

Testimony by the New York Legal Assistance Group (NYLAG)  
Oversight – Outreach NYC and Barriers to Shelter for Individuals  
Experiencing Homelessness  
Before the New York City Council Committee on General Welfare  
February 24, 2020

Chair Levin, Council Members, and staff, good morning and thank you for the opportunity to speak to the Committee on General Welfare on Outreach NYC and Barriers to Shelter for Individuals Experiencing Homelessness. My name is Deborah Berkman, and I am a Senior Staff Attorney in the Public Benefits Unit and Shelter Advocacy Initiative at the New York Legal Assistance Group (NYLAG). NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, survivors of intimate partner violence, people with disabilities, patients with chronic illness or disease, low-wage workers, veterans, low-income members of the LGBTQ community, Holocaust survivors, as well as others in need of free civil legal services.

The Shelter Advocacy Initiative at NYLAG provides legal services and advocacy to low-income people in the shelter system. We work to ensure that every New Yorker has a safe place to sleep by offering legal advice and representation throughout each step of the shelter application process. Additionally, we assist and advocate for clients who are already in shelter as they navigate the transfer process, seek adequate facility conditions

and resources for their needs, and we offer representation at fair hearings. Based on our experience working with individual adults and homeless families in the shelter system, the Shelter Advocacy Initiative at NYLAG appreciates the opportunity to offer the following comments on DHS shelter accessibility.

I. The Current Process for Allowing Animals into Shelter is Insufficient

The proposed legislation to allow pets into certain proposed pet-friendly shelters, Intro 1483, would be one important way to lower the barrier to entry to DHS shelters. Currently, homeless New Yorkers can only bring an animal into shelter with them if the animal is a “service animal” or an emotional support animal. Service animals (as defined under the Americans With Disabilities Act) are always permitted in shelter. In contrast, in order to bring an emotional support animal into shelter, shelter residents must apply through the Reasonable Accommodation process for people with disabilities who need an accommodation to make shelter accessible. This application requires medical documentation from a healthcare professional verifying that the resident has a medical condition or disability that necessitates their use of an animal for assistance or support. This system creates significant barriers for most of our clients.

First, many people experiencing homelessness who are reliant on an animal have no idea the reasonable accommodation process exists. Even for those who are aware, the reasonable accommodation process presupposes that our clients have consistent access to affordable medical care. We know this is not true, as immigration status often prevents people from obtaining medical benefits, and even those with benefits often have other barriers to accessing the care they need, particularly mental health care. Thus, our clients

often have medically necessary emotional support animals, but do not have the means to prove it.

Next, even when clients can access medical documentation, often the clients and/or their medical professionals do not know the specific language necessary to justify the need for the animal. Reasonable accommodation requests are often rejected on this basis and without explanation as to what documentation and information would be necessary to grant the request.

Finally, responses to reasonable accommodation requests are often delayed and can take months to get approved. During that time, people experiencing homelessness who are reliant on their animals have no choice but to remain street homeless.

Using the reasonable accommodation process to determine admission of emotional support animals ignores the reality of our inadequate healthcare system for homeless New Yorkers and places an unfair and unreasonable burden on them. As a result, it inhibits them from bringing life-saving animals with them to shelter.

In addition, pet owners who are experiencing homelessness and who do not have a disability are currently (in most cases) prohibited from bringing their animals into shelter. Many of our clients will not go into shelter because they will not leave their pet behind. With no one to care for their pet and no housing alternative, clients will choose street homelessness over shelter, simply because of DHS' current restrictive policy on pets in shelter.

## **II. Case Management Services Must be Enhanced**

NYLAG also supports the proposed bill requiring that all shelter residents have access to case management services. The bill is a much-needed recognition of the vulnerability

that comes with homelessness and the ways in which the City can do more to support our homeless neighbors. However, simply providing case management to the people who want it is not enough. There must be infrastructure in place to ensure that this case management is effective. NYLAG's clients report that their DHS caseworkers are under informed or misinformed about available benefits and programs, that their caseworkers are so overloaded that they cannot be relied upon for any form of assistance, that their caseworkers do not attempt to help them, and, in some instances, that their caseworkers antagonize them.

For example, caseworkers do not or only minimally assist our clients with obtaining housing vouchers and do not inform our clients when their housing vouchers will expire. Clients are thus left with expired vouchers and with no information about the voucher process. On top of that, clients need more support than just being given a voucher, they need effective assistance finding apartments and using the vouchers effectively. Rental limits on most vouchers are very low, and, even if an apartment in the voucher's rent range is available, many landlords will not accept vouchers due to source of income discrimination. In many instances, without assisting clients to find housing, the voucher by itself is useless. Expanding the role of caseworkers would allow more people to exit shelter more quickly.

I urge the City Council to be cognizant of the ways in which the proposed expansion of case management services can be overseen and further resourced to ensure that these services are helpful to our clients. Providing more case management to homeless clients is just the first step in ensuring that shelter is an accessible and helpful resource on the path towards permanent housing.

### III. The Shelter Eligibility Process is Itself a Barrier to Entry

A discussion about barriers to entry to the DHS shelter system would be grossly inadequate if it does not include the ways in which the eligibility process is itself purposely designed to be a major barrier for people experiencing homelessness. First, clients at DHS family intake centers for shelter placement must provide a complete history of all the places they have lived in the last one or two years. For the chronically homeless, this burden is especially onerous. And secondly, this process then requires each place listed to be *verified* by outside contacts. Even for periods of street homelessness, clients are expected to provide contacts so that DHS can verify that the client was living on the street at a listed time. If the verification contacts do not answer the phone, or if DHS cannot speak with them, then the client is found ineligible for shelter for “not cooperating” with the investigation and they have to reapply, returning to an intake center every ten days and spending ten to twenty hours waiting for a new temporary shelter placement. Additionally, if DHS determines in their investigation that clients have an alternative housing option, even if clients have proof that the purported option is not available to them, DHS will deny them shelter and the clients cannot return to intake for thirty days. This means that when DHS believes clients have another place to sleep, even if the clients have been forbidden from returning to the suggested address or if that address poses health risks or is out of state, the clients are forced into street homelessness for thirty days.

This happens daily to our clients and can occur repeatedly for months before DHS can verify their housing history. If someone were not in fact homeless, they would not seek shelter, nor would they subject themselves and their loved ones to the trauma of the shelter intake process. I have clients who have gone through intake every ten days for the last year

and *still* have not been found eligible because of this process. Additionally, I have several clients who found the eligibility process so traumatizing and degrading that they have ultimately opted for street homelessness, put their children into kinship foster care, or opted for unsafe housing. I have seen clients with mental and physical disabilities face noticeable and tangible deteriorations in their health because of the shelter eligibility process.

#### IV. Other Barriers to Shelter

Lastly, I want to close by both thanking the Council for facilitating discussions on how we can make shelter more accessible and offering some further ways DHS could improve its accessibility based on NYLAG's work with homeless clients. There are several other DHS practices that cause shelter to remain inaccessible for many who need it. First, the curfew policies and prohibitions on bringing in outside food are one major concern. Secondly, DHS often makes unfounded claims of domestic violence between partners, precluding them from being sheltered together and ruining their chances at ever being granted family shelter. Thirdly, the intense policing of shelters and the aggression of shelter staff and security towards residents can make shelter, although a coveted resource, unpleasant and violent for residents. I have many clients who choose street homelessness over shelter simply to avoid interactions with shelter staff, who have been known to verbally and physically abuse clients. Shelters are also often terribly inaccessible for clients who use wheelchairs or other assistive devices. These clients often report broken elevators and facilities that are impossible to navigate in a wheelchair, even when the shelters are labeled "accessible." And lastly, shelter is often restrictive for homeless transgender or gender non-binary clients, who are at times prevented from living in the

shelter for the gender with which they identify and experience extreme harassment from staff and other residents.

It is my hope that the Council can continue to think about the ways in which we can offer more agency to those in shelter. Being homeless does not mean that one should have to feel dehumanized, infantilized, or in danger for seeking shelter. The proposed policies around allowing pets into shelter and providing enhanced case management structures are two important initial steps in what we hope will be continuing discussions about improving conditions and accessibility for shelter residents.

We thank the Committee on General Welfare for the work it has done to facilitate shelter for vulnerable New Yorkers and we hope we can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group