



**WRITTEN TESTIMONY OF THE SOCIAL WELFARE LAW COMMITTEE
AND EDUCATION AND THE LAW COMMITTEE**

**NEW YORK CITY COUNCIL COMMITTEE ON TECHNOLOGY
AND SUBCOMMITTEE ON ZONING AND FRANCHISES**

**OVERSIGHT HEARING T2022-2025:
BROADBAND AND EQUAL ACCESS TO THE INTERNET IN NEW YORK CITY**

September 19, 2022

The New York City Bar Association, through its Social Law Welfare Committee and Education and the Law Committee, submits this written testimony on the need for greater internet access in New York City’s shelters.¹ The City Bar previously provided testimony on this topic to the City Council at a similar oversight hearing in October 2020.² We greatly appreciate the continued attention the Committee on Technology and the Subcommittee on Zoning and Franchises have given to the topic of internet access equity.

While there has been increasing attention paid at all levels of government to the need for high quality, reliable internet access in underserved communities, and we have seen steps taken to address the digital divide, *New Yorkers experiencing homelessness and residing in shelters are often forgotten*. As a result, we would like to take this opportunity to again highlight the unique impact the digital divide has on New Yorkers experiencing homelessness and the need for reliable internet access in all shelters.

¹ The phrase “shelters” in this testimony refers to all temporary housing facilities, which would include but not be limited to, shelters for adults, shelters for adult families, small-capacity shelters, shelters for families with children, domestic violence shelters, runaway and homeless youth shelters, shelters in hotels or shelters for refugees.

² “Testimony Highlighting the Impact of the Digital Divide on New York City’s Homeless Population,” New York City Bar Association, Oct. 13, 2020, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/internet-access-for-nyc-homeless-shelter-residents-testimony> (all websites last visited Sept. 18, 2022).

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 23,000 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.

BACKGROUND

Many of New York’s shelters lack internet access for residents, an essential service which could reduce the length of their stay and facilitate their exit into permanent housing. As we discussed in our October 2020 testimony, the City Bar Justice Center documented this problem in a May 2020 report, “Homeless Need Internet Access to Find a Home: How Access to Internet and Technology Resources Can Support Homeless Families Transition out of Homeless Shelters.”³ In the time since, the City Bar - in collaboration with legal and nonprofit organizations, community groups and activists – has urged City and State officials to take action to ensure free, reliable internet access is available in temporary housing facilities.⁴

Our #wifi4homeless campaign has sought to highlight how the COVID-19 pandemic has exacerbated the digital divide and continues to have devastating consequences for New Yorkers experiencing homelessness. The pandemic has cemented internet access as an essential tool to conducting daily life. Without internet access in shelters, individuals and families experiencing homelessness are unable to search and apply for permanent housing and jobs, participate in remote schooling or complete in-person school assignments,⁵ apply for government benefits, or obtain necessary medical care. Parents and caregivers need to use these technologies to communicate with teachers about the children under their care and to engage with support services, such as special education, that the children require.⁶ Accessing counseling, telehealth⁷ or any other service⁸ 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

³ *Id.*; see also “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>.

⁴ See generally “Close the Digital Divide! Help Ensure Internet Access for New Yorkers Experiencing Homelessness,” New York City Bar Association, June 1, 2022, <https://www.nycbar.org/media-listing/media/detail/bridging-the-digital-divide-wifi-accessibility>.

⁵ More than 101,000 New York City students were identified as homeless during the 2020-2021 school year. Approximately 28,000 of these students spent time in City shelters, while more than 65,000 were “doubled-up,” staying temporarily with others in overcrowded housing. See Advocates for Children of New York, Student Homelessness in New York City, Nov. 2021, https://www.advocatesforchildren.org/sites/default/files/library/nyc_student_homelessness_20-21.pdf (based on data obtained from the New York State Education Department, which includes students enrolled in New York City Department of Education schools and New York City charter schools).

⁶ “Thirty percent (30%) of students in shelter have Individualized Education Programs (IEPs) entitling them to special education services (significantly higher than the 21% of permanently housed students who have IEPs). But research shows that NYC students who are homeless receive IEPs later than permanently housed students, missing out on services during the early years when they could be most beneficial.” See “Recommendations from 40 Organizations for the Next Administration to Address the Educational Needs of Students Experiencing Homelessness,” Advocates for Children of New York, Nov. 2021, https://www.advocatesforchildren.org/sites/default/files/library/sth_recommendations_next_admin_11.2021.pdf.

⁷ See, e.g., “#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/>.

⁸ See, e.g., “#WiFi4Homeless: Inaccessible Internet, Inaccessible Housing,” City Bar Justice Center, <https://www.citybarjusticecenter.org/client-stories/wifi4homeless-inaccessible-internet-inaccessible-housing-2/>.

with clients. While we have seen most COVID-related restrictions lifted and services re-opened for in-person business, the preference for remote options across the spectrum of services remains in many cases. As a result, poor or no internet connectivity leaves many shelter residents unable to effectively participate in critical services needed for their well-being - services that could ultimately help them transition into stable, permanent housing.

We are seeing some progress in addressing the digital divide. Policies and programs that would expand broadband access and affordability were included in the 2021 federal Infrastructure Investment and Jobs Act and the 2022 New York State budget, although they did not explicitly state that funding would be directed at temporary housing facilities.⁹ Building on the findings of the Justice Center’s report, the Legal Aid Society, along with Milbank LLP and Coalition for the Homeless, Inc., secured a major victory with a settlement with New York City in April 2021 that ensured that over 200 shelters housing school-age children were equipped with internet access.¹⁰

The City’s installation of Wi-Fi in family shelters is a significant achievement that should be applauded. However, it does not eliminate the need for *all* shelter residents to have internet access, *regardless of the shelter they live in*. Adult shelter residents engaged in GED, vocational, or college courses, who do not live in qualifying shelters, continue to face the same barriers to remote learning as school-aged children.¹¹ Similarly, the at-risk populations who disproportionately

⁹ “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/>; 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/>; Press Release: Senator Sean Ryan Announces State Budget Includes Major Broadband Funding, Labor Standards For Broadband Projects, April 8, 2022, <https://www.nysenate.gov/newsroom/press-releases/sean-m-ryan/senator-sean-ryan-announces-state-budget-includes-major> (announcing the “Working to Implement Reliable and Equitable Deployment of Broadband Act (WIRED Broadband Act)”); Nate Benson, “State budget to dedicate \$1 billion to broadband projects in NYS,” WGRZ, April 16, 2022, <https://www.wgrz.com/article/news/local/one-billion-for-broadband-in-new-york-state-budget-money-internet-help-wifi/71-dc0f72c3-7078-49d9-87f8-f81426c18394> (discussing funding for “ConnectALL”; *see also* Press Release: Governor Hochul Announces New \$1 Billion ‘ConnectALL’ Initiative to Bring Affordable Broadband to Millions of New Yorkers, Jan. 5, 2022, <https://www.governor.ny.gov/news/governor-hochul-announces-new-1-billion-connectall-initiative-bring-affordable-broadband>). The City Bar, in collaboration with outside partners, advocated for the State budget to include funding for internet access in temporary housing facilities. *See* “Letter Urging Governor Hochul to Fund Internet Access to all Individuals Residing in Temporary Housing in the 2022 Budget,” Dec. 17, 2021, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/executive-budget-request-internet-access>.

¹⁰ *See, e.g.*, 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>; David Brand, “NYC Installs WiFi at Every Family Homeless Shelter Following Legal Settlement,” *City Limits*, May 25, 2022, <https://citylimits.org/2022/05/25/nyc-installs-wifi-at-every-family-homeless-shelter-following-legal-settlement/>.

¹¹ 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, e.g.*, “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://homelesslaw.org/wp-content/uploads/2018/10/NoBarriers.pdf> (“Moreover, school stability is critical for homeless children and youth, not

experience homelessness - namely domestic violence survivors and LGBTQ+ individuals – who are not housed in family shelters are not benefiting from all the critical resources provided through internet access.¹² Our single adult shelter residents are being left behind.

RECOMMENDATIONS

It is vital that the City ensure that the thousands of New Yorkers who are homeless and residing in shelters – including single adults - are included in any existing or future plans to expand internet and broadband access for underserved communities, including single adults. This includes all properties and temporary housing facilities (including hotels) that are maintained by New York City agencies. We urge the City Council to work with the Mayor’s Office and all related agencies to ensure that City-funded homeless shelters are prioritized in any plans to expand broadband and internet access. For example, the Mayor’s Office announced just this week a free municipal broadband program for NYCHA residents.¹³ This is great news for NYCHA residents; now shelter residents need similar investments.

In addition to ensuring that every City shelter has reliable internet and Wi-Fi connections for all shelter residents, consideration should 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 printers with scanners 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 City Council to consider what additional steps might be taken to ensure shelter residents have access to this technology and that the investment in technology access in shelters is a sustained one.

Finally, we urge the City Council to support state-wide efforts to provide internet access to all individuals residing in temporary housing. Legislation is currently pending in the State Legislature – A.8552-B / S.3593-C – that would require all temporary housing facilities to provide

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.”).

¹² See generally Appendix: The Impact of the Digital Divide on Victims of Domestic Violence and LGBTQ+ Individuals, in “Support for Legislation Providing Internet Access to Individuals Living in Temporary Housing Throughout New York State,” New York City Bar Association, Reissued May 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/digital-divide-free-wifi-for-homeless-shelter-residents>.

¹³ Press Release: Mayor Adams, Chief Technology Officer Fraser Announce Nation's Largest Free Municipal Broadband Program for NYCHA Residents, Office of the Mayor, Sept. 19, 2022, <https://www1.nyc.gov/office-of-the-mayor/news/684-22/mayor-adams-chief-technology-officer-fraser-nation-s-largest-free-municipal-broadband#/0>; see also Samar Khurshid, “City to Announce Free Internet and Cable for Thousands of NYCHA Residents,” Gotham Gazette, Sept. 17, 2022, <https://www.gothamgazette.com/city/11583-city-free-internet-cable-nycha-residents>.

¹⁴ *Supra* note 3, 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>.

uninterrupted access to high-speed broadband internet service and Wi-Fi service.¹⁵ This legislation is supported by a number of organizations¹⁶ and would represent a huge step forward by ensuring that all shelter residents across New York State are guaranteed reliable internet access. It is critical that the City and State work together in a holistic way to fully address the digital divide.

Thank you for your continued attention to this issue. We appreciate your consideration of our testimony and welcome the opportunity to discuss further.

Social Welfare Law Committee
Sandra Gresl, Co-Chair

Education and the Law Committee
Rebecca Berkebile, Co-Chair
Jonathan D. Glater, Co-Chair

Contact

Elizabeth Kocienda, Director of Advocacy | 212.382.4788 | ekocienda@nycbar.org

¹⁵ Bill information available at <https://www.nysenate.gov/legislation/bills/2021/S3593>. See also, “Support for Legislation Providing Internet Access to Individuals Living in Temporary Housing Throughout New York State,” New York City Bar Association, Reissued May 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/digital-divide-free-wifi-for-homeless-shelter-residents>.

¹⁶ “Joint Report from Advocates Supporting Efforts to Ensure All NYS Temporary Housing Facilities Have Internet Access for Residents,” June 2, 2022, <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/internet-access-homeless-shelters-advocate-support>.