



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.**



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Where can I apply for shelter?

Homeless families with children or a pregnant person 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 train to 149th Street. Walk north on Grand Concourse to E. 151st Street. Turn left and walk to Walton Avenue. The office is on the right.

Phone number: 718.503.6400

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.

Do I need to go in person to PATH to apply?

If you are applying for shelter for the first time (or the first time in over 30 days), the adults in your family need to go to PATH to apply.

Who can apply?

- ▶ Families with children under 21.
- ▶ Pregnant people.
- ▶ Adult families, including couples without children and who are not pregnant can apply.
- ▶ 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 and pregnant people.**
- ▶ Your immigration status WILL NOT affect your eligibility for shelter.

Do I need to bring my children to PATH?

While you are welcome to bring your child(ren) to PATH with you, you do NOT need to bring your children (age 0 to 17) to PATH if:

- ▶ You are applying for shelter for the first time, and you can conduct a video call with your child(ren) for the PATH staff to see the child(ren).
- ▶ 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).

You only need to bring your child(ren) (ages 0-17) to PATH if you cannot conduct a video call with them during your first application. If your child(ren) are 18 years old or older, you will need to bring them to PATH for the initial application.

What should I bring?

Documents to prove your identity

- ▶ A picture ID such as 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.

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), a parentage petition 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
- ▶ Have a pending appointment for a domestic partnership of marriage certificate.
- ▶ Need to live together to protect your health or as a result of a disability. If you need to live with another person because they help you with your activities of daily living, ask a medical provider or other clinical provider to write a letter explaining why you need to live with that person.

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.
- ▶ 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?

Step 1: You will meet with a Diversion or Resource Room Worker who will try to help you avoid entering the shelter system.

The worker may also help you apply for public benefits. This worker is not part of the eligibility process, so he/she does not decide whether or not you are eligible for shelter.

Step 2: You will be interviewed by a Family Worker.

The worker will ask where you have lived in the past two years. Tell the worker why you left these places. If you cannot return, tell the Family Worker why, and explain the details. For example:

- ▶ Was the primary tenant (or PT) worried about their landlord finding out that you were there, or did the landlord warn the PT that you should not be there?
- ▶ Was the home overcrowded?
- ▶ Were there unsafe conditions or domestic violence or child neglect or abuse?
- ▶ Does someone in your family have a medical condition or disability that was made worse by conditions in the home?
- ▶ Does someone in the PT's family have a medical condition or disability that was made worse by your family being there?
- ▶ Did additional people move into the apartment?
- ▶ Were there foster children in the home?
- ▶ Why did the PT ask you to leave and can you go back?

Step 3: You will be provided transportation and placed in a shelter for 10 days.

During this time, PATH will investigate your eligibility. They may visit places where you have lived and call the tenants of the places you have lived to determine if your family has alternate housing available.

Step 4: You may be given appointments to provide additional information to PATH.

Those appointments may include a NOVA domestic violence interview or an Administration for Children's Services (ACS) interview. Your shelter caseworker can help you submit information to PATH.

Step 5: Within 10 days, PATH will decide if you are eligible for shelter.

If you are found eligible, you can stay in the shelter where you stayed during the 10-day waiting period. If not, you will be given a notice of ineligibility.

You must be allowed to reapply 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 who will interview you.
- ▶ 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 determining whether you are eligible for shelter, 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. Domestic violence can occur between intimate partners but also family members or anyone with whom you are closely associated.
- ▶ 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 928-252-4005. 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 outside the United States 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. If you have been in the United States for less than 30 days, PATH staff will not investigate your housing history.

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 whether you can easily access DHS shelter without having to go to 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, no working bathroom, cascading water leak, 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 or disability-related reason why the apartment you were living in is harmful to you or your children, get a letter from a medical provider or person with expertise about your disability stating why.

What if I was a 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. You may be eligible for a housing voucher, such as FHEPS or City FHEPS.
- ▶ If you did not get a marshal's notice, you do not have to leave because the eviction is not final.
- ▶ If the landlord forced you to leave physically or locked you out of your apartment without taking you to court, call the police and go to housing court and file an "illegal lockout" case.
- ▶ 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.

How do I prove I'm homeless?

If you were staying with a friend or relative (who PATH calls a **Primary Tenant (or 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 letter from a medical professional or person with expertise about your disability 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 letter from a medical professional or person with expertise about their disability.
- ▶ Ask the PT to write a **letter** with the date, the PT's address, and the PT's phone number, explaining why they 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 they were **afraid of being evicted**, see if the PT can help you 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 their 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 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 your disability is not obvious, 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. Talk to your ACS caseworker.
- ▶ You may also be eligible for public housing, 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.

School transportation grants

- ▶ Department of Education (DOE) workers at PATH can 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 provide 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 8 a.m. and 8 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.

What services are available at PATH?

Resource room

- ▶ Families who have been found ineligible for shelter are sent to the Resource Room (also called Diversion). Social workers there are trained to provide housing advice, employment referrals, benefits advocacy, relocation services, family mediation, and crisis counseling.

Requesting a copy of your file

- ▶ You have the right to get a copy of your PATH case file. Request it from DHS by emailing recordsaccess@dhs.nyc.gov.

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 can email documents to PATH by emailing them to programgroup@dhs.nyc.gov.
- ▶ You may also use fax documents to PATH at any time at 917-637-7756.
- ▶ You can give your documents to the case worker at your shelter and ask that they submit them to PATH for you.

Food emergencies

- ▶ If you need food, call the **New York City Hunger Hotline at 866-348-6479** or call 311.

What should I do if I need help at PATH?

Ask to speak to a supervisor.

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 9 am 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. You can 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 because PATH says I can return to an address where I can't return?

If you are found ineligible for any reason, you have the right to reapply for shelter immediately, with no waiting period. 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 (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.

If you are reapplying for shelter after the City found you ineligible on the basis you can return to a home where the primary tenant (or PT) says you cannot return, **the City must give you a temporary placement.** PATH staff will try to mediate with the PT to see if you can stay at the home. If the PT will not let you return after that mediation, PATH must continue giving you shelter. **You must let PATH staff know that you contacted the PT, and that the PT still will not let you return.**

You cannot be found ineligible for a recommend housing option if:

- ▶ You have not lived at the address for more than two years.
- ▶ You did not live there more than two weeks.
- ▶ You are not related to the PT.
- ▶ Your health or safety would be in danger if you lived there.
- ▶ You provide clear, convincing, and credible evidence that the PT will not let you stay there.

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?

Call Coalition for the Homeless at 1-888-358-2384.

What if I want to make a complaint about my shelter or about PATH to the Department of Homeless Services?

Visit: www.nyc.gov/site/dhs/shelter/ombudsman/ombudsman.page
or call 311

Notes

