



NEW YORK
CITY BAR

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November 20, 2020

Hon. Robert Holden
Chair, Technology Committee
New York City Council
64-69 Dry Harbor Rd
Middle Village, NY 11379

Hon. Francisco Moya
Chair, Subcommittee on Zoning & Franchises
New York City Council
106-01 Corona Avenue
Corona, NY 11368

Re: Follow Up to October 13 Oversight Hearing “Broadband and the Digital Divide”

Dear Council Member Holden and Council Member Moya:

On behalf of the New York City Bar Association’s Social Welfare Committee and Education and the Law Committee, I am writing to follow up on our oral testimony at the October 13, 2020 oversight hearing “Broadband and the Digital Divide.”¹ We greatly appreciated the opportunity to testify and the attention you have given to this important issue by holding the hearing. During the hearing you asked Sandra Gresl, who delivered our testimony, a few questions and we wanted to expand on her responses and comment on some developments since the hearing was held.

Council Member Holden asked about the current availability of internet (or lack thereof) in city-funded homeless shelters and the availability of counseling services for shelter residents during the pandemic. As is further outlined in the City Bar Justice Center’s May report, most City shelters do not have Wi-Fi and residents identified a wide range of activities they would use the internet for, including finding permanent housing, finding a job, finding medical care and accessing benefits.² Some individuals surveyed reported that their shelter had a Wi-Fi network, but it was restricted to use by staff only. As a result of this spotty or nonexistent Wi-Fi access, shelter residents are forced to fend for themselves and access the internet through self-paid cellular plans (which drain their already meager financial resources), free Wi-Fi they are able to access outside of the shelter (such as a LinkNYC kiosk, library or restaurant) or other means. Since the pandemic, accessing these other means has only become more burdensome.

¹ Written testimony available at <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/internet-access-for-nyc-homeless-shelter-residents-testimony>.

² “Homeless Need Internet Access To Find a Home: How Access to Internet and Technology Resources can Support Homeless Families Transition out of Homeless Shelters,” May 2020, <https://www.citybarjusticecenter.org/wp-content/uploads/2020/05/Homeless-Need-Internet-Access-to-Find-a-Home-2020-Report.pdf>.

Accessing counseling services or any other services is extremely difficult given these circumstances. One shelter resident interviewed by the City Bar Justice Center Legal Clinic for the Homeless shared his experiences trying to participate in telehealth services. He described how poor Wi-Fi connectivity meant he was unable to effectively participate in Zoom medical appointments. His doctors told him that if he was unable to attend his Zoom session he would be deprived from obtaining the proper care he needed to treat and manage his medical condition.³ Other clients faced uphill battles searching for permanent housing,⁴ researching information about their immigration cases, and/or applying for public assistance.

Council Member Moya asked what we thought was the best way to ensure homeless students are able to connect to the internet to participate in remote learning. Since this hearing, Mayor de Blasio has announced that the City will be providing Wi-Fi access in family and domestic violence shelters to help ameliorate connectivity issues that have impacted remote learning. While we are still waiting for specific details about the full scope of the plan, to date it appears that the City will be prioritizing those shelters with the worst connectivity issues for immediate action, but that many shelters may remain without Wi-Fi through the school year.⁵

The City Bar applauded the Mayor's announcement, but the City can and should do more to truly address the full scope of New York's digital divide.⁶ While we generally support the approach of prioritizing the needs of school-age children and addressing the highest need facilities first, all shelter residents face immediate, pressing needs for reliable internet access that must also be addressed.

We urge the City to make an explicit public commitment and articulate an implementation timeline that includes all City-funded homeless shelters⁷ and ensures they have the infrastructure necessary for reliable cell service as well as broadband and internet access, including, at minimum:

- Reliable Wi-Fi connections for all shelter residents;
- Updated Internet-ready computers, tablets, or other devices;

³ Read the clients full story here: <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-a-virtual-existence-with-virtually-no-internet/>.

⁴ See <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-inaccessible-internet-inaccessible-housing-2/>.

⁵ See Reema Amin, "NYC's shelter Wi-Fi plan expected to wrap up after school year ends," Chalkbeat, Oct. 29, 2020, <https://ny.chalkbeat.org/2020/10/29/21540915/nycs-shelter-wi-fi-plan-expected-to-wrap-up-after-school-year-ends>.

⁶ "City Bar Applauds Mayor's Decision to Put WiFi in Homeless Shelters -- Renews Call for Commitment to Close Digital Divide," Oct. 26, 2020, <https://www.nycbar.org/media-listing/media/detail/city-bar-applauds-mayors-decision-to-put-wifi-in-homeless-shelters-renews-call-for-commitment-to-close-digital-divide>.

⁷ This includes all properties and temporary housing facilities (including hotels) that are maintained by New York City agencies.

- Wireless or Bluetooth printers with scanners, or printers that maintain connections with the shelter’s computers, tablets or other devices.

We appreciate that the financial investment needed is not insignificant, especially given the impact of COVID-19 on the City’s finances, however the long-term investment in these New Yorkers will ultimately help provide them the tools and resources needed to move out of shelter.⁸

Finally, while we applaud you for holding this hearing and fully recognize the impact the pandemic has had on our ability to gather in person, we would be remiss if we did not point out the irony in the fact that impacted homeless people were not able to participate in the hearing due to the fact it was held remotely through Zoom. While the remote format was necessary, impacted persons dealing with unreliable internet access and cell service were not in a position to spend the time (or money if they are using a self-paid cellular plan) to realistically provide testimony. We would urge you to prioritize the testimony of impacted people in future hearings by allowing them to testify first so they can make the necessary accommodations that would allow them to participate at a set time.

Thank you again for your attention to this issue and to the particular issues we’ve raised about New York’s homeless population. We would be happy to answer any further questions you might have and look forward to continuing to work with the Council to address the digital divide.

Respectfully,



Elizabeth Kocienda

⁸ For example, BronxWorks recently used private grants to wire three of their shelters for a cost of less than \$100,000. See David Brand, “While NYC mulls shelter WiFi, price tag prevents providers from doing it themselves,” Queens Daily Eagle, Oct. 30, 2020, <https://queenseagle.com/all/while-nyc-mulls-shelter-wifi-price-tag-prevents-providers-from-doing-it-themselves>.