



Legislation Text

File #: Res 1227-2008, **Version:** A

Res. No. 1227-A

Resolution calling upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and calling upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

By Council Members Fidler, Mark-Viverito, Brewer, James, Sanders Jr., Weprin, White Jr., Gerson, Jackson, de Blasio, Dickens, Eugene and Gonzalez

Whereas, The maximum age at which runaway and homeless youth are eligible for services under the Federal Runaway and Homeless Youth Act is under 18 years of age for crisis programs and under 22 years of age for transitional services; and

Whereas, The maximum age at which runaway and homeless youth are eligible for services under the State Runaway and Homeless Youth Act is under 21 years of age; and

Whereas, Such maximum ages should be increased to 24 years of age, in order to allow more youth to successfully break out of the cycle of homelessness and decrease the potential economic burden on social service systems and society as a whole in the future as these youth grow older; and

Whereas, Capping the eligible age for services at 21 and 22 years of age has created serious services gaps for a critical portion of the runaway and homeless youth (RHY) population who are between the ages of 21 and 24; and

Whereas, Research studies indicate that the majority of RHY continue to need services at least up to age

24, due to a time lag that these youth experience in the development of the emotional and educational foundations necessary to successfully live independently, in large part because of the trauma and other crises these youth have experienced; and

Whereas, RHY therefore need sufficient time to become fully capable of sustaining themselves independently, and service providers note that the ages of 21 to 24 is a key period of time when most RHY are thinking about planning for the future and are focused on developing life skills for self-sufficiency; and

Whereas, In addition to increasing the age limit at which RHY are eligible for services, State laws should be amended to recognize lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth by clarifying residential shelter gender requirements; and

Whereas, Under State regulations, all RHY residential apartments must be male-only or female-only, which is a major concern for providers serving LGBTQ youth; and

Whereas, According to the 2007 City Council-funded census of RHY, LGBTQ youth make up approximately 28 percent of the City's total RHY population; and

Whereas, Current State regulations make no mention of LGBTQ youth and do not provide guidelines to shelter providers on how to comply with statutory gender requirements in the context of LGBTQ shelters, which results in situations where LGBTQ youth are put together in precisely the type of living situations that the regulations were intended to prevent; and

Whereas, Federal law should also be amended to recognize the unique needs of LGBTQ youth; and

Whereas, One of the last stages of RHY services is a Transitional Independent Living program (TIL), during which youth have available to them a place to live and services that help them make the transition from shelter living to an independent life of their own; and

Whereas, Currently, under State law, youth are allowed to remain in a TIL for only 18 months, or until they reach their 21st birthday, whichever comes first; and

Whereas, Extensions beyond the maximum length of stay are only permissible if the youth is under 18 years of age at the time the maximum limit is reached, in which case such youth may stay an additional 180 days or until the youth's 18th birthday, whichever is earlier; and

Whereas, Therefore, under State law, youth who enter the program at 20 years of age must leave on their 21st birthday without the benefit of a full 18-month stay to come to a point where they can successfully transition to living on their own; and

Whereas, This has the counterproductive result of forcing TIL programs to release youth who are not mentally and emotionally ready to be independent, and who often fail and become homeless again, enter the criminal system, or engage in other harmful behavior; and

Whereas, State regulations should also be amended to ease the State certification requirement that residential RHY shelters be staffed 24 hours per day; and

Whereas, For many providers, the 24-hour staffing requirement may be excessive and represents a significant financial burden on already tight budgets; and

Whereas, It should be noted that the Federal RHY Act includes a less stringent requirement, mandating only "adequate supervision" for residential facilities; and

Whereas, In addition, State regulations also require organizations that may provide residential services to young people not classified as RHY (i.e., foster care youth), to maintain separate direct care staff, programs and recreation areas; and

Whereas, The required separation also represents a financial burden for some providers by forcing duplication of services and not allowing providers to maximize their resources by allowing young people with similar needs to share staff, common space and programming; and

Whereas, In addition, the State RHY regulations should also be amended to provide start-up grants to State certification applicants for use during the waiting period for RHY providers who have applied for certification; and

Whereas, In order to receive State or local funding, RHY programs must be certified by the New York State Office of Children & Family Services (OCFS), and State certification is a difficult, expensive and time-consuming process that may deter some New York City RHY programs from applying for certification; and

Whereas, Applicants awaiting certification decisions may face waiting periods as long a year, which may pose serious budgeting problems because providers must maintain the space they are trying to certify, including making payments on leased space and updating the space to ensure that it meets the State's facility requirements; and

Whereas, Providing start-up grants for applicants could minimize the financial risk of expanding services and encourage more New York City RHY providers to apply for State certification, thus increasing the services available to this population; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to amend the Federal Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from under 22 years old and to recognize the unique needs of LGBTQ runaway and homeless youth; and, be it further

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the State Runaway and Homeless Youth Act and implement regulations to increase the maximum eligible age for services to 24 years old from 21 years old, to recognize the unique needs of LGBTQ runaway and homeless youth, specifically by allowing, where appropriate, settings that are not gender segregated, to allow the maximum length of stay for youth in transitional independent living programs to be calculated independently of their 21st birthdays, to ease the 24-hour staffing requirement for residential programs, and to provide start-up grants for State certification applicants to use during the certification waiting period.

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