



HOMELESS ADVOCACY PROJECT

“...helping to break the cycle of poverty and homelessness.”

1429 Walnut Street, 15th Floor
Philadelphia, PA 19102
(215) 523-9595
(800) 837-2672
Fax: (215) 523-9599
Email: info@haplegal.org
www.homelessadvocacyproject.org

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Philadelphia, September 23, 2016

Homeless Advocacy Project (“HAP”), a non-profit legal services organization based in Philadelphia, has filed a federal lawsuit challenging New York City’s refusal to issue certified copies of birth certificates for New York City-born residents of Philadelphia who do not have conventional documentary proof of name and address. The suit asserts that New York City’s action is unconstitutional.

“The people we are trying to help have a desperate need for essential services such as housing, medical treatment and employment,” said Marsha Cohen, HAP’s Executive Director. “But access to those services requires state-issued IDs and these people need their birth certificates in order to obtain the IDs.”

As set forth in the court filing, HAP arranges for homeless Philadelphians to receive copies of their birth certificates at no cost to themselves by authorizing attorneys to apply on their behalf to the appropriate government agency where they were born. The attorneys, who work on a volunteer basis, personally gather the necessary biographical information, complete the application forms and pay the fees. Because homeless people often lack an official document stating their name and address, the attorneys also supply the government agency with their own photo IDs and law licenses and provide a law office address for mailing the certificate.

“It’s a process that works very well everywhere but in New York City,” Cohen explained. “Unlike New York State, Pennsylvania, New Jersey and other jurisdictions, New York City demands a copy of the client’s current photo-ID or several documents proving the client’s mailing address. But many homeless people need the birth certificate to obtain a photo-ID and most don’t have a fixed, continuous address. That means our clients who were born in New York City can’t get their birth certificates. We think that violates their constitutional rights.”

HAP, whose mission is to help “end the cycle of poverty and homelessness,” was founded in 1990. In 2015, HAP’s 13-member staff and 350 volunteer attorneys provided free legal assistance to nearly 3,500 clients, which included securing more than 1000 birth certificates. “Obtaining a birth certificate is a critical first step for many homeless people,” Cohen said. “Without it, they’re trapped.”

Two HAP clients, Anthony Green and John Kagian, joined as plaintiffs in the suit. Both were born in New York City and have been refused copies of their birth certificates.

The suit was filed on September 23, 2016, in the United States District Court for the Southern District of New York in Manhattan. The named defendants are New York City, the city’s Department of Health and Mental Hygiene, which is authorized to issue birth certificates for persons born in New York City, and the department’s commissioner.

For further information, please contact Marsha Cohen at 215-523-9595 or marsha@haplegal.org.