

Testimony by the New York Legal Assistance Group (NYLAG)

Oversight – Youth in Shelter and the School System Before the New York City Council

Committee on Education and the Committee on General Welfare

April 16, 2021

Chairs Levin and Treyger, Council Members, and staff, good afternoon and thank you for the opportunity to speak to the Committees on Education and General Welfare on youth in shelter and the school system. My name is Deborah Berkman, and I am a Coordinating Attorney in the Public Benefits Unit and Shelter Advocacy Initiative at the New York Legal Assistance Group (NYLAG). Founded in 1990, NYLAG is a leading civil legal services organization combatting economic, racial, and social injustice by advocating for people experiencing poverty or in crisis. Our services include free and comprehensive civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. NYLAG exists because wealth should not determine who has access to justice. We aim to disrupt systemic racism by serving individuals and families whose legal and financial crises are often rooted in racial inequality. NYLAG goes to where the need is, providing services in more than 150 community sites (e.g. courts, hospitals, libraries) and on our Mobile Legal Help Center. During COVID-19, most of our services are virtual to keep our community safe. NYLAG's staff of 300 impacted the lives of nearly 90,000 people last year, including 12,200 older adults over the age of 65.

The Shelter Advocacy Initiative provides legal services and advocacy to low-income people in and trying to access the shelter system, and advocates for those

experiencing street homelessness. 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. A substantial percentage of my practice is representing families with school-aged children who are in or trying to access the Department of Homeless Services (“DHS”) shelter system, and I am intimately familiar with the burdens they face.

NYLAG is grateful that the Committees on Education and General Welfare are examining the barriers that students living in the shelter system have in traveling to school, and fully support Int. No. 150 as a necessary first step. Challenges getting children to school are constant for my clients living in DHS shelters. These problems present most often when clients have recently applied for shelter and are engaged in the application process. During that time, families experiencing homelessness are generally given a temporary, 10-day stay at a location that serves as a temporary shelter assignment. At that time, parents have two options: either keep their children at their prior school or have them leave their current school, often mid-semester, and enroll them in the local school. It is rare to see a family intentionally placed near a school their child already attends. Rather, families are placed randomly and are expected to figure out a way to get their child to school. Arranging a school bus can take weeks, and until such time that a school bus is provided, my clients are expected to get their children to school on public transportation, which can take hours in each direction. As a result, children are often absent or late. And if they are absent or late too many times, the school will contact Administration for

Children's Services (“ACS”) and initiate a case of alleged educational neglect which can endanger custody.

Temporary placements are often assigned repeatedly as families experiencing homelessness are continually deemed “ineligible” for shelter. In non-COVID times, every time a family is deemed ineligible for shelter, they must return to the intake office in the Bronx and spend another day re-applying for shelter (which means they are not available to drop-off or pick up their children from school).¹ As part of the application for shelter, homeless families must provide a complete history of all the places they have lived during the last two years. This process then requires each place listed to be *verified* by outside contacts. If the verification contacts do not answer the phone, or DHS cannot speak with them, then the client is found ineligible for shelter for “not cooperating” with the investigation and they must reapply, returning to an intake center every ten days and spending ten to twenty hours waiting for a new temporary shelter placement. Prior to the pandemic, this happened daily to our clients who were required to apply again and again for months before DHS could verify their housing history. Additionally, successive temporary placements were not necessarily in the same location, resulting in further disruption to school placement and transportation, and forcing families to repeatedly navigate each disruption or risk a case of educational neglect.

Those families who are provided a new placement every ten days are the lucky ones. In non-COVID times, if DHS determines in their eligibility investigation that clients

¹During the COVID-19 pandemic, DHS has made many changes to the application process for families with minor children. Currently, when families are deemed ineligible, they are permitted to reapply over the phone while they remain in shelter. However, DHS has indicated that this policy will not be permanent, and it will revert after the pandemic.

have a purported “available housing option” from the locations listed in the housing history, *even if the family has proof that the purported option is not actually available to them*, DHS will deem the family ineligible, and the family will not be given another temporary placement for thirty days.² 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 because the purportedly available housing option is not in fact available. In these situations, parents may be forced to leave their children with friends and extended family members to avoid their children experiencing street homelessness. Under those circumstances, it is often logistically impossible for parents to get their children to school.

Because of the substantial challenges families in shelter face in getting their children to school, NYLAG enthusiastically supports Int. No. 150 and hopes that it may lead to effective solutions to ease the burden of children in shelter travelling to school.

We thank the Committee on Education and the Committee on General Welfare for the work you have done to assist vulnerable New Yorkers, and we hope we can be a resource for you going forward.

Respectfully submitted,

New York Legal Assistance Group

² Currently, families are not ejected from shelter when their applications are denied on the ground that they have an alleged “available housing option.” Instead, families whose applications for shelter have been denied are currently allowed to re-apply for shelter over the telephone while remaining in successive 10-day temporary shelter placements.