

Firm Teams with The Legal Society to Pause New York City's Transfer of City's Homeless Out of Hotels and Back into Shelters

News

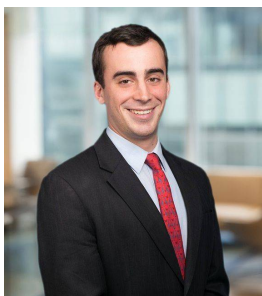
August 5, 2021

In July 2021, a Jenner & Block team consisting of Partner Dawn Smalls; Associates Jacob D. Alderdice, Ali I. Alsarraf, and Andrew C. Elliott; and Paralegal Grace Liberman, partnering with The Legal Aid Society, won a TRO against the City of New York, securing a pause to Mayor Bill de Blasio's order to move homeless New Yorkers who had been placed in single- or double-occupancy rooms in local hotels throughout the COVID-19 pandemic back into congregate shelter without adequate notice and an individualized assessment of their needs. The class members had disabilities as defined by the ADA or risk factors that would put them at higher risk of severe consequences if they were to contract COVID-19. After Judge Gregory Woods of the US District Court for the Southern District of New York's July 13th decision granting the first temporary restraining order, freezing the City's efforts to move class members out safe housing and requiring the City to make sure the class members' needs are addressed before they are moved, the firm and The Legal Aid Society issued a joint statement, stating in part: "The City cannot phase out the hotel program without ensuring that it meets its obligations under *Butler*. We thank the court for recognizing that the City must meet this obligation as prescribed by law."

In August, US District Judge Valerie Caproni of the Southern District of New York granted a second TRO, pausing the moves until the City could come up with a better and more detailed plan, subject to the Court's approval, for the remainder of the moves. She also ordered the City to lay out procedures for a look-back at people who have already been transferred to new locations, given the issues raised by the plaintiffs over the preceding weeks. "This is a win on behalf of the city's homeless," Ms. Smalls told the *New York Law Journal*.

This litigation followed an earlier lawsuit that Ms. Smalls, Mr. Alderdice, Mr. Alsarraf, Mr. Elliott, and Associate Cayman C. Mitchell and Paralegal Nyema Taylor filed against the City of New York; the Department of Social Services; and the Department of Homeless Services, for failing to take appropriate action to temporarily provide safe shelter for single adults from COVID-19. Following our filing, the City's placed some members in hotel rooms, allowing them to safely socially distance and saving lives during the pandemic.

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