



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BRAD LANDER

January 8, 2024

The Honorable Eric Adams
Mayor
City Hall
New York, NY 10007

Re: Investigation of the implementation of the “60-day rule” for migrant families

Dear Mayor Adams,

On October 16, 2023, [your administration announced](#) that migrant families with children staying in the City’s shelters would begin receiving 60-day notices, informing them that they are required to find alternative shelter. It has since been clarified that these families would have the option to reapply for placement within the City’s shelter system at this point; however, if accepted for an additional placement, they would likely be transferred to a different shelter, which could be much farther from the public school in which their children have been placed. The October 16 announcement also stated the administration’s commitment that families would be “paired with intensive and sustained case management... helping them on their journey to independence.”

We have been informed that this policy will begin to go into effect tomorrow, January 9, 2024.

Pursuant to the Comptroller’s authority under Chapter 5 Section 93 of the New York City Charter to investigate all matters relating to or affecting the finances of the City, my office is launching an investigation into the City’s implementation of the 60-day rule, reviewing the protocols and processes being undertaken, the effects of those policies, and their financial impact on the City.

We have concerns about the fiscal implications of the stated policy that the administration is executing, among them, how case management resources are being distributed, whether evictions or shelter relocations will impact migrants’ ability to obtain work authorization and appropriate immigration status, and the costs of uprooting and moving families from their existing rooms and school communities.

The details of this policy have been poorly communicated, so we are unclear about the protocols City agencies will use to implement it. We are also uncertain whether the promised case management has been provided. We are concerned about the potentially harmful impacts of the policy on families seeking asylum, and especially on children who may be displaced from their public school by being transferred to a shelter far from their school.

Our investigation will assess the impact and associated costs of:

- the process and implementation of the 60-day rule;
- services being provided by the City to asylum seeking families, including impacts on families’ living conditions and their ability to obtain work authorization and employment; and
- potential school transfers of children from migrant families enrolled in our public school system as a consequence of the implementation of the 60-day rule

We are requesting detailed information from relevant agencies who are involved in implementing the 60-days rule, potentially including NYC Health + Hospitals (H+H), the New York City Department of Housing Preservation and Development (HPD), Department of Social Services (DSS), Department of Homeless Services (DHS), Department of Education (DOE), Mayor's Office of Immigrant Affairs (MOIA), Office of Asylum Seekers Operations (OASO), and New York City Emergency Management Department (NYCEM).

Our first request for information as part of this investigation is attached. We seek answers to preliminary questions about the protocols for the 60-day rule, as well as weekly updates with relevant data about its ongoing implementation. We request that you assign a point person to provide updates to our office. We request a response to this letter by January 15, 2024, the first production of documents and information by January 22, 2024, and weekly updates beginning January 29, 2024.

We also request to enter into a Memorandum of Understanding, with appropriate provisions for confidentiality, for the production of a list of families/individuals receiving 60-day notices (including shelter location), families/individuals facing implementation of the 60-day rule, the outcomes for those families, and (where applicable) the public school(s) attended by their children before and after implementation of the 60-day rule.

We look forward to working with your agencies in the best financial interest of the City of New York, to ensure that New York City government continues to serve all the people who live here, and that our offices uphold the values and standards of governance required.

Thank you in advance for your assistance in this investigation.

Sincerely,



Brad Lander
New York City Comptroller

Attachment:

— Request for information regarding the protocols for, outcomes, and fiscal implications of implementing the 60-day rule

cc:

First Deputy Mayor Sheena Wright
Deputy Mayor Anne Williams-Isom
NYC Health + Hospitals President Mitchell Katz
NYC Department of Housing Preservation and Development Commissioner Adolfo Carrion
NYC Department of Social Services Commissioner Molly Wasow Park
NYC Department of Education Chancellor David Banks
NYC Mayor's Office of Immigrant Affairs Commissioner Manuel Castro
Office of Asylum Seekers Operations Director Molly Schaeffer
NYC Emergency Management Commissioner Zach Iscol



THE CITY OF NEW YORK
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January 8, 2024

The Honorable Eric Adams
Mayor
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New York, NY 10007

Re: Investigation into the procedure and fiscal implications of implementing the 60-day rule

Please provide responses and all relevant backup information on a rolling basis starting no later than January 22, 2024, with weekly updates beginning January 29, 2024. Any data and records should be in a machine-readable format, such as an Excel or comma-separated data file, or extracted from a database. Please include any data dictionaries or metadata needed to understand the data files provided.

60-day implementation and procedure

1. Is this process being handled by a single coordinator, driven by a common set of policies and procedures, or are individual agencies handling asylum seekers in residence within shelters they are responsible for managing? If there is a central set of policies and procedures, please provide us with a copy.
2. Please provide copies of all written communication and guidance (including notices, memos, emails, letters) to agencies, vendors, shelters operators, coordinators concerning the implementation and operation of this program.
3. Please explain how the 60 days are being calculated?
4. Are families with children in all shelters subject to the 60-day rule, or only those in non-DHS shelters?
 - a. If all shelters, has OTDA been notified and approved this change?
 - b. If only non-DHS shelters, will impacted families be allowed to re-apply and placed in a DHS emergency shelter, if space allows?
 - c. How is the City determining which families are placed in DHS emergency shelters vs non-DHS shelters at original intake, and at the time of re-application?
 - d. If the 60-day rule currently only applies to non-DHS shelters, is there any intention to expand the rule to DHS shelters? What metrics will the Administration rely on to make this decision? How will such a decision be promulgated?
5. What systems are being used to track the 60-day period and how is the City calculating when specific families are to receive notices?
6. How are families being notified (i.e., written letter, meeting with caseworker, phone call, email)? Please provide examples of each type of communication and the languages they are provided in.
7. What are the housing options provided at the time of notice?
8. Are families being informed of their right to shelter and option to reapply? If so, how are they being informed of these rights?
9. Please provide all materials that outline the re-intake process.
10. How long does it take for a family to reapply and the re-intake at another location?
11. How are families and their belongings being transferred?

Case management and legal services

1. What does “intensive case management services” consist of?
 - a. Who is eligible for case management?
 - b. Who provides the case management?
 - c. What guidelines have been provided to individuals or organizations providing case management? Please provide all documentation and related correspondence regarding such guidelines.
 - d. Is case management overseen by individual shelters, or monitored by an overarching agency or organization? If the latter, which agencies or organizations are involved?
 - e. How many times do caseworkers meet with families about their options leading up to the 60 days? Do caseworkers meet with families after 60 days, and how often if so?
 - f. What are the language tools being utilized during communications, and which languages are made available and how? (I.e., direct outreach from bilingual staff, written communications translated into preferred language, use of language line)?
2. Are families being informed of their right to shelter and option to reapply?
3. What resources are being provided regarding work authorization, applying for temporary protected status, applying for asylum, and being connected to legal counsel, as appropriate?
 - a. What efforts are being made to ensure continuity of access to legal services for families that exit the shelter system?
 - b. Is every individual given an explanation of how to change their address for purposes of their immigration case?
 - c. If notices arrive at their original location, what efforts will be made to find the recipients if they have applied and received a placement in a different City-run shelter, and what efforts will be made to notify them if they have exited the system completely?
 - d. How is relevant mail forwarded when families transfer to new shelters?
 - e. How long is mail held for families after leaving the shelter system?
4. In addition to case management services, what services are being offered to families following the receipt of a 60-day notice? (i.e., monthly health screenings, English classes, child care support).
5. How and how long is communication and support maintained with families after leaving the shelter system?
6. 17. Are case managers tracking outcomes and what categories of outcomes are tracked, if any (i.e., how many individuals find permanent housing, how many leave the city, etc.)?

DOE implications

1. Who is responsible for changing enrollment and/or addresses of students? Will DOE staff be onsite when families enter the re-intake process?
2. How are schools being informed of student transfers in order to coordinate re-enrollment?
3. How is transportation assistance requested?
4. Who is responsible for arranging transportation for students, as necessary and in full compliance with the McKinney-Vento Act?
5. Are buses, rideshare vouchers, and/or Metrocards being provided for these students/vs their own transportation method?
6. How is student enrollment being tracked for students whose families receive a 60-day notice?
7. How is student attendance being tracked for students whose families have received a 60-day notice?

Program success

1. How are you evaluating “success” of this program
 - a. What are the metrics you are using to evaluate cost savings?
 - b. What are the fiscal benchmarks you hope their program will achieve?
 - c. How much cost savings would be considered a “success”?
2. Is expansion of the program being considered, and if so, what will impact the decision? Is the City pursuing State approval of the 60-day policy for families with children in DHS shelters? Please provide memos and written guidance, if any, on this process.

We are requesting weekly reporting on the following metrics to evaluate outcomes for asylum seekers, and their fiscal implications. In the data, please break out the number of adults and minors, in addition to the number of families and rooms.

1. How many families have been served 60-day notices
2. How many individuals (broken out by adults and minors) are within the number above
3. How many families apply for re-intake
4. How many families leave the shelter system
5. How many accept tickets to other municipalities/states/countries
6. How many families/individuals are able to stay at the same shelter, after applying for re-intake?
7. How many children enrolled in NYC public schools are being affected by 60-day notices
8. Of these, how many chose to stay at same public school
9. How many students chose to transfer to a different public school
10. How many students require transportation services
11. Please share a list of everyone being notified of their 60-days this week
 - a. For each family please provide names of all adults and minors
 - b. For each family please provide current shelter location
 - c. For every student please provide the school they are enrolled in, and as applicable, the school they are being transferred to