

HOMELESS FAMILIES: KNOW YOUR RIGHTS!

Do you need help applying for shelter? Call the

**HOMELESS RIGHTS PROJECT
of the LEGAL AID SOCIETY:
1-800-649-9125**

**If you are calling for the first time,
please call TUESDAY mornings between 10 and noon.**

PATH is OPEN seven days a week, 24 hours a day.
The EAU is now closed.

Have you stayed overnight at the PATH office?

If you apply for shelter before 10 p.m., you must be placed in shelter that night. It is illegal for the City to keep you overnight in a City office or waiting room.

It is also illegal for the City to send your family to “overnight” shelter placements on two or more nights in a row.

Call Legal Aid, 1-800-649-9125, 9 am – 5 pm weekdays, if:

- your family applied at Path before 10 p.m. and was not offered any shelter by 8 a.m. the following morning OR
- your family has been sent to “overnight” shelters for two or more nights in a row.

<p><u>At PATH, you must receive the following:</u></p> <ul style="list-style-type: none"> ▶ A Crib for each child who needs one ▶ Blankets ▶ Juice, Milk & 3 meals a day ▶ Baby Food, Formula, Bottle Warmers, Diapers, & Pedialyte ▶ Changing Tables with disposable paper covers & Diaper-Disposal Bins ▶ Transportation to your temporary placement. <p>PATH must have adequate cleaning, roach/rodent control, security, fire exits and routes, heat/air conditioning.</p>	<p>If you are homeless and do not have children with you when you apply, go to the:</p> <p>Coalition for the Homeless at 129 Fulton Street (corner of Nassau Street), Lower Manhattan.</p> <p>Walk in Monday, Tuesday, and Thursday from 9 am–2 pm (or first 50 clients) and Wednesday and Friday from 9–11 am (or first 30 clients). Directions: 2, 3, 4, 5, J, M, or Z train to Fulton Street, or A or C train to Broadway/ Nassau.</p> <p>If you need food, call the New York City Hunger Hotline at 866-888-8777.</p>
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Remember

- **Keep all originals of your documents.** PATH workers should make a copy of each paper you give them and put it in your file.
- **Keep a record of 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 write it down.
- **PATH must consider any document you submit at any time until the final decision is made about your eligibility.** To fax a document to PATH: (917) 521-3927. Put your name, case #, and Family Worker's name on the cover sheet. Call Angela Dines or another supervisor at the legal department at (917) 521-3900 to confirm that your fax was received.
- **If you need help getting or paying for documents, PATH must help you get the documents or information you need.** You can't be found ineligible because you don't have documents you cannot get or cannot afford.
- An **advocate, friend, or relative** may attend interviews and conferences with you.
- If anyone in your family has a medical problem, report it on the medical form and ask to see the nurse.

The Application Process

Step 1: You will be interviewed by a Family Worker. The worker will ask where you have lived in the past **2 years** (unless you are a survivor of domestic violence).

- ▶ You will see a **Diversion/ Prevention worker**, who will try to help you avoid entering the shelter system.

Step 2: You will be placed in a **shelter for about 10 days.**

- ▶ During this time, PATH will investigate your eligibility. They may visit places where you have lived and call or visit relatives or friends.

Step 3: You may be given **appointments** to return to PATH for a NOVA domestic violence interview, an ACS interview, an Eligibility Assessment Conference, or for other reasons. You are entitled to carfare for appointments.

Step 4: Within 10 days, **PATH will decide if you are eligible for shelter.**

- ▶ If you are found eligible, you can stay in the shelter you are in. If not, you will be served with a notice of ineligibility.
- ▶ **You have the right to reapply at PATH for shelter immediately after being denied or anytime after.**

Proving your identity

- ▶ If you have been **finger imaged** by welfare and everyone in your family is on your welfare budget, PATH can check your identity even if you don't have documents.
- ▶ Any 1 of the following documents may be used **by itself**: welfare ID card, driver's license, non-driver's license, passport/visa, green card, picture employment ID card.
- ▶ Any of the following documents may be used **with a picture ID**: birth certificate, social security card, Medicaid card, record of your identity in the Public Assistance computer, or pay stub.
- ▶ **PATH must help you** if you cannot get documents to show your identity.
- ▶ If PATH cannot help you get documents, **PATH staff must try to establish your identity** with phone calls, interviews, and computer checks.

Proving that you are a family

- ▶ Show that the adults in your family are listed as parents on the child(ren)'s birth certificates, **or**
- ▶ have **legal custody** of the child(ren), **or** have filed in court or with the Department of Health for paternity, **or**
- ▶ have documentation that the adults are legally married, and at least one adult is the child(ren)'s parent or guardian, **or**
- ▶ according to DHS, have a New York City domestic partnership certificate and evidence of living together for at least six months, **or**
- ▶ have lived together for a significant period of time and have a medical or other compelling reason (such as emotional or financial interdependence) why they need to live together, **or**
- ▶ provide a statement that long-term cohabitation is medically necessary on letterhead from a licensed medical provider (in some such cases, living together previously will not be required).

Proving that you are homeless

If you were doubled up with a friend or relative (which PATH calls a **Primary Tenant (PT)**) before you applied for shelter, you need to get proof that you cannot live there.

- ▶ If you had to leave the PT's apartment due to a **medical condition**, get a doctor's letter stating why. If you had to leave because of the **PT's health**, ask the PT for a doctor's letter.
- ▶ Ask the PT to write a **letter** with date, address, & phone number if possible explaining why he/she asked you to leave. (If there was a

dispute between you and the PT, get letters from a school counselor or therapist, or a religious, community, or social worker.)

- ▶ If the PT made you leave because of **fear of eviction**, get a letter from the landlord.
- ▶ If the PT lives in **subsidized housing (like NYCHA or Section 8)** and was afraid of losing the housing subsidy or housing if you stayed, get a letter from NYCHA or the PT's Section 8 worker saying you can't stay there.
- ▶ If you lived in **overcrowded housing**, tell PATH who lived there, in which rooms, and where everyone slept.
- ▶ If the PT has foster children and can't house you 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.

Were you living in a place that was hazardous to your health?

- ▶ **Tell PATH if the place you lived had dangerous conditions** such as no heat or running water, no kitchen, peeling paint, crumbling walls or ceiling, or a gas leak.
- ▶ **Report hazardous conditions by calling 311.**
- ▶ If a City agency, such as **ACS or HPD**, has said that you must leave your apartment because it is **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.

Were you the victim of a violent crime?

- ▶ Give PATH copies of any police reports or incident slips at your interview.
- ▶ Call **Victim Services** at **1-212-577-7777** (Safe Horizon Crisis Support).
- ▶ If the DA's office is helping you, ask them for a letter and give it to PATH.

Were you evicted?

- ▶ If your landlord took you to court, give copies of court papers & marshal's notices to PATH.
- ▶ If you didn't get a marshal's notice, you Don't have to leave because the eviction isn't final.
- ▶ If you paid rent with welfare, ask a Diversion worker about a Jiggetts or FEPS rent supplement.
- ▶ If the landlord forced or locked you out of your apartment without taking you to court, **call the police and go to housing court.**

TO GET A COPY OF YOUR CASE FILE from PATH:

CALL 917-521-3900. It may take 24 hours to process your request.

Foster Care Rent Subsidy

- ▶ 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 & are 18-21 years old.

Did you become homeless because of a fire, flood, or City vacate order?

- ▶ Call the **American Red Cross' 24-hour Hotline** at **212-787-1000**. They will place you in

a temporary shelter or hotel, and HPD may find you permanent housing.

Families With Medical Problems

- ▶ PATH **must** speed up your shelter placement if you or a family member has a medical condition and waiting at PATH is a **health risk**.
- ▶ If you need medical treatment, you may **see the nurse at any time**.
- ▶ You may **refrigerate** medicines or foods for a medical condition **24 hours a day**.
- ▶ If you have a contagious disease (such as chicken pox, measles or pink eye), you should be sent to a separate waiting room at PATH.

Welfare Grants

Immediate Needs/Food Grant: If you are not on Public Assistance or your case is closed, you may be eligible for an **Immediate Cash Grant** and/or **Expedited Food Stamps**, if you have:

- ▶ No food, no shelter, threat of eviction, no fuel for heating, utility disconnect notice, lack of items needed for health and safety, **or** you are a survivor of domestic violence.

To get the above grant: Apply at a welfare center **OR** go to "Window 1" at PATH for a welfare appointment and to obtain metro cards to get there. If your temporary placement does not have meals, PATH must give you a food grant to last until your appointment. For example:

- ▶ A family of **2** may receive about \$6/day
- ▶ A family of **3** may receive about \$8/day
- ▶ A family of **4** may receive about \$10/day
- ▶ A family of **5** may receive about \$12/day
- ▶ A family of **6** may receive about \$14/day.

Are you a Survivor of Domestic Violence? Go to the NOVA office in PATH or call the Domestic Violence Hotline: 1-800-621-HOPE

- ▶ **Tell a worker at the Triage window** or another PATH worker that you are a **survivor of domestic violence**.
- ▶ Explain your case to the PATH family worker using the phrase “**Domestic Violence.**” PATH actions should **NEVER** place you in further danger of abuse.
- ▶ **The PATH worker must refer you to NOVA, the domestic violence office at PATH** (if not, you can go yourself). The NOVA Office is in PATH.
- ▶ Domestic violence can be committed by a family member, household member, past or present sexual partner, or an acquaintance who has access to your household.
- ▶ Domestic violence includes physical abuse, sexual assault, rape and threats of violence to control you.
- ▶ If NOVA finds that you are a survivor of domestic violence, you must immediately be placed in a DV shelter or in a DHS shelter where your batterer cannot find you.
- ▶ If NOVA does not find you to be a survivor of domestic violence, **call the domestic violence hotline number above**. Safe Horizon can refer domestic violence survivors to shelters (if there are vacancies) or to other services, including counseling. A counselor can write a letter to PATH. Give a copy of the letter to Triage, NOVA, and PATH.
- ▶ 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 may not **require** you to have a police report or order of protection. But if you have these documents, give NOVA copies.

Did PATH find you ineligible for shelter?

You have the right to receive a written notice that tells you specifically why you were denied shelter.

- ▶ For instance, the notice must tell you **exactly** where PATH thinks you can stay, how you failed to cooperate, or what inaccurate information you gave.

You can reapply at PATH immediately or any time later.

Your Right To A PATH Conference

- ▶ **You have the right to read your PATH file** before your conference.
- ▶ In the conference, a PATH lawyer will review the eligibility decision.
- ▶ An **advocate, friend, or relative** may come with you.
- ▶ You can present evidence that the ineligibility decision is wrong.
- ▶ The PATH lawyer must **accept and consider** any documents you submit at the conference.
- ▶ If the lawyer finds that the previous decision was wrong, you should be found eligible. 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 don't want to.

**If you are found ineligible at the conference -
You have the Right To a State Fair Hearing**

- ▶ **Get legal advice from Legal Aid or another organization** after you request a fair hearing.
- ▶ Fair hearings can be requested by phone at **1-800 205-0110** or at **14 Boerum Place, 3rd fl.** (corner of Livingston Street), in Brooklyn. Take the 2, 3, 4, 5, trains to Borough Hall or the N, R trains to Court Street. State that you want an **emergency hearing** because you were denied shelter.
- ▶ Bring your ineligibility notice with you.

Have you been found ineligible and denied “immediate needs” shelter?

If you are found ineligible for any reason, you have the right to re-apply for shelter **IMMEDIATELY**, with **NO WAITING PERIOD**. However, the City is denying shelter to some families when they re-apply.

The City must give you shelter when you re-apply if:

- ▶ you or your child 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 can find your child

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- ▶ you are a domestic violence survivor, and your abuser lives in the last place you stayed or can find you
- ▶ you are re-applying more than 90 days after last having been found ineligible for shelter.

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

- ▶ you “failed to cooperate”
- ▶ 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 .

If the City has found you ineligible for “immediate needs” shelter and your family has no place to sleep tonight, call the **Family Shelter Rights Hotline**:

On weekdays from 9 AM to 5 PM, call
1.800.649.9125.

On weekdays from 8 PM to 10:30 PM, call
1.212.776.2016.

On weekends from 6 PM to 10:30 PM, call
1.212.776.2016.

If the city finds you “ineligible” when you re-apply, but you have a shelter placement:

- ▶ Call the **Legal Aid Society’s Homeless Rights Project: 1.800.649.9125**, Tuesday 10 am – Noon, **OR**
- ▶ Visit **Coalition for the Homeless** at 129 Fulton St. (corner of Nassau St.), Lower Manhattan. **Walk in:** Monday, Tuesday, and Thursday from 9 am–2 pm (or first 50 clients) and Wednesday and Friday from 9–11 am (or first 30 clients). **Directions:** 2, 3, 4, 5, J, M, or Z train to Fulton Street, or A or C train to Broadway/Nassau.

