS WHO EXPERIENCE HOMELESSNESS IN NYC 5 (2019), <https://www.nyc.gov/assets/cidi/downloads/pdfs/Aging-Homeless-Study-Report.pdf>.

¹³⁰ *Id.*, at 1 (The “baby boomer” generation is those born between 1955 and 1965); *see also* Sandy Markwood, *Older Adults & Homelessness: How Continuums of Care and Area Agencies on Aging Can Collaborate*, U.S.

INTERAGENCY COUNCIL ON HOMELESSNESS (Aug. 13, 2024), <https://www.usich.gov/news-events/news/older-adults-and-homelessness-how-continuums-care-and-area-agencies-aging-can>.

¹³¹ Andy Newman, *Why More Older New Yorkers Are Ending Up in Homeless Shelters*, N.Y. TIMES (Jun. 28, 2024), <https://www.nytimes.com/2024/06/28/nyregion/nyc-homeless-older-people.html> [hereinafter “*Older New Yorkers are Ending Up Homeless*”].

¹³² There are over 520,000 outstanding applications for affordable senior housing units in New York City. SENIOR HOUS. REPORT 2024, *supra* note 122, at 4; *see id.*, at 5 (discussing how some older adult permanent housing buildings have received 25,000 applications for 102 units); *see also id.* (220,000 applications are for age-restricted senior units in the Housing Connect Lottery—an average of 69 applications per available unit); *see also About Us*, NYC HOUS. CONNECT, <https://housingconnect.nyc.gov/PublicWeb/about-us> (last visited Apr. 6, 2025) (“NYC Housing Connect is your portal to find and apply for affordable [rental and homeownership] opportunities in [NYC].”).

¹³³ Newman, *supra* note 125.

¹³⁴ DENIAL TACTICS, *supra* note 111; *see also Responding to the US and UK Housing Emergency*, OAK FOUND. (Apr. 12, 2024), <https://oakfind.org/responding-to-the-us-and-uk-housing-emergency/>.

¹³⁵ SENIOR HOUS. REP. 2024, *supra* note 122.

¹³⁶ *See* Marianna McMurdock, *Domestic Violence is Upending NYC Kids’ Lives, Housing, and Education*, THE74 (Feb. 5, 2025), <https://www.the74million.org/article/domestic-violence-is-upending-nyc-kids-lives-housing-and-education/> (citing shelter census data from May 2023 to present available here: <https://data.cityofnewyork.us/City-Government/Local-Law-79-2022-Temporary-Housing-Assistance-Usa/jiwc-ncpi/explore>).

¹³⁷ ADVOC. FOR CHILD. N.Y., EDUCATIONAL INDICATORS FOR STUDENTS EXPERIENCING HOMELESSNESS, 2022-23 (2024), https://advocatesforchildren.org/wp-content/uploads/2024/11/sth_edu_indicators_2023.pdf [hereinafter “ADVOC. FOR CHILD. N.Y.”].

¹³⁸ *See* N.Y. EDUC. LAW § 3233 (Consol. 2025). Shelter residents report that NYC school staff have refused to set up busing because they cannot share the confidential address of their GBV shelter, and school employees refuse to accept P.O. box addresses. McMurdock, *supra* note 130.

¹³⁹ *Id.*

¹⁴⁰ JADE VASQUEZ, ET AL., WIN, PROJECT HOPE 12 (2025), <https://winnyc.org/wp-content/uploads/2025/01/Project-Hopev3.pdf>.

¹⁴¹ Claire Fahy, *1 in 8 N.Y.C. Public School Students was Homeless Last Year*, N.Y. TIMES (Nov. 18, 2024), <https://www.nytimes.com/2024/11/18/nyregion/new-york-city-homeless-children.html>; ADVOC. FOR CHILD. N.Y., *supra* note 131. Mary, a single parent and GBV survivor, kept her five-year-old son in the same Brooklyn school despite multiple and frequent shelter relocations. Their situation became more precarious when her abuser twice found their location—prompting additional shelter moves. Several times on their nearly two (2)-hour commute to school, Mary received fare evasion tickets due to her inability to afford MetroCards. Mary eventually secured an apartment with New Destiny Housing twenty-five minutes away from her son’s school, but not all shelter residents receive such a fortunate outcome; *see also* McMurdock, *supra* note 130.

¹⁴² *See* CESC General Comment No. 4, *supra* note 3, ¶ 8(f).

¹⁴³ *See* CESC General Comment No. 4, *supra* note 3, ¶ 8(b).

¹⁴⁴ Greg B. Smith, *Migrant Men Move into Gowanus Shelter Before Planned State Toxin Testing*, CITY (Apr. 8, 2024, 8:02 PM), <https://www.thecity.nyc/2024/04/08/migrant-men-move-into-gowanus-shelter-before-planned-state-toxin-testing/>.

¹⁴⁵ Haidee Chu, *Neighborhoods that Most Need Basement Apartment Legalization Left out of State Pilot*, CITY (Apr. 29, 2024, 5:00 AM), <https://www.thecity.nyc/2024/04/29/basement-apartments-legalization-queens/>.

¹⁴⁶ *See, e.g.*, FEMA, *Hurricane Ida Recovery One Year Later: New York* (Sept. 2, 2022), <https://www.fema.gov/fact-sheet/hurricane-ida-recovery-one-year-later-new-york> (“Torrential downpour from the storm resulted in severe

flooding that impacted homes, businesses, and infrastructure across the state. The recovery continues through a whole community approach across all levels of government, community organizations and individuals.”)

¹⁴⁷ EXISTING CONDITIONS & BROWNSFIELDS ANALYSIS: RED HOOK, BROOKLYN (2014), [HTTPS://WWW.NYC.GOV/ASSETS/OER/DOWNLOADS/PDF/RED-HOOK-BROOKLYN.PDF](https://www.nyc.gov/assets/oer/downloads/pdf/red-hook-brooklyn.pdf).

¹⁴⁸ Report from S.R. on racism, *supra* note 5, ¶ 32 (“The Special Rapporteur also received concerning information about how racially marginalized groups are disproportionately forced to live in areas where they have an increased risk of being exposed to natural disasters and extreme weather events, sometimes in addition to living with elevated exposure to high levels of pollution and contamination, because of systemic societal inequalities.”).

¹⁴⁹ Interview with Anna Luft, Project Director of the Public Housing Justice Project, New York Legal Assistance Group (Feb. 25, 2025).

¹⁵⁰ The following recommendations are not meant to be viewed in isolation, they may represent several dimensions of the right to adequate housing.

¹⁵¹ See S.B. S6772, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Hous., Constr., & Cmty. Dev.) (establishing the NYS office of civil representation to provide access to legal services in eviction proceedings, and expanding the civil right to counsel to represent tenants in eviction proceedings); *see also* A.B. A4669, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Judiciary) ((establishing the NYS office of civil representation to provide access to legal services in eviction proceedings, and expanding the civil right to counsel to represent tenants in eviction proceedings).

¹⁵² *Hearing on Programs to Provide Universal Access to Legal Servs. for Tenants Facing Eviction: Joint Testimony on Rt. to Counsel: A Critical Program for Tenants and N.Y.C. Before the NYC Off. of Civil Justice* (2025) (statement of BronxWorks, et al.), <https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-Public-Hearing-2024-Written-Statements.pdf>.

¹⁵³ See S.B. S9090, 2025-2026 Legis. Sess. (N.Y. 2025) (in Senate Comm. on Hous., Constr., & Cmty. Dev.) (establishing the “winter moratorium evictions act”); *see also* A.B. 10121, 2025-2026 Legis. Sess. (N.Y. 2025) (in Assembly Comm. on Hous.) (establishing the “winter moratorium evictions act”).

¹⁵⁴ See A.B. 5452, 2025-2026 Legis. Sess. (N.Y. 2025) (in Assembly Comm. on Codes) (prohibiting imprisonment for sleeping or camping in public spaces).

¹⁵⁵ JACQUELYN SIMONE & JOSHUA GOLDFEIN, COAL. FOR THE HOMELESS & THE LEGAL AID SOC’Y., OVERSIGHT: UNSHELTERED HOMELESSNESS IN NYC (May 3, 2022), https://legalaidnyc.org/wp-content/uploads/2022/05/CFTH_LAS_Testimony_Unsheltered_Homelessness_5-3-22.pdf.

¹⁵⁶ Intro 0267-2024, Sess. 2023-2024 NYC Council, (2024); Intro 0272-2024, Sess. 2023-2024 NYC Council, (2024); Intro 0694-2024, Sess. 2023-2024 NYC Council, (2024) (reflecting priorities of the NYC Free to Pee Campaign).

¹⁵⁷ *URI Applauds Passage of First-Ever NYC Bill to Provide Financial Relief to Survivors of Domestic Violence who have Coerced Debt*, URBAN RES. INST. NYC (Feb. 16, 2023), <https://uriny.org/download/uri-applauds-passage-of-first-ever-nyc-bill-to-provide-financial-relief-to-survivors-of-domestic-violence-who-have-coerced-debt/>; *see* S.B. 1353, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Judiciary) (establishing a right of action for claims arising out of coerced debts); *see also* A.B. 3038, 2025-2026 Legis. Sess. (N.Y. 2025) (pending in Assembly Comm. on Codes) (establishing a right of action for claims arising out of coerced debts).

¹⁵⁸ S.B. S72, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Fin.) (establishing the housing access voucher program); *see also* A.B. 1704, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Ways & Means) (establishing the housing access voucher program).

¹⁵⁹ The Senior Citizen Rent Increase Exemption (SCRIE) allows eligible older adults to freeze their rent amount—even if their landlord increases rent. Although clients are not required to file taxes to qualify for SCRIE, applicants are restricted to those in certain units or developments, a rule which is unnecessarily exclusionary. *See ACCESSNYC, Rent Freeze for Seniors*, <https://access.nyc.gov/programs/senior-citizens-rent-increase-exemption-scrie/#how-it-works> (last visited Apr. 4, 2025).

¹⁶⁰ See Intro. 1212-2025, Sess. 2024-2025 NYC Council (2025) (banning credit checks and minimum income requirements for voucher holders); *see also* Intro. 1211-2025, Sess. 2024-2025 NYC Council (2025) (increasing fines for housing discrimination); *see also* Intro. 1213-2025, Sess. 2024-2025 NYC Council (2025) (adding Source of Income to the Certificate of No Harassment Program); *see also* Intro. 1214-2025, Sess. 2024-2025 NYC Council (2025) (publicly listing Source of Income discrimination findings); *see also* Intro. 1215-2025, Sess. 2024-2025 NYC Council (2025) (creating standards for transparency in tenant screening criteria); *see also* Intro. 1210-2025, Sess.

2024-2025 NYC Council (2025) (increasing fines for violations of the New York City Commission in Human Rights orders) [hereinafter referencing these six bills as the “End Source of Income Discrimination Bill Package”]; *see also* ICCPR, *supra* note 1, art. 26. (“... the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.”).

¹⁶¹ *See* COAL. FOR HOMELESS & HOMES FOR NYC COAL., *supra* note 33, at 10.

¹⁶² S.B. S5674, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Fin.) (establishing the NYS Social Housing Development Authority to increase the supply of permanently affordable housing statewide through land acquisition and renovation, or through the rehabilitation of existing property); *see also* A.B. 6265, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Corps., Auth., & Comm’n) (establishing the NYS Social Housing Development Authority to increase the supply of permanently affordable housing statewide through land acquisition and renovation, or through the rehabilitation of existing property).

¹⁶³ Intro 1119-2025, Sess. 2024-2025 NYC Council, (2025) (requiring “a study of and changes to information requested” in the 2010e supportive housing application).

¹⁶⁴ S.B. S4098, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Hous., Constr., & Cmty. Dev.) (requiring a landlord to have “clean hands” before bringing an action for rent or eviction in certain cases); *see also* A.B. 1621, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Hous.) (requiring a landlord to have “clean hands” before bringing an action for rent or eviction in certain cases).

¹⁶⁵ S.B. S141, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Fin.) (establishing and providing for the administration of the right to legal counsel in immigration court proceedings); *see also* A.B. 270, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Codes) (establishing and providing for the administration of the right to legal counsel in immigration court proceedings).

¹⁶⁶ S.B. S425A, 2019-2020 Legis. Sess. (N.Y. 2020) (enacted) (exempting certain persons from civil arrest while they go to, remain at, or return from a court proceeding); *see also* A.B. 2176A, 2019-2020 Legis. Sess. (N.Y. 2020) (enacted) (exempting certain persons from civil arrest while they go to, remain at, or return from a court proceeding).

¹⁶⁷ S.B. S987, 2023-2024 Legis. Sess. (N.Y. 2023) (as pending in S. Comm. on Codes) (prohibiting and regulating the discovery and disclosure of a person’s immigration status by police officers, peace officers, probation agencies, and other governmental entities); *see also* A.B. 5686, 2023-2024 Legis. Sess. (N.Y. 2023) (as pending in Assembly Comm. on Ways & Means) (prohibiting and regulating the discovery and disclosure of a person’s immigration status by police officers, peace officers, probation agencies, and other governmental entities).

¹⁶⁸ S.B. S2513, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in S. Comm. on Codes) (relating to the decriminalization of sex work and expanding rights in the sex trades); *see also* A.B. 3251, 2025-2026 Legis. Sess. (N.Y. 2025) (as pending in Assembly Comm. on Codes) (relating to the decriminalization of sex work and expanding rights in the sex trades).

¹⁶⁹ S.B. S5816, 2025-2026 Legis. Sess. (N.Y. 2025) (in S. Comm. on Codes) (establishing the homeless protection act to designate certain offenses against people experiencing homelessness as hate crimes); *see also* A.B. 1565, 2025-2026 Legis. Sess. (N.Y. 2025) (in Assembly Comm. on Codes) (establishing the homeless protection act to designate certain offenses against people experiencing homelessness as hate crimes).

¹⁷⁰ *See* S.B. S8444, 2025-2026 Legis. Sess. (N.Y. 2025) (in S. Comm. on Investigations and Government Operations) (prohibiting housing discrimination based on a person’s housing status, including an experience of homelessness); *see also* A.B. A8913, 2025-2026 Legis. Sess. (N.Y. 2025) (in Assembly Comm. on Investigations and Government Operations) (prohibiting housing discrimination based on a person’s housing status, including an experience of homelessness).

**ANNEX TO HOUSING INSECURITY AND THE CRIMINALIZATION OF HOMELESSNESS
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