

REPORT ON LEGISLATION TO ENSURE INTERNET ACCESS TO ALL INDIVIDUALS RESIDING IN TEMPORARY HOUSING

S.3593-C

Sen. Biaggi

AN ACT to amend the social services law, in relation to providing internet access to all individuals residing in temporary housing; and to amend the New York state urban development corporation act, in relation to the ConnectAll digital equity grant program

THIS BILL IS APPROVED

We write on behalf of the undersigned - which includes legal and nonprofit organizations, community groups and activists - to urge the Legislature and Governor to take steps to address the digital divide by ensuring internet access to all individuals residing in temporary housing throughout New York State by adopting pending legislation (S.3593-C).¹ 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 New York State ensure homeless shelter residents are provided access.

Governor Hochul has recognized the importance of broadband availability and quality internet access, stating "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."² Steps to address the digital divide were taken in this year's New York State budget, with the inclusion of a "Working to Implement Reliable and Equitable Deployment of Broadband Act (WIRED Broadband Act)" and funding for a "ConnectALL" program.³ The federal government has also included funding in the federal Infrastructure Investment and Jobs Act for expanding broadband access in underserved communities.⁴

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 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>.

³ A.9008-C/S.8008-C, Part MMM, <https://www.nysenate.gov/legislation/bills/2021/s8008/amendment/c>. ("Statement of Legislative findings and purpose. The legislature hereby finds and declares that: access to high-speed, reliable, and affordable broadband is essential for education, economic growth, and full participation in civic life; the persistence of the digital divide is a key barrier to improving the general welfare; the digital divide disproportionately affects communities of color, lower-income areas, rural areas, and other vulnerable populations, and the benefits of broadband access should be available to all; a robust and competitive internet marketplace in New York supports general economic development and benefits New Yorkers with improved internet service and affordability; the state has a responsibility to assist in ending the digital divide, supporting a more robust and competitive internet marketplace, and carrying out other actions to ensure universal access to high-speed, reliable, and affordable 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->

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 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 March 2022, 48,524 homeless people, including 15,087 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.

[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/>.

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 May 26, 2022, <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/>.

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-eight percent of homeless single adults and 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 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 2021 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. Additional steps should be taken to ensure shelter residents have access to this technology and that the investment in technology access in shelters is a sustained one.

¹⁰ State of the Homeless 2022, Coalition for the Homeless, March 2022, available at <https://www.coalitionforthehomeless.org/state-of-the-homeless-2022/>.

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-bp4lx2wfhztc65badzvspwihk4q-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/>.

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://homelesslaw.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>.

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 urge the Legislature to pass and the Governor to sign S.3593-C. Reliable internet access for residents of all temporary housing facilities in New York would represent a huge step forward in closing the digital divide.

Brooklyn Defender Services
Citizens' Committee for Children of New York
Coalition for Homeless Youth
Coalition for the Homeless
Community Service Society of New York
The Legal Aid Society
Mobilization for Justice
New York City Bar Association
New York Civil Liberties Union
New York Legal Assistance Group
New York State Coalition Against Domestic Violence
Riders Alliance
Shams DaBaron aka Da Homeless Hero, Independent & Impacted Advocate
VOCAL-NY Homelessness Union

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