Brooklyn Defenders

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**TESTIMONY OF:**

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**Presented before**

**The New York City Council**

**Committees on General Welfare**

**Oversight Hearing on Shelter Safety**

**October 28, 2026**

My name is Hannah Mercuris and I am a Senior Attorney at Brooklyn Defender Services (BDS) in the Civil Justice Practice. BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. We want to thank the Committee on General Welfare and Chair Hudson for the opportunity to testify today about New York City's shelter system.

For 30 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. We represent over 40,000 people across Brooklyn and Queens each year who are accused of a crime, facing the removal of their children, or facing deportation. Our staff consists of attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with the educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. We seek to combat housing instability in a variety of ways: we defend people from eviction in housing court and provide proactive relocation assistance and benefits advocacy. We also work to ensure that

our clients and their children have access to school, through school stability, discipline, and special education advocacy. Our Civil Justice Practice works with clients who are entering the shelter system, as well as shelter residents attempting to secure stable housing. Through this work we see the profound challenges New Yorkers face in accessing shelter, stable housing, and ensuring that their children have the educational opportunities they deserve.

**Background**

Many of the people we serve reside in New York City's shelter system, sometimes for years. Shelter residents are subject to heightened surveillance and are at an increased risk of contact with the criminal and family legal systems. Shelters have rigid rules about entry and exit, what residents can eat and where, who can provide childcare for children, and how shelter units and resident's belongings must be maintained. The people we represent frequently report conflicts in shelters, fueled by these stringent requirements and high levels of stress and uncertainty. Shelter staff are not adequately trained to deescalate potential conflicts, and therefore often resort to calling law enforcement or the Administration for Children's Services (ACS), perpetuating the trauma and disruption that shelter residents are already experiencing. These incidents follow shelter residents throughout their time in the Department of Homeless Services (DHS) shelter system and cause even more barriers to obtaining safe, stable and permanent housing.

All residents of shelters, and families in particular, face dire repercussions for a single verbal argument or misbehaving child. We regularly see shelter staff call ACS to report a resident based on unfounded allegations and minor shelter rule infractions. Many people we represent have been separated from their families on the basis of reports from shelter staff that allege violence or conflict between the family members that is otherwise unsubstantiated. Living with the constant threat of an ACS call and potential family separation exacerbates an already stressful and hostile environment in shelters that is compounded by difficult shelter rules and complex admission standards. Families are unlikely to seek support from shelter staff who surveil and criticize them, and many of the families who live in shelters have been placed far away from their existing networks of support,

In one recent example, a parent we represent was placed in a family shelter with their children in Jamaica, Queens, over an hour on public transportation from where their family previously lived. Despite being entitled to busing to their original school, the family waited three weeks to be assigned a bus route. During those three weeks, the parent was sometimes able to take their children to school on public transportation. To avoid spending 5 hours on public transit each day, the parent would wait outside until the school day was finished to travel home with their children.

For another parent we represent whose shelter placement was far from her child's school, her child missed so much school that they were required to attend summer school to be promoted to the next grade. Over the summer, the family waited weeks with no bus service and the child continued to miss critical instructional days. For the current school year, our client asked for our support in transferring her child's school to one in the same school district as their shelter. Though the new school was much closer, the new bus route still took more than two weeks to

become active. Joining a new school community for his fifth grade year was challenging and emotional for her son.

**Int. 99**

Brooklyn Defenders supports Int. 99-2026, which would require reporting on the placements of families in shelter in relation to their prior zip code. The reporting requirements established by Int. 99 are important to confirm what we suspect to be true: the vast majority of families who enter the shelter system are not placed near their existing communities. Families have no control over where they are placed when they enter shelter, disrupting the network of supportive people and providers that they have created in their home neighborhoods, risking school absences, missed doctor's appointments and exposing families to potential ACS investigations during these precarious transition periods.

The McKinney-Vento Homelessness Assistance Act, 42 U.S.C. § 11434a(2), is the federal law requiring states to remove barriers to school for students experiencing homelessness. Under this law, New York City students who are living in shelters are entitled to transportation from their shelter to their "school of origin." In our experience, there are often extensive delays in the city providing this busing. Families often are placed in shelters so far from children's schools that parents cannot realistically transport them themselves. **Parents are then faced with an impossible choice, risk that repeated school absences could negatively impact their child's academic progress and prompt a report to ACS, or change their child's schools, disrupting their routines, friendships, relationships with school staff, and possibly special education services.**

BDS supports this legislation as a step to ensure that families experiencing homelessness remain in or close to their communities whenever possible. It is essential that, whenever safe, New York City prioritize shelter placements close to communities of origin. This is about more than increasing busing services for students living in shelter, it is about ensuring that families experiencing homelessness can access critical systems of support–religious communities, neighbors, schools, and loved ones–which are essential for families during the incredibly destabilizing experience of entering shelter.

**Conclusion**

BDS is grateful to New York City Council's General Welfare Committee for hosting this important hearing. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Kathleen McKenna with our Policy & Advocacy Team at kmckenna@bds.org.