



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

before the Committee on Governmental Operations,
State & Federal Legislation of the New York City Council

on

Oversight: Increasing Government Efficiency and Access to City Facilities

submitted by

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September 19, 2024

The Coalition for the Homeless (“Coalition”) and The Legal Aid Society (“Legal Aid”), in our individual capacities and as members of the Free to Pee campaign, welcome this opportunity to testify before the New York City Council’s Committee on Government Operations, State & Federal Legislation in support of Intros 694 and 267.

Unsheltered New Yorkers continually and consistently articulate a desperate need for bathroom access. The lack of public bathrooms is one of the daunting challenges and cruel indignities that unsheltered New Yorkers face as they draw on meager resources to survive life on the streets. In the Coalition’s 2021 report, *View from the Street*, in which we report on the results of 200 surveys of unsheltered New Yorkers about their experiences being unhoused, the lack of public bathrooms was a frequent theme.¹

Whitney, who was 60 years old at the time of the survey, spoke of the difficulty she faced in finding accessible bathrooms because she required a walker to get around. Marte, who had a job as a porter for 30 years before becoming homeless, planned his day carefully to be able to access the few bathrooms available as he took care of other survival needs, like visiting soup kitchens. With only 1,103 public bathrooms in New York City – and only two that are open 24 hours a day, seven days a week – a basic bodily function becomes an enormous challenge for people who are homeless.

For those who are unable to find a bathroom when they need it, the consequences can be severe. In Fiscal Year 2024, the New York City Police Department issued 9,904 criminal and civil summonses for urinating in public, a 46% increase from last year.² It is an outrage that the City criminalizes people for engaging in a necessary bodily function in public when the individuals have absolutely no choice due to the lack of public bathrooms for people to use.

The need for public bathrooms became even more urgent during the early days of the pandemic, when many places that unsheltered people access bathrooms – like libraries, fast food restaurants, and parks – were closed. The Coalition’s mobile soup kitchen, the Grand Central Food Program, heard pleas from people every night for access to toilets, a place to wash their hands, and somewhere to shower.³ The City was unresponsive to the Coalition’s requests to help meet the need for public bathrooms for homeless New Yorkers – a position both inhumane and short-sighted – and the Coalition spent a significant amount of its own funds leasing portable toilets and hiring people to clean and disinfect them after each use as an emergency measure during the pandemic. While the pandemic exacerbated the need for clean and functional public

¹ Davis, Lindsey. *View from the Street*. Coalition for the Homeless. Apr 2021.
<https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/View-from-the-Street-April-21.pdf>.

² Mayor’s Management Report, The City of New York, September 2024.
https://www.nyc.gov/assets/operations/downloads/pdf/mmr2024/2024_mmr.pdf

³ Davis, Lindsey. *View from the Street*. Coalition for the Homeless. Apr 2021.
<https://www.coalitionforthehomeless.org/wp-content/uploads/2021/04/View-from-the-Street-April-21.pdf>.

bathrooms, as a matter of basic health and hygiene and sound municipal management, the City must develop a public bathroom infrastructure to meet the everyday needs of residents.

Sleeping on the streets without bathroom access can expose people to serious health problems. For example, urine retention can lead to urinary tract infections and renal damage.⁴ For homeless people who menstruate, the inability to access a bathroom and remove used menstrual products can lead to infections and toxic shock syndrome.⁵ And New Yorkers living with disabilities may require more frequent and immediate access to restrooms, creating difficulties as people go about their daily business.

Even when people can find the rare public bathroom, it is too often filthy, broken, or closed when it should be open. An investigative report issued two weeks ago by this Council found that two-thirds of bathrooms in parks that were inspected were either closed or had health and safety issues.⁶

It is time for the Council to take the next logical step after its investigation and pass Intros 694, 272, and 267 as a public bathrooms bill package. These three bills would ensure that there is a short-, medium-, and long-term plan to increase the number of bathrooms in New York City and ensure that they are maintained. These bills are a comprehensive and long-term solution to the problems identified in the Council's report.

Int 0694-2024

The Coalition and Legal Aid support this proposed law which, if enacted, would put New York City on the path toward a comprehensive public bathroom infrastructure. The bill requires the Chief Public Realm Officer (CPRO), alongside the Department of City Planning (DCP) and the Mayor's Office of Operations (MOO) to be responsible for creating and maintaining a long-term citywide bathroom infrastructure and network. These entities will be required to produce a strategic planning report, updated every four years, leading to a target ratio of 1 public toilet per 2,000 city residents. However, we request that the bill include the needs of gender non-conforming individuals as part of the "equity concerns" in the definition of "underserved areas."

⁴ Johnson, Jon. "Is It Safe To Hold Your Pee? Five Possible Complications." *Medical News Today*. 5 Apr 2018. <https://www.medicalnewstoday.com/articles/321408.php>

⁵ Farmer, Liz. "Menstruating While Homeless: An Ignored, Inescapable Issue." *Governing*. 2 Apr 2015. <https://www.governing.com/topics/health-human-services/gov-homeless-women-georgia-fellsfemme.html>.

⁶ Oversight and Investigations Division. *Nature's Call: An Assessment of NYC Park Restrooms*. New York City Council, Aug 2024, https://council.nyc.gov/press/wp-content/uploads/sites/56/2024/09/090424_Speaker-AdamsParks-BathroomReport-ALT-Design_v51.pdf.

Int 0267-2024

The Coalition and Legal Aid support this proposed law, as it would have the most immediate impact on the number of public bathrooms available. This bill requires the Commissioner of Citywide Administrative Services (DCAS), in conjunction with other city agencies that manage public-facing municipal buildings, to open readily accessible bathrooms in their facilities for public use during business hours. The legislation will require signage that identifies each bathroom's location, hours of use, and accessibility for persons with disabilities. A list of bathrooms will be posted on a City website listing all available public bathrooms.

We urge the Council to pass these bills, alongside Intro 272-2024, as a package that addresses the shameful lack of public bathrooms in New York City as a matter of equity. Insufficient public bathroom infrastructure disproportionately impacts people who are homeless, disabled, senior, young, delivery workers, and those with health issues. We look forward to working with the Council to ensure that everyone is Free to Pee.

About the Coalition and Legal Aid

Coalition for the Homeless: The Coalition, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fifth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illnesses and HIV/AIDS.

The Legal Aid Society: Legal Aid, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of NYC – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform.

Legal Aid has performed this role in City, State, and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in NYC, Legal Aid provides

comprehensive legal services in all five boroughs of NYC for clients who cannot afford to pay for private counsel.

Legal Aid's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by Legal Aid's Pro Bono program. With its annual caseload of more than 300,000 legal matters, Legal Aid takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

Legal Aid's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, Legal Aid's law reform representation for clients benefits more than 1.7 million low-income families and individuals in NYC and the landmark rulings in many of these cases have a State-wide and national impact.

Legal Aid is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. Legal Aid is counsel to the Coalition and for homeless women and men in the *Callahan* and *Eldredge* cases. Legal Aid is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in NYC. Legal Aid, along with institutional plaintiffs the Coalition and the Center for Independence of the Disabled-NY ("CIDNY"), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Also, during the pandemic, Legal Aid along with the Coalition continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure Wi-Fi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.