

**REPORT ON LEGISLATION BY THE  
LESBIAN, GAY, BISEXUAL AND TRANSGENDER RIGHTS COMMITTEE  
AND SOCIAL WELFARE LAW COMMITTEE**

**Int. 490A-2018**

A Local Law to the administrative code of the city of New York, in relation to time frames for runaway and homeless youth shelter services

**Int. 410A-2018**

A Local Law to amend the administrative code of the city of New York, in relation to shelter for runaway and homeless youth

**Int. 556A-2018**

A Local Law to amend the administrative code of the city of New York, in relation to runaway and homeless youth services for homeless young adults

**THESE BILLS ARE APPROVED**

The New York City Bar's Committees on Lesbian, Gay, Bisexual and Transgender Rights (the "LGBT Rights Committee") and Social Welfare Law write in support of the following proposed legislation before the City Council:

- Int. 490A-2018, Time frames for runaway and homeless youth shelter services;
- Int. 410A-2018, Shelter for runaway and homeless youth; and
- Int. 556A-2018, Runaway and homeless youth services for homeless young adults.

The LGBT Rights Committee exists to address issues of law and policy as they pertain to lesbians, gay men, bisexual people and transgender people. The Committee takes great interest in issues affecting LGBTQ youth in New York. The Social Welfare Law Committee is concerned with City, State and federal social welfare law and policy, including the current homelessness crisis in New York City and the impact on LGBTQ youth among others. The proposed local laws follow New York State's expansion of services for runaway and homeless youth ("RHY"), which includes tracking the population and increasing the length of shelter stays and the age at which individuals lose access to youth services. With LGBTQ youth comprising a large portion of the RHY population, these laws will directly benefit the lives of homeless LGBTQ youth.

## INTRODUCTION

Our youth are in crisis. New York City's homeless population is at an all-time high and LGBTQ young people continue to represent a highly disproportionate number of the City's RHY. They are uniquely vulnerable to the harms that can result from living without shelter. The City Council must take immediate action to protect our youth and pass Int. 490, 410, and 556-2018 to directly improve outcomes for some of the most at-risk members of our community.

## UNIQUE CHALLENGES FACING LGBTQ YOUTH

Even among the rising, record-setting numbers in the City's overall homeless population,<sup>1</sup> LGBTQ youth are overrepresented. Nationally, LGB youth make up approximately 3.5-8% of the general population, but 29% of the homeless population.<sup>2</sup> Transgender youth, meanwhile, are an estimated 0.3% of the general population and 4% of the homeless population.<sup>3</sup> In New York City, the number of homeless LGBTQ youth may be even higher.<sup>4</sup> Among them, people of color are further overrepresented.<sup>5</sup>

The voices of experts and community members highlight the need for increased resources for LGBTQ youth. Compared to their non-LGBTQ counterparts, LGBTQ RHY are at increased risks for physical and mental health problems—particularly HIV/AIDS, depression, and anxiety—and experience longer periods of homelessness.<sup>6</sup> LGBTQ youth are more likely to have

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<sup>1</sup> E.g., Emma Whitford, *Annual Street Homeless Count Shows 40 Percent Increase Over 2016*, GOTHAMIST (July 5, 2017), [http://gothamist.com/2017/07/05/homeless\\_count\\_2017.php](http://gothamist.com/2017/07/05/homeless_count_2017.php); Nikita Stewart, *City Expands Services as More Become Homeless, Even with a Job*, N.Y. TIMES (July 19, 2017), <https://www.nytimes.com/2017/07/19/nyregion/homelessness-new-york-manhattan-shelters.html> (all websites last visited March 6, 2018).

<sup>2</sup> S.K. Choi et al., *Serving Our Youth 2015: The Needs and Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Experiencing Homelessness*, WILLIAMS INST. 9-10 (June 2015), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Serving-Our-Youth-June-2015.pdf>.

<sup>3</sup> *Id.* at 10.

<sup>4</sup> See N.Y.C. Commission on Lesbian, Gay, Bisexual, Transgender and Questioning Runaway and Homeless Youth, *All Our Children: Strategies to Prevent Homelessness, Strengthen Services and Build Support for LGBTQ Youth* 21 (June 2010), [http://www.nyc.gov/html/om/pdf/2010/pr267\\_10\\_report.pdf](http://www.nyc.gov/html/om/pdf/2010/pr267_10_report.pdf) (“Findings for the percentage of the City's homeless youth population who identify as LGBTQ range from 13 percent to 36 percent or more.”); see also N.Y.C. Cent. Innovation through Data Intelligence, *New York City Youth Count Report 2017* 13 [http://www1.nyc.gov/assets/cidi/downloads/pdfs/youth\\_count\\_report\\_2017\\_final.pdf](http://www1.nyc.gov/assets/cidi/downloads/pdfs/youth_count_report_2017_final.pdf) (last visited Jan. 20, 2018); Nikita Stewart, *Homeless Young People of New York, Overlooked and Underserved*, N.Y. TIMES (Feb. 5, 2016), <http://www.nytimes.com/2016/02/06/nyregion/young-and-homeless-in-new-york-overlooked-and-underserved.html>. Nationally, the vast majority of homeless LGBT youth (78.2% of LGB youth and 84.5% of transgender youth) became homeless after they were kicked out of or ran away from home because of their sexual orientation or gender identity or expression. See Choi et al., *supra* note 2, at 12, figure 12.

<sup>5</sup> Choi et al., *supra* note 2, at 3.

<sup>6</sup> *Id.* at 13-14 (collecting research); Meredith Dank, Lilly Yu and Jennifer Yahner, *Access to Safety: Health Outcomes, Substance Use and Abuse, and Service Provision for LGBTQ Youth, YMSM, and YWSW Who Engage in Survival Sex*, URBAN INST. 5 (2016), <https://www.urban.org/sites/default/files/publication/77601/2000605-Access-to-Safety.pdf>.

been rejected by their families, and so are less able to rely on familial support.<sup>7</sup> They are more likely to be forced into underground economies, such as survival sex, and at the same time they are more likely to be both the victims of crimes and the targets of overzealous policing.<sup>8</sup> Stated succinctly by the very organizations that serve queer youth, “[t]he cumulative oppression of homelessness coupled with an LGBTQ identity places homeless LGBTQ youth in a precarious state of existence.”<sup>9</sup>

## HOW THE BILLS WILL HELP LGBTQ YOUTH

### Int. 490-A: Time frames for runaway and homeless youth shelter services

This bill would bring the City into accord with State law and give LGBTQ RHY more time in critically needed runaway and homeless youth shelters, specifically crisis shelter beds and transitional independent living (“TIL”) support programs. As noted by the Peter Cicchino Youth Project, this is a longstanding request of LGBTQ youth advocates and service providers.<sup>10</sup>

With LGBTQ youth less able to depend on familial support, City-sponsored shelters play an outsized role in stabilizing their lives. The current time allotted them in a crisis bed, a mere 30 days, is far too short a period to help a young person, who has likely been rejected by their family, struggled with their own identity, and faced serious bias and possibly violence, to navigate a system that stymies many adults. Currently, vanishingly few succeeded in finding a stable housing environment.<sup>11</sup> By extending this period to 60 days, 120 with the written consent of an adult, or longer if necessary, the City will give LGBTQ RHY a more realistic chance to find a path out of homelessness.

“Aging out” out of the youth care system is a huge problem for all, but particularly for LGBTQ youth, who “face an indifferent world” where “inequalities in housing, health, educational achievement, and rates of incarceration are staggering.”<sup>12</sup> For those who make it out of crisis shelters and into a TIL bed, this bill would also extend their stay from 18 months (or

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<sup>7</sup> See *Family Acceptance as One Solution to LGBT Youth Homelessness*, NAT. ALLIANCE TO END HOMELESSNESS (Sept. 7, 2012), <http://www.endhomelessness.org/library/entry/family-acceptance-as-one-solution-to-lgbt-youth-homelessness>; Caitlin Ryan et al., *Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults*, 123 PEDIATRICS 346 (2009), <http://pediatrics.aappublications.org/content/123/1/346>.

<sup>8</sup> ANDREW CRAY ET AL., *SEEKING SHELTER: THE EXPERIENCES AND UNMET NEEDS OF LGBT HOMELESS YOUTH 14-16* (2013), <https://www.americanprogress.org/issues/lgbt/reports/2013/09/26/75746/seeking-shelter-the-experiences-and-unmet-needs-of-lgbt-homeless-youth>; Dank et al., *Access to Safety*, *supra* note 6 at 6.

<sup>9</sup> New York City Association of Homeless and Street-Involved Youth Organizations, *State of the City’s Homeless Youth Report 2011*, COALITION FOR HOMELESS YOUTH (2012), <http://www.nychy.org/publications-info> (free registration required).

<sup>10</sup> See Testimony of Craig Hughes before the New York City Council Committees on General Welfare and Youth Services in favor of bills 490, 410, 566, and related bills as introduced in 2017, Sept. 28, 2017, at 8.

<sup>11</sup> See *id.* at 6 and Appendix 1.

<sup>12</sup> Ryan Berg, *NO HOUSE TO CALL MY HOME* xv (2015).

longer below age 18) to 24 months (or longer below age 21). Giving youth more time to develop skills, systems of support, and strategies will continue to reward the children—and the City—years after they have moved onto their adult lives.

#### **Int. 410-A: Shelter for runaway and homeless youth**

This bill would require the Department of Youth and Community Development (“DYCD”) to: (i) report, on an annual basis, statistics regarding RHY; and (ii) develop and submit a “capacity plan” to provide shelter services to all who request shelter from the DYCD. The bill would, in effect, shed greater light on the RHY population and provide aid to youth during their time of need.

The proposed reports would identify statistics on all runaway and homeless youth, not just LGBTQ youth. The information collected would include: (i) the size and characteristics of the current population of RHY, “including but not limited to gender identity and expression, sexual orientation, race, ethnicity, religion, disabilities, and sexual exploitation”; (ii) description of the services needed by RHY, including educational assistance, medical and mental health services, and services for sexually exploited children, and temporary shelter; (iii) a breakdown of the dispositions of RHY “who exited the temporary shelter system in the previous calendar year”; and (iv) a description of the public and private resources available to serve RHY.

RHY data is “notoriously difficult to access,” and the information obtained from these reports will both help to ensure youth obtain the care they need while also providing greater information to the City about RHY and their use of these services.<sup>13</sup>

One aspect of this proposed legislation is noticeably weaker than that which was previously introduced. Int. 1706-2017 would have required shelter services be provided to those youth that request such services,<sup>14</sup> whereas Int. 490A-2018, the current version of the bill, provides for the DYCD to “develop and submit . . . a plan to provide shelter services to all runaway youth and homeless youth who request such shelter.” As such, the current version of the bill no longer provides for a “right to shelter.” While we are in support of the overall bill, the LGBT Rights and Social Welfare Law Committees remain in support of the bill as originally drafted, and we urge the development of a “right to shelter” bill to assist all runaway youth and homeless youth.

The homeless population in the City is increasing, with LGBTQ youth representing an outsized share of RHY. As noted in the testimony of Brooklyn Borough President Eric L. Adams, “[i]n the city with the most billionaires in the world, certainly we can ensure that no young person is relegated to live on the street, sleep on a subway grating, couch surf, or

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<sup>13</sup> See Testimony of Craig Hughes, Sept. 28, 2017, *supra* note 10 at 8.

<sup>14</sup> Int. 1706-2017, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3147849&GUID=BE39605D-322A-4C26-BB34-C946ECCBDBFE&Options=ID|Text|&Search=1706>.

compromise their bodies, health, or self-respect in exchange for a place to sleep safely at night.”<sup>15</sup>

This bill, as currently proposed, would require the development of a capacity plan for sheltering RHY at a time when they are most vulnerable, while also providing the city with greater information on RHY. This information will allow for shelter services to be analyzed and potentially modified so as to better provide greater care for those youngest in society lacking shelter.

### **Int. 556-A: Runaway and homeless youth services for homeless young adults**

The Committees support the original language of Int. 1706-2017, which provided that “[t]he department shall provide runaway and homeless youth services to homeless young adults in the same manner as such services are provided to runaway youth and homeless youth.”<sup>16</sup> In contrast, the newly proposed Int. 556A-2018, states, “[t]he department shall include shelter services for homeless young adults as part of runaway and homeless youth services, *but need not serve all such young adults*” (emphasis added). This permissive amended language does not provide an adequate framework regarding which young adults, if any, the department must serve. It is the position of the LGBT Rights and Social Welfare Law Committees that the original language of Int. 1706-2017 would have a far more positive impact on homeless young adults in New York City. We urge the Council to reconsider this drastic change to the “Raise the Age” bill, and in fact, raise the age, for all homeless young adults, not just some.

Int. 556-A is, nonetheless, consistent with recent amendments to the New York State Runaway and Homeless Youth Act. If passed, it would allow DYCD to provide services to homeless young adults in the same manner that services are currently provided to RHY. This expansion would allow at least some homeless young adults ages 21-24 to access the shelter and services which, but for this change, would fall away at age 21. The thought of “aging out” is anxiety-provoking for many homeless youths. “Forty percent of homeless youth are LGBTQ individuals, many of whom feel unsafe in DHS shelters . . . .”<sup>17</sup>

In New York City today, when a homeless young adult reaches the age of 21, they must navigate the daunting DHS shelter system without any youth-specific support. This uniquely affects differently abled young adults, who, upon discharge, do not receive support in navigating public assistance programs or federal disability aid.<sup>18</sup> This abandonment at age 21 causes some homeless young adults to resort to survival behaviors rather than risk harm in adult shelters.<sup>19</sup> The DHS shelter system is particularly fraught for LGBTQ young adults, who are disproportionately targeted. “The consequence, say advocates for homeless young people, is that

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<sup>15</sup> Testimony of Eric L. Adams before the New York City Council Committees on General Welfare and Youth Services in favor of Ints. 490, 410, 556, and related bills as introduced in 2017, Sept. 28, 2017, at 2.

<sup>16</sup> *Supra* note 14.

<sup>17</sup> Miranda Katz, *De Blasio Pledges Additional 300 Beds In Youth Shelters, “Taking The Gloves Off” On Homelessness*, GOTHAMIST (Jan. 8, 2016), [http://gothamist.com/2016/01/08/de\\_blasio\\_youth\\_homeless.php](http://gothamist.com/2016/01/08/de_blasio_youth_homeless.php).

<sup>18</sup> See Testimony of Craig Hughes, Sept. 28, 2017, *supra* note 10, at 6.

<sup>19</sup> See *Id.* at 7.

these individuals may end up on the street, as they tend to be fearful of bullying, harassment, sexual assault, and violence in adult shelters.”<sup>20</sup>

Furthermore, this bill makes financial sense. In serving homeless young adults in the same manner as RHY, the City would reallocate resources to serve young New Yorkers more efficiently, while relieving the burden on the overcrowded DHS shelter system. This is a common-sense approach that will allow the City to better serve homeless individuals of all ages and illustrates why Int. 1706-2017’s language was superior. Providing homeless young adults with competent, age-appropriate DYCD services—including training on how to access affordable housing and public benefits—enables youth to be more autonomous and empowered to direct their own lives, and hopefully thrive outside the shelter system in the future.

## **SUMMARY**

LGBTQ youth constitute a hugely disproportionate number of the homeless and runaway youth in New York City. The challenges they face are numerous and require the City’s full support. Although the proposed language of Int. 410-A, which calls for a “capacity plan” to analyze the possibility of housing homeless youth, is noticeably weaker than the right to shelter in the previously introduced bill, the LGBT Rights and Social Welfare Law Committees support its passage while also calling for the City Council to reintroduce and pass the stronger 2017 right to shelter bill. The newly proposed Int. 556-A is likewise diminished, establishing in law that DYCD “need not serve all such young adults” as would have been aided by the 2017 language. Nonetheless, by passing these three bills as proposed, the City Council will help vulnerable youths face fewer pitfalls and will also allow them to access more of the resources they need to succeed as adults.

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<sup>20</sup> Voices of NY, *Helping the Homeless Ages 21 to 24*, CUNY GRAD. SCH. J’ISM (Apr. 28, 2017), <https://voicesofny.org/2017/04/helping-the-homeless-ages-21-to-24>.