

HOMELESS FAMILIES:

KNOW YOUR RIGHTS!

HOMELESS RIGHTS PROJECT OF THE LEGAL AID SOCIETY:

1-800-649-9125

If you are calling for the first time,
please call on **TUESDAY** mornings between **10 a.m. and 12 noon.**

**YOU CAN APPLY AT THE EMERGENCY ASSISTANCE UNIT (EAU)
24 HOURS A DAY -- 7 DAYS A WEEK**

If you apply before 10:00 p.m., you must be placed in a temporary hotel or shelter that night.

At the EAU, you must receive the following:

- ▶ A Crib for each child who needs one;
- ▶ Blankets;
- ▶ Baby Food, Juice, Milk & other Food;
- ▶ 3 meals a day in the cafeteria (including hot non-spoiled food);
- ▶ Diapers, Formula, Bottle Warmers & Pedialyte or its equivalent;
- ▶ Changing Tables with disposable paper covers & Diaper-Disposal Bins;
- ▶ Transportation to your temporary placement; and the EAU must have adequate cleaning, roach/rodent control, security, fire exits and routes, heat/air conditioning.

If you are homeless and do not have children in your household, call:

- ▶ The Coalition for the Homeless at 212-964-5900.

If you are in need of food, call:

- ▶ City Harvest Hunger Hotline at 917-351-8777
- ▶ Community Food Resource Center at 212-894-8094 for information about food pantries and soup kitchens.

Always remember:

- **Keep all originals of your documents.** The Eligibility Investigation Unit (EIU) 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 tell you.** If you speak with a worker over the phone or in person ask for his/her name and write it down.
- **The EIU must accept and consider any document you submit at any time up until the final decision is made about your eligibility.** Even after you are placed in an assessment center or hotel, you can return to the EAU to submit documents or information.
- **If you need help getting or paying for documents, the EIU 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.

If the EIU finds 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 the EIU thinks you can stay, how you failed to cooperate, or what inaccurate information you gave.

You can immediately reapply at the EAU.

Your Right To An EIU Conference

- ▶ You have the right to read the EIU file before your conference.
- ▶ In the conference, the EIU 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 EIU lawyer must accept and consider any documents you submit at the conference, and come to a new decision.
- ▶ If the lawyer finds that the previous decision was wrong, you should be found eligible. The EIU 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 the EIU 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 before you request a fair hearing.
- ▶ Fair hearings can be requested by phone at 212-417-3614 or at 80 Centre St., 3rd fl. Take the 2,3,A,M,J trains to Chambers St. or the 4,5,6,N,R trains to City Hall/Brooklyn Bridge. State that you want an emergency hearing because you were denied shelter.
- ▶ Bring your ineligibility notice with you.

If you are a Victim of Domestic Violence, go to the NOVA office in the EAU or Call VSA Domestic Violence Hotline 1-800-621-HOPE

- ▶ You are a victim of domestic violence if someone in your family OR household OR someone you have been intimately involved with has ever hit, raped or sexually assaulted you, repeatedly verbally abused you, or used threats or violence to control you.
- ▶ Tell a worker at the Triage window or another EAU worker that you are a victim of domestic violence.
- ▶ The EAU worker must refer you to NOVA, the domestic violence office at the EAU (if not, you can go yourself). The NOVA Office is in the EAU.
- ▶ If you are sent to the EIU, explain your case using the phrase "Domestic Violence." EIU actions should NEVER place you in further danger of abuse.
- ▶ If NOVA finds that you are a victim 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 victim of domestic violence, call the VSA hotline number above. VSA can refer domestic violence victims to shelters (if there are vacancies) or to other services, including counseling. A counselor can write a letter to the EAU. Give a copy of the letter to Triage, NOVA, and the EIU.
- ▶ 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 of it to the EIU and NOVA workers.

The Application Process

Step 1: You will be interviewed by a worker in the **Eligibility Investigation Unit (EIU)** who will ask you where you have lived in the past **2 years** (unless you are a victim of domestic violence).

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

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

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

Step 3: Within 10 days, the **EIU will decide if you are eligible for shelter**.

- ▶ If you are found eligible, you and your family will be placed in a **Tier II shelter**. If not, you will be served with a notice of ineligibility.
- ▶ **You have the right to reapply for shelter immediately after being denied.**

Proving your identity

- ▶ If you have been **finger imaged** by welfare and everyone in your family is on your welfare budget, the EIU can check your identity even if you don't have documents.

- ▶ Any 1 of the following documents may be used by itself: welfare ID cards, driver's license, passport/VISA, green card, picture employment ID card, voter's registration card, non-driver's license/learner's permit, baptismal records, hospitalization records, and immunization/school records.

- ▶ Any of the following documents may be used with a picture ID: birth certificate, social security card, Medicaid card, identity on Welfare Management Systems & paystub.

- ▶ **The EIU must help you** if you cannot get documents to show your identity.

- ▶ Even with EIU help, if you cannot get the documents you need, **EIU 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 parent(s) on the child(ren)'s birth certificates, or have **legal custody** of the child(ren), or
- ▶ have filed in court for paternity, or
- ▶ have documentation that the adults are legally married or domestic partners, and at least one adult is the child(ren)'s parent or guardian, or
- ▶ show that the adults in the family have lived together or that at least one adult is dependent upon the other for assistance.

Proving that you are homeless

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

- ▶ If you had to leave the PT's apartment due to your **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 **notarized 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, therapist, or 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 Section 8)** & was afraid of losing the housing subsidy if you stayed, get a letter & rules from the landlord or the PT's Section 8 worker.

- ▶ If you lived in **overcrowded housing**, tell the EIU 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 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 the EIU.

If you were living in a place that was hazardous to your health

- ▶ **Tell the EIU if the place you lived in 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 HPD Complaint Bureau at 212-824-4328.**

- ▶ If a City agency, such as **ACS** or **HPD**, has said that you must leave your apartment as it is **dangerous**, get a letter from them and give it to the EIU.

- ▶ If there is a **medical reason** (like asthma) why the apartment you were living in is harmful to you or your children, you should get a letter from a doctor describing the reason.

If you were the victim of a violent crime

- ▶ Give the EIU 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 the EIU.

If you were evicted

- ▶ If your landlord took you to court, give copies of court papers & marshal's notices to the EIU.
- ▶ 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** 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.**

Foster Care Rent Subsidy

- ▶ You may be eligible for an extra \$300/month rent subsidy 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.

If you became 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

- ▶ The EIU must speed up your shelter placement if you or a member of your family has a medical condition and waiting at the EAU 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**.

Contagious Diseases

- ▶ If a shelter with shared bathrooms or dining rooms has a case of contagious disease (such as chicken pox), you cannot be sent there if your family can catch the disease.

Welfare Grants

Immediate Needs/Food Grant: If you are not on Public Assistance or if your case is closed, you may be eligible for an **Immediate Cash Grant** and/or **Expedited Food Stamps**, if you have **emergency needs**, such as **any 1** of the following:

- ▶ 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 victim of domestic violence.

To get the above grant: Apply at a welfare center OR go to "Diversion" at the EAU for an appointment at Center 61 and to obtain tokens to get there. If your temporary placement does not have meals, the EAU 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.