

Emergency Housing Assistance

Presented by
Jacob Mortenson and
John Batanchiev



LEGAL SERVICES
OF LONG ISLAND



1



SCAN TO
LEARN MORE

WHERE DIGNITY MEETS JUSTICE

Join Nassau Suffolk Law Services as we continue to illuminate pathways to justice under our new name, **Legal Services of Long Island (LSLI)**. Help us guide our communities and neighbors in need toward accessible free legal services for all.



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LEGALSERVICESLI.ORG

2

House Keeping

Please keep your microphone muted.

Please put questions in chat or raise your hand.

Polls throughout and survey at end.

Thank you!



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3

Who We Are And What We Do

- Over 6,000 legal cases each year
- Free Legal Services for eligible Long Island Residents
- Direct representation, phone consultations
- Brief service or referrals
- Offices in Hempstead, Islandia, Riverhead
- Case handling staff includes attorneys, paralegals, and social workers
- Partnerships with Community Agencies



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4

Office Locations

Hempstead:

1 Helen Keller Way 5th Fl
Hempstead NY 11550
(516) 292-8100

Islandia (Western Suffolk):

1757 Veterans Hwy Ste 50
Islandia NY 11749
(631) 232-2400

Riverhead (Eastern Suffolk):

400 W. Main St Suite 200
Riverhead, NY 11901
(631) 369-1112



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Our Programs

Family

- Domestic Violence Family Court Project (Suffolk)
- Child Support Defense Project

Disability & Health-Related Projects

- HIV Unit
- Mental Health
- ICAN - Advocates in Managed Long-Term Care
- Education and Disability Rights (Special Education and Rights of Developmentally Disabled)
- Disability Advocacy Project (SSD/SSI Appeals)



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Our Programs

Housing

- Civil Unit (Eviction Prevention)
 - Foreclosure Project

Other

- Consumer Debt
- Education Debt Consumer Advocacy Project
 - Veterans Rights
 - Human Rights Project
 - Public Benefits
 - Adult Care Facility Unit
- Senior Citizen Project (Nassau)
 - Pro Bono Project (Suffolk)
- Volunteer Lawyers Project (Nassau)
 - Community Legal Help Project
- Naturalization and Citizenship Project



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7

Legal Support Center for Advocates:

Advocates call (631) 232-2400 for assistance:
 Sharon Campo - x3368 Cathy Lucidi - x3324
 Hannah Fitzpatrick- x3343

- Provide Technical Support to Advocates
- “Advocates” include legislative staff, social workers, outreach workers, medical personnel, and guidance counselors
- Host Community Trainings
- Publish Newsletters



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8

POLL



POLL

**What type of advocate are you?
Have you ever called LSCA?**



9

Visit our Website

- All About Our Programs
- Sign up for our “Legal Lessons”
- Trainings
- “Self-Help” Resources
- Other Events



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10

Just a Note

Legal Services of Long Island makes every effort to keep legal educational materials up to date. The information contained in this material is not legal advice. Legal Advice depends upon the specific facts of each situation. These materials cannot replace the advice of competent legal counsel.



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Basic Info on DSS

- DSS is open from 8:00 am to 4:00 pm
- Ideally, a homeless client should try to get to DSS by 12pm to apply for emergency housing.
- If they will not be able to get to DSS by 4pm, they can call the After-Hours Service
 - Nassau County: 516-573-8626. Hours are from 4:45 pm to 8:00 a.m., all holidays and weekends.
 - Suffolk County: 631-854-9100. Hours after 4:30 pm, weekends and holidays



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13

DSS Emergency Application

- May be made by the client or the designated representative
- Must be in writing, signed and submitted at any time during regular business hours, either in person or by mail
- Interview is the same day or as soon as necessary 18 NYCRR 350.3(c)
- Bring relevant papers to document “emergency”
- Document income – if other household member’s income is not available to meet the emergency, this must be specifically stated
- Indicate any special circumstances
- If denied, get a written denial notice
- Contribution to emergency housing often required if there is non-PA income



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14

CODE BLUE

- Is triggered when the temperature drops to 32 degrees or below, including wind-chill between 4:00 p.m. to 8:00 a.m.
- DSS policies are relaxed to ensure anyone homeless is warm and safe
 - Drop-in centers are required to take as many clients as possible, within occupancy restrictions
 - Single adult or family shelters are not required to undergo typical intake and eligibility procedures for that night
 - Clients can access any shelter, for that night.
 - A shelter suspension or sanction will not bar a client from placement for that night
- The Nassau County Winter Homeless Hotline is 1-866-WARBED (866-927-6233)
- The Suffolk County DSS TA Assistance Unit 631-854-9547

18 NYCRR 304.1



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15

Available Housing Resource

- DSS must investigate and determine if the applicant has available housing
- DSS investigation may include a field investigation with interviews of the primary tenant/homeowner/landlord, which should be documented in the case record.
- An available housing resource is defined as when it is within the control or ability of the applicant to live at the residence or when the applicant has permission from the party responsible to live there.
- Must show clear, convincing and credible evidence that the housing is not available

16 ADM-11



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16

Housing Resource Not Available

- Requires a primary tenant or leaseholder to seek permission from a lessor for the residency and such permission has been rejected or would not be granted.
 - The lack of a request to the lessor does not make the housing resource unavailable.
- When the applicant's residence would violate the lease or would be considered illegal, even if the applicant previously resided in the resource



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17

Reasonable Justification

- A primary tenant, who is not a legally responsible relative of the applicant, can provide a reasonable justification to decline to house the applicant which can result in a finding of no available housing resource.
- Based on the totality of the factors –
 - relationship of the primary tenant to the applicant,
 - the length of stay at the residence,
 - the reason for declining permission to return, and
 - any potential hardships in permitting the applicant to return to the residence.

16 ADM-11



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18

Available Resources

- A homeless individual or family must use available resources to meet the cost of temporary housing.
- Resources that would otherwise be exempt for TA eligibility must be used to meet the cost of temporary housing
- DSS will require an applicant to spenddown the available resource before they house the homeless applicant
- An applicant must use any benefits, resources or income to reduce or eliminate the need for temporary housing.



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19

Available Income

- An applicant's income (earned or unearned) must be budgeted to determine the shelter share
- DSS must inform the applicant in writing the monthly amount of their shelter share, as well as how and where to make the payments.
- DSS uses the actual cost of the temporary housing rather than the maximum shelter standard.



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16 ADM-11

20

Reasonable Refusal of Placement

- A client must not unreasonably refuse or fail to accept any appropriate housing offered by DSS
- Reasonable refusals can include a verified medical condition which would be adversely affected by the housing or remoteness of housing in relation to medical services or employment when not accessible by public transportation

16 ADM-11



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21

Assessments for Homeless Client

- The Office of Temporary and Disability Assistance (OTDA) requires DSS to conduct “assessments” at various points in its procedures before issuing any Notice of denial or discontinuance to a homeless client
- DSS must also evaluate and determine the need for services (protective services for adults; preventative services for children and/or protective services for children).
- Emergency housing assessment must discuss disabilities, perceived or reported
- Make sure disability is noted in DSS file: Disability is a factor if noncompliance is alleged
- Notice must be provided the same day



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22

The Americans With Disabilities Act



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- The Americans with Disabilities Act (ADA) protects individuals with disabilities
- If a DSS caseworker knows or suspects the client has a disability that will make it difficult to comply with a DSS rule the caseworker must
 - Note the disability in the client’s file so that others at DSS are aware of the disability
 - Offer the client a reasonable accommodation, even if the client has not requested it or even disclosed their disability
 - Grant a reasonable accommodation request if the client expressly asked for it; and
 - Note in the file the specific accommodation given (or offered the client but not accepted).



23

Reasonable Accommodations with Emergency Housing

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- Under the ADA and Section 504 of the Rehabilitation Act of 1973, providers must make reasonable accommodations in rules, policies, practices or services, when such accommodation is necessary to afford a person with a disability equal access to services, programs, or activities.
- Example – placement at a hotel instead of a shelter due to a mental disability or allowing an emotional support animal into the shelter despite a “no pets” policy



24

Reasonable Accommodations with Emergency Housing Cont'd



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Requirements:

- The client will need to provide a letter from a medical professional supporting the request
- Person has a disability covered by law
- The requested accommodation is necessary to afford the person an equal opportunity to use and enjoy the dwelling and related services; and
- There must be a nexus/connection between the requested accommodation and the person's disability

Exceptions:

- Undue financial and administrative burden for the provider, or
- A fundamental alteration of the program.



25

Allowances

Restaurant allowance

- must be provided if the housing does not include a fully equipped kitchen and less than 3 meals a day are provided.
- A kitchen with only a microwave does not count as a "fully equipped kitchen."

Pregnancy allowance

EAF allowance

- Transportation and/or childcare necessary to allow parent(s) to search for housing



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26

Allowances, cont'd



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Storage Allowance

- Allows for the storage of furniture and personal belongings
- DSS must use the most cost-effective storage option available
- Client has the option to accept allowance for replacement of furniture when the client finds permanent housing rather than accept the storage allowance

Clothing and Furniture Replacement

- An allowance can be provided for the partial or total replacement of clothing or furniture lost in a flood, fire or other like catastrophe



27

Denial of Assistance

- Get stamped receipt and/or written denial
- Request Expedited Fair Hearing if denied on an emergency application
 - Statute of limitations - 60 days
- Advocate with Center Manager or Screening Supervisor
- Call Commissioner's Response Unit
 - Suffolk – 631-854-9938
 - Nassau – 516-227-7474



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28

How to Request a Fair Hearing

• Online Request Form :
<https://otda.ny.gov/hearings/request/>

• Telephone: 1-800-342-3334

• Mail (form)

New York State Office of Temporary and Disability Assistance
Office of Administrative Hearings
P.O. Box 1930
Albany, NY 12201-1930

• Fax: 1-518 473-6735 (form)



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29

Other Resources

• Coalition for the Homeless Street Outreach team – 631-464-4314 ext. 118

• Department of Veterans Affairs (VA) 877-4AID-VET

• Nassau County

-Salvation Army – 800-728-7825

-Family & Children Association (FCA) – 516-221-1310



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30

Other Resources Cont'd



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Western Suffolk County

- Huntington Interfaith Homeless Initiative (HIHI) - 631-427-3700
- Hope For Youth - 516-659-0923
- Breath of Life Maternity Home - 631-738-8829

Eastern Suffolk County

- Maureen's Haven - 631-727-6831
- John's Place St. Agnes Church - 631-477-0048



Thank you for attending!

If you have any questions, please contact
Jacob Mortenson or John Batanchiev
516-292-8100

Check out our website at
www.legalservicesli.org



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