Mayor Adams’ Plan Will Not Help People With Mental Disabilities

The undersigned individuals and organizations oppose New York City Mayor Eric Adams’ plans to increase the involuntary hospitalization of New Yorkers with disabilities—most of whom are Black and brown people with disabilities, many of whom may be homeless or experiencing housing instability.

Mayor Adams’ plan to sweep people with disabilities off New York’s streets will not make the city safer, and will not meet the needs of its residents with mental disabilities.

It doesn’t have to be this way. Communities across the country are employing proven methods to meet the needs of individuals experiencing homelessness who cycle between the streets, the emergency room, and the jail. Research indicates that effective engagement of people with mental health conditions in public spaces, including by people with lived experience with homelessness working as peer specialists, helps individuals see the value and agree to participate in supportive services. Safe, stable, and affordable housing, provided with voluntary supports, has been shown to help these individuals stabilize and avoid hospitalization and incarceration. And voluntary community-based services, such as assertive community treatment (ACT), supported employment, crisis services, and peer support services—delivered not in the hospital, but in the person’s own home and community—have been shown to break the cycle of institutionalization.

Mayor Adams should know better than this. There is no evidence that court-ordered involuntary treatment in hospitals is more effective than quality community-based treatment. Although involuntary treatment has produced improved outcomes in some places, these outcomes appear to result from the fact that there was literally nowhere else for the person to go to receive services—in other words, involuntary treatment was the only option.

Further, studies indicate that people who are involuntarily committed are more likely to attempt suicide than those who voluntarily accept treatment, and involuntary commitment can make young people less likely to disclose suicidal feelings. And many of the individuals Mayor Adams has identified—who are more likely to be the victims of violence than the perpetrators of it—have already been hospitalized one or more times, and prefer staying in the street to being subjected to squalid and dangerous conditions in hospitals and shelters.

In New York and elsewhere, Black and brown people with disabilities are overrepresented in the population of individuals experiencing homelessness, and so are more likely to be involuntarily hospitalized under the Mayor’s plan—or may be subjected to traumatizing and dangerous interactions with law enforcement that have resulted in serious harm, including death.

It is unfortunate that the Mayor announced his involuntary commitment directive only days after the passing of Lois Curtis, the plaintiff in the historic Supreme Court decision Olmstead v. L.C., which held that the unnecessary institutionalization of people with disabilities is discrimination under the Americans with Disabilities Act. Like Lois Curtis, virtually all people with disabilities
do not need to be institutionalized, but can be served in their own homes and communities if they are engaged in appropriate and voluntary services and supports.

We regret that Mayor Adams’ directive follows federal action this year that inappropriately links people with mental disabilities to gun safety efforts,\textsuperscript{11} and action in other states that expands the involuntary commitment of people with mental disabilities in a misguided effort to sweep the streets.\textsuperscript{12}

We join advocates in New York in calling on the Mayor and their Governor to reject an expansion of involuntary commitment, and instead to develop a comprehensive plan to provide homeless New Yorkers with disabilities the housing and voluntary services they want and need.\textsuperscript{13}

\textit{Organizations:}

504 Democratic Club

Access to Independence of Cortland County, Inc.

Advancement Project

Advocacy Unlimited, Inc.

AIM Independent Living Center

Alabama Disabilities Advocacy Program

Alpha Sigma Omega Latina Sorority, Inc.

American Association of People with Disabilities

The Arc of the United States

ARISE

Autism National Committee (AutCom)

Autistic People of Color Fund

Autistic Self Advocacy Network

Autistic Women & Nonbinary Network

Bazelon Center for Mental Health Law
Blue Ridge Independent Living Center
BRIDGES
Brooklyn Center for Independence of the Disabled
Bronx Independent Living Services
Cardinal Points Family Therapy & Education, PLLC
Catskill Center for Independence
Center for Alternative Sentencing & Employment Services (CASES)
Center for Disability Rights
Center for Independence of the Disabled, New York
Center for Public Representation
Children’s Mental Health Network
The Coelho Center for Disability Law, Policy, and Innovation
Collaborative Support Programs of New Jersey
CommunicationFIRST
Community Access
Connecticut Legal Rights Project, Inc.
Depression and Bipolar Support Alliance
Directions in Independent Living
Disability Law Center of Utah
Disability Rights Advocates
Disability Rights California
Disability Rights Education & Defense Fund
Disability Rights North Carolinae
DynamicChanges LLC
Finger Lakes Independence Center
Gateway Hudson Valley
Gift of Voice
Harlem Independent Living Center
Harlem United
Independent Living Center of the Hudson Valley, Inc.
Independent Living, Inc.
Institute for the Development of Human Arts
Justice in Aging
Keep The Promise Coalition
Kiva Centers
LatinoJustice PRLDEF
Legal Action Center
Long Island Center for Independent Living, Inc.
Medicaid Matters New York
Mental Health Empowerment Project
Mobilization for Justice, Inc.
National Association for Rights Protection and Advocacy
National Center for Law and Economic Justice
National Disability Rights Network
National Disabled Legal Professionals Association
National Down Syndrome Congress
National Health Care for the Homeless Council
National Health Law Program
National Low Income Housing Coalition
National Mental Health Consumers’ Self-Help Clearinghouse
New York Association of Psychiatric Rehabilitation Services
NY Association on Independent Living
NYS Care Management Coalition
New York State Coalition Against Sexual Assault
NRCIL
PATH CT
Prison Policy Initiative
Promise Resource Network
Rainbow Heights Club
Regional Center for Independent Living
Resource Center for Accessible Living
Resource Center for Independent Living
Restoration Society, Inc.
Seat at the Table campaign
Southern Tier Independence Center
Staten Island Center for Independent Living
SunGrove Metaphysical
Suffolk Independent Living Organization
Supportive Housing Network of New York, Inc.
Taconic Resources for Independence, Inc.
The Tanya Project: A Medical-Legal Partnership for Women with Cancer
UIC JMLS Clinic
University of Iowa Law and Policy in Action Clinic
Vibrant Emotional Health
Westchester Disabled on the Move, Inc.
Westchester Independent Living Center, Inc.

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See, e.g., Center for Court Innovation, The Myth of Legal Leverage? ("Studies of therapeutic intervention strongly suggest that the quality of the human interaction outweighs the importance of any particular protocol or approach. . . .," "factors like goal consensus, empathy, alliance, and positive regard are significantly greater than, say, model fidelity," and "a robust therapeutic relationship is less a matter of dosage and more a matter of engagement.").


7 See, e.g., Stacy M. Brown, Blacks Hit Hardest as NYC’s Homeless Population Grows Amid Mental Health Crisis (Mar. 23, 2022), The Washington Informer (citing Coalition for the Homeless report that 57% of heads of households in NYC shelters are Black and 32% are Hispanic/Latinx), https://www.washingtoninformer.com/blacks-hit-hardest-as-nycs-homeless-population-grows-amid-mental-health-crisis/; cf. First Amended Complaint at ¶ 2, Disability Rights California v. County of Alameda, 2021 WL 212900 (N.D. Cal. Feb. 22, 2021) (No. 5:20-cv-05256-CRB) ("During a recent two-year period, over 2,300 people were detained at the County’s psychiatric facilities more than three times, the majority of whom were Black."). https://www.disabilityrightsca.org/system/files/file-attachments/Amended_Complaint.pdf.


11 See Bazelon Center for Mental Health Law, Statement on the Bipartisan Safer Communities Act (Jun. 24, 2022) ("The Act will contribute to fear and stigma of these Americans and, we fear, makes their institutionalization and criminalization more likely."). http://www.bazelon.org/wp-content/uploads/2022/06/draft-statement-on-gun-bill-06-24-22-vers-2_MP_with-footnotes.docx.pdf.

12 See Disability Rights California & Over 50 Disability, Civil Rights, Racial Justice and Housing Advocacy Organizations Urge Governor Newsom to Veto SB 1338 (Sep. 1, 2022) ("As well intentioned as CARE
Court may be, it will inevitably harm and stigmatize people with mental health disabilities, especially people within communities of color and members of the LGBTQIA+ community.


13 See, e.g., Disability Advocates Decry Mayor’s Plan to Increase Coercive Treatment for Individuals with Mental Illnesses, Call for Comprehensive Program of Voluntary Engagement, Housing, and Community Supports (Nov. 29, 2022) (“[W]e must triple our investments in the new approaches that are in the process of being rolled out by the City and State, most notably specialized “housing first” programs designed to house and support people in the greatest need . . . [and] a continuum of proven voluntary services to provide sustained follow-up and support”),