



**TESTIMONY**

**BEFORE THE NEW YORK CITY COUNCIL**

**COMMITTEE ON YOUTH SERVICES**  
**OVERSIGHT HEARING ON**

**THE YOUTH COUNT**

**PRESENTED BY**

**ASSISTANT COMMISSIONER RANDY SCOTT**

**SEPTEMBER 15, 2021**

Good morning, Chair Rose and members of the Youth Services Committee. I am Randy A Scott, Assistant Commissioner for Vulnerable and Special Needs Youth at the Department of Youth and Community Development. I am joined by Tracey Thorne, Director of Runaway and Homeless Youth Programs. On behalf of Commissioner Chong, thank you for this opportunity to discuss the City's Youth Count.

The Youth Count is New York City's point in time count of homeless and unstably housed youth and those accessing services at DYCD funded programs citywide. For almost ten years, the Youth Count has supplemented the federally mandated HOPE Count conducted by the New York City Department of Homeless Services, and offered additional demographic and housing information to help inform policy for runaway and homeless youth. These efforts have been in partnership with the United States Interagency Council on Homelessness and Departments of Housing and Urban Development, Health and Human Services, and Education.

An effective Youth Count utilizes the knowledge and expertise of those who understand where homeless young people are most likely to be, and who are on the frontlines supporting runaway and homeless youth: our strong cadre of RHY providers and advocates. Their expertise has been critical in refining and improving the count every year. In the months leading up to the count, DYCD hosts a series of stakeholder planning and feedback meetings and training sessions. This year, despite our stakeholders' focus on the immediate need to keep young people safe and healthy during the pandemic, we were able to plan and implement a 2021 count, which took place on January 27 through 29.

Since 2014, through the strong commitment of the de Blasio Administration and the City Council, we have strengthened the Runaway and Homeless Youth system. We have more than tripled the number of residential beds, increased the age for service eligibility up to 24, and opened additional drop-in centers. There are currently eight DYCD-funded centers with at least one 24/7 center operating in each of the five boroughs. In addition, young people have access to high quality mental health services across the portfolio. Finally, through the NYC Unity Project, we are able to expand services to address the unique and often unmet needs of LGBTQ youth.

Over the past few years, with feedback from the Youth Count stakeholders, we have worked to refine our approach in determining how we should contact, and where we should go to meet young people. In addition to phone call and online surveys, we now cover areas that include drop-in centers, residential programs, community centers, transportation hubs, and public schools and coordinate with street outreach representatives from the Youth Count to ask young people to complete a short survey. Our questions ask about current housing situation, age, gender identity, sexual orientation, and race. For the past several years, our Youth Count has taken place over the course of four days. This approach recognizes that young people who are homeless may not be out on the street on a cold winter night. By meeting youth where

they are in the following days, we can assess their housing status on the night of the City's Hope Count to include those who are reported to HUD as part of the street homeless count, and also those who may be staying with a friend or relative due to unstable housing. We have found youth in unsafe conditions such as riding on public transportation, in abandoned buildings, local businesses, parks and on the street. We also expanded our social media campaign and strengthened outreach in our drop-in centers. To maximize participation, we provide drop-in centers with additional funding to offer incentives for young people to complete the survey.

We would like to offer some highlights of the 2020 Youth Count. Our planning began with a stakeholder kick-off meeting on October 17, 2019. We included all DYCD-funded operators of residential programs, drop-in centers, and street outreach programs. City agency partners involved included ACS, DOP, DOE, the Youth Action Board, and the office of the Deputy Mayor for Health and Human Services. Other nonprofit and advocacy organizations included the Hetrick Martin Institute, FIERCE, the Coalition for Homeless Youth and the Legal Aid Society. These efforts are supported by all members of the RHY staff who work year-round to assist in the planning and execution of the count.

In total, 34 organizations participated in the count and its planning. We were pleased to see that these efforts resulted in an increase in total surveys at drop-in centers by 441. Youth Action Board members surveyed 141 young people and were integral to increasing the total number of surveys. A promising practice emerged as one of the Youth Action Board members traveled in the street outreach van.

The 2020 Youth Count reported responses from a total of 1,184 young people. The survey asked questions about where youth had spent the night on Monday January 28, 2020,

- 631 youth (53%) reported being in stable housing, including their parents' or relatives' home or their own place.
- 498 (42%) reported unstable housing such as a shelter or couch surfing.
- 47 reported being unsheltered, and representatives offered them shelter at the time of the survey.
- 8 were from outside of the city.

Despite the COVID-19 pandemic, planning for 2021 NYC Youth Count started in the spring of 2020. DYCD worked closely with advocates, Youth Action Board members, providers, and other stakeholders to update survey questions and to discuss what worked and what additional steps should be taken to ensure an accurate count. These efforts were ongoing through January 2021 until the Youth Count began.

Preliminary results from the 2021 NYC Youth Count are based on a total of 459 surveys. The survey asked questions about where youth had spent the night on Tuesday, January 26, 2021.

- 7 youth reported staying at a location that HUD defines as unsheltered, for example, spent the night in the street or in an abandoned building .
- 210 youth reported staying in unstable living conditions such as residential programs (shelter), drop in centers, or with friends and relatives.
- 231 youth reported staying in a stable location, with parents, in their own room or apartment, or being with friends and relatives for social reasons.
- 11 young people were not in NYC on the night of the count.

We have already begun our efforts for the 2022 count with a feedback session held on June 1<sup>st</sup> with our stakeholders.

We look forward to your partnership with the Council and others toward continual improvement, and to maximize connection with homeless and unstably housed youth in those efforts. Thank you once again for giving us this opportunity to discuss the Youth Count. We welcome any questions you may have.



199 Water Street, 3<sup>rd</sup> floor  
New York, NY 10038  
Phone (212) 577-3300  
[www.legal-aid.org](http://www.legal-aid.org)

Testimony of  
**The Legal Aid Society**  
on  
**Oversight - Youth Count**

submitted to  
The New York City Council's Committee on Youth Services

submitted by  
Beth Hofmeister  
Staff Attorney, Homeless Rights Project  
The Legal Aid Society

Theresa B. Moser  
Staff Attorney, Juvenile Rights Practice  
The Legal Aid Society

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The Legal Aid Society welcomes this opportunity to submit written testimony to the New York City Council's Committee on Youth Services after watching the September 15, 2021 Oversight Hearing regarding the annual Youth Count of runaway and homeless youth (RHY).

### **September 15<sup>th</sup> Oversight Hearing**

At the outset, we note that the Administration's testimony at the September 15<sup>th</sup> hearing was almost the same as the testimony it provided five months ago on April 13, 2021. Department of Youth and Community Development (DYCD) officials did not meaningfully address the many concerns that were raised by advocates and other stakeholders at the April hearing, and provided only general information about DYCD's planning for the 2022 Youth Count. In addition, in response to questions about the Youth Count from Chair Rose and Committee Member Chin, DYCD frequently offered information related to the overall RHY programming offered by DYCD and its contracted providers rather than to the Youth Count specifically, obfuscating the extent to which DYCD allocates resources to the Youth Count. For example, when asked what the budget for the Youth Count is, Assistance Commissioner Randy Scott replied with the annual budget for RHY programs. Only after being pressed did he acknowledge that there is no line item in the DYCD budget for the Youth Count. Similarly, Assistant Commissioner Scott testified that DYCD allocates funding to its provider agencies to incentivize youth to participate in the Youth Count. Closer examination revealed that RHY providers must use funds from their program budgets to provide incentives to youth, and not all programs are able to do so because they cannot spare the funds.

We were also concerned that DYCD officials departed the oversight hearing before hearing important testimony from the Youth Action Board (YAB) and other advocates and providers, missing their critical input. In our April testimony, we expressed our appreciation to Chair Rose and the Committee on Youth Services for prioritizing and amplifying the voices of youth leaders by beginning the April 13<sup>th</sup> hearing with testimony from YAB leaders Alexander Ray Perez and Maddox Guerilla. We remain firm in our belief that all advocates, government agencies, and elected officials should start any new initiative or review of current policies by listening to people with lived experience, and we hope that in the future the Youth Services Committee will return to inviting people who are directly impacted to testify at the beginning of each hearing, prior to government agencies and the general public. We hope that both DYCD and the de Blasio and future administrations prioritize the recommendations of the YAB and the opinions of RHY in general as we all examine how to improve the Youth Count going forward.

Because the concerns raised previously have largely gone unaddressed, the following written testimony and recommendations will largely reflect the written testimony submitted by The Legal Aid Society on April 16, 2021.

### **Basic RHY Demographics and the Youth Count**

Runaway and homeless youth are generally defined as unaccompanied young people who have run away or been forced to leave home and now reside in temporary situations, places not otherwise

intended for habitation, or in emergency shelters. The federal Runaway and Homeless Youth Act defines the population as being between 12 and 24 years of age. In April 2017, New York State redefined RHY to include all eligible youth under the age of 25 and changed other portions of New York’s Runaway and Homeless Youth Act, which laid the groundwork for the New York City Council to pass landmark legislation in March 2018 extending the eligible age range for RHY services in New York City.

It is notoriously difficult to accurately count the number of runaway and homeless youth in New York City, and the inability of the City to reliably account for RHY has been a substantial and persistent barrier to the provision of adequate shelter and services. As you heard during the hearing, the only government-sponsored Youth Count is organized around the City’s Point in Time (PIT) Count, also known as the Homeless Outreach Population Estimate and commonly referred to as the HOPE count, which takes place on a mid-winter night.<sup>1</sup> Providers, advocates and young people have long argued that the PIT and Youth Counts miss substantial numbers of RHY. Some reasons for this were articulated during the hearing. The reasons vary from arguments that the definition of RHY for the purposes of the count does not include significant parts of the population, such as those couch-surfing or engaging in survival sex, to arguments that youth experiencing homelessness have an ability to blend into the fabric of the City and the methodology of the count was not designed to identify RHY. As Alexander Ray Perez testified in April, while the PIT count was designed to count adults who are unsheltered and often chronically homeless, youth homelessness “doesn’t always look like chronic street homelessness” and “if we look at how we approach helping youth in that way we are missing the mark [because] to be frank a lot of us are trying not to be seen.” Alexander added that when we force people to show up in an appropriate or “cookie cutter” way rather than let them show up as they are, we are disempowering youth and will as a result not adequately be able to include them in an accounting. When this issue arose once again at the September 15<sup>th</sup> hearing, panelists voiced recommendations that DYCD increase street outreach to youth, and that DYCD engage with and compensate youth and young adults with lived experience to assist with outreach to young people who are invisible, or “trying not to be seen.”

Both the PIT and related Youth Count serve as an inadequate snapshot of homeless youth on a particular day rather than a census of youth with unstable housing situations who need City services. By our most reliable estimates, roughly 3,800 youth in New York City are homeless, and the City

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<sup>1</sup> Additional information about NYC’s count, which is required by the federal Department of Housing and Urban Development, is available here: <https://www1.nyc.gov/site/dhs/outreach/hope.page>.

does not have nearly enough shelter beds—crisis or transitional independent living (TIL)<sup>2</sup>—to serve this population.<sup>3</sup>

Nationally, there has been some significant progress in evaluating the number of homeless youth. Near the end of 2017, Chapin Hall, an independent policy research center at the University of Chicago, produced a sobering report called *Voices of Youth Count*. Anyone who knows a youth who has experienced homelessness knows the information contained in the report to be true; the details are nevertheless staggering. Results show that 1 in 10 young adults ages 18 to 25 have experienced homelessness in some form in a one-year period. Chapin Hall released a companion document that outlines how governments can more accurately count young people experiencing homelessness and the primary recommendation is to “engage youth who have lived experience with homelessness in all aspects of planning and execution of the Youth Count.”<sup>4</sup>

### **C.W. v. The City of New York**

In December 2013, The Legal Aid Society (Legal Aid) and Patterson Belknap Webb & Tyler, LLC, filed *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City.<sup>5</sup> The lawsuit sought, among other things, to create a right to youth shelter and increase the number of beds and services available to RHY; the question of the adequacy of shelter and services naturally implicated the Youth Count. After years of litigation and extensive fact and expert discovery, the parties settled *C.W.*<sup>6</sup> One of the settlement terms permits Plaintiffs’ counsel the opportunity to attend meetings and participate in work groups related to the annual Youth Count during the settlement period. Defendant, through DYCD, also agreed to consider recommendations from Plaintiffs’ counsel to improve the Youth Count’s accuracy and comprehensiveness.<sup>7</sup> As the committee members heard during DYCD’s testimony, this year’s Youth Count occurred January 27-29, 2021. While Legal Aid did attend two planning meetings intended to provide guidance for the providers who were participating in the Youth Count, contrary to the testimony provided by DYCD, we did not actually partake in the Youth Count itself. We look

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<sup>2</sup> The Preliminary Mayor’s Management Report for FY21 showed a total of 778 available residential beds for RHY, with a slight drop in the 4-month actual utilization in as beds were temporarily taken off-line to allow for safe social distancing. [https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021\\_pmmr.pdf](https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2021/2021_pmmr.pdf). This is certainly an improvement from 2013 when there were just 253 beds, prior the filing of Legal Aid’s lawsuit *C.W. v. City of New York*. However, it is still woefully insufficient to serve the number of RHY in New York City.

<sup>3</sup> Empire State Coalition of Youth and Family Services, The New York City Association of Homeless and Street Involved Youth Organizations’ State of the City’s Homeless Youth Report, 2009.

<sup>4</sup> Chapin Hall of the University of Chicago, *Missed Opportunities: Youth Homelessness in America*, November 2017, at [http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall\\_VoYC\\_1-Pager\\_Final\\_111517.pdf](http://voicesofyouthcount.org/wp-content/uploads/2017/11/ChapinHall_VoYC_1-Pager_Final_111517.pdf); <https://voicesofyouthcount.org/brief/missed-opportunities-counting-youth-experiencing-homelessness-in-america/>.

<sup>5</sup> The amended complaint for *C.W. v. The City of New York* can be found at <https://legalaidnyc.org/wp-content/uploads/2019/09/C.W.-Amended-Complaint.pdf>.

<sup>6</sup> The stipulation of settlement can be found at <https://legalaidnyc.org/wp-content/uploads/2020/09/CW-filed-Proposed-Stipulation-and-Order-of-Settlement-2-14-20.pdf>. The final judgement was entered on December 11, 2020.

<sup>7</sup> See paragraph 43 of the stipulation of settlement in *C.W. v. The City of New York*.



forward to working with DYCD and advancing the recommendations listed below to improve upon the Youth Count going forward.

### **Youth Count Recommendations**

It is worth noting that DYCD announced at the hearing on September 15<sup>th</sup> that it had just publicly released the Youth Count reports from *both 2019 and 2020*, making it difficult to provide specific comments on needed improvements. However, based on the years we have studied the Youth Count as part of our litigation against the City in *C.W.* and contact with the RHY community in NYC, we feel confident joining the Coalition for Homeless Youth as well as other providers and YAB members in their recommendations to the Administration, DYCD, and the Council. We add a few additional recommendations.

#### **1. Partner with youth to reimagine, plan, and conduct the Youth Count.**

We cannot emphasize enough the importance of relying upon the expertise and generosity of NYC's homeless youth to imagine an inclusive, innovative, and accurate count. Homeless youth are the experts when it comes to their own experiences and their voices should be at the forefront of the planning, implementation and recommendation phases of the process. In addition, similar to the PIT count, youth should be invited to volunteer during the count and should be given a monetary stipend for their time. Moreover, national research from Chapin Hall continues to support the importance of having all youth counts be youth-led so that they can actually document the number of youth the count is intending to capture.

As recounted during the April 13<sup>th</sup> hearing, after years of having their opinions solicited but not heard or implemented, the YAB and other RHY purposefully removed themselves from the collaboration and planning process until DYCD commits to implementing their recommendations going forward. It was disheartening to hear testimony during the September 15<sup>th</sup> hearing from Maddox Guerilla, representing the YAB, that "DYCD doesn't really engage with YAB – just because we work together doesn't mean we are collaborating. Input we gave in 2017 wasn't implemented until 2020." We hope that DYCD will make genuine efforts to address this serious disconnect about the nature of its relationship with the YAB and other young people it serves.

#### **2. The City must invest in alternative, non-PIT Youth Counts.**

While the Department of Housing and Urban Development (HUD) PIT count is an important tool, it was designed to capture chronic homelessness and unsheltered folks across the United States and was never intended to focus on RHY. Nonetheless, it remains an important metric that determines funding resources for many programs, including federal RHY funding. New York City needs to fund alternative counts that are designed to capture the unique presentation of RHY in our City. There is precedent for this. In 2008, the City Council funded a youth count under the unwavering conviction and leadership of the late Councilman Lew Fidler.<sup>8</sup> While the data from this count is now over a

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<sup>8</sup> Empire State Coalition of Youth and Family Services, The New York City Association of Homeless and Street Involved Youth Organizations' State of the City's Homeless Youth Report, 2009.

decade old, those numbers are most often quoted by providers and advocates, including by Legal Aid in the RHY lawsuit. We greatly appreciate the Council, specifically Speaker Johnson, for including the need for a comprehensive youth count in his 2020 Case for Change report. However, this initiative needs to be funded in order to produce accurate results and allow for better service planning.

### **3. Use definitions that capture the breadth of RHY lived experience.**

Although the City must count only the numbers of youth that meet the HUD definition found during the Youth Count as a part of their larger PIT numbers, DYCD has the ability to use broader terms to better account for the diversity of the RHY population and the lived experiences of youth. We know HUD's definition of RHY is extremely narrow and when DYCD quotes only data that aligns with the HUD definition it is misrepresenting not only the number of youth experiencing homelessness in NYC, but the lived reality of those young people.

### **4. Publicize the Youth Count.**

The City should invest in a Public Service Announcement (PSA) campaign for next year's count. The PSA would not only increase the outreach to youth who need to be counted and who need services, but also bring attention to the youth homelessness epidemic among the general public. This PSA should include ads throughout the subway and bus systems, social media campaigns, and posters throughout the public schools, City-funded youth programs, municipal courts and hospitals.

### **5. The City must invest in adequate staffing and planning for the Youth Count.**

Historically, the vast majority of the work required to conduct a count of this magnitude has been delegated to RHY services providers who have volunteered to be a part of the process as well as researchers from CIDI -- the City's Center for Innovation through Data Intelligence. In 2019, DYCD took over all aspects of the Youth Count and since that time the Youth Count has been understaffed and we have seen a significant delay in the release of the findings from the count. As stated above, the 2020 report has just been released, while the 2021 report has yet to be released. We recommend that DYCD does the following:

- Hire adequate, dedicated staff to oversee the planning, implementation and review of each count, including hiring youth with lived experience;
- Work with RHY providers to make sure they have the capacity to survey youth who call in to drop-in centers and other services during the week of the count in addition to youth who are physically present in these programs;
- Start the planning of the following Youth Count as soon as the current year's count concludes, including an evaluation of the current year's count;
- Ensure that the Youth Count reports are completed in a timely manner so that they can be made available as soon as HUD releases that year's PIT data.

In addition, we recommend that the City does the following:

- Recruit and utilize a larger number of volunteers to assist with the Youth Count. DHS reports that the HOPE count (NYC's PIT count) regularly has over 3,000 people who are deployed across the City and those HOPE volunteers should be trained on the Youth Count as well as the HOPE count; and
- Coordinate already existing outreach teams to target the areas where large numbers of youth congregate outside of regular program hours and where there may not be dedicated Youth Count sites.

**6. Commit to using easily accessible technology for future counts.**

DYCD relied heavily on the use of virtual surveying for the 2021 count due to the COVID-19 pandemic. DYCD chose to use the WebEx platform as opposed to a more user/youth friendly platform such as Zoom. Moving forward, DYCD must listen to the feedback it receives from youth with lived experience regarding the most appropriate ways to survey youth so that the technology doesn't completely preclude some youth from participating.

**7. Compensate youth for their time and sharing their experience.**

Young people who participate in the count should be compensated for their time spent participating in the survey because it is time taken away from working or engaging in other supports that are crucial to their livelihoods. RHY providers who are already donating their time should not bear this financial responsibility; instead, the City should provide food, MetroCards or some other form of incentive to the providers to distribute to youth who participate.

**8. Count sites need to be established throughout all five boroughs.**

In the past, there have been entire sections of the city that were not represented including: Far Rockaway in Queens, Crown Heights, Flatbush, Brownsville and East New York in Brooklyn, and Hunts Point and Co-op City in the Bronx.

**9. The Department of Education (DOE) must participate in the Youth Count.**

National data shows that one of the main components of a successful Youth Count involves a strong collaboration and commitment from the educational systems to participate. Although DYCD has indicated they are open to this collaboration, they have never initiated the IRB approval process with enough time to allow DOE the ability to participate. At the oversight hearing, DYCD testified that they are working to partner with DOE community schools for the Youth Count, but not other DOE schools. We believe DOE is an integral resource for any successful Youth Count in NYC and every effort must be made to fully engage them in the planning and implementation process as soon as possible.

**Lack of Permanent Housing for RHY**

While it is not the direct focus of this hearing, we would be remiss not to mention how crucial it is for RHY to have access to meaningful permanent housing options, which should come largely in the

form of deeply subsidized affordable, long-term housing. For many years other than some limited supportive housing units, youth leaving the RHY shelter system did not have access to any of the housing resources afforded to individuals leaving other NYC shelters and systems. Recently with the passage of the American Rescue Plan, youth served through DYCD shelters and drop-ins have access to a total of 600 Emergency Housing Vouchers (EHV), which is an unprecedented, one-time influx of much-needed housing assistance for this population. Moreover, DYCD and the Department of Social Services (DSS) entered an MOU over the summer to create a pilot program that would provide CityFHEPS vouchers to 50 young people. While the pilot is a welcome change, this development came after years of unmet promises and will not meaningfully impact the entire population. While both the EHV and the CityFHEPS have the potential to change the lives of the 650 young people who are able to obtain the housing assistance, this is woefully inadequate as a long-term solution. RHY in youth shelter still do not qualify for a NYCHA priority or most City or State housing assistance programs. Until RHY have access to permanent, affordable housing, they will be unable to fully realize their potential as members of our City.

### **Conclusion**

Thank you again to the Youth Services Committee for looking so closely at the Youth Count. We cannot emphasize enough the importance of recognizing and relying upon the expertise and generosity of NYC's youth who have experienced homelessness to imagine an inclusive and accurate Youth Count. We look forward to working with the larger RHY community and the Council on this and related advocacy going forward.

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### **About The Legal Aid Society**

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

**Justice in Every Borough.**

The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession. Our Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our Juvenile Rights staff represented more than 33,000 children. At the same time, our Criminal Practice handled nearly 220,000 cases for clients accused of criminal conduct. Many thousands of our clients with criminal cases in Criminal Court and Supreme Court are school-age teenagers and young adults. Annually, our Civil Practice works on more than 52,500 individual legal matters, including advocacy for families with school-age children.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York, and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to homeless New Yorkers. The Legal Aid Society is counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Legal Aid Society is also counsel in the *McCain/Boston* litigation in which a final judgment requires the provision of lawful shelter to homeless families. Legal Aid, in collaboration with Patterson Belknap Webb & Tyler, LLC, filed and eventually settled *C.W. v. The City of New York*, a federal class action lawsuit on behalf of runaway and homeless youth in New York City. The Society, along with institutional plaintiffs Coalition for the Homeless and Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Legal Aid has continued to litigate on behalf of thousands of New Yorkers experiencing homelessness during the COVID-19 pandemic, including in *E.G.*, where we ensured WiFi access for students in DHS and HRA shelters. We also continue to litigate to protect the rights of individuals living in de-densification hotels during the pandemic under *Fisher* and motions in *Butler*.

#### **Contacts:**

Beth Hofmeister  
Staff Attorney, Homeless Rights Project  
The Legal Aid Society  
[bhofmeister@legal-aid.org](mailto:bhofmeister@legal-aid.org)  
(646) 988-0529

Theresa B. Moser  
Staff Attorney, Juvenile Rights Practice  
The Legal Aid Society  
[tbmoser@legal-aid.org](mailto:tbmoser@legal-aid.org)  
(646) 995-8790



**Testimony to the New York City Council**

**Committee on Youth Services**

**Oversight - New York City Youth Count**

**September 15, 2021**

My name is Jayne Bigelsen, and I am the Vice President of Advocacy at Covenant House New York (CHNY), where we serve runaway and homeless youth (RHY) ages 16 to 24. I would like to thank Chair Rose and the entire Committee on Youth Services for the opportunity to testify today.

CHNY is the nation's largest, non-profit adolescent care agency serving homeless, runaway and trafficked youth. During this past year, CHNY served over 1,600 young people in our residential programs, as well as through our drop-in center and outreach efforts. On a nightly basis, we provide shelter to approximately 300 young people, including, LGBTQ youth and pregnant women and mothers with their children as well as survivors of human trafficking/commercial sexual exploitation. Our youth are primarily people of color and over a third of our youth have spent time in the foster care system. We provide young people with food, shelter, clothing, medical care, mental health and substance abuse services, legal services, high school equivalency classes and other educational and job-training programs. All of these services help young people overcome the trauma of abuse, homelessness and exploitation and move toward stability with the goal that their homelessness will not dictate a future path of powerlessness. Rather, our services, programming and staff motivate and inspire youth to find their place in society and to thrive within it.

**The Importance of the Youth Count**

Young adults experiencing homelessness are often invisible among us. As mentioned by the Coalition for Homeless Youth, locating and counting homeless youth is extraordinarily difficult because

staying hidden is often a survival strategy. A majority of young people experiencing homelessness report histories of repeated trauma, mistreatment and abuse and of feeling disrespected and stigmatized by adults and systems that were supposed to help them. Therefore, they often eschew shelter services and do everything in their power not to look homeless so they can blend in with others in their age group and avoid further stigmatization. On particularly cold nights, youth avoid the streets and instead find shelter in abandoned buildings, fast food restaurants and with strangers who offer them shelter in exchange for sex. These young people are almost always missed in the City's annual Youth Count, which is often during the coldest days of the year. This results in a significant undercount that is far out of alignment from what service providers know to be the reality of insufficient resources for the true number of youth experiencing homelessness on New York City Streets. It is imperative that we have an accurate estimate of the number of young people experiencing homelessness in our city so that resources can be appropriately allocated to meet the shelter and services needs of this vulnerable population.

We know that the City and the Department of Youth and Community Development (DYCD) have experimented with multiple methodologies for obtaining a more accurate count of young people experiencing homelessness in previous years, and we appreciate this effort. We are also especially grateful to the City Council, and especially Chair Rose and the Youth Services Committee, for continuing to monitor and oversee issues involved in the Youth Count so that we can have more accurate numbers in upcoming years. CHNY offers the following recommendations in the hopes of improving the Youth Count methodology so that the resulting numbers are more reflective of the true depth of youth homelessness in New York City.

### **Recommendations**



## **Ensuring Appropriate Funding and Resources for the Youth Count**

For the Youth Count to succeed, there must be adequate funding designated specifically for it. Service Providers welcome the opportunity to volunteer to contribute to this important endeavor, but as is typical in the nonprofit sector, we are under resourced and stretched to capacity. Case managers and intake workers are already overburdened with multiple job responsibilities and simply do not have additional time to seek out youth who are not already in our care.

In 2019, DYCD took over all aspects of the Count, which was previously supported by CIDI. Since that time, Youth Count efforts by DYCD have been understaffed, resulting in a significant delay in the release of the findings from the Count (hence the 2020 report has still not been released). Therefore, we recommend that DYCD be provided with the resources necessary to appropriately staff Youth Count efforts which would include having at least one person whose primary responsibility is overseeing the Youth Count. Having staff at DYCD whose primary responsibility is oversight of the Youth Count would enable efforts to get underway earlier, thereby paving the way for a more efficient and accurate count. Although DYCD seems eager to implement many of the providers' recommendations about the Count, limits in staffing and resources often delay and redirect efforts away from the Count until it is too late to implement them.

As will be mentioned later, youth with lived experience should be paid to consult on Youth Count efforts and service providers should be given funding for Metro Cards, food and gift cards for youth who participate in Youth Count Surveys. Funding is also needed for multiple count sites to be established





throughout all five boroughs. In the past there have been entire sections of the city that were not represented including: Far Rockaway, Queens; Crown Heights, Flatbush, Brownsville and East New York Brooklyn and Hunts Point and Co-op City in the Bronx.

Notably, the last adequately funded Youth Count that was conducted in NYC, with funding by the City Council was in 2008. That count is now over a decade old but is still the number that is most often quoted by providers and advocates. We greatly appreciate the Council, specifically Speaker Johnson for including the need for a comprehensive Youth Count in his 2020 Case for Change report, however, minus adequate funding and participation by HRA/DHS and DOE, it will not produce accurate results.

### **Youth Involvement**

Youth involvement needs to be increased for every aspect of the Youth Count. Young adults experiencing homelessness are the best experts of their own lives and the lives of their peers. Youth with lived experiences are in the best position to know how to locate unsheltered peers who are hesitant to interact with service providers. The voices of young adults experiencing homelessness must infuse every phase of the process, especially the planning process, and there should be multiple youth focus groups. Youth experiencing homelessness should be encouraged to participate during the night of the count. It is essential that youth advisors be compensated for all of their time assisting with the Count.

### **Public Outreach and Interagency Coordination**

In order to reach more young people, the City should invest in a Public Service Announcement (PSA) campaign for the Youth Count. The PSA would increase outreach to youth who should be counted, as well as help link young people experiencing homelessness with service providers. Ads throughout the subway and bus systems, social media campaigns, and posters throughout the public schools and city funded



youth programs will all increase access to homeless youth and allow a greater number to be counted. As with every aspect of the Youth Count, youth with lived experience should advise on this public awareness campaign as they are best situated to know what social media sites and language will be most effective in reaching their peers. Additionally, collaborating with the Department of Education (DOE) would go a long way in expanding the Count's reach as youth experiencing homelessness may have contact with the public school system long before they reach out to providers in the runaway and homeless youth system. In fact, a common denominator in successful counts across the country has been establishing a strong collaboration and commitment from educational systems.

Finally, the City needs to recruit and utilize a larger number of volunteers to assist with the count. The Department of Homeless Services (DHS) reports that the HOPE count has over 3,000 people that are deployed across the City. The same dedication and outreach should be solicited for the Youth Count.

### **Publication of Numbers**

Although the City can only count youth who meet the HUD definition of homeless as a part of their Point in Time (PIT) numbers, DYCD has the ability to use the larger, more accurate numbers from the count when they publicly speak about the population size. HUD's definition is extremely narrow, and often does not capture the many ways in which youth experience homelessness. By relying on the HUD number, the City is drastically misrepresenting the reality and breadth of youth homeless.

I again thank you for the opportunity to testify today and for the Committee's interest in counting and providing services to the most vulnerable of New Yorkers.