

Mayor Bloomberg's Plan to Terminate or Deny Emergency Shelter to Homeless Families and Individuals

Mayor Bloomberg is seeking court approval for a plan to terminate or deny emergency shelter to many homeless families and individuals whom the City determines have failed to comply with social service and shelter rules. Under the proposal, homeless individuals who are sanctioned would be ejected to the streets for a minimum of 30 days and as long as 180 days; for sanctioned homeless families, children would be removed to a form of foster-care placement while parents are ejected to the streets, also for 30 days or more. The Bloomberg Administration's plan – which is a continuation of a Giuliani-era policy blocked by court orders in early 2000 – would significantly curtail the legal right to emergency shelter for homeless children and adults which has prevailed in New York City for more than two decades.

Who would be affected by the Bloomberg plan?

The proposal seeks to implement a State regulation that requires localities to terminate or deny shelter to homeless households for any of the following reasons:

- Failure to cooperate and complete an assessment;
- Failure to develop and comply with a service plan developed by the shelter or the City – one instance of non-compliance results in ejection from shelter, two instances of non-compliance result in ejection from shelter for 30 days or until compliance, whichever is longer;
- Failure to actively seek permanent housing; or
- Violation of shelter rules involving health and safety.

What would happen to the children of ejected families?

The City states that sanctioned parents will be permitted to leave their children in “respite care,” a form of foster-care placement, for up to 30 days. According to City lawyers, after 30 days or if the parents do not use the respite-care option, children can be removed from their parents and placed into foster care.

Are mentally-ill or disabled people affected by this plan?

Yes, although the State regulation provides an exemption for individuals whose non-compliance results from a “physical or mental impairment.” However, many homeless people have mental, physical, and social dysfunctions that are difficult to diagnose and do not meet government standards for “impairment.”

What are the next steps?

The Bloomberg Administration has until October 11th to file its appeal in *Callahan v. Carey* and *Eldredge v. Koch*, the consent decree requiring the provision of shelter to homeless single adults. A hearing is scheduled for October 31st in *McCain v. Giuliani*, to discuss the Bloomberg plan to eject homeless families and children from shelter. Coalition for the Homeless and the Legal Aid Society, representing the plaintiffs in the respective litigations, will challenge the City's plan.

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