



including people with physical, mental and social dysfunctions; and  
Whereas, the February 18, 2000, court ruling in Callahan v. Carey cited the risk of "bureaucratic error" resulting in loss of shelter for vulnerable homeless individuals, and stated that "the simple bureaucratic error which might send an individual out into the street, because he or she was unable to understand or cooperate with these requirements, might be the error which results in that individual's death by exposure, death by violence, or death by sheer neglect. The risk is simply too great to take"; and  
Whereas, the February 18, 2000, court ruling in Callahan v. Carey concluded, "If [the City and State] defendants sincerely want to create a system in which our homeless citizens can rejoin, and contribute to society, as is evident, they should do so by means which do not endanger those very persons. The court is confident that such a goal can be accomplished. This was, in fact, the goal of the Consent Decree, and still is"; and  
Whereas, the City again seeks to implement the State regulation requiring loss of shelter for homeless individuals, and has pursued an appeal of the February 18, 2000, court ruling in Callahan v. Carey; and  
Whereas, dozens of homeless service providers, community groups, elected officials, and religious clergy oppose the City plan to implement the State regulation, including the association of not-for-profit shelter providers who operate the majority of shelter beds in the municipal shelter system; and  
Whereas, implementation of this State regulation could potentially result in more homeless individuals sleeping on the streets and in New York City communities; and  
Whereas, the State regulation could potentially increase the number of cases of fatal and non-fatal hypothermia among the homeless, and increase the number of deaths and injuries among homeless individuals forced to sleep outdoors; and  
Whereas, the State regulation could potentially result in loss of shelter for homeless individuals living with physical, mental, or social dysfunctions; and  
Whereas, it is in the interest of the City of New York to reduce homelessness on the streets and in other public spaces, and to protect homeless New Yorkers from the risk of injury or death which results from sleeping unsheltered in public spaces;  
Whereas, the City and advocates for the homeless should be applauded for their successful efforts to balance the need for client responsibility against the critical need to provide safe shelter for homeless New Yorkers in settling McCain v. Bloomberg earlier this year; and  
Whereas, as with homeless families, it is critical to provide a safe place for adults who are forced to use the City's shelter system;  
Whereas, the parties to Callahan v. Carey should be able to resolve the case through creative means like those used to reach a balanced settlement in McCain v. Bloomberg; now, therefore, be it  
Resolved, that the Council of the City of New York calls upon the City to work to enter into a balanced settlement in Callahan v. Carey that acknowledges its obligation to provide safe shelter to homeless people and to discontinue its effort to gain judicial approval to eject homeless adults to city streets for a minimum of 30 days due to non-compliance with assessments, social service plans, housing search requirements, facility rules, or public assistance requirements.

[1013]