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**MAYOR MICHAEL R. BLOOMBERG AND HOMELESS COMMISSIONER  
LINDA GIBBS ANNOUNCE COURT VICTORY FOR CITY'S HOMELESS**

***UNANIMOUS DECISION BY APPELLATE DIVISION MEANS SAFER AND BETTER MANAGED SHELTERS  
WITH FEWER INDIVIDUALS CHOOSING THE STREETS***

Mayor Michael R. Bloomberg and Department of Homeless Services (DHS) Commissioner Linda Gibbs today announced that the Appellate Division has reversed a February 2000 lower court ruling in *Callahan v. Carey*. Today's decision clarifies the consent decree signed in 1981 and clearly states that the City did not forfeit its management authority to establish rules and regulations that assure "that temporary housing resources are not squandered on those having no real need of them and to the related, equally legitimate objective of attempting to reduce prospective reliance upon temporary housing provided at public expense."

In its ruling, the Court cleared the way for the City of New York to implement standards of client responsibility in municipal shelters for single adults. The standards will require single adults receiving shelter services to take all necessary steps to reduce their reliance on temporary emergency housing and avoid behavior that places others at risk – or face a 30-day suspension from shelter. Central to today's decision was the Court's interpretation of a 1981 consent decree – dealing with an individual's "right to shelter" – and whether the City had the right to suspend shelter eligibility in the limited instance of an individual who was able but unwilling to comply with basic standards of behavior. In affirming the City's position, the Court stated clearly that these standards, as embodied in the existing state regulation, are "consistent with the consent decree."

"Our approach to homelessness policy has been to take a good hard look at the system, enhance the things that are working and fix those that are not," said Mayor Bloomberg. "This decision, which returns management of single adult shelters to the City, will lead to safer and more effectively managed shelters that will, in turn, help us to convince those on the streets to come inside for services. I want to commend Commissioner Gibbs and Corporation Counsel Cardozo for their leadership in improving the City's response to this challenging issue."

"This decision grants the City the authority to ensure that shelters are managed as humanely and effectively as possible by allowing the City to establish basic codes of conduct and responsibility for those receiving services," said Commissioner Linda Gibbs. "This is a victory for common sense that will lead to fewer people on the streets and safer, better managed shelters for all homeless New Yorkers."

The New York City Law Department litigated the case for the City and Alan Krams, a Senior Counsel in the New York City Law Department Appeals Division, was the lead attorney on the case. In the Court's unanimous ruling, the five-member panel wrote: "Unless temporary shelter is to become lifelong housing, [the City] must likewise be able to require cooperation. To disable [the City] from requiring certain conduct, including cooperation, would convert a temporary expedient into a permanent entitlement. As [the City] argued, based on the clear language of the decree, [the City is] obligated to supply a sufficient amount of decent shelter to meet demand. [The City is] not required to provide that homeless individuals who engage in disruptive behavior or who refuse to take steps toward self-sufficiency may nonetheless remain in shelters in perpetuity."

"We are pleased that the court agreed with the City's position that policies regarding shelters for adults should be made by the responsible State and City commissioners, who are in the best position to determine what services and assistance the homeless need," said Corporation Counsel Michael Cardozo. "We are also gratified that the Court recognized that the 1981 consent decree did not take away the critical ability of the City to set

reasonable conditions for continued receipt of these important shelter benefits. The decision will allow the City to offer those seeking shelter a better, safer alternative.”

DHS will immediately begin a deliberative process, in collaboration with shelter providers, clients and other stakeholders, to shape procedures for implementation. Excluded from these standards and any potential suspension from shelter are any individuals unable to comply as a result of a mental or physical impairment.

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