

December 16, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Ensuring internet access to all individuals residing in temporary housing throughout New York State in the 2022 Executive Budget

Dear Governor Hochul,

We write on behalf of the undersigned - which includes legal and nonprofit organizations, community groups and activists - to urge you to take steps to address the digital divide by ensuring internet access to all individuals residing in temporary housing throughout New York State by incorporating pending legislation (S.3593-A/A.8552) in your 2022 Executive Budget.¹ This bill, sponsored by Senator Alessandra Biaggi and Assembly Member Karines Reyes, would require local social services districts to provide internet access to all individuals residing in temporary housing in their district.² New Yorkers experiencing homelessness and residing in temporary housing facilities are some of our most vulnerable residents; particularly during the COVID-19 pandemic when much of their everyday lives has moved, and largely remains, almost exclusively online. The internet is an essential service and it is critical that your administration ensure homeless shelter residents are provided access.

We appreciate the attention you have given to broadband availability and the importance of quality internet access: "High-speed internet is the great equalizer in today's world because it is essential in accessing basic services and information that we all need in our daily lives."³ We are also heartened by the inclusion of funding in the federal Infrastructure Investment and Jobs Act for expanding broadband access in underserved communities.⁴

While there has been increasing attention paid to the need for high quality, reliable internet access, and steps are being taken across the state to close the digital divide, New Yorkers experiencing homelessness and residing in temporary housing are often forgotten. Shelters are

¹ For the purposes of this letter, we use the term "temporary housing" or "shelter" to include but not be limited to, family shelters, shelters for adults, domestic violence shelters, runaway and homeless youth shelters, safe houses for refugees and hotels being used as temporary housing.

² See <https://www.nysenate.gov/legislation/bills/2021/S3593>.

³ Press Release: Governor Hochul Announces Launch of Mapping Survey to Examine Quality and Availability of Broadband Across the State, Sept. 27, 2021, <https://www.governor.ny.gov/news/governor-hochul-announces-launch-mapping-survey-examine-quality-and-availability-broadband>.

⁴ "Fact Sheet: The Bipartisan Infrastructure Deal," The White House, Nov. 6, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/11/06/fact-sheet-the-bipartisan-infrastructure-deal/>; see also Marguerite Reardon, "Digital divide fix gets a boost as Biden signs \$1.2 trillion infrastructure bill," CNET, Nov. 15, 2021, <https://www.cnet.com/home/internet/digital-divide-fix-gets-a-boost-as-biden-signs-1-2-trillion-infrastructure-bill/>.

overwhelmingly lacking internet access, an essential service which could help reduce the length of residents' stay and facilitate their exit into permanent housing.

In the midst of an unprecedented public health emergency and resulting economic hardships, New York continues to experience a homelessness crisis. Among all U.S. states, New York has the highest rate of homelessness, with a total homeless population of 92,091 (of which 4.4% is living unsheltered).⁵ As of August 2021, 47,916 homeless people, including 14,946 homeless children, are sleeping each night in the New York City municipal shelter system alone.⁶ Thousands of shelter residents lack access to the internet. As documented in a May 2020 report issued by the City Bar Justice Center, only 6% of the homeless residents surveyed at the time had internet access through their shelter.⁷ 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, telehealth⁸ or any other service⁹ has been extremely difficult since the start of the pandemic, as many of these services are 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. Even as the State continues to gradually move towards more in-person activities and fully return to school, the need for shelter residents to access to these vital resources will not dissipate.

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.¹⁰ Moreover, 85% of New

⁵ Max Anderson, "States with the largest homeless populations," *Porch.com*, Dec. 9, 2020, <https://porch.com/advice/states-with-largest-homeless-populations> ("To identify the states with the largest homeless populations, researchers at Porch analyzed data from the U.S. Department of Housing and Urban Development's 2019 Annual Homeless Assessment Report to Congress. Using these statistics, they calculated the total homeless population per 10,000 residents. The researchers also incorporated data on the homeless population in families with children, those without shelter, and those who are considered chronically homeless.")

⁶ "Basic Facts About Homelessness: New York City," *Coalition for the Homeless*, last accessed Dec. 15, 2021, <https://www.coalitionforthehomeless.org/facts-about-homelessness/>.

⁷ "Homeless Need Internet Access To Find a Home: How Access to Internet and Technology Resources can Support Homeless Families Transition out of Homeless Shelters," *City Bar Justice Center*, May 2020, <https://www.citybarjusticecenter.org/wp-content/uploads/2020/05/Homeless-Need-Internet-Access-to-Find-a-Home-2020-Report.pdf>.

⁸ *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/>.

⁹ *See i.e.* "#WiFi4Homeless: Inaccessible Internet, Inaccessible Housing," *City Bar Justice Center*, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-inaccessible-internet-inaccessible-housing-2/>

¹⁰ *State of the Homeless 2020*, *Coalition for the Homeless*, March 2020, available at <https://www.coalitionforthehomeless.org/wp-content/uploads/2020/03/StateofTheHomeless2020.pdf>.

York City students experiencing homelessness are Black or Hispanic.¹¹ 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.

In a major victory, the Legal Aid Society, along with Milbank LLP and Coalition for the Homeless, Inc., secured a settlement with New York City in April that ensured that over 200 shelters housing school-age children were equipped with internet access.¹² While this is a huge achievement, it does not eliminate the need for all shelter residents across the State to have internet access, regardless of where their shelter is located. New York City's efforts also do not 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.¹³ Additionally, 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 you to take additional steps to ensure shelter residents have access to this technology and that the investment in technology access in shelters is a sustained one.

There is currently legislation pending in the State Legislature that would achieve these goals - S.3593-A/A.8552 – by creating a new subdivision and amending 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.¹⁵ We urge you to incorporate this legislation into your Executive Budget for the coming year.

¹¹ “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>.

¹² See *i.e.* 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>.

¹³ Education is critical to an individual's ability to participate in society. It promotes the social, economic, and intellectual well-being necessary to 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. See *i.e.* “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; see also “No Barriers: A Legal Advocate's Guide to Ensuring Compliance with the Education Program of the McKinney-Vento Act,” National Law Center on Homelessness & Poverty, 2nd Edition, Nov. 2016, at 10, <https://homeleslaw.org/wp-content/uploads/2018/10/NoBarriers.pdf> (“Moreover, school stability is critical for homeless children and youth, not only providing continuity during a turbulent time in their lives but also leading to improved academic outcomes. Continuity of education during homelessness is vital not only for children and youth's mental and emotional health in the short-term, but for their future ability to succeed in a competitive job market and break the cycle of homelessness and poverty, because childhood homelessness is a strong predictor of adult homelessness.”).

¹⁴ *Supra* note 6, Justice Center Report, at 8. See also, Nick Reisman, “Report: Students lacked access to devices for learning,” State of Politics, 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>.

¹⁵ *Supra* note 2.

The COVID-19 pandemic has significantly exacerbated the barriers resulting from the digital divide, raising the stakes to literally life-or-death. As we continue to battle this public health emergency and rebuild in its wake, it is clear that the State must act in order to meet its basic responsibilities to its residents experiencing homelessness. We believe the inclusion of language in your Executive Budget that ensures reliable internet access for residents of all temporary housing facilities in New York would represent a huge step forward in closing the digital divide.

Thank you for your consideration.

Respectfully,

Brooklyn Defender Services
Citizens' Committee for Children of New York
Coalition for Homeless Youth
Coalition for the Homeless
Community Service Society of New York
Covenant House New York
Freshfields Bruckhaus Deringer US LLP
The Legal Aid Society
Mobilization for Justice
National Center for Law and Economic Justice
New York City Bar Association
New York Legal Assistance Group
New York State Coalition Against Domestic Violence
Open Hearts Initiative
Shams DaBaron aka Da Homeless Hero
VOCAL-NY Homelessness Union
Willkie Farr & Gallagher LLP

Cc: Hon. Alessandra Biaggi
Hon. Carl Heastie
Hon. Liz Krueger
Hon. Karines Reyes
Hon. Andrea Stewart-Cousins
Hon. Helene Weinstein

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