

**Aged Out/Cast Out:
Solutions to Housing Instability
For Aging Out Foster Youth in New York
July 2016**

About the Columbia Law School Adolescent Representation Clinic

The Adolescent Representation Clinic represents youth and young adults on collateral issues relating to their aging out of foster care or other institutional settings. Most of these clients range in age from 16 to 23. The issues involved extend across a broad spectrum of need and may include housing and homelessness prevention; teen pregnancy and parenting; health and health benefits; income and support benefits; education, tuition and financial aid benefits; financial planning; civil rights including LGBTQ issues; job training and career planning; identity theft and credit; and inheritance.

As increased attention is being paid to these older youth and young adults by both local and national policymakers, students had the opportunity to assist individual clients and affect evolving policies and practices. Paired in teams, students represent clients referred from legal advocacy offices, foster care agencies, and community-based organizations that are helping youth in the transition process.

The Adolescent Representation Clinic is a part of Morningside Heights Legal Services, Inc. More information is at <http://web.law.columbia.edu/clinics/adolescent-representation-clinic>.

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Cover photo courtesy of Peace4Kids.

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A LETTER TO OUR READERS

In 2011, approximately 800 young people between the ages of 18 and 21 aged out of foster care in New York City.¹ Despite state law's prohibition against discharging these young people to homelessness,² as many as 231—or about one quarter—spent time in a homeless shelter within three years of aging out.³ Those who managed to avoid spending time in a shelter still experience other forms of housing instability, such as staying on friends' couches or sleeping on the streets.

Homelessness is enormously difficult and dangerous for any person and is particularly damaging for young people aging out of care. In addition to the emotional burden and practical difficulty of finding a place to sleep each night, young people aging out must learn to live independently for the first time. Without a stable place to call home, basic tasks like searching for a job, opening a bank account, or keeping up with schoolwork can become unmanageable. Young people who experience housing instability are at an increased risk for developing mental health issues,⁴ struggling with substance abuse,⁵ and engaging in criminal activity.⁶

As students in the Adolescent Representation Clinic at Columbia Law School, a part of Morningside Heights Legal Services, Inc., we had the opportunity to represent a number of these young people—individuals who are aging out, or who have recently aged out, of foster care in New York City. Our clients have faced a variety of issues associated with aging out of care. They have worked to maintain a steady source of income and struggled to keep up with the demands of college. They have battled mental health issues and navigated the complex world of student debt. However, no challenge has been more persistent, or more damaging, than that of finding a stable place to live.

Nearly all of our clients, at some point over the course of our representation, experienced homelessness or other forms of housing instability. Some struggled to obtain public housing amidst an application process replete with strict deadlines and unforgiving standards for admission. Others bounced from shelter to shelter, describing their nights spent in the system as some of the scariest ones of their lives. Still others faced the decidedly unfair prospect of choosing between college enrollment and an affordable apartment. Listening to our clients' stories, it became apparent that, although each of them experienced it differently, housing

1 Federation of Protestant Welfare Agencies, "Keeping Foster Youth off the Streets: Improving Housing Outcomes for Youth that Age out of Care in New York City," (January 2014): 1. Available at <http://fpwa.org/wp-content/uploads/2015/01/Keeping-Foster-Youth-Off-the-Streets.pdf>.

2 18 NYCRR §430.12(f)(3)(i)(c).

3 Federation of Protestant Welfare Agencies, "Keeping Foster Youth off the Streets: Improving Housing Outcomes for Youth that Age out of Care in New York City," (January 2014): 1. Available at <http://fpwa.org/wp-content/uploads/2015/01/Keeping-Foster-Youth-Off-the-Streets.pdf>.

4 U.S. Department of Health and Human Services, "Homeless Youth in the United States: Recent Research Findings and Intervention Approaches" (March 2007). Available at <http://aspe.hhs.gov/hsp/homelessness/symposium07/toro/index.htm#Homeless>.

5 Safe Horizon, "Homeless Youth Statistics & Facts." Available at <http://www.safehorizon.org/page/homeless-youth-statistics--facts-69.html>.

6 Jessica A. Heerde, "A Systematic Review of Associations Between Physically Violent Behaviors and Property Offenses, Victimization and Use of Substances Among Homeless Youth" (September 2014). Available at <http://www.sciencedirect.com/science/article/pii/S019074091400231X>.

instability was a problem common to many youth aging out of care. This problem consistently undermined our clients' efforts to establish stable and productive lives.

While investigating our clients' housing issues, we observed two important patterns. First, we found that the sources of instability varied. The public housing application process was the cause of the problem for some; for others, inadequate training on independent living was to blame. For some clients, the existing supplemental housing subsidies were too small to meaningfully support their transition. For others, insufficient guidance or narrow definitions unnecessarily confined their apartment search. The problem of housing instability, we learned, was multifaceted. No single solution would support every young person's search for a stable home.

We also learned, however, that the problem of housing instability for youth aging out is manageable. In New York City, approximately 800 people age out annually. Consider that number in perspective. Eight hundred people make up just 1.5% of the capacity of Yankee stadium, and 15% of New York University's freshman class. If you wanted to take 800 people to see The Tonight Show, it would take only 4 nights, and on the fourth night, the audience would be 2/3 empty. Five years' worth of young people aging out could fit onto one Staten Island Ferry—with room for an additional 400 passengers. While the issues affecting aging out youth are profound, they are not so overwhelming that they cannot reasonably be tackled. The problem is significant to be sure, but it is by no means insurmountable.

Researching potential solutions to the problem confirmed our understanding that housing instability among aging out youth is multifaceted yet manageable. It is with this perspective that we share this housing report with you. Our report is divided into three sections, corresponding to the three types of challenges we saw most often in our clients and in our research: the process of applying to NYCHA, the search for housing supports beyond NYCHA, and the process of applying to college while searching for housing. Within each section, we share the story of a young person who had difficulty navigating that system. These stories are based on the experiences of our clients. To protect our clients' anonymity, we've changed the names and details and, in some cases, we've merged the experiences of several clients into one larger story. Following each story, we share concrete policy recommendations that would have made a difference to these young people along the way.

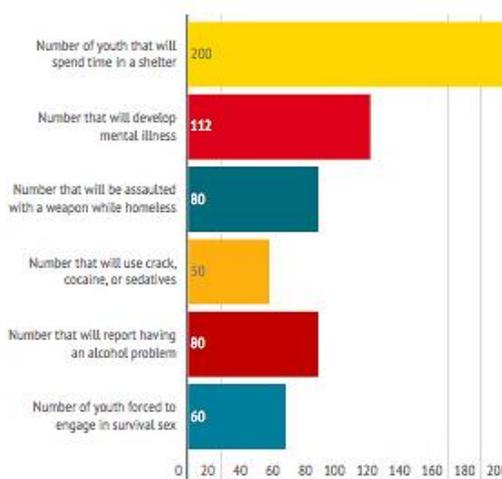
In reading our clients' stories, we hope you will find—as we have found—that all of them are resilient, competent individuals with the desire to flourish in their communities. It is in our city's best interest to remove barriers to their successes. At least one of these barriers—housing instability—can be minimized with modest adjustments to the way we approach housing for aging out youth. We hope you will join us in working to effect these important changes.

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Each year, approximately 800 young people between the ages of 18 and 21 age out of foster care in New York City. Even though state law prohibits discharging these young people to homelessness, about one quarter spend time in a homeless shelter within three years of aging out.⁷ Despite the efforts and successes of numerous advocates, housing instability among former foster youth remains a significant problem—and it is one with devastating consequences for the young people who cannot find a home. Young people who experience housing instability are at an increased risk for, among other things, developing mental health issues, struggling with substance abuse, and becoming victims of criminal activity.

As students in the Adolescent Representation Clinic at Columbia Law School, a part of Morningside Heights Legal Services, Inc., we had the opportunity to represent many young people who are aging out, or who have recently aged out, of foster care in New York City. Nearly all of our clients have experienced homelessness or some form of housing instability, and hearing our clients' stories motivated us to do something about this problem. We have been learning about housing instability among foster youth nation-wide and researching potential solutions. We've learned that the problem of housing instability among former foster youth is multifaceted yet manageable.

Of the estimated 800 youth that will age out of foster care this year



In this report, we discuss three common challenges that New Yorkers aging out of foster care face as they attempt to find stable housing. First, we discuss the difficulties of the NYCHA application process. Second, we discuss the deficiencies of the other housing supports—NY/NY III, the ACS housing subsidy, and the ACS Exception to Policy (ETP). Third, we discuss the challenge of planning for college while searching for housing. In each section, we first tell the story of a young person (modeled after one or more of our clients) who faced particular difficulty in navigating that section's challenge. Then, we draw on that story to highlight concrete recommendations that would have made a difference for that young person, and that can make a difference for future foster youth.

⁷ Federation of Protestant Welfare Agencies, "Keeping Foster Youth off the Streets: Improving Housing Outcomes for Youth that Age out of Care in New York City," (January 2014): 1. Available at <http://fpwa.org/wp-content/uploads/2015/01/Keeping-Foster-Youth-Off-the-Streets.pdf>.

Our recommendations are as follows:

First, to improve the NYCHA application process for aging out youth, we recommend:

- Permit foster youth to apply for and live in housing with their foster siblings;
- Allow foster youth to indicate flexible or changing geographic preferences;
- Eliminate the practice of deeming applications “dead” upon a missed deadline;
- Reform the eligibility requirements to permit minor drug offenses and minor criminal convictions; and
- Teach young people how to prevent losing their apartment through hosting a NYCHA orientation.

Second, to strengthen existing alternatives to NYCHA, we recommend:

- Eliminate the psychiatric examination for most foster youth applicants and centralize the NY/NY III application process;
- Standardize the ACS Exception to Policy (ETP) eligibility criteria; and
- Increase and expand the ACS housing subsidy.

Third, to make attending college easier for former foster youth in need of housing, we recommend:

- Improve advising for foster youth about the interplay between college and housing;
- Waive tuition and fees for New York foster youth;
- Prioritize foster youth for placement in CUNY dorm housing;
- Create a central portal to disseminate housing information in the SUNY system;
- Increase the availability of dorm housing over breaks; and
- Preserve the NYCHA priority for former foster youth attending college outside of New York City.



Although housing instability for aging out youth is a significant problem, it is one that is manageable and well worth our while. Our clients, and many other former foster youth, are resilient, competent individuals who want to flourish in their communities. It is in our city’s best interest to minimize their housing instability so that they can have a real chance at success. We hope you will join us in working to effect the policy changes detailed in this report.

INTRODUCTION TO HOMELESSNESS AND HOUSING INSTABILITY

What Does Housing Instability Look Like?

Homelessness among young people formerly in foster care can take a variety of different forms. Some young people fit within the traditional conception of homelessness, resorting to life on the streets because they have nowhere else to turn. Others spend their nights in shelters or “couch surfing”—bouncing around to friends and family willing to host them temporarily. Many experience some combination of all three, spending some nights in shelters, some nights with friends, and some nights on the streets. Federal law encompasses each of these experiences in its definition of homelessness.⁸

Types of Homelessness Experienced by Former Foster Youth

“Couch-Surfing”



One common form of homelessness among former foster youth involves residing temporarily with an acquaintance, better known as “couch surfing.” A 2011 survey of former foster youth who left care within the past 12 months indicated that one-fourth of the individuals surveyed have couch surfed after foster care.⁹ These youth may be living temporarily with friends, relatives, or former foster placements. Although the youth may technically have a place to sleep at night,

these youth meet the federal definition of homelessness. This population of homeless former foster youth do not have a guarantee that they will be allowed to remain in the home for an extended period of time, contributing to instability in the youths’ lives.

⁸ Federal law defines homelessness as lacking a fixed, regular, and adequate nighttime residence, residing in a primary nighttime residence that is not designed for ordinary use as regular sleeping accommodation, or staying in a public or privately operated shelter. The definition also includes the imminent loss of housing without a new residence identified or the resources necessary to obtain permanent housing. 42 U.S.C. § 11302.

⁹ Federation of Protestant Welfare Agencies, “Keeping Foster Youth off the Streets: Improving Housing Outcomes for Youth that Age out of Care in New York City,” (January 2014): 14. Available at <http://fpwa.org/wp-content/uploads/2015/01/Keeping-Foster-Youth-Off-the-Streets.pdf>.

Homeless Shelters

Another common form of homelessness for youth who have exited foster care is residence in a homeless shelter. Some homeless shelters are designed specifically to help homeless young adults, while others target young mothers, families, or the general public, among others. The amount of time a former foster youth may reside at the shelter can vary significantly. Some shelters are intended for an overnight stay only, whereas others allow individuals to reside in the shelter for an extended period of time. However, all of these shelters have one trait in common: they are not intended to be a permanent residency for former foster youth. While some shelters, particularly extended stay shelters, may provide some seemingly stable housing, these shelters are not an adequate solution to the housing problems former foster youth face. Further, youth are not always comfortable staying in shelters. They may fear the theft of their possessions, may be uncomfortable staying with older adults, or may not want to acknowledge that they are homeless. All these factors may deter youth from seeking out homeless shelters. Some may ultimately end up residing on the streets.



Streets and Other Outdoor Locations

When former foster youth are unable to reside with friends or find a shelter, they may be forced to live on the streets. Unfortunately, street living is not uncommon in New York City. One in 2,662 New Yorkers have experienced street homelessness at some point in their lives.¹⁰ Former foster youth living on the street expose themselves to a variety of risks. These risks include frostbite, physical injury, and exploitation, among other ailments. Youth who reside on the streets are also exposed to the broader range of difficulties that result from housing instability, as we document throughout this report.



¹⁰ Michael Howard Saul, "Homeless a de Blasio Hurdle," *The Wall Street Journal* (November 15, 2013). Available at <http://www.wsj.com/articles/SB10001424052702303789604579196472622130020>.

Housing Instability Advocacy in New York: *D.B. v. Richter* Settlement

The problem of housing instability for aging out youth is not new, and many advocates have worked tirelessly to create policies and procedures aimed at giving young people the best possible opportunities to secure housing before they age out. Their work has brought about important progress. As our clients' stories show, however, more must be done.

Most recently, in October 2011, the Legal Aid Society and Lawyers for Children brought a class action lawsuit against the City of New York and the Commissioner of the New York Administration for Children's Services (ACS) on behalf of youth in foster care "who have or will be unlawfully discharged into homelessness or unsuitable conditions." The *D.B. v. Richter* settlement requires ACS to implement new policies and procedures for youth aging out of foster care, including:

- Requiring caseworkers to track foster youth progress prior to discharge by submitting extensive checklists, including the Preparing Youth for Adulthood Checklist and the Discharge Checklist;
- Training and workshops focused on independent life skills;
- Assistance in securing stable housing; and
- Continued monitoring and access to services to discharged youth up to the age of 21, requiring caseworkers to contact discharged youth by phone or in person on a monthly or quarterly basis.



The settlement prompted the development of ACS' own housing unit to support caseworkers and youth. ACS has also developed new programs that focus on permanency planning and building lasting adult relationships for youth. One example is the Housing Collaborative Academy, which is a five-session program for youth whose permanency plan is likely to result in their living independently. This program provides young people with information on housing options and the NYCHA application process.

Despite these strides, there are several limitations to what the settlement can accomplish. Perhaps the largest issue is that because the settlement is a large-scale initiative, information does not effectively reach those who are in direct contact with the youth—the caseworkers, who may not be aware of recent protocols and procedures to assist young people in obtaining housing. Caseworkers are essential to the success of reforms and to the engagement of young people in planning for their discharge. They must possess a comprehensive understanding of the options available to youth. Caseworkers also need support in managing caseloads in order to give young people the time and care that is required to adequately prepare them for

adulthood. The *D.B.* settlement cannot address the systemic failures causing the high attrition of caseworkers, which results in the loss of specialized knowledge about aging out and reduces the strength of caseworker-client relationships. The challenges that caseworkers face on the job need to be addressed. Youth who trust their caseworkers are more likely to take advantage of workshops and to reach out to their caseworkers for help. When caseworker turnover is high, building trust between caseworkers and clients becomes more difficult, and young people miss out on opportunities.

Another limitation of the settlement is that the new policies do not involve youth in the decision-making process. Although young people report limited opportunities to participate in making policy, they consistently state a desire to have “a voice” in decision-making practices.¹¹ Ensuring that new policies engage youth in their own futures is critical. Through active participation, youth gain important information about their rights and options, develop decision-making skills, gain a sense of control, and may experience enhanced self-esteem.¹²

Although it has resulted in the implementation of important policies and procedures to support aging out youth, the *D.B.* settlement alone is not sufficient. As the stories in this report highlight, youth aging out of care need multifaceted solutions to their complex problems. Much more remains to be done.

Homeless youth experience increased rates of mental illness, criminal activity and victimization, substance abuse, unsafe sex, and difficulties at school. These impacts have been examined in multiple reports about homeless youth that need not be repeated here.¹³ Instead we turn to specific examples of the impact on our clients and potential solutions.

11 Jane Boylan and Pauline Ing, “Seen But Not Heard” – Young People’s Experience of Advocacy,” *International Journal of Social Welfare* 14 (2005): 2-12. Available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-2397.2005.00334.x/epdf>; Judy Cashmore, “Promoting the Participation of Children and Young People in Care,” *Child Abuse & Neglect* 26 (2002): 837-847. Available at <http://www.sciencedirect.com/science/article/pii/S0145213402003538>; Judy Cashmore, “Children’s Participation in Family Law Decision-Making: Theoretical Approaches to Understanding Children’s Views,” *Children and Youth Services Review* 33 (2011): 515-520. Available at <http://www.sciencedirect.com/science/article/pii/S0190740910001520>; Robert Sanders and Sam Mace, “Agency Policy and the Participation of Children and Young People in the Child Protection Process,” *Child Abuse Review* 15 (2006): 89-109. Available at <http://onlinelibrary.wiley.com/doi/10.1002/car.927/epdf>; and Nigel Thomas and Claire O’Kane, “Children’s Participation in Reviews and Planning Meetings When They Are ‘Looked After’ in Middle Childhood,” *Child & Family Social Work* 4 (1999): 221-230. Available at <http://onlinelibrary.wiley.com/doi/10.1046/j.1365-2206.1999.00112.x/epdf>.

12 Judy Cashmore, “Children’s Participation in Family Law Decision-Making: Theoretical Approaches to Understanding Children’s Views,” *Children and Youth Services Review* 33 (2011): 515-520. Available at <http://www.sciencedirect.com/science/article/pii/S0190740910001520>; Barry Checkoway, “What Is Youth Participation?” *Children and Youth Services Review* 33 (2011): 340-345. Available at <http://www.sciencedirect.com/science/article/pii/S0190740910003270>; Andrea Khoury, “Seen and Heard: Involving Children in Dependency Court,” *Child Law Practice* 25 (2006): 146-160. Available at http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/seenandheard.authcheckdam.pdf; Caroline Leeson, “My Life in Care: Experiences of Non-Participation in Decision-Making Processes,” *Child & Family Social Work* 12 (2007): 268-277. Available at <http://onlinelibrary.wiley.com/doi/10.1111/j.1365-2206.2007.00499.x/epdf>; Diane McNeish, “Promoting Participation for Children and Young People: Some Key Questions for Health and Social Welfare Organisations,” *Journal of Social Work Practice* 13 (1999): 191-203. Available at <http://www.tandfonline.com/doi/abs/10.1080/026505399103403>; Jennifer L. O’Donoghue, Benjamin Kirshner, and Milbrey McLaughlin, “Introduction: Moving Youth Participation Forward,” *New Directions for Youth Development* (2002): 15-26. Available at <http://onlinelibrary.wiley.com/doi/10.1002/yd.24/epdf>; and Naima T. Wong, Marc A. Zimmerman, and Edith A. Parker, “A Typology of Youth Participation and Empowerment for Child and Adolescent Health Promotion,” *American Journal of Community Psychology* 46: 100-114. Available at <http://onlinelibrary.wiley.com/doi/10.1007/s10464-010-9330-0/pdf>.

13 U.S. Department of Health and Human Services, “Homeless Youth in the United States: Recent Research Findings and Intervention Approaches.” Available at <http://aspe.hhs.gov/hsp/homelessness/symposium07/toro/index.htm#Homeless>; Safe Horizon, “Homeless Youth Statistics & Facts.” Available at <http://www.safehorizon.org/page/homeless-youth-statistics--facts-69.html>; Jessica A. Heerde, “A Systematic Review of Associations Between Physically Violent Behaviors and Property Offenses, Victimization and Use of Substances Among Homeless Youth.” Available at <http://www.sciencedirect.com/science/article/pii/S019074091400231X>; Martha Burt, “Understanding Homeless Youth: Number,

PUBLIC HOUSING: RELIANCE ON A BROKEN SYSTEM



Youth aging out of foster care in New York City commonly apply for public housing through a process run by the New York City Housing Authority (NYCHA), the public housing authority authorized to develop and operate low-income housing projects in New York City. Typically, foster youth work with their caseworkers to complete a NYCHA application before aging out of care. If done correctly, completing this application while in care allows foster youth to receive priority status on the long waitlist for a NYCHA apartment and allows foster youth to secure a spot on this waitlist while they are still in care and have a place to live.

Although there are many benefits to applying for housing through NYCHA, the current NYCHA application process is not well-adapted to serve the needs of aging out youth. It fails to make allowances for the specific needs of youth aging out, and it unnecessarily punishes former foster youth for problems that are common to most adolescents and young adults. Below, Pedro's story illustrates some of the particular difficulties that the NYCHA application process presents for youth in care. Following Pedro's story, we detail modest, reasonable policy changes that would make a big difference for young people like Pedro, for whom the current application process is missing the mark.

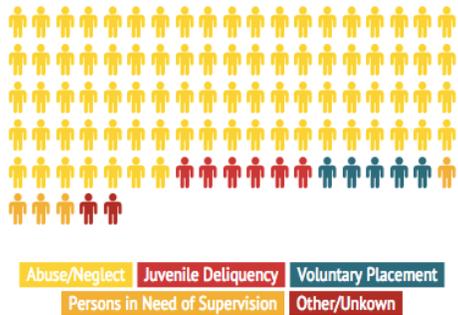
Pedro's Story

Pedro entered the foster care system on his fifth birthday, when his mother could no longer take care of him. Pedro's father had been arrested for his role in a drug dealing enterprise when Pedro was a baby. His mother's new boyfriend was in and out of Pedro's life and was physically and emotionally abusive toward Pedro's mother and Pedro. He encouraged Pedro's mother to start using drugs, and she began using and spending more time away from home. When she was home, her drug use prevented her from being an adequate caregiver.

Characteristics, Multisystem Involvement, and Intervention Options." Available at http://www.urban.org/UploadedPDF/901087_Burt_Homeless.pdf.

The day before his fifth birthday, Pedro's mother left their home after Pedro fell asleep. Before his mother could return, dozens of police officers entered Pedro's home, in what he now believes was a drug raid. The officers brought Pedro to a police office, where he entered the foster care system on the morning of his fifth birthday.

Reason for Foster Care Placement Percentage from January 2014 through January 2015



http://www.nyc.gov/html/acs/downloads/pdf/statistics/Flash_March_2015_final.pdf

Over the next fourteen years, Pedro was shuttled between five foster families in the Bronx. At school, Pedro built a network of friends and supportive teachers and staff, so the school community became a kind of family for Pedro. Pedro was lucky to remain in the Bronx throughout his time in foster care; as a result, his education was not severely disrupted and Pedro graduated from high school after being voted prom

king. Between grants from his agency and scholarships, Pedro was able to enroll in college without having to take out student loans. He took courses in Psychology and Sociology while living at his foster home. He hoped one day to work within the foster care system that raised him, to help the upcoming generation of foster youth.

With his twenty-first birthday approaching and his time in foster care coming to a close, Pedro decided to take a leave of absence from college after his first semester. He completed his application for public housing through NYCHA. NYCHA was a particularly attractive option for Pedro because of its rent structure—rent in a NYCHA apartment is 30% of a tenant's gross household income (gross income includes public assistance and government benefits). Pedro knew his income was likely to fluctuate in the coming years, so NYCHA's percentage-based rent structure offered promising protection against the possibility of losing his apartment.

Pedro also saw another significant benefit of applying for NYCHA housing: as a young person in foster care, he would receive the highest priority status. NYCHA's priority coding system determines the speed with which applicants are granted eligibility interviews. Youth aging out of foster care are assigned the "need based preference" code N0, the highest priority status. N0 status signals that the applicant has an emergency need for housing, and applications with this designation are processed at an expedited rate.

Despite the anticipated benefits of applying to a NYCHA apartment, Pedro quickly discovered that the structure of the application process would prevent him from taking full advantage of this opportunity. First, Pedro learned that, as a single person, he was required to apply only for studio apartments. Though a studio apartment would certainly satisfy his needs, Pedro was also open to the idea of living with a roommate, possibly his foster sister. As a foster youth, he

had lived with others his whole life; he enjoyed living with other people and thought living with his foster sister might ease his transition into independent living. Moreover, Pedro thought that his willingness to live with another person might expedite the process of obtaining an apartment. Pedro was surprised to learn that, to the contrary, the option of living with another young person was foreclosed to him.

While filling out his NYCHA application, Pedro also learned he had to select a borough preference, further narrowing the scope of his apartment search. Though Pedro preferred to live in the Bronx, he knew he needed an apartment as soon as possible and wanted to be considered for all available units. He was disappointed to discover that listing a borough preference was required in the application. Now limited to studio apartments in the Bronx, Pedro became worried about his chances of successfully obtaining an apartment through NYCHA.

Despite these concerns, Pedro hoped for the best and submitted his application. In October 2012, just a month before aging out of care, Pedro was certified with N0 priority and placed on the waitlist for a studio apartment in the Bronx. He thought his N0 priority would help him to secure an apartment in time. However, his priority status did not guarantee the timely processing he expected.

The NYCHA application process for foster youth, though labeled “expeditious,” is actually ridden with problems. The application contains strict, unforgiving deadlines, and the length of the waiting period can vary significantly. Young people are encouraged to apply for housing beginning at age 19.5, and no later than 20.5, to ensure their eligibility for N0 priority. This recommendation indicates that NYCHA expects young people to spend 6-18 months on the waitlist. For young people with an urgent need for housing, this wait time is plainly too long. For Pedro, it meant that his first few months of independent living were likely to be spent without a home.

Just a month before aging out of care, Pedro was certified with the highest priority and placed on the waitlist for a studio apartment in the Bronx. His priority status did not guarantee the timely processing he expected.

Adding to Pedro’s difficulties, Hurricane Sandy struck New York City just weeks after NYCHA certified his application with N0 priority. The public housing waitlists were flooded with families made homeless by the storm.

Anticipating that he would not secure a NYCHA apartment in time, Pedro applied for a New York City Administration for Children’s Services Exception to Policy (ETP) to remain voluntarily in foster care. ETPs, which are discretionary, often serve as a stopgap for young people who need more time in the system to secure housing or education. Since Pedro and his foster mother had a close relationship, he included in his application that he could continue to live with her under the ETP. Unfortunately, his ETP was denied and Pedro’s housing instability began.

In a testament to Pedro's warm nature, his foster mother kindly allowed Pedro to stay with her without receiving financial subsidies from the city. In April 2013, however, Pedro left his foster mother's home. He moved to a foster sister's studio apartment, but he had to leave after about three months. Pedro has been effectively homeless ever since. Though his foster mother allows him to stay with her on occasion, Pedro feels uncomfortable relying on her too much. Sometimes, he stays with cousins or friends, working at night and sleeping during the day in order to be less intrusive. In reality, Pedro has no home.

In February 2014, nearly a year and a half after being placed on the NYCHA waitlist, Pedro checked his NYCHA account and learned that his application had been deemed inactive.

Apparently, NYCHA believed he was no longer seeking housing. Pedro, of course, was still homeless and had no idea why NYCHA suddenly considered his housing needs satisfied. Pedro called his former caseworker, with whom he still had a close relationship. She knew that his status had changed and had already placed a call to NYCHA.

Nearly a year and a half after being placed on the NYCHA waitlist, Pedro checked his NYCHA account and learned that his application had been deemed inactive. NYCHA believed he was no longer seeking housing.

Pedro's caseworker told him that when she spoke to NYCHA, NYCHA initially informed her that Pedro had missed a mandatory mailing. NYCHA frequently sends letters to applicants while updating their waitlists to verify that the applicant wants to remain on the list. If applicants fail to return the mailing within 45 days, they are removed from the waitlist and their applications are deemed "dead."

Pedro's mailing address on his application, however, was his foster care agency. Therefore, his caseworker was confident that Pedro had never received such a mailing. She pushed to speak with a supervisor and, after a long wait, was informed that the change in Pedro's status was due to a computer glitch. Over the next week, the glitch was fixed and Pedro was placed back on the waitlist. Over two years later, Pedro remains on that waitlist, still with the highest possible priority.

Lessons and Recommendations

Pedro's story is not unique. Many young people aging out of foster care hope to secure NYCHA apartments. Frequently, however, their attempts to obtain housing are frustrated by NYCHA's unforgiving policies, which punish young people for small mistakes instead of supporting them in their transition to independence. Pedro's experience illustrates some of the difficulties associated with this process and highlights several avenues for reform. Below, we describe five of these avenues in detail. Specifically, to improve the NYCHA application process for aging out youth, we recommend that NYCHA: permit foster youth to apply with their foster siblings; allow foster youth to indicate flexible or changing geographic preferences in their applications;

eliminate the practice of deeming applications dead if an aging out applicant misses a deadline; reform the eligibility requirements; and teach young people how to prevent termination of tenancy.

Permit Foster Youth to Apply for NYCHA with Foster Siblings

When Pedro applied for NYCHA housing, he was interested in the possibility of living with his foster sister. Unfortunately, NYCHA's definition of family prevented such an arrangement. NYCHA allows two or more individuals to live together as family only if they are related by "blood, marriage, domestic partnership, adoption, guardianship or court awarded custody." Foster siblings are excluded from this definition of family, and cannot live together in a NYCHA apartment.

For Pedro, the possibility of living with his foster sister may have improved his chances of obtaining a NYCHA apartment. Instead of occupying two places on the lengthy waitlist for a studio, he and his sister could have applied jointly for one NYCHA unit. Furthermore, living with his foster sister could have smoothed Pedro's transition to independent living. Foster youth, like many young people living on their own for the first time, could benefit from living with one or two peers.

To allow for this possibility, we recommend that NYCHA modify its definition of family to include young people related by a common foster home. This small change would allow young people who have grown up together to continue to support one another as they transition to independent living. It would also reduce the wait time for studio apartments, and make more economical use of existing NYCHA units. It is a practical change that would benefit foster youth while addressing, in a small way, the shortage of NYCHA studio apartments.

Allow Applicants to Indicate Flexible or Changing Geographic Preferences

As Pedro's story illustrates, NO applicants found eligible for housing are generally required to select one borough preference. These applicants are subsequently matched to vacancies in the chosen borough, without regard to the applicants' preferences for particular apartment complexes.¹⁴ This system is ill-suited to the needs of aging out youth and creates unnecessary obstacles to obtaining NYCHA housing.

Many foster youth are unable to predict which borough will best meet their needs when they finally get off the NYCHA waitlist. Unlike some other NYCHA applicants, most foster youth enter adulthood without stable relationships or steady jobs. They may move frequently for job or school opportunities and some, like Pedro, may not want to narrow their potential housing options by borough. The NYCHA application, however, does not afford young people the

¹⁴ "New York City Housing Authority Tenant Selection and Assignment Plan" (September 10, 2015): 28. Available at <http://www1.nyc.gov/assets/nycha/downloads/pdf/TSAPlan.pdf>.

flexibility to omit or amend borough preferences. This forces applicants to unnecessarily limit the scope of their housing search, and it requires them to take their best guess as to where they'd like to live many months or years from their date of application.

This rigidity presents especially serious consequences for youth aging out of care, for whom rejecting a housing placement can result in the loss of their priority status. Emergency applicants, including those aging out of foster care, are permitted to reject only one offer of an apartment without penalty. A rejection of a second offer—without a showing of a “temporary emergency,”—results in the application being deemed closed and necessitates reapplication.¹⁵ Because aging out youth qualify for NO priority for only a limited time period, having to reapply can cause applicants to lose their priority status. This threatened loss of NO priority, combined with the inability to omit or amend borough preferences, forces an unnecessarily rigid system upon a vulnerable population. It fails to afford these young people the flexibility that their unstable lives demand.

We recommend that aging out youth NO applicants be given the option to join the waitlist for as many boroughs as they choose. In addition, they should be permitted to amend their preferences throughout their time on the waitlist to reflect their changing circumstances.

Eliminate the Practice of Deeming Applications “Dead” for Foster Youth

Pedro's experience with his NYCHA application being declared “dead” illustrates another major obstacle to obtaining public housing: NYCHA's imperfect record-keeping and unforgiving approach to deadlines.

Homelessness by the numbers

 **817**

Number of youth that aged out in NYC

26%

Percentage of youth who aged out in 2011 who spent time in a homeless shelter within 3 years

NYCHA currently employs a rigid approach to the waitlist requirement requests, like replying to a mailing. If requests are not acted upon within the specified timeframes, NYCHA has a practice of “deeming applications dead.” Once an individual's application is dead, that person must wait a year before reapplying for NYCHA housing.¹⁶ In Pedro's case, this policy—combined with NYCHA's inaccurate record keeping—resulted in his application erroneously being labeled inactive. Fortunately for Pedro, his former caseworker was able to demonstrate that Pedro had not failed to reply to a

mailing. Still, his story highlights how NYCHA's rigid approach to deadlines poses especially significant challenges for youth aging out of care who may be dependent on their foster care agency or former foster homes for their mail.

¹⁵ New York City Housing Authority Tenant Selection and Assignment Plan (September 10, 2015): 28. Available at <http://www1.nyc.gov/assets/nycha/downloads/pdf/TSAPlan.pdf>.

¹⁶ Housing Services for APPLA Youth, ACS Procedure #2011/05: 8.

Youth aging out are transitioning to independent living at a young age often without the support of a caring and stable adult. They are adolescents and young adults who are still developing the ability to consider the long-term consequences of their conduct, and many, like Pedro, have experienced childhoods marked with instability and trauma, experiences which continue to affect their ability to manage deadlines and everyday tasks. For example, one of our clients developed severe depression while in college after growing up surrounded by drug abuse and homelessness. His depression made it difficult for him to get up in the morning, and keeping up with mailings and deadlines was a significant challenge, affecting his ability to stay in college and maintain his disability benefits.

We recommend that NYCHA cease to impose strict deadlines with dire consequences on such a vulnerable population—particularly given the fact that, as Pedro’s case demonstrates, NYCHA record-keeping is not immune from error. Instead, NYCHA should implement a grace period for submission of a NYCHA application post-discharge and eliminate the practice of deeming an application dead if a young person is not diligent in replying to NYCHA mailings. Such a change in policy would have saved Pedro and his caseworker the trouble of challenging NYCHA’s error. For many more young people, it would prevent substantial, unnecessary delays to obtaining a stable and affordable home.

Reform the Eligibility Requirements on Minor Offenses

Pedro was fortunate not to face barriers to his *eligibility* for a NYCHA apartment. However, many young people are denied NYCHA housing—or altogether refrain from applying to it—based on NYCHA’s stringent eligibility criteria. One of our clients, for example, did not apply to NYCHA housing because she knew her minor criminal record would prevent her from qualifying within a reasonable timeframe. This left her with almost no reasonable housing options upon aging out.

Eligibility for NYCHA is assessed on the basis of an applicant’s citizenship and immigration status, current residence, rent payment record, family composition, income and assets, and the NYCHA-developed Standards for Admission.¹⁷ The Standards for Admission, in particular, pose a significant barrier to eligibility for some youth aging out of care, as they create lengthy delays for individuals with criminal convictions, pending charges, or a history of drug use.

For young people with criminal records, the barriers to obtaining a NYCHA apartment can be particularly harsh. If a young person has been convicted of a misdemeanor or felony, he is ineligible for a NYCHA apartment for 3-6 years after the completion of his sentence.¹⁸ In addition, NYCHA has a policy of denying or holding applications from individuals with pending

¹⁷ *Eligibility Division-Public Housing Program*, in New York City Housing Authority, Department of Housing Applications Manual, Chapter V: 5.

¹⁸ New York City Housing Authority Tenant Selection and Assignment Plan (September 10, 2015): 23. Available at <http://www1.nyc.gov/assets/nycha/downloads/pdf/TSAPlan.pdf>.

charges.¹⁹ In practice, this prevents young people with pending charges from being added to the waitlist and can slow, or altogether jeopardize, their ability to obtain public housing. Since homeless youth are at an increased risk for survival-oriented criminal activity, the effect of this policy could be significant.

The NYCHA policy on drug use also has a significant impact on youth aging out of care. The Standards for Admission impose a three-year eligibility delay on individuals who “illegally used a controlled substance within the last three years.”²⁰ This provision allows NYCHA to deny applicants on the suspicion that the applicant, or a member of the applicant’s family, is guilty of such minor offenses as occasional marijuana use.

This provision unnecessarily and unfairly restricts access to public housing. Especially problematic is its impact on single mothers, whose eligibility can be put in jeopardy because of the drug use of a child’s father.

NYCHA’s eligibility requirements create a tremendous burden for young people who desperately require housing and pose no danger to the community. We recommend that NYCHA

change its Standards for Admission to permit eligibility for young people with a history of minor, occasional drug use. It should also require case-by-case consideration of individuals with prior convictions or pending charges. These reforms will preserve eligibility for appropriate youth, while allowing NYCHA to screen out candidates who pose a danger to the living community.

NYCHA’s eligibility requirements create a tremendous burden for young people who desperately require housing and pose no danger to the community.

Teach Young People How to Prevent Losing Their Apartments

While obtaining a NYCHA apartment is a difficult, drawn-out process, young adult tenants are far from finished with the specter of housing instability once they secure an apartment. Residents can be evicted from their apartment, referred to as a “termination of tenancy,” on grounds of “non-desirability, breach of rules and regulations, chronic breach of rules and regulations, chronic delinquency in the payment of rent, non-verifiable income, assignment or transfer of possession, and misrepresentation.”²¹

Several of these grounds for eviction are confusing for youth aging out of foster care. While “non-desirability” may be the most vaguely defined--encompassing behavior ranging from criminal offenses such as illegal possession of a deadly weapon to the relatively minor

19 The Bronx Defenders, “The Consequences of Criminal Proceedings in New York State: A Guide for Criminal Defense Attorneys and Other Advocates for Persons with Criminal Records” (April 2015):69. Available at http://www.reentry.net/ny/library/item.76898-Consequences_of_Criminal_Proceedings_in_New_York_State_August_2014_The_Bronx.

20 New York City Housing Authority Tenant Selection and Assignment Plan (September 10, 2015): 25. Available at <http://www1.nyc.gov/assets/nycha/downloads/pdf/TSAPlan.pdf>.

21 New York City Housing Authority, No. NYCHA 040.302S, Termination of Tenancy Procedures (1997). Available at <http://blogs.law.columbia.edu/4cs/files/2008/11/nycha-termination-of-tenancy-procedures1.pdf>.

infractions of “poor housekeeping”—other bases may also be misunderstood by young tenants.²² Youth aging out of care may not have all the independent living skills necessary for a successful transition from foster care to adult life. Young adults may also not fully understand that allowing friends to stay with them for extended periods of time could jeopardize their lease or that minor rule infractions over time could add up to a charge of “undesirability.”

To address the lack of life skills and experiences of many young tenants, we recommend that NYCHA hold an orientation event prior to the start of the lease for aging out youth. This orientation could be developed in collaboration with ACS, tenants associations and youth advocates groups. Over time, former foster youth living in NYCHA housing could participate in the orientation or serve as peer mentors. To be optimally effective, these orientation events

To address the lack of life skills and experiences of many young tenants, we recommend that NYCHA hold an orientation event prior to the start of the lease for aging out youth.

would cover all issues tenants might expect to encounter during their tenancy, including but not limited to NYCHA rules and regulations and rent payment procedures. An orientation or similar offering would be consistent with the existing guidelines identified in the NYCHA Management Manual, in which housing project managers are instructed to act to “prevent[] . . . problem situations before they develop to a point where there is no alternative but to terminate tenancy.”²³ This relatively low cost program could greatly enhance the living conditions and stability of the tenants and diminish the likelihood of their eviction. For those occasions when a young person does face the possibility of eviction, we urge NYCHA to connect that

young person with an advocate who can help her to understand the alleged violations and to challenge the eviction at a hearing.

²² Chapter IV, Appendix B: Termination of Tenancy—Non-desirability Actions, in NYCHA Management Manual (2012).

²³ Chapter IV, Appendix B: Termination of Tenancy—Non-desirability Actions, in NYCHA Management Manual (2012).

FALLING THROUGH THE CRACKS: THE FAILURE OF OTHER HOUSING OPTIONS



NYCHA is not the only housing option available to youth aging out of care. Other programs—such as supportive housing, the ACS housing subsidy, and ACS Exception to Policy (ETP)—present promising alternatives for youth who need support, but for whom NYCHA is not a good fit. Unfortunately, these programs suffer from significant deficiencies, and taking advantage of them presents a formidable challenge for young people and their caseworkers. Below, Tanisha’s story highlights some of the challenges that await foster youth seeking to take advantage of housing opportunities beyond NYCHA. Following Tanisha’s story, we present three recommendations for improving these alternative programs.

Tanisha’s Story

Tanisha entered foster care as a teenager because her parents kicked her out of their home when they discovered she was pregnant. Unwilling to support her during her pregnancy, her mother signed a voluntary placement agreement and with that, Tanisha entered care. While in care, Tanisha got along well with her foster mother, who was supportive of her pregnancy and gave her the kind of freedom she wanted from a parental figure. However, Tanisha believed that another foster youth in the house was stealing her belongings, and she argued frequently with her. Tanisha hoped to exit foster care and live with her boyfriend after having their baby. But unfortunately, she suffered a miscarriage three months after entering care. Tanisha decided not to return home after losing her baby; instead, she began preparing to age out.

Tanisha knew that once she left care, she would need a place to live. She had heard about NYCHA from her caseworker, but was concerned about pursuing a NYCHA apartment because she was afraid to live alone. Ideally, she wanted to live with her boyfriend upon aging out of care. Nevertheless, Tanisha knew that her housing options were limited; she submitted a NYCHA application around the time of her 19th birthday. Several months later, Tanisha got into a fight with the other foster youth living in her home, and the young person called the police on her. Tanisha became extremely angry and left her foster home, staying with her boyfriend's family. When she returned to her foster home several weeks later, she learned that her NYCHA application had expired. As an alternative, her caseworker encouraged her to apply for supportive housing. Her caseworker explained that supportive housing served both young people aging out of care and individuals with mental illnesses. She told Tanisha that supportive housing offered a sense of community, as well as several support services that Tanisha could take advantage of, if interested.

New York's supportive housing that can be accessed by aging out youth, called NY/NY III, reserves 400 units for young people.²⁴ The program divides young people into two separate populations. The first, Population C, is for youth with serious mental illnesses.²⁵ The second, Population I, is for youth aged 18–25 who are leaving foster care and at risk of street or sheltered homelessness.²⁶ Despite distinguishing between these two populations, NY/NY III

Although a model applicant for Population I—youth leaving foster care and at risk of homelessness—Tanisha was extremely reluctant when she learned she would have to submit to a psychiatric examination in order to obtain housing.

demands a similar application process from both. Specifically, young people in both populations are required to go through an intensive psychiatric examination—despite the fact that many young people in Population I have no mental illness. Although a model applicant for Population I, Tanisha was extremely reluctant when she learned she would have to submit to a psychiatric examination in order to obtain housing. She told her caseworker that she didn't trust psychiatrists and was not willing to go through with the evaluation.

With NYCHA and NY/NY III both off the table, Tanisha decided to search for an apartment independently. Her caseworker informed her that, as a foster youth, she was eligible for two annual grants of \$1800 each, which she could put toward rent arrears, security deposits, broker fees, or other moving expenses. The caseworker explained that, as long as she remained on trial discharge with the goal of "another planned permanent living arrangement" (APPLA), she would qualify for this subsidy each year until she turned 21.²⁷ Unfortunately, her caseworker did not tell her the

24 "NY/NY III Housing", *The Network Supportive Housing of New York*. Available at <http://shnny.org/learn-more/youth-programs/ny-ny-iii-housing>

25 *Id.*

26 *Id.*

27 "Revised Foster Care and Preventive Housing Application and Approval Process." Available at <http://www.legal-aid.org/media/133726/revised%20foster%20care%20housing%20application%20and%20approval%20process.pdf> and see "ACS Housing Subsidy." Available at <http://archive.advocate.nyc.gov/housing-guide/a/3>.

whole story. In reality, Tanisha was eligible both for the annual grants and for a \$300 rent subsidy, which she could receive each month until she turned 21 (this subsidy has a \$10,800 cap, from which any annual grants are deducted).²⁸ The ongoing subsidy would have been particularly attractive to Tanisha, who was more concerned about her monthly rent than she was about any moving costs.

Even if Tanisha had been told about the ACS housing subsidy, the amount would have made little difference. The \$300 amount has remained stagnant since the program's inception in the 1980's. It has not even been adjusted for inflation. Moreover, the subsidy application requires no less than seven forms, a valid lease agreement (which would be hard for Tanisha to secure *prior* to receiving the subsidy), proof of income, and/or awards letter for benefits. These formidable requirements, in addition to her agency's failure to relay the correct information, made the housing subsidy unattainable for Tanisha.

Still without any living arrangements, Tanisha felt desperate as she neared her 21st birthday. Feeling trapped, she asked her caseworker to help her apply for an ETP. She hoped that securing an ETP would at least buy her some time to find adequate housing before being discharged. However, her caseworker told her that, because she wasn't in school or working, she wasn't likely to qualify. Feeling frustrated and out of options, Tanisha walked out of foster care without a formal discharge or a place to live. She stayed first with her boyfriend's family for a little while, and then with some friends. When she got kicked out of her friends' apartment, however, she had nowhere to go. She called her caseworker and asked for help. But by then, she was 21. Her caseworker said there was little she could do and suggested she enter the shelter system.

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Lessons and Recommendations

For many young people like Tanisha, NYCHA does not offer the best means of securing housing upon leaving care. But the existing alternatives to NYCHA are inadequate to support the specific needs of aging out youth. A few concrete changes, however, would go a long way toward strengthening the existing programs. Specifically, we recommend: removing existing barriers to applying for supportive housing, standardizing and clarifying the ETP eligibility criteria, and increasing and expanding the ACS subsidy.

28 "Housing Support Services." Available at http://www.nyc.gov/html/acs/html/support_families/housing.shtml.

Eliminate the Psychiatric Examination for Most Foster Youth Applicants and Centralize the NY/NY III Application Process

While supportive housing is a good option for some young people aging out of care, the difficulties associated with applying for this program unnecessarily discourage many appropriate applicants, like Tanisha. Relatively minor adjustments to the NY/NY III application process would maximize the number of young people taking advantage of this program and more efficiently distribute the available housing units. We have two specific recommendations. First, we recommend eliminating the psychiatric evaluation for most Population I applicants. Second, we suggest centralizing the NY/NY III application process.

As Tanisha's story highlights, many young people aging out of care have experienced significant breaches of trust that make them unwilling to submit to lengthy interviews or probing about their personal lives. Requiring these young people to submit to intrusive psychiatric evaluations in order to get an apartment is unfair and unnecessary. Though appropriate for Population C applicants, whose members have previously been institutionalized for mental illness, the evaluation is ill-suited for most Population I applicants, who are not seeking intensive mental health services and may view the testing as inappropriate, demeaning or intrusive. As Tanisha's story demonstrates, the evaluation serves to deter worthy applicants who would contribute to the sense of community that supportive housing seeks to foster. Accordingly, we recommend making the psychiatric evaluation a requirement only for Population I applicants for whom it is clearly needed.

Some young people are discouraged from applying for supportive housing not because of the psychiatric evaluation, but simply because the application process is too hard to understand. A lack of coordination among residences can force applicants to spend hours on the phone, just trying to determine where there are available units. For example, in representing one of our clients, one team of students spent multiple days on the phone trying to secure an interview for a supportive housing residence. Requiring that kind of time commitment from applicants, caseworkers, and advocates creates a significant barrier for vulnerable young people and overworked professionals. A simpler, more centralized application process would more efficiently and effectively match worthy candidates to available units.

Standardize the ACS ETP Eligibility Criteria

Tanisha's story, particularly when read in conjunction with Pedro's, highlights another challenge facing young people preparing to age out—the lack of clarity surrounding the discretionary grant of ETPs. Both Pedro and Tanisha, who had been diligently searching for housing well before their 21st birthdays, were unable to secure ETPs—Pedro because his application was denied, and Tanisha because her caseworker advised her not to apply. More guidance should be provided to young people regarding when this discretionary benefit is granted, and when it is not.

We recommend that ACS standardize the ETP eligibility criteria, in order to inject consistency and predictability into the granting of this discretionary benefit. Currently, there is little guidance regarding what makes a qualified ETP applicant, leaving young people and caseworkers uncertain about whether to apply. Clear criteria would help young people and their caseworkers analyze more effectively the possibility of qualifying for an ETP.

Increase and Expand the ACS Housing Subsidy for Foster Youth

The ACS housing subsidy is a crucial security for foster youth trying to pay rent and moving costs in this expensive city. For the grant to be effective, however, the amount has to be increased. The subsidy is only \$300 a month—the same as it was when the program was founded in the 1980's. Out of fairness to the young people who rely on it, the New York State Legislature should adjust the subsidy to account for inflation and the higher cost of living in New York City. It should reflect the difficult housing market that the young people using it are up against. Increasing the housing subsidy (to at least the inflation-adjusted rate of \$850²⁹) would

Increasing the housing subsidy (to at least the inflation-adjusted rate of \$850) would help young people to find stable housing outside of NYCHA, and would support them in their efforts to invest in work and education.

help young people to find stable housing outside of NYCHA, and would support them in their efforts to invest in work and education. An adjusted, fair housing subsidy could make a real and meaningful difference in these young people's lives.

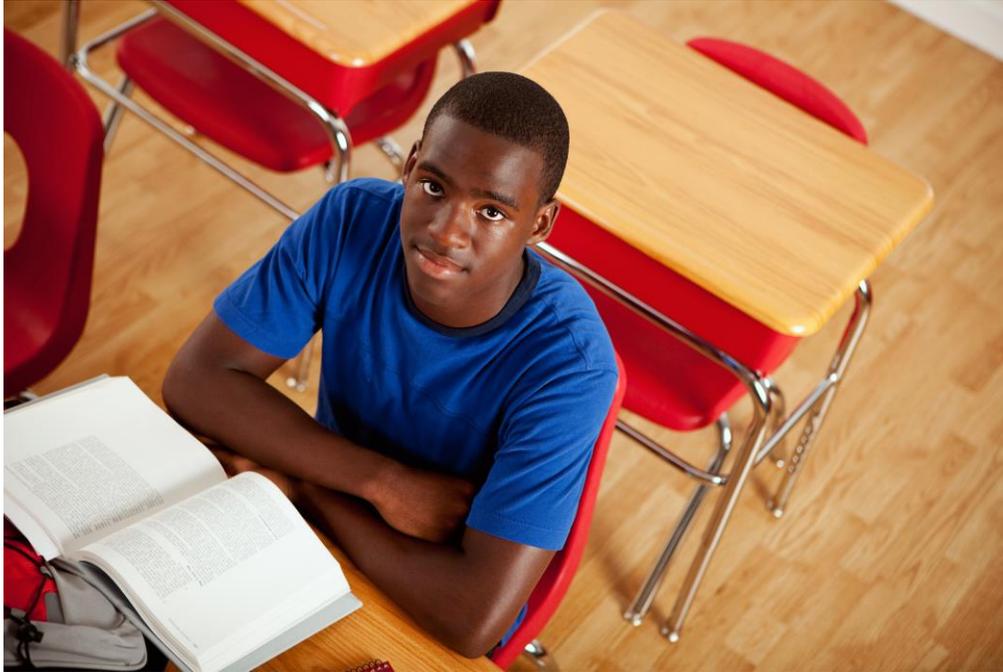
In addition, the subsidy should be available for use toward a wider range of housing options. Currently, young people are required to secure a lease before qualifying for the subsidy. This requirement ignores the reality that many young people cannot secure a lease, and are instead more likely to share an apartment or rent a room. If young people were permitted to use their subsidy to support these

alternative housing arrangements, their housing would be far more stable, and they would be significantly better positioned to become independent before reaching their 21st birthdays.

Finally, the subsidy should be available to aging out youth until age 25, like supportive housing. This would provide them with sufficient time to stabilize their income following educational and initial career opportunities.

29 "CPI Inflation Calculator." Available at <http://data.bls.gov/cgi-bin/cpicalc.pl?cost1=300&year1=1980&year2=2015>.

AN UNFAIR CHOICE: THE INTERSECTION BETWEEN COLLEGE AND HOUSING



Foster youth who plan to go to college face an added layer of difficulty in their search for a stable home. Valid concerns about the financial reality of going to college, and inadequate counseling for the motivated youth who choose to apply, often combine to create the perception that choosing college requires forgoing a stable housing arrangement. Too often, foster youth are forced to turn down college acceptances out of a fear that attending college will jeopardize their housing options. Below, Marcus's story illustrates this tension. Following Marcus's story, we describe three policy changes which could have made a big difference to Marcus, and which we hope will make a difference for future foster youth.

Marcus's Story

A high school junior and successful student, foster youth Marcus was thinking about his future. He wanted to become a music producer, and he decided he'd like to go to college. Marcus talked to his caseworker about his college plans. His caseworker was proud of him for pursuing college, but didn't know very much about how to get organized to apply. She referred him to a program designed to help first-generation college-bound students navigate the college application process. During her meetings with Marcus, the caseworker continued to focus on finding stable housing. Marcus and his caseworker never discussed the interplay of college and housing, and how pursuing one might affect the other.

Meanwhile, Marcus enrolled in the program that his caseworker had recommended. The program was extensive—it provided workshops, activities, and assignments designed to help young people prepare for, and apply to, college. But while the program targeted first-generation college-bound students, it was not tailored to meet the particular needs of foster youth like Marcus. As a result, the program was unable to offer him key information and guidance about how the decision to attend college would affect him in particular. For example, the program was not familiar with the special financial aid options—such as Education and Training Vouchers (ETVs)—available to foster youth. Instead, Marcus was counseled only about general financial assistance available to low-income New Yorkers. Marcus did not believe such programs would cover his expenses, and he became concerned that college would be unaffordable for him.

For example, the program was not familiar with the special financial aid options—such as Education and Training Vouchers (ETVs)—available to foster youth. Instead, Marcus was counseled only about general financial assistance available to low-income New Yorkers.

Even if Marcus had been fully informed about his options, however, the truth is that college still would have been a significant burden on him financially. Typically, even the full amount of public financial assistance falls short of covering a foster youth's basic expenses.³⁰ For example, in a recent report about aging out youth, grants and scholarships covered one former foster youth's tuition. Nevertheless, this young person still had to work 2-3 jobs at a time to meet his other school and living expenses.³¹ Another former foster youth received full TAP (Tuition Assistance Program—a grant program for low-income New Yorkers), Pell and ETV awards, but was still short \$11,000 for housing.³² For a young person about to embark on the demands of a full-time college course load, the prospect of making

up that difference can be daunting. For many, it makes the dream of going to college seem like an impossibility.

Marcus was one such young person. When Marcus was admitted to a City University of New York (CUNY) community college in the Bronx, he was extremely proud of his accomplishment. However, he feared he would be unable to keep up with his schoolwork while earning enough money to cover his expenses. Complicating his decision further was the knowledge that he had to find a place to live. Marcus researched the housing options at his community college, but learned that it had no dorms available for students. Moreover, even the CUNY senior colleges had very limited housing options. Students attending one of these schools had to apply for housing each year, and no priority was given to former foster youth or others with an urgent need. In all, only 1% of CUNY students lived in on-campus housing. And if these students

30 Youth in Care Coalition, "Fostering Independence: The Need for a Statewide Foster Youth College Success Initiative" (May 2014): 2. Available at <http://www.childrensaidsociety.org/files/upload-docs/Fostering%20Independence%20Report%20Final.pdf>.

31 *Id.*, 5.

32 *Id.*, 8.

wanted to stay in their dorms during school breaks, they had to re-apply. Marcus was disappointed to learn about these dim prospects for on-campus living.

Marcus got a lucky break when, a few months later, he learned that he had been approved for a NYCHA apartment. Marcus was thrilled—he knew these apartments were hard to get and that he was fortunate to get off the waitlist so quickly. His excitement turned to worry, however, when he spoke to his foster parents and his caseworker. His foster parents and caseworker told him—*incorrectly*—that in order to live in NYCHA housing, he had to work at least 40 hours a week. Marcus was shocked—how could he possibly work 40 hours a week as a full-time student? He didn't know what to do. Marcus's foster parents encouraged him to take the apartment—it was nice to go to school and learn something, they said, but he had the opportunity to get an apartment in Manhattan.

Marcus decided to take the NYCHA apartment. But it was hard for him to let go of his dream of going to college. He decided to start working 40 hours a week and to see what it was like—if it was manageable, maybe he could enroll in college after all. After his first month of work, however, he realized that doing both would be impossible. He informed his college that he could not enroll.

Lessons and Recommendations

Marcus's story illustrates the unique challenges of foster youth who are both looking for housing and planning for college. Inadequate guidance, misinformation, and the financial realities that these foster youth face can make the pursuit of college seem completely unmanageable. It shouldn't be this way—and it doesn't have to be. Below, we list a series of recommendations that would make pursuing college a more manageable option for aging out foster youth who also need housing. Specifically, we recommend: improving advising about the interplay between college and housing; waiving tuition and fees for foster youth; prioritizing foster youth for placement in dorm housing; centralizing the dissemination of information about housing availability; increasing the availability of dorm housing over breaks; and reserving the NYCHA priority for students attending college outside New York City.

Improve Advising about the Interplay between College and Housing

One of Marcus's major challenges in planning for college was his caseworker's lack of experience in working with college-bound youth. Though supportive of his plans and proud of his academic accomplishments, Marcus's caseworker did not have the expertise to advise him about how planning for college would impact his housing plans. Marcus's caseworker, of course, is not alone. Since going to college is rare for foster youth—only 20% of foster youth nationwide actually attend college—most caseworkers lack experience helping young people plan simultaneously for housing and college.

To address the inadequacy of advising around planning for college and housing, we recommend expanding the role of education liaisons, who are already responsible for counseling college-bound aging out youth. First, agencies should ensure that all young people considering college are connected with an education liaison who can accurately advise them about their options, and about the interplay between attending college and obtaining housing. Second, we recommend improving the training of education liaisons to address the specific challenge of trying to obtain housing while applying to college. All caseworkers counseling youth on this complicated decision should understand fully the various options available to young people and the consequences of each.

Waive Tuition and Fees for New York Foster Youth

Acknowledging that tuition is a particularly insurmountable obstacle for aging out youth, several states simply waive in-state tuition and fees for young people aging out of care. Texas, Florida, Maryland, Minnesota, Massachusetts, Maine, Kentucky, and Oklahoma have all waived tuition in-full for former foster youth. A simple tuition and fee waiver would make college a much more realistic possibility for foster youth in New York. Beyond giving them one less expense to worry about, a waiver would also save young people the time and angst associated with researching financial aid options. As Marcus's story illustrates, the process of finding assistance for college is riddled with misinformation.

Texas, Florida, Maryland, Minnesota, Massachusetts, Maine, Kentucky, and Oklahoma have all waived tuition in-full for former foster youth.

Implementing a simple, uniform tuition waiver for

all foster youth would reduce the transmission of inaccurate information and save foster youth the stress of researching their options. Former foster youth who have the motivation and academic qualifications to attend college should never be dissuaded from enrolling because of their financial status.

CUNY: Prioritize Foster Youth for Dorm Housing

As Marcus learned while researching his on-campus housing options, living in a dorm was impossible at his community college, and very unlikely at most CUNY schools. In fact, no CUNY community college has dorms, and only nine of CUNY's 13 senior colleges offer on-campus housing. As a result, only 1.15% of CUNY's students live in campus housing.³³ Though expanding the availability of CUNY on-campus housing may not be possible in the near future, CUNY could be more intentional about attempting to match the housing that is available to the applicants with the most need. Currently, all applicants for housing—except for those with disabilities—are evaluated under the same criteria. This means that aging out foster youth are not given priority over other applicants with more options for securing a stable home. We

33 Of 269,000 degree-credit students, 3,100 live on campus. Available at <http://www.cuny.edu/about/administration/offices/sa/student-activities/StudentHousingandResidenceLife/HIGHLIGHTS.html>.

recommend that CUNY create a priority status for aging out foster youth and other applicants who have an urgent need for housing. This would allow CUNY to use its limited housing to support those students with the most need.

SUNY: Create a Central Portal for Housing Information

As compared to CUNY schools, the State University of New York (SUNY) system has far more robust on-campus housing offerings. Approximately 50% of SUNY students live on campus. However, learning about the SUNY housing opportunities can be a time-consuming and burdensome process. SUNY does not maintain a centralized website listing the housing options available across the system, so students seeking this information have to look at the housing websites of each individual school to which they would like to apply. This can be difficult for young people aging out of care, and it may dissuade some youth from applying. We recommend that SUNY create a central portal dedicated to providing applicants with information about housing opportunities across the SUNY system. This portal would serve as a one-stop shop for applicants who do not have the time or support to research housing opportunities on 60 different websites. It would make the prospect of finding housing at college seem far less daunting, and would encourage young people aging out of care to apply to the SUNY system.

Increase the Availability of Dorm Housing over Breaks

Marcus was prevented from obtaining on-campus housing because his CUNY community college did not offer any. However, many other young people are dissuaded from accepting available dorm housing because they are worried about where they will live during school breaks. Former foster youth do not have the option of simply staying with their parents when school is on recess. If their colleges do not permit them to stay in their dorms while on break, they risk being homeless for several months each year. Several of the clinic's clients have experienced this problem.

The Higher Education Opportunity Act of 2008 allocated money for Student Support Services programs to provide housing during school breaks for homeless students and students from foster care.³⁴ In addition, the National Association for the Education of Homeless Children and Youth ("NAEH CY") encourages colleges to keep some dorms open over breaks and to create a website where youth can confidentially disclose their housing needs for school breaks.³⁵ We reiterate these recommendations, and offer San Francisco State University's (SFSU) year-round housing option as a model. SFSU, which was the first public university to offer year-round housing to former foster youth, reserves 10 fully-furnished apartments (accommodating 40 young people) for former foster youth. These units are available to students during holidays and

34 National Association for the Education of Homeless Children and Youth, "A Home for the Holidays: Five Things Your Campus Can Do to Help Homeless and Foster Youth." Available at <http://naehcy.org/sites/default/files/images/dl/home-holidays-2014.pdf>.

35 *Id.*

summers at no cost, and also come with a free meal plan.³⁶ The apartments serve both to fill the need of a highly vulnerable population and to provide a physical space for this population to build community. It is one example of the many possible ways New York universities and colleges could better meet the needs of their population of former foster youth.

Preserve NYCHA Priority for Former Foster Youth Attending College Outside of New York City

Many young New Yorkers hope to go to college outside of New York City, but plan to return to the City once they finish their studies. For former foster youth, this preference comes with an added layer of complication: the risk of losing their NYCHA priority. If they wait until they graduate to apply for NYCHA, they will be too old to take advantage of their N0 status. But if they apply for NYCHA while at college, they risk being selected while they are away—forcing them to choose between staying at college and coming home to take the available apartment.

The City could relieve the stress of this decision by allowing foster youth to reserve their NYCHA priority and apply with N0 status (or at least the lower priority status N1 or N2) after they finish their studies. This would significantly reduce the anxiety of college-bound foster youth and provide these deserving young people with a reasonable shot at securing an affordable apartment upon their return home. This policy would also be unlikely to place too much of a burden on the City—having graduated from college, many of these young people may earn sufficient income to live outside the NYCHA system anyway.



36 California College Pathways, “No Time to Lose: A Policy Agenda to Support College Success for Foster Youth,” 17. Available at www.cacollegepathways.org/sites/default/files/no_time_to_lose_-_final_single_page_0.pdf.

CONCLUSION



Though housing instability for aging out youth is a serious problem, it is a manageable policy issue that we can solve with a multi-faceted and concrete approach. In this report, we have shared the real challenges that our clients face in attempting to navigate the search for a stable home after foster care. We have also offered a series of concrete solutions to this problem—any one of which would make a significant difference to some foster youth searching for a home. Our recommendations are by no means exhaustive—there are dozens of other ways to approach housing instability, and many advocates are already working tirelessly to reduce its incidence and its impact. However, we hope our recommendations demonstrate that there are modest, actionable steps which policymakers can take right now to materially improve the lives of this city’s aging out youth. For the 800 young people who age out of foster care each year in New York, even one of these policy changes could make all the difference. New York’s former foster children deserve this much.