

June 19, 2020

*Statement by The Bronx Defenders’ Civil Action Practice*

*to Mr. Balakrishnan Rajagopal, UN Special Rapporteur on the Right to Adequate Housing*

# Overview of Holistic Defense at The Bronx Defenders & Our Civil Action Practice

## The Bronx Defenders

The Bronx Defenders (“BxD”) is a public defender non-profit that is radically transforming how marginalized people in the Bronx are represented in the legal system, and, in doing so, strives to transform the system itself. Our staff of over 350 includes interdisciplinary teams made up of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates and other staff, collaborate to provide holistic advocacy to address the causes and consequences of multi-legal system involvement. We work across areas of expertise to represent individuals who are arrested and incarcerated, who are non-citizens and facing removal from the country, who are parents accused of abuse or neglect of their children and facing separation from their families, and as a result of all of the above, who are at risk of losing their homes, jobs, income, and other civil basic needs and rights. Through this integrated team-based structure, we have pioneered a groundbreaking, nationally recognized model of representation called holistic defense that achieves better outcomes for our clients.

Each year, we defend more than 20,000 low-income Bronx residents, and reach thousands more through our community intake, youth mentoring, and outreach programs. Through impact litigation, policy advocacy, and community organizing, we push for systemic reform at the local, state, and national level. We take what we learn from the clients and communities that we serve and launch innovative initiatives designed to bring about real and lasting change.

## The Civil Action Practice

Our Civil Action Practice (“CAP”), now in its 20th year, is designed to defend against the many enmeshed civil penalties that arise out of this multi-legal system involvement. These consequences are often hidden and invisible to those ensnared in criminal, family, immigration or other courts, and are scattered across sections of state statutes, local laws, and state and local agency regulations and policies; they can touch every aspect of a person’s life and can occur any time after legal system involvement, leading to job loss, denial of benefits, loss of property, or even eviction from one’s home.

In our work, we recognize that housing is one of the most fundamental building blocks of a stable life and it has been proven that lack of access to adequate housing and homelessness increase the risk of incarceration, subsequent re-incarceration, and other legal system involvement. We represent countless individuals and their families in the Bronx and see regularly how the lack of access to stable and adequate housing leads to or exacerbates the vicious cycle of court and system involvement.

## Our Comments

We submit these comments to unveil how the current state of affairs in response to the Covid-19 pandemic has disproportionately devastated the community we serve in the Bronx and continues to obstruct its right to adequate housing. New York City’s Bronx County has been consistently coined as one of the [poorest](https://www.cityandstateny.com/articles/politics/new-york-state/ny-has-richest-poorest-smallest-most-unequal-congressional) urban Congressional districts in America. In our work as civil public defenders, we observe how our clients suffer from the grave impact of broken legal systems as well as the unjust inefficiencies of city and state legal mechanisms. This is particularly true with respect to continued access to housing in the Bronx.

Our clients face impediments to obtaining adequate housing and once attained, risk losing their homes through eviction or due to arrest, detention, or other displacement. And in Bronx Housing Court, we repeatedly witness the institutionalized, structural power imbalances that widen the gap between our clients and their profit-driven counterparts. We condemn the ways in which the court system operates as an eviction mill to violently and unfairly displace the most vulnerable members of its community who are vastly Black and Brown, low-income renters, for whom the Bronx has been their longtime home.

Bronx residents are entitled to have access to stable, quality housing, as directed by the UN Declaration of Human Rights, and in the wake of this pandemic, it has never been more important.

# Contemporary Snapshot of New York City’s Housing Crisis

While the magnitude of the Bronx’s housing crisis predated the Covid-19 pandemic, it is projected to amplify upon the re-opening of housing courts and the looming [avalanche](https://www.nytimes.com/2020/05/27/us/coronavirus-evictions-renters.html) of new evictions after June 20, 2020. The crisis remains a condition and unfortunate byproduct of generational poverty and systematic resource divestment from poor and disenfranchised Black and Brown communities in New York City.

As of [May 2019](https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Rental_Housing_in_Urban_New_York_A_Statewide_Crisis_WEB.pdf), New York City contained 43 percent of the state’s housing units, with over 10,000 households nestled in each urban square mile. In recent years, the shortage of affordable housing across the City has caused many tenants to experience unacceptably [high rent burdens](https://www1.nyc.gov/site/housing/problem/problem.page). Households across local housing markets that pay more [than 30 percent of their income as rent](https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Rental_Housing_in_Urban_New_York_A_Statewide_Crisis_WEB.pdf) are deemed to be rent burdened. This income figure historically arose during the 1980s and has since been treated as a standard, though arbitrary, metric of relating a household’s income with its rent. The private marketplace across the City has fallen drastically short of accommodating the growing influx of residents, while [low- and moderate-income residents have difficulties accessing publicly subsidized housing](https://www1.nyc.gov/site/housing/problem/problem.page).

## Lack of Access to Affordable, Stable & Adequate Housing

The reality of unaffordable rent is especially bleak for low-income tenants who experience heightened economic distress as a result of unemployment, scarcity of food and public benefits, and discrimination. These same impoverished individuals and families who are ultimately left with a narrower pool of affordable housing options run even greater risks of eviction and housing insecurity. The [New York City Housing Authority](https://furmancenter.org/files/NYUFurmanCenter_NYCHABrief_13MAY2015.pdf) (“NYCHA”) stands as our country’s largest public housing provider and the City’s single largest affordable housing provider. However, in spite of providing nearly 400,000 City residents with a home, NYCHA’s unmet capital needs since 2015 have doubled from [$16 billion](https://furmancenter.org/files/NYUFurmanCenter_NYCHABrief_13MAY2015.pdf) to [$32 billion](https://ny.curbed.com/2020/2/27/21138164/nycha-new-york-city-public-housing-architecture). In recent years, NYCHA has encountered a number of tradeoffs with City policymakers concerning the investment of its underdeveloped land supply; vast proportions of underdeveloped land remain unleased affordable housing options, while housing in use tends to be in dilapidated condition and in dire need of repair. Many individuals and families seeking housing stability through NYCHA public housing must also remain indefinitely on the NYCHA waiting list. [As of 2019](https://ny.curbed.com/2020/2/27/21138164/nycha-new-york-city-public-housing-architecture), over 181,000 families across the City found themselves on this waiting list, known consistently to have a slim 1 percent vacancy rate.

Although these problems pervade the City’s five boroughs, the rental market in the Bronx as it relates to affordable housing schemes is particularly concerning. [In 2017](https://ny.curbed.com/2017/3/7/14844904/bronx-nyc-affordable-housing-report), 56 percent of Bronx households were considered to be rent burdened, while over one-third of its households had an annual income of less than $25,000. In addition, the Bronx has been a focal point for the City’s rezoning policies. Neighborhoods like Mt. Hope and Grand Concourse, which are home to a [60 percent](https://caseygrants.org/evn/bronx-activists-stand-up-for-affordable-housing-in-new-york/) contingency of people who identify as Hispanic, remained in staunch opposition to these proposed measures during an extensive public review process in 2018. The City’s rezoning vision remains a controversial and misguided promise that disproportionately favors middle and upper classes while placing economically disadvantaged people of color at serious risk of displacement.

## New York’s Unhoused Population

In a similar vein to the scarcity of affordable housing, New York City’s homeless population also remains on the rise. Current statistical data disseminated by the [Coalition for the Homeless](https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city-data-and-charts/) reveals that 60,422 people experiencing homelessness live in municipal shelters. The New York City Department of Homeless Services noted in its [June 16, 2020 census](https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf) that 10,783 families with children live in the shelter system.

While these figures are considered accurate and consistent with historic trends in public data, they leave out the City’s unsheltered population (namely those individuals sleeping in non-visible areas). [Federal reported data from October 2019](https://www.wsj.com/articles/federal-data-show-nearly-80-000-homeless-in-new-york-city-11571922000) estimated the City’s street homeless population to be 3,675. Since 2016, nearly 2,500 homeless individuals have transitioned from the streets to temporary or permanent places of accommodation. Community-based organizations and tenant organizers across the five boroughs have placed mounting pressures on elected officials to enhance mental and behavioral health care, establish pathways to new permanent housing, deliver reliable and continuous multi-agency outreach responses, and replenish other critical resource supplies to end the City’s homeless pandemic. On December 17, 2019, the mayoral administration announced its landmark [6-Point Action Plan](https://www1.nyc.gov/assets/dhs/downloads/pdf/the-journey-home-2019-print-web.pdf) (known also as “The Journey Home”) to eliminate long-term street homelessness in the City over a five-year window. This, coupled with the 2017 implementation of the City’s historic [universal right-to-counsel law](https://www.righttocounselnyc.org/how_rtc_works), has formed a proactive set of measures to alleviate the harshness of evictions and uplift the rhetoric that housing is a fundamental human right.

## Detained and Incarcerated Populations

We would be remiss if we did not shed light on the plight of New York City’s correctional population. Correctional facilities and detention centers are petri dishes for the spread of infection, as those incarcerated are forced to reside within un-sanitized and non-socially distanced quarters. Even amidst federal government shortcomings in criminal legal system reform and this grim portrait of reality across jail and prison systems, the City’s overall incarceration rate averaged at half the national rate [in late 2018](https://www.crainsnewyork.com/op-ed/what-would-end-mass-incarceration-look-nyc-circa-2019). The Vera Institute of Justice devised a [detailed report](https://www.vera.org/downloads/Publications/how-new-york-city-reduced-mass-incarceration-a-model-for-change/legacy_downloads/how-nyc-reduced-mass-incarceration.pdf) concluding that the dramatic drop in the City’s correctional population has been attributed to changes in its policing strategy. There was a [significant decrease in felony arrests](https://www.vera.org/downloads/Publications/how-new-york-city-reduced-mass-incarceration-a-model-for-change/legacy_downloads/how-nyc-reduced-mass-incarceration.pdf) in jurisdictions within the City between 1988 and 2008 as shifting resources capitalized on the “broken windows” model toward more misdemeanor arrests. New York City has secured a place in the spotlight as being [“both the safest and least incarcerated big city in the country,”](https://www.crainsnewyork.com/op-ed/what-would-end-mass-incarceration-look-nyc-circa-2019) with scores of defenders, prison abolitionists, city-funded diversion programs, and philanthropic organizations paving the road for rehabilitative measures.

During these months of the pandemic, waves of mass motion and writ filings have led to the successful release of [over 2,000 people](http://www.centernyc.org/news-center/2020/5/5/out-of-jail-and-homeless-city-struggles-to-stop-covid-19s-spread) from New York City’s detention facilities, including those that hold members of the Bronx community. In a [joint statement](https://www.bronxdefenders.org/joint-defender-statement-calling-for-immediate-release-of-vulnerable-incarcerated-new-yorkers-in-response-to-coronavirus/) with other New York City public defender offices, The Bronx Defenders called for the immediate release of vulnerable incarcerated city residents suffering from the pandemic. We underscored how our clients’ release from pretrial state detention facilities would “reduce the need for heightened medical care” in the wake of the pandemic. We reaffirmed the paramount responsibility of our elected officials to ensure the safety and health of all their constituents, acknowledging its extension to the rights of those incarcerated.

A dimension of the housing crisis that is often overshadowed is the homelessness experienced among formerly incarcerated individuals who are on probation and parole after spending months, or years of their lives incarcerated. In the same way that unaffordable housing and the unsafe haven of housing court disproportionately affect low-income Black and Brown people, [the system of mass incarceration](https://www.vera.org/publications/incarcerations-front-door-the-misuse-of-jails-in-america) has housed members of these same communities of color at the cost of their economic and social stabilities, personal dignities, and rights to live in adequate shelter.

Hotels, dorm-style living expansions, and homeless shelters have served as temporary accommodations for clients of ours who have been released from incarceration during the pandemic. These measures exemplify the Department of Homeless Services’ well-intentioned effort to allay street homelessness and closely monitor these individuals in ideally less-crowded settings. However, the shelter system remains a dangerous place during this time and the longer-term housing needs of this vulnerable population must not be overlooked. We do not find these transitional housing accommodations for formerly incarcerated individuals to fulfill their human right to live “somewhere in security, peace and dignity.” *CECSR, General Comment No. 4, ¶ 7*. These individuals are [twice as likely](https://nlihc.org/sites/default/files/AG-2017/2017AG_Ch06-S06_Housing-Access-Criminal-Records.pdf) to be re-ensnared in the prison or jail system as those who are afforded stable housing.

On the basis of these circumstances alone, we anticipate the ways in which perpetual economic insecurity afflicting our clients will hinder their ability to secure rental assistance. As a direct and enmeshed consequence of their contact with the criminal legal system – be it an arrest or release from pre-trial detention – our clients will experience a multitude of civil barriers in securing employment, housing subsidies, and safe re-entry into their communities.

# **The Covid-19 Pandemic, as Experienced in The Bronx**

The Bronx is the [epicenter](https://www.dataforprogress.org/blog/5/18/bronx-is-epicenter-for-coronavirus) of the United States Covid-19 pandemic. In the United States, poverty correlates heavily with race, and the Bronx’s Covid-19 crisis is both a direct result and devastating example of one of the United States’ most pervasive social and political problems, namely, institutionally and culturally entrenched racism. As of June 14, 2020 the Bronx had a rate of [3253.89 cases per 100,000 people](https://www.statista.com/statistics/1109817/coronavirus-cases-rates-by-borough-new-york-city/) while neighboring Manhattan, a borough with 13 percent more people, had a much lower rate of 1589.92 cases per 100,000 people. Demographically, the [Bronx is made up of](https://www.businessinsider.com/why-bronx-coronavirus-crisis-worse-than-manhattan-2020-5) 85 percent Black or Latinx residents, in contrast to Manhattan where 64 percent of the population is White. Notably, [over 90 percent](https://www.census.gov/quickfacts/fact/table/bronxcountybronxboroughnewyork%2Cnewyorkcitynewyork/PST045219) of Bronx residents identified as Hispanic and People of Color. Where [Manhattan](https://www.businessinsider.com/why-bronx-coronavirus-crisis-worse-than-manhattan-2020-5) is home to some of the [most affluent](https://www.nytimes.com/interactive/2020/05/15/upshot/who-left-new-york-coronavirus.html) individuals and communities in New York City, many [Bronx](https://www.businessinsider.com/why-bronx-coronavirus-crisis-worse-than-manhattan-2020-5) residents endure the crippling effects of income inequality, poorly maintained public housing, and inadequate health care. Importantly, the Bronx has some of the [highest rates of chronic diseases](https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2765826?appId=scweb) in New York such as asthma, diabetes, and obesity – all factors that increase the risk of Covid-19.

Economic disparities also place Bronx residents at higher risk for Covid-19: while many wealthy people either worked from home or fled New York City during the pandemic, the Bronx is home to [many essential workers](https://www.businessinsider.com/why-bronx-coronavirus-crisis-worse-than-manhattan-2020-5), including healthcare and MTA employees, [who could not stay home](https://www.nytimes.com/2020/06/16/nyregion/mount-hope-bronx-coronavirus-essential-workers.html) while Covid-19 ravaged the nation. These factors are just a few that lead to Covid-19’s disproportionate impact on Black and Latinx communities. Thus, the vast majority of the [Bronx’s Covid-19 cases](https://abcnews.go.com/US/covid-19-outbreak-exposes-generations-racial-economic-divide/story?id=70796081) are made up of Black and Latinx residents at a rate of 2,768 cases per 100,000 people. The Bronx has the [highest](https://www.nytimes.com/2020/05/26/nyregion/bronx-coronavirus-outbreak.html) death, hospitalization, and infection rates across New York City, and Bronx residents are [twice as likely to die](https://www.thecity.nyc/health/2020/4/3/21210372/bronx-residents-twice-as-likely-to-die-from-covid-19-in-nyc) from Covid-19 than residents in the rest of New York City.

The United States [famously](https://www.rollingstone.com/politics/politics-news/rolling-stone-timeline-coronavirus-america-982944/) [failed](https://www.theatlantic.com/technology/archive/2020/03/what-really-doomed-americas-coronavirus-response/608596/) to act early to prevent the spread of Covid-19. On March 27, 2020, the United States enacted the [CARES Act](https://www.natlawreview.com/article/summary-cares-act), which, among other things, provided stimulus money to eligible individuals, extended unemployment insurance benefits, and an eviction moratorium for a very limited amount of federally-funded apartments. Aside from the CARES Act, the United States [delegated](https://www.politico.com/news/2020/03/31/governors-trump-coronavirus-156875) the implementation of additional safeguards to individual states. In New York, Governor Andrew Cuomo enacted an [initial eviction moratorium](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_202.8.pdf) from March 20th until June 20th. A [limited eviction moratorium](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO202.28.pdf) extends from June 20th until August 19th, prohibiting the initiation or enforcement of an eviction for nonpayment of rent only so long as the renter suffers financial hardship -- evidenced by eligibility for unemployment insurance or benefits -- due to Covid-19. Finally, New York State passed legislation providing landlords with protection against tenant nonpayment, but to date, passed no rent cancellation provisions.

Our clients have experienced the deaths of family members and other loved ones, illness due to the virus itself, job losses as a consequence of business closures, and the terrifying consequences of being under-resourced during a global public health crisis. While wealthy New York City residents could afford to stock up on additional food and other essential needs or perhaps even temporarily relocate to second homes, our clients without financial reserves could not afford to provide themselves and their families with personal protective equipment, even as they lived in crowded shelters and continued working as taxi drivers, healthcare workers, and other essential jobs. Some of our clients, especially immigrant clients, faced forced evictions at the hands of their landlords, or the threat of such evictions.

We also saw our clients who were released from incarceration and detention struggle to reintegrate back into their homes. Others then faced the threat of eviction or moved to City shelters where the pandemic continued to be hitting.

# The State’s Failed Response to Covid-19 in the Bronx: An Unattainable Right to Adequate Housing for Black and Brown Communities.

## A. The United States and New York State Fail to Provide Bronx Residents with Adequate Housing during the Covid-19 Pandemic.

Pre-Covid-19, both the United States and New York State failed to provide Bronx residents with the right to adequate housing regardless of ability to pay. New York law allows state-executed, forced evictions when tenants do not pay rent, in addition to other reasons. Real Property Actions and Proceedings Law (RPAPL) § 749 (McKinney 2020). Under New York law, not only are these evictions lawful, but they are allowed following a truncated or “summary” proceeding in order to make the landlord whole as soon as possible. *See generally*, RPAPL, Art. VII, Ch. 81 of N.Y. Consolidated Laws (McKinney 2020).

Furthermore, as of the writing of these comments, the eviction moratorium issued by Governor Cuomo in the earlier weeks of the pandemic [is expiring](https://ny.curbed.com/2020/3/26/21192343/coronavirus-new-york-eviction-moratorium-covid-19). We expect landlords to file a deluge of eviction cases seeking to evict Bronx residents beginning next week. While there are limits on which evictions can go forward between June 20th and August 20th, these limits are piecemeal and only residents with attorneys to argue that they fall into the new moratorium, or who can make these often complex legal arguments themselves, will be spared forced eviction, and then only until mid-August.

The second, limited moratorium allows for eviction unless the resident is not experiencing financial hardship as a result of Covid-19 or receiving unemployment insurance or benefits. While residents in receipt of these benefits will likely be spared forced eviction until mid-August, residents who do not qualify for state benefits -- including many immigrants -- have fewer options under the moratorium to avoid eviction.

## B. The United States and New York’s Covid-19 Response Has Failed to Ensure that Black and Brown Communities are not Disproportionately Affected.

Even among the treaties the United States has ratified, the United States has failed to abide by its obligations with respect to Bronx residents. Covid-19 helped to expose state failures in compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”), a treaty the United States has ratified, due to the disproportionate effects of Covid-19 on Black and Brown Bronx residents, as described above. Under the CERD, the United States has responsibilities to rescind law that have the effect of perpetuating racial discrimination, take measures to ensure adequate development and protection of rights for marginalized racial groups, and prohibit race discrimination in the right to adequate housing and public health. *See* CERD, Arts. 2, 5.

Many of our Bronx-based clients with pre-pandemic eviction cases, again nearly all Black and Brown individuals, were asked to report in person to meetings at the City’s Human Resources Administration (“HRA”), the agency in charge of distributing public benefits such as food aid and cash assistance. While the City made strides in limiting these meetings, where a client had a problem with their benefits or needed to pick up a check, clients were asked to report in person to HRA offices.

Covid-19 has spotlighted how structural economic, social and institutional racism has allowed communities of color in the Bronx to be left to die -- literally -- during a national public health emergency. And even in the face of the serious and deadly threat of Covid-19, state-executed forced evictions in New York are imminently returning in the Bronx.

## C. The Covid-19 Pandemic, as Experienced in The Bronx, Highlights Inadequate Civil and Political Rights for Bronx Residents During a Pandemic.

Importantly, while Covid-19 is a public health crisis, it has also highlighted depravations of civil and political human rights by government systems handling the crisis in the Bronx. As Bronx Housing Court has begun to re-open, court officials are unable to share any substantive plans about how reopening will occur in advance of 1-2 days before changes go into effect. Neither tenants nor landlords have access to paper court files housed at court. This results in lack of meaningful access to justice for tenants, including and especially unrepresented Bronx tenants who have very little access to changes happening in Housing Court and even less of an ability to understand the changes and advocate for themselves during the crisis. In response to the Black Lives Matter protests and uprisings, judges across the United States [expressed](https://www.nytimes.com/2020/06/16/opinion/state-supreme-courts-racial-justice.html?action=click&module=Opinion&pgtype=Homepage) an understanding of their own complicity in institutionalized state racism. The New York judiciary [launched](https://www.nycourts.gov/LegacyPDFS/press/PDFs/PR20_24.pdf) an Independent Review to analyze court policies and practices to address racial bias.

While we applaud efforts to eradicate racial bias in courts and elsewhere, our clients will continue to experience the discrimination present in court and other state systems until concrete changes come to fruition.

## The United States and New York State Failed to Protect Bronx and Other New York City Residents from Housing Displacement as a Direct Result of Policing & the Criminal Legal System.

Being accused of a crime triggers a host of civil penalties, financial instabilities and housing consequences in the immediate aftermath that contributes to continued barriers to adequate housing. Through many stages of the pandemic, we have seen our clients in the Bronx continue to experience arrests for offenses that lead to displacement or to potential eviction. Some of our clients who are accused of altercations were subject to temporary orders of protection, without a hearing in criminal court upon their arrest and arraignment that lead to their automatic displacement and *de facto* eviction without due process. Additionally, essential workers, like taxi drivers, were arrested, had their occupational licenses suspended and now are at risk for eviction due to the loss of ability to pay rent.

As New York State went “on pause” and the court system reduced its functions to essential matters and virtual operations, we worked to advocate against the suspension of jobs & licenses and against the displacement from homes during this pandemic.  We worked to gain access to homes and modify orders of protection so that our clients would not be displaced during this global health crisis. We defended cases against the New York City Taxi and Limousine Commission (“TLC”), arguing in support of drivers who rely on their TLC licenses as a primary source of economic livelihood. It goes without saying that lack of finances from employment prospects such as this poses a direct and consequential threat to an individual’s housing.

Without a policy in place enforcing the cancellation of rent or providing universal and comprehensive rent relief for low-income renters in the wake of a lifted moratorium, even a temporary loss in employment will catastrophically infringe on their right to adequate housing. Under the mandate of the Universal Declaration of Human Rights, the United States must afford its state and local constituencies “the right to security in the event of unemployment...or other lack of livelihood in circumstances beyond his control.” Art. 25(1). We cannot disentangle the ways in which job instabilities arising from the pandemic have and will continue to have deleterious effects on housing.

Even with the passage of state legislation such as the [rent freeze](https://ny.curbed.com/2020/6/18/21294801/nyc-rent-guidelines-board-rent-freeze-coronavirus) on one-year leased rent stabilized housing, the ongoing plight of the working class in New York City will force them to struggle in paying rent when they sign a renewal lease. Reported figures reveal that a stark [65.9 percent of tenants](https://ny.curbed.com/2020/6/18/21294801/nyc-rent-guidelines-board-rent-freeze-coronavirus) across the City were struggling to pay June 2020 rent, and that thousands of tenants turned to rent strikes in an effort to assert their collective organizing powers.

# CONCLUSION

The United States and New York’s Covid-19 response failed Bronx residents, over 90 percent of whom are Black and Brown people. Previous to Covid-19, Bronx residents were already over-policed, incarcerated, evicted and facing eviction, and caught up in other government systems that erased their human rights. During the pandemic, the state relied on Bronx communities to provide essential services to the rest of the City while failing to ensure their human rights, including the right to adequate housing. In times of emergency and crisis, the right to housing must be preserved as a non-derogable right. Treating it as anything otherwise would be incompatible with the nature of the right and undermine the “general welfare of a democratic society.” Farha, L. *COVID-19 Guidance Note on the Prohibition of Evictions* (4/28/2020).

The promise of the Universal Declaration of Human Rights and its progeny envisions a world in which state resources are equitably distributed to vulnerable communities in accordance with their need, including and especially during emergencies such as the Covid-19 crisis. We thank the Special Rapporteur for their attention to the effect of the Covid-19 crisis on the Human Right to Adequate Housing and hope that your report will provide specific focus on States’ treatment of vulnerable populations during health crises, including the Bronx and other similarly positioned communities globally.

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