



Testimony of
Coalition for the Homeless
and
The Legal Aid Society
on
Oversight: Foster Care Task Force Progress
Intro. 0148-2018

Submitted to

The New York City Council's Committee on General Welfare

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The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to submit testimony before the New York City Council's Committee on General Welfare regarding rental assistance for youth.

Intro. 0148-2018

The bill seeks to amend the administrative code of the City of New York to require that the Department of Homeless Services (DHS) recognize time spent in foster care as homelessness for the purpose of meeting rental voucher eligibility requirements. While we support the goal of expanding access to housing resources for youth, this bill must be significantly amended. Much has changed since it was introduced in 2018. In particular, the City of New York streamlined many of its City-sponsored vouchers into the CityFHEPS program. As a result, the programs that are referenced in the bill are no longer active or applicable, and the context for the need has significantly shifted.

Under CityFHEPS, both youth involved with the New York City Administration for Children's Services (ACS) and runaway and homeless youth in the Department of Youth and Community Development (DYCD) shelter system are already granted conditional access to CityFHEPS vouchers based on their living in a "CityFHEPS qualifying program." These changes occurred after New Yorkers with lived experience and a wide range of advocates, including both the Coalition for the Homeless and The Legal Aid Society, submitted public testimony during the rule-making process as the City created the CityFHEPS program. However, neither ACS- nor DYCD-involved youth have actually gained access to vouchers because memoranda of understanding have not been enacted between the Department of Social Services (DSS) and ACS or DYCD. Moreover, we understand that both ACS and DYCD submitted recommendations to DSS about who should be eligible for CityFHEPS under the qualifying exception, and those recommendations were largely ignored. Therefore, much remains to be done to allow ACS- and DYCD-involved youth to access CityFHEPS vouchers. There are mechanisms in place to do so now, but those mechanisms need improvement.

We recommend two amendments to the CityFHEPS rule: First, DSS should be required to amend the CityFHEPS rule to recognize that youth who have spent time in DYCD-funded youth shelters meet the eligibility criteria in order to access vouchers as "shelter residents and persons who are street homeless" in §10-4 of the rule. This would end the discrimination against runaway and homeless youth who have sought shelter in DYCD-funded youth shelters rather than DHS shelters. Second, DSS should be required to amend the CityFHEPS rule to recognize that time spent by youth in foster care meets the eligibility criteria for accessing vouchers as "city residents who are not in an HRA or DHS Shelter or Street Homeless" in §10-03 of the rule. These youth should be granted rental vouchers in the event they become homeless shortly after exiting foster care. These changes are important for acknowledging the unique experiences of young people who interact with ACS and/or DYCD while ensuring they actually have the ability to access rental assistance through the CityFHEPS program.

Throughout the process of amending the bill and seeking policy changes related to rent assistance for youth, we recommend that the City Council and the General Welfare Committee solicit opinions from youth who have lived experience with ACS and DYCD, as well as advocates who work in each of these two systems. Notably, youth involved in *both* the ACS and DYCD systems, not just ACS, must be consulted.

We thank the Council for your steadfast advocacy on behalf of homeless New Yorkers both prior to and during this pandemic. We genuinely appreciate the spirit of this bill and its overarching goal. Both the Coalition for the Homeless and The Legal Aid Society remain ready to meet and engage in further advocacy on behalf all young New Yorkers.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

In addition to representing over 90 percent of young New Yorkers who are Family Court-involved, the Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid is currently monitoring two class action lawsuits. The first is *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City, and . Along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, Legal Aid settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Legal Aid and Coalition have also recently brought two lawsuits against the City to ensure New Yorkers experiencing homelessness are provided safe temporary housing during the pandemic (*Fisher v. The City of New York*) and internet access in shelter for students who are trying to attend school remotely (*E.G. v. The City of New York*).

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is

now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen, which usually distributes about 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, is now regularly serving more than 1,100 meals per night and distributing emergency supplies during the COVID-19 pandemic. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries. In response to the pandemic, we are operating a special Crisis Hotline (212-776-2177) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.