

Homelessness and Reasonable Accommodations

First Steps for Assisting Homeless Clients

If you have a client who is homeless and seeking housing assistance, the first step is to direct them to their county's Department of Social Services (DSS). There, they can apply for emergency housing as well as any other public assistance programs for which they may qualify.

It is important to emphasize that DSS housing assistance is temporary. It is not a permanent solution. Clients should be made aware of this and encouraged to develop a long-term housing plan, such as moving in with relatives, renting a room, or applying for low-income affordable housing programs.

Eligibility for Emergency Housing

To qualify for emergency housing through DSS, a person must meet certain criteria.

1. No Available Housing Resources

The individual must have no alternative housing options. "Available housing resources" include:

- Money that could be used to pay for a hotel.
- Staying with friends or family.
- Remaining in a residence where they still have the legal right to stay (for example, an apartment where they have not yet been formally evicted).

If DSS claims the client has financial resources, such as Social Security payments, the client should provide up-to-date bank statements or receipts to prove the funds have been "spent down." Even money for a single night in a hotel may be considered an available resource.

If a client left housing without a formal eviction, documentation is needed to show why it is no longer available. Examples include:

- Keys being returned to the landlord.
- Locks being changed.
- Unsafe conditions (e.g., physical confrontation with the landlord or a condemned building).

2. Residency Requirements

The client must be a resident of the county where they are applying, or otherwise fall under that county's DSS responsibility. This can sometimes be complicated. For example:

- A client lived in County A and was evicted.
- The client stayed temporarily with a friend in County B, but was soon forced to leave.
- The client applies for housing in County B.

In this case, DSS in County B may try to send the client back to County A. However, if the client currently has no housing resources, the county where they are physically located (County B) is responsible. Disputes may arise if the client had an open case in another county, which could require advocacy.

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Temporary Housing and Reasonable Accommodations

Once eligibility is established, DSS should provide the client with temporary housing, typically in a shelter.

If the client has a medical condition that prevents them from staying in a standard shelter, they may request a reasonable accommodation. Examples include:

- Placement in a first-floor room for clients with mobility issues.
- Access to a kitchen for diabetics who need to prepare meals.
- A refrigerator to store medication.

Requirements for a Reasonable Accommodation

1. The client must already qualify for temporary housing.
2. The request must be directly related to the client's medical condition.
3. The request must not be "unduly burdensome" to DSS (i.e., excessively costly or administratively difficult).

If the disability is obvious (e.g., the client uses a mobility scooter), DSS may grant the accommodation without further documentation.

If the disability is not observable, the client must submit:

- A letter from a licensed medical provider (physician, psychiatrist, psychologist, etc.).
- The letter should include:
 - How long the provider has treated the client.
 - The medical condition.
 - The specific limitations caused by the condition. (e.g. difficulty climbing stairs)
 - The accommodation required (e.g., hotel placement, first-floor room).

The client or their advocate should send this letter, along with an advocacy letter, to the DSS office responsible for reasonable accommodations. Requests are typically processed within 1–2 weeks.

Advocacy and Legal Support

If DSS issues an improper denial at any stage, clients should be referred to Legal Services of Long Island. Additionally, they should be advised to request an emergency fair hearing to appeal the decision.

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