



**REPORT ON LEGISLATION BY THE SOCIAL WELFARE LAW COMMITTEE
AND EDUCATION AND LAW COMMITTEE**

**SUPPORT FOR THE INCLUSION OF BILL LANGUAGE TO THAT WOULD
ENSURE INTERNET ACCESS IS AVAILABLE TO ALL INDIVIDUALS RESIDING
IN TEMPORARY HOUSING THROUGHOUT NEW YORK STATE
IN THE FY 2023 EXECUTIVE BUDGET
(A.8552 / S.3593-A)**

The New York City Bar Association (the “City Bar”), through its Social Welfare Law Committee and Education and Law Committee, urges the Legislature and Governor Hochul to incorporate A.8552 (AM Reyes) / S.3593-A (Sen. Biaggi) into the Fiscal Year 2023 Executive Budget.¹ The bill which would provide internet access to individuals residing in temporary housing. For purposes of this bill, temporary housing shall include but not be limited to, a family shelter, a shelter for adults, a domestic violence shelter, a runaway and homeless youth shelter, or a safe house for refugees. The bill would create a new subdivision (m) and amend Section 17 of the Social Services Law, to require local social services districts to provide internet access to all individuals residing in temporary housing in their district.

Internet is an essential service, and this bill will ensure homeless shelter residents are provided access.

**BACKGROUND: THE DIGITAL DIVIDE LEAVES HOMELESS NEW YORKERS
BEHIND.**

The digital divide is not a new problem, but it has only grown more dire since the outbreak of the COVID-19 pandemic. And in the midst of this unprecedented public health emergency and resulting economic freefall, New York City continues to experience a homelessness crisis. As of December 2021, there were 48,691 homeless people, including 15,227 homeless children, sleeping

¹ In December 2021, the City Bar joined with a group of legal and nonprofit organizations, community groups and activists to urge Governor Hochul to include A.8552 / S.3593-A into her initial budget proposal; *see* <https://s3.amazonaws.com/documents.nycbar.org/files/2020963-WifiBudgetInclusionHochul121621.pdf>.

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has approximately 24,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

each night in New York City’s main municipal shelter system.² New York’s shelters are overwhelmingly lacking in one essential service which could reduce the length of residents’ stay and facilitate their exit into permanent housing – internet access. The consequences of this stark digital divide on the lives of homeless New Yorkers is devastating.

In May 2020, the City Bar Justice Center (the “Justice Center”) released a report titled “Homeless Need Internet Access To Find a Home: How Access to Internet and Technology Resources can Support Homeless Families Transition out of Homeless Shelters” (the “Report”). The Report and its recommendations have been endorsed by a wide range of organizations, including law firms, legal services providers and community groups.³ The Report lays bare the devastating consequences of New York City’s stark digital divide on the lives of shelter residents. As a result of the findings of the Justice Center’s Report, the City Bar launched a #Wifi4Homeless campaign, which seeks to engage the public and partner organizations in raising awareness on the issue of lack of internet access and essential technology resources in New York City homeless shelters and urge the inclusion and prioritization of homeless shelters in any plans to expand broadband internet access for low-income New Yorkers.⁴ The City Bar’s support for the bill is based on the findings of the Justice Center’s Report and our campaign.

The Report found that only 6% of the homeless residents surveyed had internet access through their homeless shelter.⁵ Because shelter residents do not have reliable internet access, individuals and families are unable to search and apply for permanent housing, search and apply for jobs, participate in remote classrooms and complete assigned homework, apply for government benefits, stay connected to friends and family, access basic entertainment, or obtain necessary medical care. Accessing counseling, telehealth⁶ or any other service⁷ is extremely difficult since the start of the pandemic, as many of these services have become reliant on Zoom or other internet-based platforms to allow patients and providers to safely meet with clients. Poor or no internet connectivity leaves many shelter residents unable to effectively participate in critical services needed for their well-being.

² “Basic Facts About Homelessness: New York City,” Coalition for the Homeless, <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/> (all websites last visited Feb. 28, 2021).

³ Report available online at <https://www.citybarjusticecenter.org/wp-content/uploads/2020/05/Homeless-Need-Internet-Access-to-Find-a-Home-2020-Report.pdf>; list of endorsing organizations available at <http://documents.nycbar.org/files/CBJCInternetAccessHomelessSheltersEndorsingOrgs.pdf>.

⁴ “Close the Digital Divide! Help Ensure Internet Access for Homeless New Yorkers,” New York City Bar Association, Updated Feb. 2022, <https://www.nycbar.org/media-listing/media/detail/nyc-digital-divide-lack-of-internet-access-in-shelters>.

⁵ “Facts About Shelter Internet Access,” New York City Bar Association, http://documents.nycbar.org/files/2020744-InternetAccessHomelessShelters_FactSheet.pdf.

⁶ See *i.e.* “#WiFi4Homeless: A Virtual Existence with Virtually No Internet,” City Bar Justice Center, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-a-virtual-existence-with-virtually-no-internet/>.

⁷ See *i.e.* “#WiFi4Homeless: Inaccessible Internet, Inaccessible Housing,” City Bar Justice Center, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-inaccessible-internet-inaccessible-housing-2/>

Providing internet to shelter residents is not just an issue of technology access, it is also an issue of racial justice. New Yorkers of color are disproportionately represented among those experiencing homelessness. Eighty-six percent of homeless single adults and 93% of heads-of-household in family shelters identify as Black or Hispanic – significantly higher than the 53% of New York City’s population overall who identify as Black or Hispanic.⁸ Moreover, 85% of New York City students experiencing homelessness are Black or Hispanic.⁹ Any policy that affirmatively bridges the digital divide homeless New Yorkers face, is an essential step to address racial disparities in both the City and the State.

Much of the focus around this issue over the past year has been on school-age children residing in shelter. Approximately one-third of New York City’s homeless students live in shelters.¹⁰ Statewide, 148,554 students were identified as homeless during the 2018-2019 school year.¹¹ The overwhelming lack of reliable internet and the technology issues facing homeless students are extensive; while this was a significant problem prior to the pandemic, the lack of reliable internet or technology over the last year has severely disrupted students’ ability to participate in remote learning. The City Bar has issued multiple reports which further outline the unique issues facing New York City’s homeless students and their need for reliable internet access.¹²

While New York City has equipped certain shelters housing school-age children with internet access,¹³ this in no way reduces the need for the proposed bill. This bill will ensure that all shelter residents across the State have internet access regardless of where their shelter is located. New York City’s efforts also do nothing to help adult shelter residents engaged in GED, vocational, or college course work who do not live in qualifying shelters but face the same barriers to remote learning as school-aged children. Education is critical to an individual’s ability to participate in society. It promotes the social, economic, and intellectual well-being necessary to

⁸ State of the Homeless 2020, Coalition for the Homeless, March 2020, available at <https://www.coalitionforthehomeless.org/wp-content/uploads/2020/03/StateofTheHomeless2020.pdf>.

⁹ “New Data Show Number of NYC Students who are Homeless Topped 100,000 for Fifth Consecutive Year,” Advocates for Children, Dec. 3, 2020, <https://www.advocatesforchildren.org/node/1403>.

¹⁰ Mihir Zaveri, “As N.Y.C. Reopens Schools, Homeless Families Face New Challenges,” N.Y. Times, Sept. 14, 2020, <https://www.nytimes.com/2020/09/14/nyregion/nyc-schools-homeless-students.html>.

¹¹ *Supra* note 8.

¹² *See i.e.* “Letter from City Bar President & NYC Council Member Treyger to NYC Schools Chancellor Regarding Lack of Internet Access for Homeless Students,” Jan. 28, 2021, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/homeless-students-internet-access-for-continued-education>; “Support for Inclusion of the E-Let’s Expand Access to Remote Now (E-LEARN) Act in the 2021-22 NYS Budget,” March 26, 2021, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/e-lets-expand-access-to-remote-now-e-learn-act-nys-budget>. *See also* “Barrier to Education: How Homeless Students Are Being Impacted by Remote Learning,” New York City Bar Association, http://documents.nycbar.org/files/2020744-InternetAccessHomelessShelters_EducationFactSheet.pdf.

¹³ The Legal Aid Society, along with Milbank LLP and Coalition for the Homeless, Inc., secured a settlement with New York City in April 2021 that ensured that over 200 shelters housing school-age children were equipped with working WiFi. *See* Noah Goldberg, “NYC must finish WiFi installation in family homeless shelters by August: suit,” NY Daily News, April 5, 2021, <https://www.nydailynews.com/new-york/ny-lawsuit-wifi-homeless-shelters-august-new-york-city-remote-learning-20210405-bp4lx2wfhzc65badzvspwihk4q-story.html>.

live a stable life and avoid homelessness. For shelter residents, education may reduce the length of their shelter stay and facilitate their exit into permanent housing.

It is critical for all of the aforementioned reasons that all New Yorkers residing in the shelter system have access to reliable internet.

RECOMMENDATION

Consideration should also be given to the devices that are needed to access the internet. Many shelter residents (students in particular) lack access to updated technology;¹⁴ this includes updated Internet-ready computers, tablets, or other devices with keyboards; and wireless or Bluetooth printers with scanners, or printers that maintain connections with those devices. This technology is crucial to ensure shelter residents have full access to the internet and the resources they are accessing online. We urge the Legislature and Governor to consider what additional steps might be taken to ensure shelter resident have access to this technology and that the investment in technology access in shelters is a sustained one. Even as the State continues to move towards more in-person activities and fully returning to school post-pandemic, shelter residents will continue to need access to these vital resources.

CONCLUSION: THE PROPOSED LEGISLATION CAN NARROW THE DIGITAL DIVIDE AND ITS ADVERSE IMPACTS.

For the reasons outlined above, it is critical that the State act quickly to close the digital divide. We urge the Governor and Legislature to incorporate to A.8552 (AM Reyes) / S.3593-A (Sen. Biaggi) into the 2022 Executive Budget. Doing so would represent a huge step forward by ensuring that all shelter residents across New York State are finally guaranteed reliable internet access.

February 2022

Contact

Maria Cilenti, Senior Policy Counsel | 212.382.6655 | mcilenti@nycbar.org
Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org

¹⁴ *Supra* note 2, Justice Center Report, at 8. *See also*, Nick Reisman, “Report: Students lacked access to devices for learning,” May 5, 2021, <https://nystateofpolitics.com/state-of-politics/new-york/ny-state-of-politics/2021/05/05/report--students-lacked-access-to-devices-for-learning>.