

# A Housing Works Win

## Major court victory for homeless New Yorkers with AIDS

BY BENJAMIN RYAN

On September 11, a New York State Supreme Court judge ruled in favor of seven homeless HIV/AIDS Services Administration (HASA) clients who sued New York City for providing them with "medically inappropriate" housing. Handed down by Judge Eileen Bransten, the decision represents a major victory for Housing Works, a legal advocacy group for homeless people with HIV/AIDS, whose drawn out battles have long aimed at strong-arming changes within the Human Resources Administration (HRA), of which HASA is a division.

Housing Works filed the case, *Winds v. Turner*, in November 2001 against former HRA commissioner Jason Turner. Affidavits of the petitioners, all of whom were homeless HASA clients placed in the single room occupancy (SRO) hotel system, make numerous accusations that the city failed to provide them with the standards of housing which are required by local law.

"Petitioners' statements," Bransten ruled, "establish that their housing is not suitable for healthy individuals, much less for persons with severely compromised immune systems."

In effect, the case provides a legal finding that backs up the conclusions of two separate city-sponsored studies from the late 1990s that chronicled often-horrific conditions within the SRO housing program.

The HIV-positive petitioners lived in rodent-infested rooms that lacked even the most basic amenities: such as a refrigerator for food and HIV medications; clean linens; toilet paper; and in one case, even a mattress. Petitioners described common-use bathrooms that were dangerously filthy, in which feces, urine, and vomit often went uncleaned for days. One plain-

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Echoing a 1999 ruling on a separate Housing Works suit that required HASA to make emergency housing placements the same day clients apply, Bransten has insisted the city respond to complaints of sub-standard living conditions within two days of receiving written notice.

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tomatic HIV," Crane said. "The petitioners relied on old reports and studies... and conditions they claim existed almost two years ago. HRA receives requests for emergency housing from 60 to 140 people with AIDS or HIV every day and makes more than 20,000 referrals for emergency housing a year. Given these numbers, the fact that petitioners relied on outdated studies and allegations about past conditions is strong evidence that current conditions are medically appropriate."

Crane, who said safeguards are in place to ensure medically appropriate housing including at least twice annual inspections aimed at determining whether deficiencies found by inspectors are corrected, indicated that the city planned to appeal Bransten's ruling.

HRA agency spokesperson David Neustadt said that of the seven petitioners, four are no longer in the SROs. And the other three are in housing already fully compliant with the requirements in the ruling.

But this says nothing of the living conditions of the 1,600 remaining HASA clients in the SRO system, about whom Neustadt declined to comment.

While the decision only applies to the seven petitioners, meaning that others cannot hold the agency in contempt for noncompliance with the decision, it sets legal precedent and defines the rights of

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tiff, who had trouble walking, failed to convince an unempeathic building manager to switch her from the third floor, and would stay in her room for days rather than spend up to half an hour crawling up the stairs.

The ruling ordered the city to rectify such hazardous situations and maintain the standards of housing essentially already mandated by law. This includes appropriate furnishings and amenities, such as basic furniture and toilet paper; reasonable placements for those with trouble climbing stairs; consistently cleaned bathrooms; operational elec-

tronic, water and/or gas services; and a vermin-free environment.

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HASA clients with greater specificity than have past court decisions and laws. That means that if HASA doesn't comply across the board, the door is open for further lawsuits.

"This sets an important precedent for what our clients' legal rights are," said Housing Works attorney Armen Merjian. "And theoretically, the city should apply those same basic standards to all [HASA] clients who are homeless."

"I think that the ruling is a tremendous victory for homeless people with AIDS and definitely it seems that it has clarified, as if it wasn't clear already, that homeless people with AIDS need decent, medically appropriate housing," said activist Jennifer Flynn, co-director of the New York City AIDS Housing Network.

"And so I believe that, maybe not through this case, but surely through the subsequent cases which will inevitably be brought, we'll have finally a standard for what is decent housing."

HRA has waged a bitter court battle with Housing Works over the last year, and was unwilling to accept previous attempts to settle this case—the provisions of which Merjian said were highly favorable to the city.

Merjian predicted that HRA would most likely receive an automatic stay of the ruling once an appeal is filed.