



Testimony of

Coalition for the Homeless

and

The Legal Aid Society

before the Committees on General Welfare and Immigration,
of the New York City Council

on

Oversight - Updates on the Implementation of the 30- and 60-day rules for
Asylum Seekers

submitted by

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The Coalition for the Homeless (“Coalition”) and The Legal Aid Society (“Legal Aid”) welcome this opportunity to testify before the New York City Council’s Committees on General Welfare and Immigration. We are the court- and City-appointed independent monitor of the DHS shelter system and counsel in the historic *Callahan*, *Eldredge*, and *Boston* cases that created the right to shelter in NYC. We are also the court-appointed independent monitor of the non-DHS shelters for New Arrivals under the March 15, 2024 stipulation of settlement in *Callahan* (“Stipulation”). We are actively engaged in assisting and defending the rights of New Arrivals. Accordingly, we are uniquely situated to provide insight about issues related to shelter for both long-time New Yorkers and New Arrivals.

Time Limits on Shelter Stays for New Arrivals

As the Committees on General Welfare and Immigration are well aware, the City has rolled out multiple forms of 30- and 60-day notices for New Arrivals that vary based on household type and shelter system. In December 2023, the City limited initial shelter placements for families with children in non-DHS New Arrival sites to 60 days.¹ Beginning in May 2024, the City began limiting initial shelter stays for single adults and adult families in all shelter systems to 60 days for 18- to 22-year-olds and 30 days for those 23 and older. After the initial 30 or 60 day stay, New Arrivals must meet one of a variety of criteria to be entitled to another shelter placement. This change was pursuant to the Stipulation we entered into after the City asked the Court to modify the right to shelter for **all** single adults – longer-term New Yorkers and New Arrivals alike – so that only adults eligible for public assistance would be eligible for shelter.²

The clear intention of these 30- and 60-day notices is to make it difficult for people to stay in shelter and to make accessing shelter an incredibly disruptive and destabilizing process. New arrivals lose vital immigration documentation when it is mailed to prior shelters, risk losing employment when they have to reapply for shelter or are placed in locations far from their jobs, and are often placed further from their schools and medical providers when they receive a new shelter placement. Implementation of these notices has resulted in roughly 75 percent of the single adults/adult families and 50 percent of families with minor children not returning to the City’s shelters. Since the City does not track outcomes, it is not clear where those thousands of individuals have ended up, despite the administration dubiously framing all exits as successes. While we always celebrate clients finding permanent housing, we remain deeply concerned that New Arrivals are leaving shelter for less safe housing alternatives, including sleeping outdoors.

¹ Families with children are guaranteed another shelter placement when they reapply after 60 days as a result of the *Boston* settlement.

² It is worth noting that had the City’s initial request to the Court to modify *Callahan* been granted, New York City would have seen unprecedented levels of street homelessness. It would have resulted in increased shelter denials for New Arrivals and longtime New Yorkers alike, including New Yorkers working low-wage jobs or those receiving disability income.

Since these policies were initially announced, there has been an election of a new President who has clearly stated that there will be mass deportation of migrants.³ While it is uncertain how the new administration will effectuate its goals, policies that result in New Arrivals being relegated to the streets or that increase exposure to the federal government increase their risk of detention and deportation. To date, numerous New Arrivals are without shelter altogether as a result of 30- and 60-day notices, and countless others may follow. The risk is heightened because the incoming President has signaled he plans to end Temporary Protected Status (“TPS”).⁴ Accordingly, the continuance of these 30- and 60-day notices not only raises the various concerns we have previously shared, but they now could result in detention, separation from family members, and returning individuals to the very countries they fled out of fear for their own safety.

Single Adults

Under the March 2024 *Callahan* Stipulation and the process created thereunder, single adults and adult families that are approved for shelter receive a “Notice of Approval for Temporary Shelter” in their preferred language, stating that they can stay at their initial shelter placement for 30 days (or 60 days if they are under the age of 23). A second written notice must be provided 7 days before the expiration of their initial shelter stay informing them that they must go to the Reticketing Center if they need another shelter placement. At the Reticketing Center, individuals should be screened to see if they are Permanently Residing Under Color of Law (“PRUCOL”). Those who have applied for asylum, TPS, or other forms of immigration relief are considered PRUCOL. Once a person provides proof of their PRUCOL status, they are granted an extension of their shelter stay. Young people who have documentation of their enrollment in high school are also granted an extension. If a person is not PRUCOL (or in school), they must demonstrate “extenuating circumstances” by either evidencing that they are making “significant efforts” to leave shelter, or by demonstrating that they have been granted a reasonable accommodation for a disability, have imminent plans to move into other housing, or have an upcoming medical procedure or immigration hearing.

Both the Coalition and Legal Aid have seen numerous problems with the reapplication process at the Reticketing Center, including:

- People who never received legally required notice prior to the expiration of their shelter stay;
- Extension denials despite having PRUCOL status;

³ Luis Ferre-Sandurni and Welsey Parnell, *Trump’s Deportation Vow Fuels Fear and a Potential Showdown in New York*, N.Y. TIMES (Nov. 9 2024), <https://www.nytimes.com/2024/11/09/nyregion/trump-migrants-deportation-nyc.html>.

⁴ Miriam Jordan, *Trump Immigration Targets: Ukrainians, Venezuelans, Haitians*, N. Y. TIMES (Nov, 15, 2024), <https://www.nytimes.com/2024/11/15/us/trump-immigrants-temporary-protected-status.html>.

- Information being provided only in writing, without the information being provided orally in the person’s preferred language, making it impossible for those who are not literate or those whose preferred language is not being used to understand the process;
- Denials of extensions requested on the basis on extenuating circumstances that are not communicated in a person’s preferred language;
- People who are not PRUCOL being summarily denied an extension without an inquiry regarding whether they meet any of the other criteria for an extension;
- Significant numbers of people leaving the Reticketing Center each day without being granted or denied an extension (the City continues to be unable to provide a sufficient explanation regarding why people are leaving mid-process).

Although approximately 90% of the New Arrivals applying for shelter extensions are PRUCOL, and thus able to extend their shelter stays on that basis, the denial rates for those who are not PRUCOL are extremely high.

The City has chosen to use a points-based system to decide who has demonstrated that they have made significant efforts to exit shelter. The points system was not a part of the stipulation of settlement to which we agreed, and we have repeatedly encountered clients who have made significant efforts but whom the City wrongfully denied an extension. Those who are not able to extend their stays by demonstrating an extenuating circumstance are too often relegated to sleeping on the streets, an outcome that serves neither New Arrivals nor New Yorkers, and that will become more serious for New Arrivals as we head into the winter months and as the Trump Administration assumes office.

Families with Children

New Arrival families with minor children who are staying in non-DHS shelters must reapply for shelter every 60 days at the Arrival Center at the Roosevelt Hotel, at which point they can be reassigned to a new shelter location.⁵ Unlike adult families and single adults, families with children are guaranteed another shelter placement, meaning the reapplication process is solely to disrupt family’s stability while the City assesses ongoing need for shelter and the appropriate placement, given family composition and school enrollment. To date, this process has been fraught with numerous implementation issues documented by the Comptroller’s Office,⁶ has disrupted children’s education, and impeded the ability of New Arrival families to achieve the stability and self-sufficiency that would allow them to leave shelter and enter permanent housing. Ignoring this reality, the Adams Administration just announced that families in non-DHS shelters with at least one child who is in kindergarten through sixth grade will not have to

⁵ It should be noted that families assigned to commercial hotel rooms under the City’s contract with HANYC are subject to even greater disruption as they must reapply at the Arrival Center every 28 days given existing law which would result in the family becoming a tenant if they were to remain in these rooms for 30 days or longer.

⁶ CITY OF N.Y. OFFICE OF THE COMPTROLLER, Report on the Investigation of the Implementation of the “60-day Rule” For Asylum-seeker Families (May 9, 2024).

relocate when their *second* 60-day notice expires if they still need additional time in shelter. They assert that this change is necessary to save taxpayer dollars, but the fact that families still must relocate after the initial 60-day notice will still require spending taxpayer dollars on busing children – costs that presumably will continue indefinitely after the first shelter relocation. The new change also offers no protections for families with students in 3k, pre-K, middle and high school.

Further, in September, the City received authorization from the State Office of Temporary Disability Assistance to extend the 60-day notice policy to families in DHS shelters and was poised to begin rolling it out this fall. We informed the City that we do not believe they have a legal basis for extending this policy to families with children in DHS shelters, and they since have agreed to not require DHS families with children to move shelters at the end of the 60 days, as long as they make a request for an extension prior to that date. We are awaiting specifics of how this process will work in practice.

While the City has committed to placing families in the borough of their youngest school aged child when they seek another shelter placement, it has failed to do so at a very high rate for the families in non-DHS shelter thus far.⁷ Being forced to move every 60 days results in serious disruptions, as parents find themselves needing to change arrangements for school transport or re-enroll their children in the school closest to their current shelter placement. For parents with multiple children, these moves entail getting children to school across disparate locations throughout the City.

Recommendations to the City to Reduce the Shelter Census

Arbitrary time limits that fail to consider each individual’s unique situation de-stabilize a population that has already experienced immense trauma before arriving in New York. This trauma is exacerbated when coupled with the horrific, degrading, and needless “reticketing” process that single adults and adult families must endure in the effort avoid having to sleep on the streets and that families with children encounter every 60 days as they shuffle between new shelter placements and schools. In addition, having to make these requests in person at the Reticketing Center or the Arrival Center, sites widely known to the public as locations where New Arrivals are, may put them at risk of apprehension by the incoming federal administration. Rather than facilitate the planned mass deportations of the newest New Yorkers, it would be both more humane and cost-effective to help connect New Arrivals to permanent housing and stability so that they can focus on securing immigration relief and employment.

There are a number of ways the City could achieve this goal and reduce the number of people in shelters, which include:

⁷ Arya Sundaram, *More Migrant Families Relocated to Shelters in Other Borough, New Data Shows*, GOTHAMIST (Sept. 11, 2024), <https://gothamist.com/news/more-nyc-migrant-families-relocated-to-shelters-in-other-boroughs-new-data-shows>

End the Use of 30- and 60-Day Notices

These notices and the accompanying reapplication process create barriers to the very goals that the City is seeking to address, namely helping New Arrivals achieve stability so that they are able to secure permanent housing outside of the shelter system. While we appreciate the City's recent announcement about families with children in grades K-6 in non-DHS shelters, the policy should be that families should not have to change shelters at all, not even once. The counterproductive and inhumane 30- and 60-day notices for single adults and adult families should also be suspended. Such elimination of these arbitrary time limits would address the aforementioned concerns, while also being responsive to the increasing risk to New Arrivals of detention and deportation. It would also enable many of the City's other efforts to be more effective. For instance, neither 30 nor 60 days is sufficient time for case managers to work with households to address the trauma of their journey, receive work authorization, or get enough steady income to support permanent housing arrangements. When individuals are forced to reapply and relocate, various critical life-sustaining processes such as securing benefits start all over again, to say nothing of the trust that is formed with caseworker staff that is developed over time.

Provide Quality Case Management

Quality case management should help address urgent needs such as safe accommodations, medical referrals, school enrollment, and benefits navigation/access, as well as longer-term goals such as accessing legal counsel, family reunification (where feasible), community orientation and integration, and securing employment and permanent housing. However, the City's current approach to case management involves up to three meetings with an "exit planner," with little direct support to address New Arrivals needs. Further, not all shelter placements provide case management, as some lack a single case manager while others have a ratio of one case manager for every 250 New Arrivals. To ensure quality services, all New Arrivals should receive case management regardless of shelter placement, and the ratio of case managers to New Arrivals should be at least one case manager for every 30 New Arrival households. Caseworkers also should receive specialized training and supervision to better assist clients navigating U.S. immigration processes, including how to review immigration documents, how to provide a basic orientation on the importance of appearing at all hearings and appointments, the importance of securing legal counsel, and avoiding the unauthorized practice of law and scams.

Based on our accumulated experience serving this population, the primary challenges New Arrivals face are access to legal services—which in turn means longer time waiting in legal limbo and without work authorization—and lack of access to stable affordable housing. Acute health or mental health issues and concerns related to family separation are also common stressors for this population. Case management services should be trauma-informed and designed to identify these and other barriers to stability and address them through individualized service planning, information provision, and referrals to specialized support services.

Service plans should explore needs such as family reunification, financial support, and acute factors that may be affecting client functioning such as mental health, safety concerns, and family conflict should be addressed throughout service provision. Case managers should work closely with legal service providers to apply a highly tailored approach to legal referrals (acknowledging, of course, the existing capacity limits of the extremely overburdened legal services providers). These tailored referrals to legal services, coupled with the legal orientation embedded in casework approach, can aid eligible New Arrivals in obtaining work authorization and facilitate early integration.

Case managers should provide warm hand-offs by establishing contact with the provider ahead of referral, ensuring their ability to consult as soon as possible and following up with them to verify successful enrollment. When challenges arise, caseworkers should advocate, resolving any issues with and on behalf of clients.

Invest in Immigration Legal Services

Legal services are critical in supporting New Arrivals as they navigate the challenges of rebuilding their lives in a new country. Securing legal status - and even engaging in the initial steps needed to do so – is foundational to accessing housing, benefits, employment, healthcare, and other essential services. But New York currently lacks sufficient legal service infrastructure to provide each New Arrival with the comprehensive services needed for thorough, and in turn more successful, applications for asylum, TPS and other forms of immigration relief.

The City should ensure that every New Arrival is screened for available immigration relief and work authorization through rapid-response services, while building the infrastructure of immigration legal services. To begin with, the City could expand upon the Asylum Application Help Center (“AAHC”) model and provide appointments for rapid-response services to every New Arrival. As of early September, the AAHC had only assisted 32 percent of New Arrivals to apply for asylum or TPS. If every New Arrival were able to apply soon after their arrival, they might receive work authorization months earlier. In addition, every New Arrival should be screened for every form of relief. The AAHC is not screening people for other forms of relief, like visas for victims of trafficking and other crimes, or Special Immigrant Juvenile Status. More thorough screenings are even more essential to protect New Arrivals from detention and deportation given the changes to current immigration law and practice that the new federal administration seeks to implement.

At the same time, there is a dire need for long-term investments in immigration legal services, recruitment, retention, training of legal teams, and infrastructure. Currently, there are not enough immigration lawyers to meet the need for representation – something that is more critical given the Trump Administration’s stated goal to begin mass deportations. We know that people who have lawyers or DOJ accredited representatives are far more likely to successfully secure immigration status and work authorization. But if the capacity and infrastructure for legal services is not increased, we believe that many New Arrivals and longer-term undocumented residents will not realize these outcomes.

Expand CityFHEPS and Eliminate Administrative Barriers

The City can decrease the shelter census by helping more longer-term New Yorkers move into permanent housing, and by keeping more longer-term residents from entering the shelter system. Even apart from the overall increase in the shelter census attributable to the presence of New Arrivals that began in March 2022, the number of longer-term New Yorkers sleeping in shelters each night has increased significantly in recent months. For instance, between January and October of 2024, the number of longer-term New Yorkers in the DHS shelter system grew from 54,573 to 58,642 – an increase of 4,069 people (or 7%).

The CityFHEPS program is the most significant available tool for moving people from shelter to permanent housing. The City should immediately implement the CityFHEPS expansion bills and work to eliminate the bureaucratic hurdles and delays that plague every step of the process. Clients of the Coalition experience extended delays in processing their applications for CityFHEPS, approvals of apartments, and payments to landlords. Such extreme delays and processing issues are commonly experienced by people who are trying either to leave shelter and find permanent homes or to avoid eviction, like the seven tenants in a lawsuit filed by Legal Aid who faced delays in the processing of their CityFHEPS voucher recertifications.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: Legal Aid, 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.

Legal Aid 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, Legal Aid provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

Legal Aid’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 Legal Aid’s Pro Bono program. With its annual caseload of nearly 200,000 legal matters, Legal Aid 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.

Legal Aid'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 nearly 200,000 individual cases and legal matters, Legal Aid's law reform representation for clients benefits more than 1.5 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.

Legal Aid is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. Legal Aid is counsel to the Coalition and for homeless women and men in the *Callahan* and *Eldredge* cases. Legal Aid is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. Legal Aid, along with institutional plaintiffs Coalition and Center for Independence of the Disabled-NY ("CIDNY"), settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Also, during the pandemic, Legal Aid along with Coalition continued to support homeless New Yorkers through litigation, including *E.G. v. City of New York*, Federal class action litigation initiated to ensure Wi-Fi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.

Coalition for the Homeless: Coalition, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to address the crisis of modern homelessness, which is now in its fifth 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 illnesses 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, scalable solutions and include: permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income 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 distributed nearly 400,000 hot, nutritious meals to homeless and hungry people on the streets of the city this past year – up from our usual 320,000. Finally, our Crisis Services 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 (1-888-358-2384) 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 independent monitor of municipal shelters for homeless single adults, and the City has also authorized the Coalition to monitor the municipal shelter system 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 Legal Aid 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. During the pandemic, the Coalition worked with Legal Aid to support homeless New Yorkers, including through the *E.G. v. City of New York* Federal class action litigation initiated to ensure Wi-Fi access for students in DHS and HRA shelters, as well as *Fisher v. City of New York*, a lawsuit filed in New York State Supreme Court to ensure homeless single adults gain access to private hotel rooms instead of congregate shelters during the pandemic.