

Second Affidavit of Cassie Hurd

1. My name is Cassie Hurd and I am the Executive Director of the Material Aid and Advocacy Program (“MAAP”). I previously submitted an affidavit in this matter dated November 2, 2021. This Affidavit supplements the information contained in that previous affidavit.
2. Since November 2, 2021, the City of Boston and the Boston Public Health Commission (“BPHC”) have continued displacing unhoused individuals who have been residing in the Mass & Cass area. Notices giving encampment residents 48 hours to leave have been posted and residents have been forced to leave on at least November 3, 5, and 8. Many who have already been forced to move at least once already have received notices that they will once again be forced to move, this time from the Newmarket Square triangle, today, November 12. A copy of a Notice related to the November 12 orders to leave is attached as **Exhibit A**.
3. A significant number of people have simply fled the area leaving many of their possessions behind to avoid the threat of arrest hanging over their heads if they do not leave and to avoid witnessing the destruction of their possessions. Some of these individuals are searching the City looking for places to sleep and be safe. Others have fled to encampments in the suburbs, far from their established medical care. I have lost contact with many others and do not know where they are. And some have remained as close to their medical home and community as they possibly can, in the Newmarket Square triangle, and are now being told they will once again be forced to move today, November 12.
4. As a result of the prior displacements and departures due to the fear of arrest or eviction, significantly fewer people remain in encampments in the area out of approximately 300 that were in the area as of October 19, 2021, when the acting Mayor issued the Executive Order declaring that “tents and temporary shelters will no longer be allowed on the public ways in the City of Boston” and that “all City agencies will not prioritize enforcement of existing laws and the exercise of existing powers to prevent the placement and maintenance of these encampments in the City.”
5. These removal actions each occur in a strategic and designated section of the general “Mass and Cass” area and encompass all community members living in tents in that section, regardless of the individual circumstances of people living in that section and whether existing shelter opportunities are available to them in light of their barriers to congregate settings.

6. The removals that have already occurred were preceded by discussions over prior days between the unhoused residents, or some of them, and service providers concerning the need to leave and potentially available alternative sheltering arrangements. These service providers are often the same people who have been providing therapeutic services to community members over the preceding months and who know their individual health conditions, so it is jarring for many to have these same people now telling them they have to leave with no real alternatives. During the pre-removal conversations, service providers tell residents they need to leave very soon and residents may remind the providers about their health conditions and disabilities and other barriers to using congregate shelter and the status of any pending applications for longer-term housing. Immediate housing options that are suggested by the providers include congregate shelters, detox facilities, a few single room occupancy units. The only immediately available options I have heard suggested are congregate shelters, detox and one person I know of went to a single room occupancy unit in which they could not remain due to conditions there. Some residents have noted that prior to October 19 they were already far along in the “pipeline” for housing and have been actively working with providers to access these options, though unrelated to “housing” options offered in connection with these cleanups. Given the lack of appropriate options for them, many residents remain until forced to leave because the only alternative identified for them is a congregate shelter or detox facility that is not appropriate for them given their disabilities (both mental health and physical), substance use disorder, or intimate family relationships or other, and potentially more appropriate options are not yet actually available to them.
7. Some residents also remain because they have no place to take or store their property, in spite of the City’s policies suggesting that storage options are available. For one thing, the phone numbers listed on the notices that are posted 48 hours in advance do not lead to a person who knows what to tell residents when they call. For another, the quantity of information that can be stored under the Executive Order and implementing Protocol is quite limited and residents do not know what to do with their other possessions, which they may need even if accessing night to night shelter for some time.
8. On November 11, 2021, I reviewed the Notice that is attached as Exhibit A in order to assist residents trying to decide about utilizing the promised storage options. The Notice says residents should call “the City” to arrange storage, but the space to provide a phone number to call was left blank. The Notice also refers to phone numbers provided “below,” so I called the

numbers related to the 112 Southampton Street congregate shelter listed as the option for men and the Woods-Mullen shelter listed as the option for women. No one answered the phone at Southampton Street and my call went to voicemail. A person answered the phone at Woods Mullen and I asked about storage options for those being displaced and she said “storage? what? we are a shelter.” When I asked whom I should be calling, she indicated that the person handling that was out because of the Veteran’s Day holiday, and she tried to transfer me but the call dropped. This morning, November 12, I called the 112 Southampton number again and again just got voicemail. Then I called another number for 112 Southampton that is publicly listed and connected with a staff member who did not have any specific information other than that BPHC staff will verbally tell residents in the encampments how they can access bins and storage.

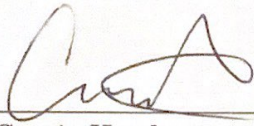
9. On the day of the scheduled removal actions, BPHC officials come to the encampments that have received the 48 hours notice and indicate that “cleanup” will be happening and residents will need to move. Police are regularly in the area and drive through with lights flashing, often flanking the boundaries of the area of people and tents are being removed from, and sometimes directing traffic. BPHC employees sometimes bring 27-gallon bins for the residents to use to pack up items for storage, though some residents have noted they aren’t able to store many of their belongings and the process to access their belongings has not been made clear so even if these containers meet some of their storage needs they are not comfortable using them to store their belongings. They then encourage the residents to leave and take with them whatever they can.
10. BPHC employees and/or other unhoused residents, who have been paid \$30 for the entire day’s work and not provided proper PPE or tools, then pile up and throw away items that cannot be carried away quickly or structures that have been perceived to be left behind, sometimes marked “empty”, into a City of Boston DPW trash truck.
11. Before things are thrown in the trash, staff from the City or BPHC sort through to ensure sharp items, including any needles, are separated from the possessions being trashed, although residents usually keep these items separately on their own, but other than this, no sorting is done to determine if possessions that are being trashed contain items that do not present a safety hazard Residents often are left to watch all their remaining possessions be destroyed.

12. I was present in the area on November 8, 2021, as BPHC employees spoke to residents of Southampton Street who were packing their belongings and tents to move to the Newmarket Square Triangle. One BPHC employee, seemingly frustrated with them taking time to carefully pack and move their belongings - even after they shared they were remaining in the encampment community for their safety as women, stated that there are no “other spots to move to”, and that the Newmarket triangle where they were headed would be “cleaned up” by the end of the week.
13. Since these removal actions began encampment residents who use substances are increasingly experiencing overdose in places where they cannot be as quickly identified and reversed as when they could in close encampment community by peers and professionals on Atkinson, Southampton, and Topeka Streets. On November 10, an encampment resident died. This was all predicted by encampment residents, harm reductionists, and medical professionals, and reported in the findings of recent simulation models done by Joshus Barocas and Benjamin Linas as recently discussed in their Op-Ed in the *Boston Globe*. **Exhibit B.**
14. Congregate shelters are simply not appropriate for many people with a variety of disabilities or needs; yet that is the only immediate option being suggested to most of those who are being displaced, as reflected on the 48 hour notices. This issue was discussed in a recent GBH article: <https://www.wgbh.org/news/local-news/2021/10/19/janey-to-renew-homeless-encampment-enforcement-at-mass-cass-humanely> The City is aware of many people having barriers to accessing congregate shelter as the City’s Human Services Chief Marty Martinez said recently an interview on Radio Boston/WBUR: <https://www.wbur.org/radioboston/2021/11/08/latest-on-mass-and-cass> But the City has proceeded and continues to go forward with the displacements regardless. Indeed, only on November 10, 2021, did the City issue a Request for Information (“RFI”) asking for information about the potential to create more “low threshold” shelter options appropriate for those with substance use disorder. **Exhibit C.**
15. I understand that Gerry Thomas of BPHC has said in her Affidavit in this case that an “amnesty” has been provided with regard to congregate shelter policies that bar former residents from returning. In my many and near-daily communications with residents in the area, I have not heard a single person who knew of any such “amnesty.” Indeed, on November 10, I heard one resident with mental health disorder, who understood that he is banned

for life from Pine Street and 112 Southampton because of prior incidents related to his mental health, tell BPHC staff that he was banned from those shelters, and no one told him he was free to go now.

16. Of course, shelter-imposed bar to returns are not the biggest reason why congregate shelters are not available; rather, congregate shelters are not available to many because the congregate setting is inconsistent with their disabilities, including mental health disorders, or doesn't meet their needs.
17. The only "low threshold" shelter in Boston of which I am aware is also not accessible to many because it is upstairs and those with mobility impairments cannot get up the stairs, because people have to be in line at 5:30 p.m. in order to possibly get a mat or a chair to sleep on, and many cannot do that or after they do are turned away because there is no more room and because it is a congregate setting that doesn't meet the needs of many people with mental health disorders.

Signed under the pains and penalties of perjury this 12th day of November, 2021.

A handwritten signature in dark ink, appearing to read 'Cassie Hurd', written over a horizontal line.

Cassie Hurd