



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





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













Visit our Website

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





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.



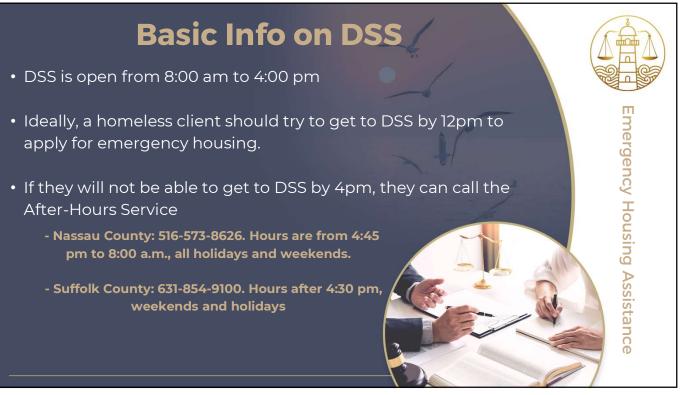
Emergency Housing Assistance

Presented by Jacob Mortenson and John Batanchiev





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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

Emergency Housing Assistance



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

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Emergency Housing Assistance

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Reasonable Justification

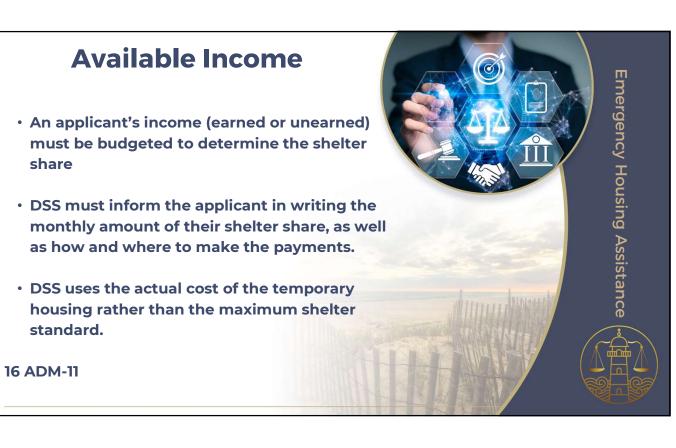
- A primary tenant, who is not a legally responsible relative of the applicant, can provide a reasonable justification to decline to house the applicant which can result in a finding of no available housing resource.
- Based on the totality of the factors
 - relationship of the primary tenant to the 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.

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Emergency Housing Assistance

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.



Reasonable Refusal of Placement

- A client must not unreasonably refuse or fail to accept any appropriate housing offered by DSS

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Emergency Housing Assistance

The Americans With Disabilities Act

- 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).

Reasonable Accommodations with Emergency Housing

- 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

Reasonable Accommodations with Emergency Housing Cont'd

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.



Allowances, cont'd

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











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



