



## POLICY BRIEF

### **Closing the Shelter Door: The Bloomberg Administration's Misguided Plan to Deny Shelter to Homeless Families and Children**

Mayor Bloomberg and administration officials have announced one of the most dramatic changes in New York City homeless policy in more than two decades: New rules, to be implemented in the coming months, to deny shelter to homeless children and their families who have been deemed “ineligible” for shelter by City bureaucrats. Under the proposed new rules, for the first time in more than eight years homeless children and families could be turned away from the shelter door by City bureaucrats and left out in the cold. The Bloomberg Administration’s plan represents one of the most fundamental attacks on the right to shelter for homeless New Yorkers since the inception of modern homelessness, and threatens to make New York like other American cities where homeless children and families are frequently left to sleep rough on the streets. Mayor Bloomberg and City officials should immediately abandon any effort to implement rules to deny shelter to homeless families.

#### **The Proposed New Rules: No Shelter for Many Homeless Families**

Under the proposed new policy, which was outlined on November 16th at the opening of a new Bronx intake center for homeless families and detailed in subsequent news reports, homeless children and families whom the City’s Department of Homeless Services (DHS) claims are “ineligible” for shelter would be denied shelter applications when they re-apply for shelter, as is the current practice.<sup>1</sup> According to Bloomberg Administration officials, the ban on shelter placements would be permanent, except in cases where the City’s decision to find the family “ineligible” for shelter is overturned by a State appeals hearing officer. City officials have not yet released crucial details about the rules change, but it is clear that families and children who are denied shelter would largely be expected to fend for themselves.

Currently thousands of homeless families each year are deemed “ineligible” by DHS and forced to re-apply for shelter, beginning the grueling intake process over again at square one. However, as documented by numerous investigations over many years, the DHS eligibility review process is rife with bureaucratic errors and mistaken determinations of “ineligibility.” DHS routinely claims that families have other housing available to them, when in fact subsequent investigations and additional evidence often confirms that the alleged “other housing” is not available or suitable to the families’ needs. In addition, in many cases DHS finds a family “ineligible” not because of the alleged availability of “other housing,” but due to missing or incomplete paperwork (for example, the absence of a child’s birth certificate, or incomplete information about a family’s recent housing history). Thus, in many cases, the City is not asserting that the family is not “truly homeless,” merely that they have not completed bureaucratic requirements.

Most troubling, however, is the enormously high incidence of mistakes, errors, and poor decisions in the DHS intake process. Homeless families, service providers, and advocates have documented such mistakes for years, despite the presence of numerous court orders prohibiting the City from denying shelter based on incomplete or mistaken eligibility reviews. Frequently the mistakes made by DHS

bureaucrats threaten the health and safety of children and their parents. In many cases, women fleeing domestic violence have been told to return to the homes of batterers, or children have been told to return to homes where they were abused. In many other cases, DHS investigators have insisted that families can reside in apartments with severe health hazards or that are extremely overcrowded.

Indeed, DHS data confirms the prevalence of error in the shelter intake process. Among all families ultimately deemed eligible for shelter in City Fiscal Year 2004, according to DHS reports, 35 percent of those families were forced to file two or more applications, and 17 percent – one of every six families ultimately found eligible for shelter – were forced to file three or more applications.<sup>2</sup> Under the Bloomberg Administrations' proposed new rules, instead of receiving emergency shelter placements while re-applying, many families in similar circumstances would simply be denied shelter and forced to turn to the streets.

### **Left Out in the Cold: Recent Experience with City Policies Denying Shelter to Homeless Families**

The fears that homeless families and children will be left out in the cold by the proposed new City rules are grounded in the harsh reality of similar City policies in recent years. Indeed, during two periods when City rules denied shelter to homeless families found “ineligible” by DHS bureaucrats, homeless families, children, and pregnant women were forced to sleep outdoors, the only time since the 1970s that City policy has driven homeless families into the streets.

**Denying Shelter to Homeless Families with Children:** In a precursor to the proposed new City rules, in August 1996 the Giuliani Administration implemented a policy under which homeless families with children who had been found “ineligible” for shelter by DHS investigators were prohibited from re-applying for shelter for 24 hours. As a result of this policy, many families were forced to sleep outdoors or in other dangerous settings. There are documented cases from the autumn of 1996 of a homeless mother and her baby sleeping on a subway train; several families with children sleeping in a park near the Bronx intake office; and one family with children sleeping in the hallway of an old building.

In response to the Giuliani Administration's controversial policy, several clergy leaders gathered together to voice opposition to the harsh rules. Working with homeless service providers, in late 1996 they also organized a makeshift “sanctuary shelter” at West End Presbyterian Church that provided temporary shelter for families turned out into the streets by the City's rules. At the sanctuary shelter, homeless families were provided with individual case assistance, and ultimately all of the families were determined to be “eligible” for shelter, highlighting again the bureaucratic errors in the City's intake process. Amidst widespread opposition by homeless service providers and religious leaders and a legal challenge brought by the Legal Aid Society, the Giuliani Administration ultimately reversed itself and allowed families deemed “ineligible” to re-apply immediately and receive shelter placements while they addressed disputes over eligibility.

**Denying Shelter to Homeless Couples:** More recently, however, the Bloomberg Administration implemented a policy denying shelter to childless families – primarily married couples and domestic partners – who are homeless. From December 2003 through March 2004, during some of the coldest nights in recent years, the Bloomberg Administration introduced a new rule under which homeless couples who were found “ineligible” for shelter could not re-apply for shelter for seven days.

Over three winter months, dozens of homeless couples – including pregnant women and individuals living with severe mental and physical disabilities – were forced to fend for themselves on the streets of the city. One married couple, in which the wife was developmentally disabled and walked on crutches

due to a leg injury, was turned away from the intake center late on a Friday night during one of the worst blizzards of the winter.<sup>3</sup> Another married couple, in which the woman was eight months' pregnant, was forced to sleep at Penn Station for several nights. Another couple which suffered from severe psychiatric and medical disabilities was forced to sleep on the rooftop of a building.

In many cases, families were denied shelter not because DHS investigators asserted that the families had alternative housing available, but because DHS maintained that they did not constitute a "serviceable family unit," even though the couples had domestic partnership certificates.<sup>4</sup> But even in cases where the City alleged the availability of "other housing," many families who were denied shelter for a week or more were, after receiving case assistance from community groups, ultimately determined to be eligible for shelter.

In March 2004, after Coalition for the Homeless and the Legal Aid Society threatened to seek judicial relief for homeless couples denied shelter, the Bloomberg Administration ended the policy denying shelter to homeless couples who re-apply for shelter. However, many homeless couples who have been found "ineligible" for shelter continue to be denied shelter placements and food. They are forced to sleep for many nights, often for weeks, on benches and chairs at a Manhattan intake office, where only individuals with documented medical conditions are permitted to receive food.

### **Other American Cities: Rationing Shelter for Homeless Families**

As a result of landmark litigation dating back more than two decades, New York City historically has had the strongest protections for homeless children and families in the United States. Unlike in other American cities, in New York City homeless families can secure emergency shelter and are not at risk of being expelled to the streets due to a shortage of shelter space, time limits on shelter stays, or bureaucratic requirements.

Tragically, in most American cities "rationing" shelter is the norm. Municipal and state governments across the country use a variety of methods to ration shelter, including time limits, bureaucratic requirements for the receipt of shelter, rules forcing families to separate in order to seek shelter, and even lotteries and waiting lists. The consequences of these policies are predictable: Because the shelter door is closed to them, many homeless children and families are forced to sleep rough on the streets, or to sleep in overcrowded or unsafe temporary housing arrangements. In San Francisco, for instance, there is a waiting list for shelter placements for homeless families, and many families are forced to sleep outdoors, in automobiles, or in other makeshift arrangements. In Boston, stringent new State requirements for shelter admission have barred many homeless families from receiving emergency shelter. According to a report by the U.S. Conference of Mayors, last year 84 percent of cities surveyed turned away homeless families who had requested shelter due to lack of resources, and in 60 percent of cities surveyed families may be required to break up in order to secure shelter.<sup>5</sup>

Thus, New York City remains unique as the only large city in the United States with a guarantee of emergency shelter for homeless families. This fundamental protection is the major reason that homeless children and their parents are almost never seen sleeping outdoors in New York City.

### **Protecting New York City's Most Vulnerable Children and Families**

The Bloomberg Administration's plans to deny shelter to homeless children and families threaten to unravel a fundamental protection for the most vulnerable New Yorkers that has existed for more than two decades. They also threaten to make New York like many other American cities, where homeless

children and families are routinely turned away from the shelter door. Simply put, if the City's proposed rules go into effect, many homeless children and families will be forced to sleep in overcrowded or unsafe housing arrangements, or to sleep rough on the streets. New York City can do better. Mayor Bloomberg should immediately abandon any plans to deny shelter to homeless families.

*Prepared December 2004.*

*For more information, please visit our website or contact Patrick Markee, Senior Policy Analyst, Coalition for the Homeless, 212-776-2004.*

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<sup>1</sup> Kaufman, Leslie, "New York Announces New System to Process Families Seeking Shelter," *New York Times* (November 17, 2004), page A1.

<sup>2</sup> In CFY 2004, according to the New York City Department of Homeless Services, 9,252 families were found eligible for shelter; 3,238 families were found eligible after two or more applications; 1,573 families were found eligible for shelter after three or more applications; and 6,014 families were found eligible after one application. During that fiscal year, 16,075 different families applied for shelter. Data available at <http://www.nyc.gov/html/dhs/html/about/car.shtml>.

<sup>3</sup> Coalition for the Homeless and the Legal Aid Society appealed to DHS officials to shelter this couple due to the health problems of the wife, but the DHS general counsel refused to reverse the agency's decision to bar them from shelter. Ultimately, after assistance with paperwork, the couple was found eligible for shelter.

<sup>4</sup> In the spring of 2004, the Bloomberg Administration reversed a Giuliani-era policy which recognized couples with domestic partnership certificates as families. Under the Bloomberg Administration policy, homeless domestic partners need to produce additional evidence that the couple is a "family," evidence which is frequently dismissed by DHS investigators.

<sup>5</sup> U.S. Conference of Mayors, *Hunger and Homelessness Survey 2003* (December 2003), available at [http://www.usmayors.org/uscm/news/press\\_releases/documents/hunger\\_121803.asp](http://www.usmayors.org/uscm/news/press_releases/documents/hunger_121803.asp).