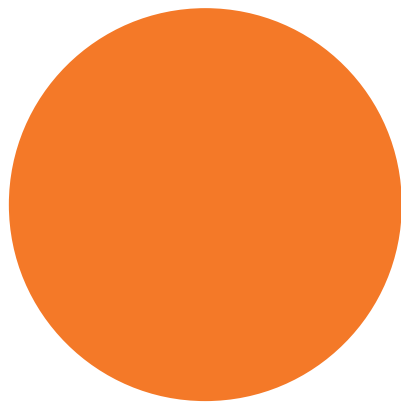
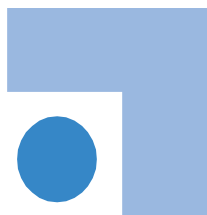


HOMELESS FAMILIES:
**KNOW YOUR
RIGHTS!**

**THE
LEGAL AID
SOCIETY**



You and your family
have a right to shelter in
New York City
if you have no other safe
housing option available.



Frequently asked questions contained in this packet

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Where can I apply for shelter?



Homeless families can apply for shelter at **PATH**, located at **151 E. 151st Street** (between Walton and Gerard Avenues), Bronx.

Directions by subway: 2, 4, or 5 to 149th Street. Walk north on Grand Concourse to E. 151st Street. Turn left and walk to Walton Avenue.

Phone number: 917.521.3900

When can I apply?



- **PATH is open 7 days a week, 24 hours a day.**
- You have the right to apply at any time.
- You can submit information about your application at any time.
- Families who apply late in the day may be assigned a shelter placement for the night and transported back to PATH the next morning to complete their application.

Who can apply?



- Families with children under 21.
- Pregnant women.
- Couples or other “adult families” with a pregnant woman.
- Couples without children and who are not pregnant can apply for shelter at the **Adult Family Intake Center (AFIC), located at 400-430 East 30th Street. (at 1st Avenue) in Manhattan.** To get there, take the 6 subway line to the 28th Street station. Walk east to 1st Avenue and turn left to head toward 30th Street. **THIS HANDOUT IS FOR FAMILIES WITH CHILDREN.**
- Your immigration status **WILL NOT** affect your eligibility for shelter.

Do I need to bring my children to PATH?



If you are applying for the first time, you need to bring all members of your family with you, including children. You do NOT need to bring your children (age 0 to 17) to PATH if:

- You have been asked to return to PATH for a follow-up appointment or to submit documents.
- You were determined ineligible for shelter in the past 30 days and are reapplying for shelter (with no change in the members of your household).

What should I bring?

Documents to prove your identity

- A picture ID: a welfare card, green card, driver's license, government ID card, passport/visa, a picture employment card, or NYC ID.
- If you do not have a picture ID, you can use a birth certificate, Social Security card, Medicaid card, identity card in the public assistance system, or a pay stub.
- If you have been finger imaged by welfare, your finger image may prove your identity, even if you do not have documents.

Remember: PATH must help you get documents to prove your identity, if you cannot get them on your own. For example, PATH can get your ID documents from HRA for you.

Proof that you are a family

If DHS questions whether you are a family, you can show them that the adults in your family:

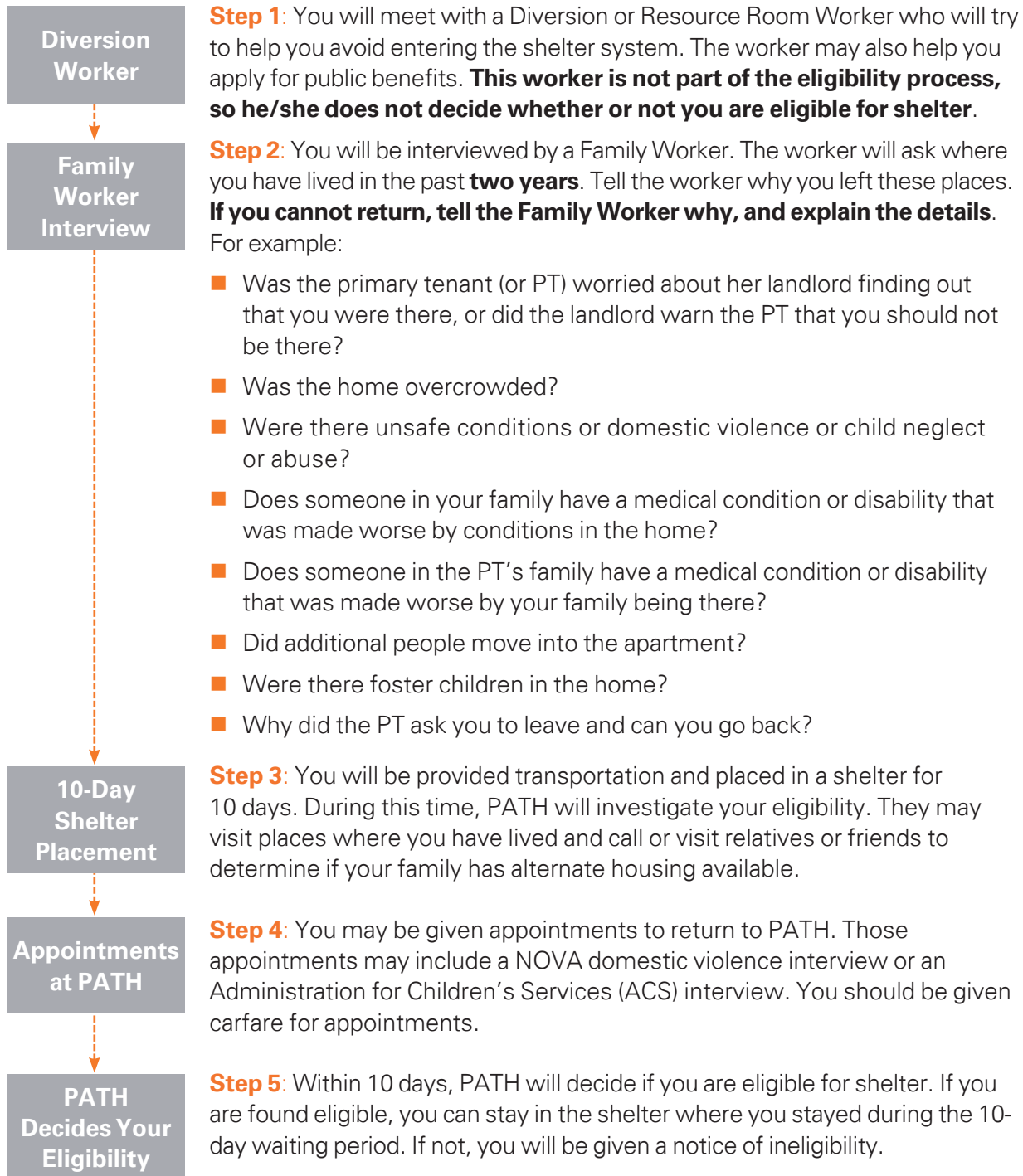
- Are listed as parents on the child(ren)'s birth certificate(s), **or**
- Have legal custody of the child(ren), **or** filed for paternity in court or with the Department of Health
- Are legally married **or** have a domestic partnership certificate, and at least one adult is the child(ren)'s parent or guardian, **or**
- Need to live together to protect your health or other important need (in some cases, if a doctor believes that living together is medically necessary, you will not need to have lived together previously).

Remember

Keep originals of your documents. PATH workers should make a copy of each paper you give them and put it in your file. Ask them to date-stamp a copy for you to keep.

- **Keep notes on who you talk to and what they say.** When you speak with a worker (over the phone or in person), ask for his/her name and title and write it down.
- **PATH must consider any papers you submit *at any time* until a final decision is made about your eligibility.** Use the fax cover sheet at the end of this pamphlet to fax in papers.
- **If you need help getting or paying for documents, PATH must help you get the documents or information you need.** You cannot be found ineligible because you do not have documents you cannot get or cannot afford.
- An **advocate, friend, or relative** may attend interviews and conferences with you at PATH.
- If anyone in your family is sick or has a **medical problem**, report it on the medical form and ask to see the nurse.

What is the application process for first-time applicants?



You must be allowed to reapply at PATH for shelter immediately after being denied or any time after. Call 311 if you are not allowed to reapply or go to the Coalition for the Homeless (info at the end of this pamphlet).

What if I'm a survivor of domestic violence?



In an emergency or if you feel unsafe due to domestic violence, call the Domestic Violence Hotline: 1-800-621-HOPE.

While you are at PATH:

- **Tell a worker at reception** or another PATH worker that you are a domestic violence survivor. You must be referred immediately to the NOVA (No Violence Again) office on the 6th floor.
- Explain your case to the NOVA worker and to the PATH family worker using the words **"Domestic Violence."** PATH's actions should NEVER place you in further danger of abuse.
- If NOVA does not find you to be a survivor of domestic violence, **call the Safe Horizon domestic violence hotline: 1-800-621-HOPE.** Safe Horizon can refer you to shelters (if there are vacancies) or to other services, including counseling. A counselor can write a letter to PATH explaining your situation. Give a copy of the letter to Reception, NOVA, and your PATH family worker.

Remember

- **When deciding eligibility, PATH must consider your domestic violence and safety issues.**
- Domestic violence includes physical abuse, emotional/verbal abuse, sexual assault, rape, and threats of violence to control you.
- If you are being abused or are in fear of abuse, you can go immediately to Family or Criminal Court to ask for an order of protection. If you have a new or old order of protection, give a copy to PATH and NOVA workers.
- NOVA cannot **require** you to have a police report or an order of protection. But, if you have these documents, give copies to NOVA and to your family worker.
- You may go to or contact the NOVA office at any time. The number is **917-521-3965**. Your confidentiality will be protected.
- If you want to file a police report for domestic violence, but have been unable to do so at a precinct, you may file a report at a Family Justice Center (FJC), a special domestic violence office that aims to reduce barriers faced by victims of domestic violence who are seeking help. For the FJC in your area, call 311.

What if I'm from another country, and I'm scared to return to my home country?



If you are from another country and you are scared to return to that country because you believe you will be harmed, tell PATH staff immediately. PATH staff should not ask you about any addresses in your home country if you are at risk of harm in your home country. If you have an immigration attorney who is helping you apply for asylum in the United States, ask your attorney to write you a letter stating that you are seeking asylum.

What if I'm in another shelter system, but my time in that system has run out?

If you are currently in domestic violence shelter or DYCD youth shelter and you have been told you can't continue to stay past a certain date, talk to your caseworker about how to easily access DHS shelter without having to go to PATH.

How do I prove I'm homeless?

If you were staying with a friend or relative (who PATH calls a **Primary Tenant [PT]**) before you applied for shelter, you need to get proof that you cannot live there any longer. Here are some examples of ways that you can prove you are homeless:

- If you had to leave the PT's apartment due to a **medical condition or disability**, get a doctor's letter explaining why. If you had to leave because of the health or disability of someone in the PT's household, ask the PT for a doctor's letter.
- Ask the PT to write a **letter** with the date, the PT's address, and the PT's phone number, explaining why he/she asked you to leave and whether you can return. If you and the PT argued or fought, get letters from a school counselor; a therapist; or a religious, community, or social worker.
- If the PT made you leave because she was **afraid of being evicted**, get a letter from the landlord stating that you are not allowed to live with the PT.
- If the PT lives in **subsidized housing (like NYCHA or Section 8)** and was afraid of losing his/her housing subsidy or housing if you stayed, tell PATH the housing was subsidized.
- If you lived in **overcrowded housing** when you were living with the PT, tell PATH who lived there, as well as where everyone slept.
- If the PT has **foster children** and you cannot stay there because of the foster care agency's rules, get a letter from the foster care agency.
- If there has been an **ACS** complaint against anyone in the PT's household, tell PATH.

What if I was living in a place that was hazardous to my health?

- Tell PATH if the place you lived had dangerous conditions, such as no heat or running water, no kitchen, peeling paint, lead paint, crumbling walls or ceilings, or a gas leak.
- Report dangerous conditions by calling 311.
- If a City agency, such as ACS or HPD, told you to leave your apartment because it was dangerous, get a letter from them and give it to PATH.
- If there is a medical reason (like asthma) why the apartment you were living in is harmful to you or your children, get a letter from a doctor stating why.

What if I was the victim of a violent crime?



- Give PATH copies of any police reports or incident slips at your interview.
- Call Safe Horizon at **1-800-621-HOPE** and ask to be connected to Crime Victim Services.
- If the DA's office is helping you, ask them for a letter and give it to PATH.

What if I became homeless due to a fire, flood, or city vacate order?



Call the **American Red Cross's 24-hour hotline at 212-787-1000**. They will place you in a temporary shelter or hotel, and HPD may find you permanent housing.

What if I was evicted?



- If your landlord took you to court, give copies of the court papers and marshal's notices to PATH.
- If you did not get a marshal's notice, you do not have to leave because the eviction is not final.
- If you paid rent with welfare, ask a Diversion Worker about a City FEPS (Family Eviction Prevention Supplement) subsidy.
- If the landlord forced or locked you out of your apartment without taking you to court, call the police and go to housing court.
- You might be able to get your apartment back with help from Legal Aid or Legal Services. Call the office for your community or ask PATH staff for a referral.

What services are available at PATH?



► Families with disabilities and special medical needs

- PATH **must** provide you with a shelter placement that accommodates your disability or medical condition. Tell PATH staff about your disability or medical needs. If your disability or medical condition affects your ability to stay in a certain type of place (such as if you cannot climb stairs), tell PATH staff. If possible, give PATH staff letters explaining the accommodations you need in shelter as a result of your disability or medical condition.
- If you need medical treatment, you may see the nurse at PATH at any time.
- You may refrigerate medicines or foods for a disability or medical condition.

► Foster care rent subsidies

- You may be eligible for an extra \$300/month rent subsidy or Section 8 from ACS if it will prevent your children from going into or staying in foster care OR if you were discharged from care to independent living and are 18–21 years old.
- You may also be eligible for NYCHA, Section 8, or other rent subsidies if you have a child in foster care who could come home to you if you had an apartment.

► Welfare grants

If your family does not have an open public assistance case, HRA will give you a “restaurant allowance,” a small cash grant so that your family can buy food until you open a welfare case.

► School transportation grants

- Department of Education (DOE) workers are on the 5th floor to help you with questions about your children’s education and schools. If your child does not have a school Metrocard, they will give your child one. Also, they must give Metrocards so that parents can take their children to school and return to PATH if necessary.
- DOE workers are normally at PATH on school days between 7 a.m. and 3 p.m. If there are no DOE workers at PATH, ask the PATH supervisor at the information kiosk on the lower level for Metrocards so that your child(ren) can attend school.

► Meals and baby supplies

- Meals are provided throughout the day at the Food Pantries. The Food Pantry on the lower level is always open.
- Bottle warmers, baby formula, cereal, and diapers are also available at the Food Pantries.
- If you need a crib or an infant seat, request one from the supervisor at the information kiosk on the lower level.

Services at PATH, continued



▶ Resource room

- Families who have been found ineligible for shelter are sent to the Resource Room. Social workers there are trained to provide housing advice, employment referrals, benefits advocacy, relocation services, family mediation, and crisis counseling.
- Any applicant can walk into the Resource Room Monday through Friday from 8 a.m. to 10 p.m. and weekends from 10 a.m. to 10 p.m.

▶ Requesting a copy of your file

You have the right to get a copy of your PATH case file. Request it from **DHS by calling 212-361-8000**.

▶ Submitting documents

- You may bring documents to PATH at any time. You may hand them in at Reception. Keep your original, and get a receipt.
- You may also use fax documents to PATH at any time. Use the fax cover sheet at the end of this pamphlet.

▶ Food emergencies

If you need food, call the **New York City Hunger Hotline at 866-888-8777**.

What should I do if I need help at PATH?



Ask to speak to a supervisor.

What if there is extreme weather when I'm applying at PATH?



In extreme weather, when it is below freezing, PATH will give an overnight placement to anyone who needs one, even if they have been found ineligible.

What if PATH finds me ineligible for shelter?



You have the right to receive a written notice saying if you are eligible or ineligible for shelter. If you are ineligible, PATH must explain why.

You must be allowed to reapply immediately or any time after.

You have a right to have a PATH conference

- In the conference, a PATH lawyer will review the eligibility decision. Often, PATH will only allow you to have a conference if you arrive by 9am the morning after you receive the notice.
- An advocate, friend, or relative may come with you.
- You can explain why you think that the decision finding you ineligible is wrong.
- The PATH lawyer must accept and consider any documents you submit at the conference.
- If the PATH lawyer says that the previous decision was wrong, you should be found eligible or placed “on hold” back in your shelter placement. PATH cannot raise a new reason for finding you ineligible that was not on your original notice.
- You have the right to a conference each time PATH finds you ineligible, but you do not have to go if you do not want to.

Remember

- You can request a State Fair Hearing if you think that the PATH decision is wrong. State that you want an **emergency hearing** because you were denied shelter.
- To request a fair hearing:
 1. **The best method is to go in person** to the NYC Office of Temporary and Disability Assistance at 14 Boerum Place, Ground Floor (corner of Livingston), Brooklyn.
 2. You can also **make an online request** at <http://otda.ny.gov/oah/FHReq.asp>
 3. You can **fax** a copy of your notice to 518-473-6735 (keep your confirmation) or
 4. You can **call** 1-800-205-0110, but the number is often busy or has a long wait time.
- At your hearing:
 1. Tell the judge your story and show the judge any documents you have.
 2. Do not let yourself be rushed.
 3. You have the right to get and review a copy of your PATH case file before the hearing.
 4. You have the right to bring witnesses who can support your story.
 5. You have the right to ask the City representative questions about your case.

What if I'm found ineligible and denied "immediate needs" shelter?



If you are found ineligible for any reason, you have the right to reapply for shelter **immediately**, with **no waiting period**. However, the City is denying shelter to some families when they reapply.

The City must give you shelter when you reapply if:

- You or your child(ren) would be in immediate danger if you do not receive shelter (including for medical reasons).
- You have new facts, information, or documents, or something has changed.
- You (or the primary tenant) have just been evicted from the last place you stayed.
- Your child is the victim of child abuse, and the abuser lives in the last place you stayed, or the abuser can find your child.
- You are a domestic violence survivor, and your abuser lives in the last place you stayed or can find you.
- You are reapplying more than 30 days after last having been found ineligible for shelter.

The City must also give you shelter when you reapply if you were found ineligible because:

- You "failed to cooperate."
- You "failed to utilize financial resources."
- You "failed to demonstrate that you are a family unit."
- You had to miss appointments at PATH.
- You were "logged out" before your application was decided.

What if I need help with my reapplication?



Go to the **Coalition for the Homeless**, 129 Fulton Street (corner of Nassau Street.) in lower Manhattan.

Walk in: Monday, Tuesday, and Thursday from 9 a.m. to 2 p.m. (or first 50 clients) and Wednesday and Friday from 9 a.m. to 11 a.m. (or first 30 clients). It is best to get there before 9 a.m.

Directions: 2, 3, 4, 5, J, Z, A, or C train to Fulton Street in Manhattan.



Application form



PATH applicants:

Use this cover sheet to fax papers about your case to PATH

To: PATH

Date_____

Fax: 1-917-637-7339 or 1-917-637-7444

From_____ Phone number_____

Applicant's name_____

Case number or SSN_____

Family worker_____ Group number_____

Number of pages (including this page):_____

Keep a copy of your fax receipt.

Please review the attached materials and add them to my case file.

