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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

## ***Legal Aid Secures Critical Due Process Protections for Homeless Clients in Fair Hearings***

(NEW YORK, NY) – **The Legal Aid Society** announced today that it has secured a critical due process protection when a client requests a “Fair Hearing” to contest a decision made by the New York City Department of Homeless Services (DHS). This decision will likely affect thousands of New Yorkers this coming year.

Prior to the pandemic, when DHS made a decision regarding a client’s shelter case and the client sought to appeal that decision, the client requested an in-person Fair Hearing that is administered by the New York State Office of Temporary and Disability Assistance (OTDA). At the hearing date, the City would provide the client a hard copy evidence packet — all the evidence that the City planned to use in the proceeding to defend their position. Per New York State regulations, clients are entitled to their evidence packet in advance of their hearings so they can adequately prepare their case.

In March, when the pandemic hit, OTDA began offering all clients the option for a telephonic hearing in place of the in-person “Fair Hearing,” an option the vast majority of clients chose to minimize risk of exposure to the virus that causes COVID-19. However, for telephone hearings, the City stopped providing evidence packets to Legal Aid clients because the City couldn’t provide a hard copy by mail in time for the hearing.

Legal Aid intervened and pressed the City to provide packets electronically as an alternative to the paper packets to protect our clients’ due process rights. Legal Aid eventually called on the State to intervene, and OTDA stated that it was DHS’s responsibility to provide the evidence packets to clients.

As of mid-week this week, the City will begin e-mailing evidence packets to clients who consent to sharing their email addresses. For those who do not have access to email, the City is creating a new workflow that will enlist the support of individual shelter staff. This change will be a huge benefit to Legal Aid clients and others, and the City has already dedicated staff and put in place technology to ensure a successful implementation.

“The law is clear, and we are glad that the City conceded that providing evidence packets to our clients is central to protecting their due process rights,” said **Kathryn Kliff, Staff Attorney with the Homeless Rights Project at The Legal Aid Society**. “Legal Aid will continue to monitor the City’s implementation and will advocate when necessary to ensure that our clients are not deprived of their basic rights during Fair Hearings.”

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*