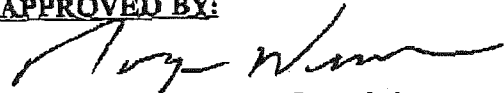


CITY OF NEW YORK
DEPARTMENT OF HOMELESS SERVICES

PROCEDURE NO. 06-500

<u>SUBJECT:</u> Review of Re-applications for Temporary Housing Assistance	<u>APPLICABLE TO:</u> DHS Family Intake Facilities	<u>EFFECTIVE DATE:</u> February 21, 2006
<u>ADMINISTERED BY:</u> NYC DHS-DIVISION OF FAMILY SERVICES		<u>APPROVED BY:</u>  Roger Newman, Deputy Commissioner

PURPOSE

This procedure sets forth the process for accepting and handling re-applications for Temporary Housing Assistance (THA) at DHS Intake facilities for families with children. This procedure is designed to ensure a streamlined process for families that re-apply for housing assistance while providing immediate housing assistance to those families in the circumstances enumerated below.

POLICY

Any family, including a family whose prior application for emergency shelter was denied because of an available housing resource may re-apply for THA at a DHS family intake facility any time. Families who re-apply within 90 days of a determination denying their previous application for THA and who do not make a showing of a material change in their housing situation from their prior application will have their prior application reviewed to ensure that the proper result was reached in the prior determination and will receive an eligibility determination on their current re-application. Re-applicant families who re-apply for shelter more than 90 days after a determination denying their application for THA will receive a full investigation of their re-application and will be provided shelter during the investigation. Re-applicant families who re-apply within 90 days of a determination denying their previous application for THA and who make a showing of a material change in their housing situation from their initial application will be provided shelter during the investigation in the following circumstances:

- the re-applicant asserts new facts establishing that the re-applicant is a victim of domestic violence and the alleged perpetrator of the violence lives in the same residence the re-applicant did immediately prior to submitting the re-application, or is aware of the re-applicant's current address and presents a clear and ongoing threat to the re-applicant; or
- the re-applicant asserts new facts that the re-applicant or the primary tenant has been evicted from the residence where the re-applicant lived immediately prior to submitting the re-application; or

- the re-applicant asserts new facts establishing that the re-applicant's child(ren) is/are a victim of child abuse and the alleged perpetrator of the abuse lives in the same residence the re-applicant did immediately prior to submitting the re-application, or has access to the re-applicant's household.

In such circumstances an immediate need is demonstrated and a pre-investigation grant of assistance shall be made pending an eligibility determination.

Additionally, DHS team leaders and supervising attorneys may authorize a pre-investigation grant of assistance in emergency cases where it is determined that an immediate need exists though the re-application does not allege domestic violence, child abuse or an eviction. The factors in determining whether an immediate need exists are discussed further below.

INSTRUCTIONS

I. Re-Application Process

A. Reception/Triage Window

Families who wish to re-apply for THA may submit an application at a DHS Intake Facility 7 days a week, 24 hours a day. When a family arrives at the facility, the reception worker will record the family's name and case number in the daily Reception/Triage Log. The reception worker will review CTS to confirm the date of the family's last eligibility determination. The reception worker will update CTS and request the family's prior application(s) from DHS files. The family will be given a re-application questionnaire which will be used to assess the family's immediate needs. A DHS worker will assist the family in the completion of the questionnaire.

B. Assessment of Re-Applicant's Material Change Claim

The family's completed questionnaire and prior application(s) will be referred to a team leader who will review the new information to assess whether the applicant family is alleging a material change in their housing situation that would affect their eligibility for THA.

After reviewing the re-applicant family's case record and the questionnaire, the team leader must make a determination on whether the re-applicant family has submitted information which shows a material change in the housing situation that constitutes 1 of the 3 situations cited above or that otherwise demonstrates an immediate need, presenting an immediate and significant threat to the health or safety of the re-applicant family or primary tenant. A material change is a change in facts or circumstances, which if true, would likely make the re-applicant family eligible for THA. Examples of material change include but are not limited to:

- Documentary evidence such as an Order of Protection, police report(s), domestic partnership or marriage certificates;
- An allegation of domestic violence;
- Documentation affirming a medical condition that raises questions on whether the current housing situation is hazardous;
- Evidence of an eviction from the re-applicant's current housing, i.e., Marshal's notice of eviction;
- A change in the number of persons living at the recommended housing option.

(i) **Absence of Material Change**

If the family's re-application does not allege a material change, then the team leader shall review the prior determination to ensure that the correct decision was reached in the prior application. If the team leader agrees that a correct determination was made on the prior application the team leader will recommend that the family be found ineligible for immediate pre-investigative grant assistance. The team leader will prepare a "4002 Notice of Action Taken on Your Request for Emergency, Pre-Investigation Assistance" specifying why the family is not eligible for immediate assistance and forward the case to a QI attorney for review. If the QI attorney concurs with the team leader's assessment, then the case will be returned to the team leader who will serve the family with a "4002 Notice of Action Taken on Your Request for Emergency, Pre-Investigation Assistance" along with an appointment slip with a scheduled time for the re-applicant to return in 10 days to receive the final determination on their shelter re-application. A copy of the "4002 Notice of Action Taken on Your Request for Emergency, Pre-Investigation Assistance" will be placed in the case record and CTS will be updated. If the determination that the family is ineligible for pre-investigation assistance is made between 8 am and 10 pm, the re-applicant family will be referred to the Resource Room where resource room staff will assist families in returning to their recommended housing option. If the denial for immediate assistance occurs after 10 pm the family should be given an appointment for the next business day. Transportation arrangements, including Metrocards should be made for the family's return to their housing accommodation.

If the QI attorney does not agree with the team leader recommendation, the re-application and case file(s) will be forwarded to a senior team leader and a QI supervisor for review. If the two supervisors cannot come to an agreement on the case, it will then be reviewed by the Program Director and a QI manager. The Program Director will make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

After the family is notified of the agency's determination on the grant of pre-investigation assistance, the case will be forwarded to a senior team leader for a final eligibility determination. See **Investigation of Re-application for THA Following an Immediate Needs Determination, Section II** below.

(ii) **Material Change**

If the family makes a showing of a material change the team leader must make a determination on whether the re-applicant family qualifies for a pre-investigation grant of assistance. The team leader's determination that a pre-investigation grant of assistance is warranted based on the alleged material change shall be reviewed by a QI attorney.

If the QI attorney does not agree with the team leader recommendation, the re-application and case file(s) will be forwarded to a senior team leader

and a QI supervisor for review. If the two supervisors cannot come to an agreement on the case, it will then be reviewed by the Program Director and a QI manager. The Program Director will make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

(a) Mandatory Grant of Pre-investigation Assistance

As previously noted, re-applicants will receive an emergency placement during the investigation of the material change under the following circumstances: (1) The current re-application for shelter is made more than 90 days after receiving a determination on a prior application for THA; (2) the re-applicant asserts new facts that the re-applicant or a re-applicant family member is a victim of domestic violence and the alleged perpetrator of the violence lives in the same residence the re-applicant did immediately prior to submitting the re-application, or is aware of the re-applicant's current address and presents a clear and ongoing threat to the re-applicant; (3) the re-applicant asserts new facts that the re-applicant or the primary tenant has been evicted from the residence where the re-applicant lived immediately prior to submitting the application; or (4) the re-applicant asserts new facts that the re-applicant's child(ren) is/are a victim(s) of child abuse and the alleged perpetrator of the abuse lives in the same residence the re-applicant did immediately prior to submitting the application or has access to the applicant's household; or (5) the re-applicant asserts new facts that an immediate need situation exists because of circumstances presenting an immediate and significant risk to the health or safety of the re-applicant family or primary tenant - see **Other Circumstances Requiring Grants of Pre-investigation Assistance**, Section I(B)(ii)(b) below. All re-applicant families who are found eligible for a pre-investigation grant of assistance must be served a "4002 Notice of Action Taken on Your Request for Emergency, Pre-Investigation Assistance" indicating that they will receive a conditional shelter placement during the review of their re-application.

(b) Other Circumstances Requiring Grants of Pre-Investigation Assistance

On a case-by-case basis, team leaders and QI attorneys must exercise discretion and authorize a pre-investigation grant of assistance for a re-applicant family when certain other circumstances exist, despite the fact that their alleged change in circumstances does not constitute one of the four situations enumerated in Section (B)(ii)(a) (re-application made 90 days after the previous determination, domestic violence, eviction or child abuse). An emergency case that constitutes an immediate need requiring a pre-investigation grant of THA exists when the re-applicant's return to the previously recommended housing option, or other housing alternative would present an immediate and significant threat to the health or safety of the re-applicant family and/or the health or safety of the primary tenant.

- In determining if an emergency situation constituting an immediate need exists, the team leader and QI team leader should consider all facts presented by the re-applicant's case.

It is important to note that a mere assertion by the re-applicant that the family cannot return to a recommended housing option because the primary tenant does not want them to return does not, on its own, constitute an emergency case creating an immediate need. Furthermore, doubled-up or crowded housing conditions, absent an indication of an immediate risk to the health or safety of the occupants, do not warrant grants of pre-investigation assistance. Difficult or uncomfortable living arrangements are not emergencies that constitute an immediate need and do not require a pre-investigation grant of assistance, absent the circumstances described above.

II. Investigation of Re-application for THA Following the Immediate Needs Determination

After a determination is made on the re-applicant family's eligibility for pre-investigation assistance, the senior team leader shall assign the re-application for review. A re-applicant that alleges domestic violence shall be referred to NOVA. A re-applicant that asserts that his/her child(ren) is/are a victim(s) of child abuse shall be referred to ACS staff. In all other cases the senior team leader shall assign the re-application to a caseworker for further investigation, where necessary, of the need for THA.

Note: Investigations of all re-applications will be conducted in accordance with existing DHS procedures and guidelines. As described further below, new phone and field investigations may be required to ensure the information relied on in reaching a determination is current.

A. Investigation Following the Denial of a Grant of Pre-Investigation Assistance Where No Material Change is Claimed

The team leader will recommend to the investigator how to proceed with the investigation. If the re-application for assistance is submitted less than 30 days after completion of the most recent phone interview, no additional investigation is required, though a team leader has discretion to request additional investigation. The re-application will be submitted to a senior team leader who will review the re-applicant's questionnaire and prior application(s) to ensure a correct determination was reached on the prior application. The senior team leader will prepare a determination and submit a copy to a QI attorney for review. Both the senior team leader and the QI attorney have the authority to request additional investigation if they deem it necessary to reach a decision.

If the last field investigation performed on the re-applicant's case occurred more than 45 days prior to the current re-application, then new field investigations shall be conducted. If phone interviews are more than 30 days old, then new phone interviews shall be

conducted. The information gathered from any of these investigations shall be used in the senior team leader's evaluation of the re-application. A summary review will be prepared by the senior team leader and submitted to the QI attorney for review.

If QI attorney disagrees with the senior team leader's recommendation, the re-application will be reviewed by the Program Director and a QI manager. The Program Director will make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

The team leader will serve the re-applicant family with the *"4002 Final Determination Notice on your Request for Temporary Housing Assistance"* at their scheduled appointment. If the family is ineligible they may request additional assistance at the Resource Room.

B. Investigation Following the Denial of a Grant of Pre-Investigation Assistance Where A Material Change is Alleged

The team leader will recommend to the investigator how to proceed with the investigation. If the re-application for assistance is submitted less than 30 days after a phone interview was completed on the re-applicant's prior application, then the investigation need only entail an inquiry into the alleged material change - a re-investigation of the entire case record is not required. A team leader retains discretion to request additional investigation on issues outside of the material change claim.

The results of the investigation of the alleged material change shall be submitted to a senior team leader who will evaluate the re-application. If the senior team leader concludes that the family is eligible based on the material change, the recommendation and summary review will be forwarded to a QI attorney for review.

If after the investigation of the alleged material change the senior team leader concludes that the family is not eligible, a new field investigation will be performed where the field investigation on the prior application occurred more than 45 days ago. If phone interviews are more than 30 days old, then new phone interviews shall be conducted on issues not addressed by the material change investigation.

The information gathered from any of these investigations shall be used in the senior team leader's evaluation of the re-applicant family's eligibility. A summary review will be prepared by the senior team leader and submitted to the QI attorney for review. If the QI attorney agrees with the recommendation, then a *"4002 Final Determination Notice on your Request for Temporary Housing Assistance"* stating the reasons why the determination was reached will be prepared and the 4002 and case file will be returned to the team leader who will give the re-applicant the determination at the previously scheduled meeting.

If the QI attorney does not agree with the recommendation, then the re-application will be reviewed by the Program Director and a QI manager. The Program Director will make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

The team leader will serve the re-applicant family the final determination at their scheduled appointment. If the family is ineligible they may request additional assistance at the Resource Room.

C. Investigation following the Mandatory Grant of Pre-Investigation Assistance

A re-applicant family that makes a domestic violence or child welfare allegation should be immediately referred to the NOVA unit or ACS, respectively for investigation of the claim. In cases of an alleged eviction, the team leader that made the initial immediate needs determination will investigate the claim.

A re-applicant family who NOVA determines is eligible for placement shall be placed in an appropriate shelter facility according to NOVA/DHS Guidelines. NOVA determinations that the family is not domestic violence (NDV) eligible, as well as ACS and/or team leader findings shall be referred to a senior team leader who will use the findings to determine if the re-applicant family is eligible for shelter in the DHS system. If the senior team leader concludes that the family is now eligible for shelter he/she will forward their recommendation and summary review to a QI attorney for review.

If the senior team leader concludes that the family is ineligible for shelter based on the NOVA, ACS or team leader findings, and the re-application for assistance is submitted less than 30 days after the most recent phone interview, then no additional investigation is required. The senior team leader shall review the re-applicant's prior questionnaire and prior application(s) to ensure a correct determination was reached on the prior application(s). The senior team leader will forward the recommendation and summary review to a QI attorney for review.

However, if the senior team leader concludes the family is ineligible based on the NOVA, ACS or team leader findings and the prior field investigation is more than 45 days old, then new field investigations shall be conducted. If the most recent phone interviews are more than 30 days old, then new phone interviews shall be conducted. The senior team leader will review the information gathered from any of these investigations in evaluating the re-application. The senior team leader shall also review the re-applicant's prior questionnaire and prior application(s) to ensure a correct determination was reached on the prior application(s). The senior team leader will forward the recommendation and summary review to a QI attorney for review.

If the QI attorney concurs with the senior team leader's recommendation then a 4002 *Final Determination Notice* stating the reasons why the determination was reached will be prepared and the 4002 and case file will be returned to the team leader.

If the QI attorney does not agree with the recommendation, then the re-application will be reviewed by the Program Director and a QI manager. The Program Director will make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

The senior team leader will prepare a *4002 Final Determination Notice* stating the reasons why the determination was reached and it will be forwarded to the team leader along with the case file. The team leader will ensure that the re-applicant is served with the *4002 Final Determination Notice* at the re-applicant's conditional placement. If the family is ineligible they may request additional assistance at the Resource Room.

D. Investigation following the Grant of Pre-investigation Assistance Based on Other Circumstances

Following the grant of pre-investigation assistance, the team leader that authorized the grant shall direct an investigator on the necessary follow-up investigation. If the re-application for assistance is submitted less than 30 days after a phone interview was completed on the re-applicant's prior application, then the investigation need only entail an inquiry into the alleged material change; a re-investigation of the entire case record is not required. A team leader retains discretion to request additional investigation on issues outside of the material change claim.

The results of the investigation of the alleged material change shall be submitted to a senior team leader who will evaluate the re-application. If the senior team leader concludes that the family is eligible based on the material change, the recommendation and summary review will be forwarded to a QI attorney for review.

If the senior team leader concludes that the family is ineligible for shelter based on the investigation into the alleged immediate need, and the re-application for assistance is submitted less than 30 days after the most recent phone interview, then no additional investigation is required. The senior team leader shall review the re-applicant's prior questionnaire and prior application(s) to ensure a correct determination was reached on the prior application(s). The senior team leader will forward the recommendation and summary review to a QI attorney for review.

However, if the senior team leader concludes the family is ineligible and the prior field investigation is more than 45 days old, then new field investigations shall be conducted. If the most recent phone interviews are more than 30 days old, then new phone interviews shall be conducted. The senior team leader will review the information gathered from any of these investigations in evaluating the re-application. The senior team leader shall also review the re-applicant's prior questionnaire and prior application(s) to ensure a correct determination was reached on the prior application(s). The senior team leader will forward the recommendation and summary review to a QI attorney for review.

If the QI attorney concurs with the senior team leader's recommendation then a *4002 Final Determination Notice* stating the reasons why the determination was reached will be prepared and the *4002* and case file will be returned to the team leader.

If the QI attorney does not agree with the recommendation, then the re-application will be reviewed by the Program Director and a QI manager. The Program Director will

make the final decision but cannot make an ineligible determination if the QI manager does not concur with the decision.

The senior team leader will prepare a *4002 Final Determination Notice* stating the reasons why the determination was reached and the *4002* will be forwarded to the team leader along with the case file.

The team leader will ensure that the re-applicant is served with the *4002 Final Determination Notice* at the re-applicant's conditional placement. If the family is ineligible they may request additional assistance at the Resource Room.

III. Quality Improvement and Legal Conferences

Re-applicant family may request a case conference with a Quality Improvement attorney after receiving a determination that they are not eligible to receive a pre-investigation grant of assistance or a final determination that they are ineligible for THA. At the conference, a QI team leader who did not perform the earlier review will assess the case with the family and make a final determination. If the determination of ineligibility is upheld, the family will be informed and will be offered the opportunity to meet with Resource Room staff before returning to their housing option. CTS will be updated accordingly.

If the determination of ineligibility is overturned at the conference and the family is found eligible for THA the family will be advised and will be given a shelter placement. If further investigation is recommended, the conference attorney will prepare a detailed list for the senior team leader for the investigation of the matters that need to be addressed.

IV. Resource Room Referrals

All re-applicant families who are denied immediate pre-investigation assistance or denied THA, should be referred to the Resource Room where they will be assisted in their return to their housing option. Families may be referred to neighborhood based supportive services for their transition back to their communities. If no one is available to assist the family an appointment should be scheduled for the following day.