

October 24, 2007  
CITY COUNCIL HEARING  
GENERAL WELFARE COMMITTEE  
TESTIMONY BY ROBERT V. HESS

Good Afternoon Chairman DeBlasio and members of the committee. My name is Robert Hess and I am the Commissioner of the Department of Homeless Services (DHS). Joining me today is Carol David, Assistant Commissioner for Intake Services.

### **Introduction**

DHS is responsible for helping men, women and children who may be at risk of experiencing homelessness to avoid the trauma of shelter wherever possible and to lessen the time spent in emergency shelter by quickly helping individuals and families transition from shelter to permanent housing.

DHS does more to assist those experiencing homelessness than any other city in the country. The work we are doing in New York City truly serves as a model for the rest of nation.

One of the greatest achievements of this Administration was closing the doors of the EAU, our former family intake center. In its stead, in November 2004, we opened our temporary intake center, PATH, which serves as the “front door” for families seeking shelter pending the City’s construction of a new intake facility on the site of the old EAU. As we sit here today, the EAU is in the process of being torn down.

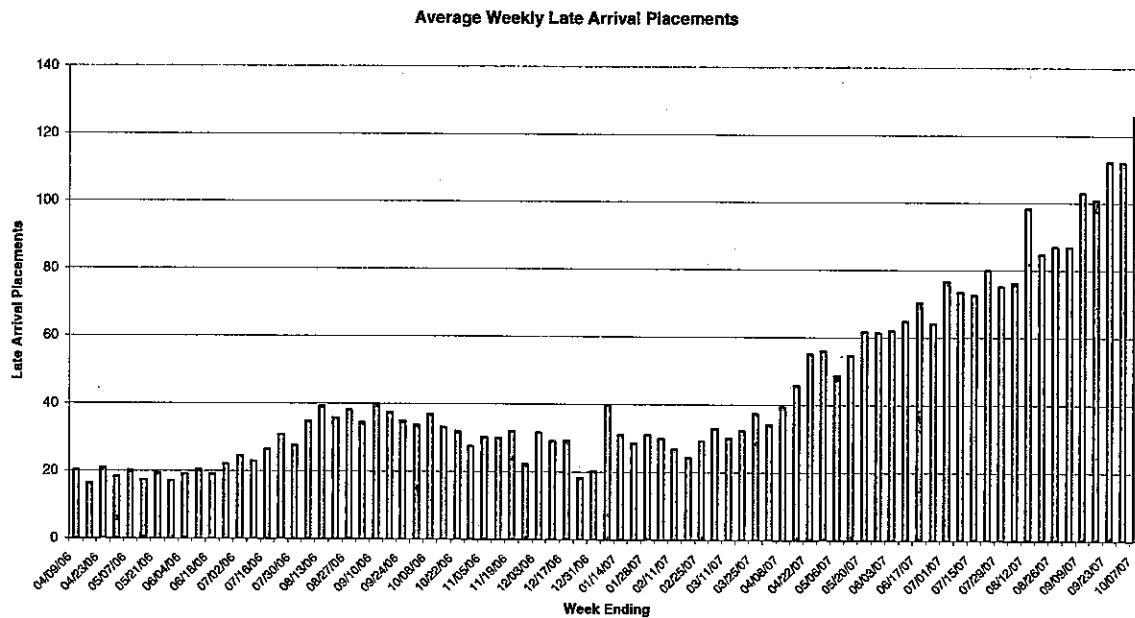
For twenty years, the EAU represented a system that was difficult and confusing for families applying for temporary emergency housing. The vision of families sleeping on floors and waiting days to have applications processed should not be forgotten. We need to remember the work that was

done by this City to transform the system into one that treats clients with respect and dignity. The current Prevention Assistance for Temporary Housing or PATH facility stands as a symbol of all the work we have done to reform the system.

PATH's office design, program mix, and staffing models were informed by the set of recommendations released by the Court-appointed Special Master Panel in June of 2004. Consistent with those recommendations, PATH includes multiple opportunities for families to access prevention services, an enhanced social work component, a midpoint case conference, where families are apprised of the likely outcome of their eligibility determination, and bridge services to transition ineligible families back to available housing and community supports. DHS client advocates are also located on site to help families navigate the process.

Today we face a challenge. The challenge is to protect the incredible work the City has done to create an efficient and effective system to serve families who are homeless and in need of shelter. We have come too far to go back to the old days of the EAU.

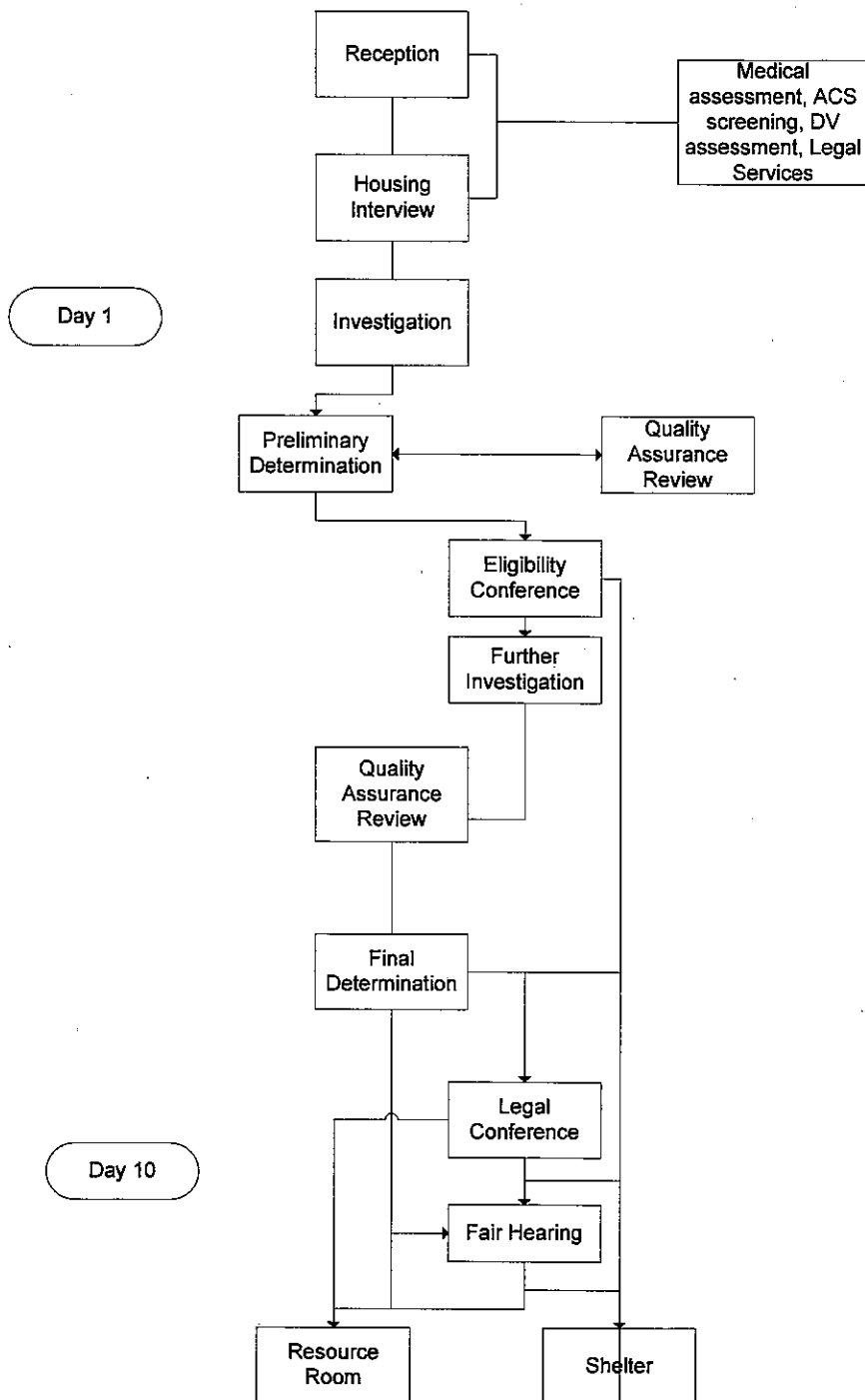
In the past several months, we have become aware of a discrete but growing number of families who, after receiving a 10-day conditional placement, and a comprehensive investigation of their application were found ineligible because they have an available housing option. Nevertheless, they continue to come to PATH after 5:00 PM seeking a "late arrival placement," or placement for the night.



We soon realized that this disturbing trend, if allowed to continue, would threaten the very integrity and effectiveness of the PATH process that we have worked so hard to build. To address this loophole, two weeks ago, we implemented a new policy with respect to families whom we have determined ineligible for shelter because they have housing options.

Before I go into detail about the new policy and its impact, I would first like to provide a general overview of the PATH process. This will allow you to better understand the challenge and why we decided to make a change.

## The Path Process



### **PATH Intake Procedure**

Last night there were more than 8,000 families with children who spent the night in shelter. For these families, shelter was their only available housing option. The decision to enter shelter is never easy. Many struggle with the notion of reaching out for help. Others are too proud or too determined to find another way. If these families have no other housing options, it is our responsibility to provide them with shelter. In doing so, we must also ensure that the system is responsive to their needs and provides them with services in a humane environment.

In keeping with one of the key recommendations of the Special Master Panel, DHS operates PATH on a business hours model to respond to families seeking temporary, emergency shelter. Thus, while PATH is open to families 24 hours a day, seven days a week, 365 days a year, families who apply for shelter between 9:00 AM and 5:00 PM Monday through Sunday receive a full processing of their application. Families who come to PATH after 5:00PM — other than families with housing options who are now subject to our new policy — are given a late arrival placement and then transported back to PATH the next morning to continue and complete their application. The purpose of the business hour model is to prevent the significant disruption to families, and particularly children, caused by spending evening hours at the intake center.

On any given day approximately 90 families come to PATH and apply for shelter. DHS gives these families 10 days of free shelter while the agency conducts a comprehensive investigation of their circumstances to see if they are eligible to remain in the shelter system.

### ► **The Comprehensive Team Approach**

Our eligibility process or, as I refer to it, the PATH process, is based upon a comprehensive team approach that ensures accuracy in our eligibility determinations and fosters greater speed in rendering them. Each family is guided through the process by a single family worker whose assessment of the family's application is reviewed at critical junctures by the senior supervisor (i.e., the "team leader") and lawyer on the team.

The PATH process for families who are applying for shelter for the first time takes place in two phases: the application phase and the investigation and eligibility determination phase.

### **The Application Process**

For families who apply during business hours, it takes between 6 to 8 hours to complete the application process and obtain a conditional placement that same day. At the EAU, the same family would have spent 20 hours completing the application process, spread over two, possibly three, days.

The application phase proceeds as follows. Before a family meets with their family worker, they are screened by a reception worker who asks the family to fill out a one-page application answering, among other things, where they were living prior to coming to PATH, and how the family became homeless. The head of household is also asked to complete a one-page health screen form indicating if any family member is pregnant, is feeling sick and needs to see a nurse, or suffers from certain medical conditions. If needed, they will be seen by the Screening Nurse or the Triage Nurse Practitioner at

PATH's on-site medical provider, the Floating Hospital who, in turn, will refer the family member to an off-site medical provider if warranted.

If the family indicates on their application that they seek shelter because of domestic violence or child abuse, the family is referred to a trained domestic violence counselor in the HRA No Violence Again (NOVA) Unit or to a child protective specialist in the Administration for Children's Services (ACS) Unit.

The first step in the application process is an interview by a team of homelessness diversion workers. The team is composed of staff from HRA, HomeBase and the Neighborhood Association for Intercultural Affairs (NAICA). They explore, with the applicants, alternatives to shelter. The team offers a variety of services including legal services, cash assistance, benefits advocacy, information on housing resources, and ongoing community-based support.

The family then meets with their family worker who is trained to conduct an in-depth face-to-face interview which often lasts from one to one-and-a-half hours. The family worker goes over the 14-page eligibility determination questionnaire to obtain the family's history. This covers, among other things, family composition and the family's housing history for the past two years; reasons for seeking shelter; family members' employment, benefits, rental assistance and financial resources; family discord; criminal justice history and prior ACS involvement; domestic violence, child welfare and medical issues that confront the family; and the family's current living situation, including the type of housing in which the family resides, the



number of rooms and the sleeping arrangements of those residing there, and whether the home contains hazardous conditions.

At the completion of the interview, the family is assigned and transported to a shelter facility in which they will reside for the next 10 days pending the agency's investigation and determination of their application for temporary housing assistance.

#### **Thorough Investigation and Compliance with Eligibility Guidelines**

Shelter is the option of last resort for families who have no other place to stay. To ascertain whether families have alternative housing resources, DHS field investigators visit housing locations including those in the family's two-year housing history, to determine whether they are an appropriate place for the family to stay, even temporarily. The investigators tour the home to assess such things as the number of rooms, the makeup of those residing at the location and the sleeping arrangements. They also interview the primary tenant and others who may have relevant information such as occupants of the home, neighbors and building superintendents.

Each field investigator prepares a report containing, among other information, a primary tenant's reasons for the family's departure from the home, the household sleeping arrangements, and the family's length of stay at prior housing. If necessary, the family worker or team leader conducts telephone interviews with primary tenants or in some cases, they will contact the landlord, building superintendents and neighbors to better determine the availability of housing resources other than shelter. If the family's housing option is out of town, DHS investigates by contacting primary tenants via

telephone. From experience we know that a significant number of families coming from doubled up housing situations were living with other family members — mothers and fathers, grandparents, brothers and sisters, aunts and uncles.

The 45-page eligibility guidelines that govern the investigation are well established. In 1999, DHS developed the guidelines in considerable consultation with the then court-appointed special master who, in turn, reviewed them with plaintiffs' counsel. Following this process, DHS distributed the final version of the guidelines, shared them with plaintiffs in response to the Court's Order, and has not changed them, except in non-substantive ways. The guidelines were also shared with and reviewed by the Special Master Panel as part of its comprehensive two-year review of our eligibility process. These guidelines — which consolidate and reconcile state laws, regulations and court orders regarding eligibility standards — are used by all PATH staff involved in rendering eligibility decisions.

#### **The Mid-Point Case Conference**

The PATH process has many safeguards to ensure that an adequate investigation is done. A midpoint case conference is held while the family is in conditional placement to afford the family the opportunity to correct any inaccurate information and provide any additional facts or documentation to ensure that a correct eligibility determination is made. Another key purpose of the conference is to provide the family with a preliminary eligibility finding. This enables an MSW from the Resource Room to start exploring with families alternatives to shelter and to gather information to start

researching community-based support services for families who may be found ineligible.

► **Multiple Quality Assurance Reviews and the Right to a State Fair Hearing**

Built into the eligibility process are multiple instances where family workers, program supervisors and attorneys work together in determining a family's eligibility for shelter. In additions, attorneys engage in several quality assurance reviews: (1) prior to the midpoint case conference, (2) just before a final determination is made and, (3) if an ineligible family so chooses, a face-to-face legal conference conducted before a DHS attorney who has authority to reverse the ineligibility finding. These safeguards are in addition to the family's right to an expedited State fair hearing to challenge the Agency's final determination of ineligibility.

Many applicants who are found ineligible after their 10-day conditional placement return to the community. In some cases, families decide to return to PATH to reapply for shelter either because they disagree with our decision or because they have new information to share that they believe will have an impact on our eligibility determination. That brings me to a brief discussion of our Re-Applicant Procedure which was approved by the State and the Court in 2005.

### **The Re-Applicant Procedure**

At the outset, it is important to bear in mind, that families have the ability to apply for shelter an *unlimited* number of times notwithstanding previous ineligible determinations and they have a right to a legal conference and a State fair hearing on *every* application.

In April 2005, we sought the Court's permission to implement the Re-Applicant Procedure for families who reapply for temporary housing assistance within 90 days after being found ineligible for shelter because they have an available housing option. Under the Procedure, families are assessed quickly to determine if an immediate need is present. If an immediate need is present, that is, if a family member alleges child abuse or domestic violence, or the family (or the host family) has been evicted from the primary residence, DHS provides immediate needs shelter pending investigation and determination of the family's reapplication. When there is a significant and immediate threat to health or safety, DHS also provides shelter while the investigation is pending. When there is no immediate need, DHS investigates the family's eligibility but does not provide conditional shelter during its investigation. Instead, the family is referred to the Resource Room where dedicated, highly-trained MSWs work with the family to transition them back to their community.

This practice is consistent with the Special Master Panel's recommendation that we operate PATH on a business hours model and that we develop "a process for handling families who are ineligible for shelter, offering them assistance to ease their transition back to the community *without the*

*provision of shelter.”*<sup>1</sup> The State-approved Re-Applicant Procedure which the Court upheld over two years ago allows DHS *not* to shelter these families during the pendency of their reapplication. And, in fact, many families who are found not eligible for immediate needs shelter and not given an overnight placement, return to their community.

The Re-Applicant Procedure was designed to address a major imbalance that was inherent in the intake and eligibility process, before it was revamped. Historically, DHS provided shelter to *every* re-applicant on *every* re-application regardless of immediate need. This created a perverse incentive for some families to stay in the process through multiple and continued re-applications. This caused significant disruption in children’s lives and required significant staff time and other resources to serve this persistent subpopulation of families who continually sought free public shelter but did not need it. It caused severe bottlenecking of the intake and eligibility process, and intolerable overcrowding at the EAU. As a result, families truly in need of shelter experienced multiple overnight placements and, worse, overnight stays sleeping in chairs or on the floor of the EAU. This process has been in place and was working effectively for over a year.

### **Today’s Challenge**

Recently, DHS has become aware of a discrete but growing number of families who have been found ineligible because they have an available housing option but continue to come to PATH after 5:00 PM for a late night placement.

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<sup>1</sup> “Report on the Emergency Assistance Unit and Shelter Eligibility Determination” at 8.

From August 2006 to August 2007, DHS saw a 102% increase in the number of families coming in after 5:00 PM for late night placements. This is simply an unacceptable situation. It is not fair to have children and families in a constant state of motion — experiencing disruption in employment, school and family life — as they attempt to secure shelter late into the night on a daily basis, even if it is at their own choosing.

As of Friday, October 12, 2007, families returning to PATH after 5:00 PM who previously received 10 days of conditional shelter, who have an open reapplication, and who have not shown an immediate need for shelter pending consideration of their reapplication, are no longer given late arrival accommodations.

Under our new policy, we no longer permit families to move in and out of late arrival placements to the detriment of the family unit and, in particular, to the detriment of their children. If, upon reapplication, the family alleges a change in circumstances, PATH staff will assess whether they have an immediate need for shelter pursuant to the applicable criteria and, if so, provide them with a conditional placement. If, however, the family does not present a change in circumstances that gives rise to an immediate need, the family will not be provided with shelter. Instead, the family is referred to the Resource Room and provided with funds for transportation to return to their available housing option. If the family requests a legal conference, one will be scheduled for them the following day.

### **Impact Since Implementation**

In total, 16 families have returned after 5:00 PM seeking a late night placement. Of this group, 11 families were not given a placement, while five did receive a placement. In contrast to the first few days of implementation, over the past several nights, we have seen zero to one family per night returning for a late arrival placement.

The impact on the family is tangible: The evening hours at PATH no longer evoke images of the EAU and instead are quite calm and full of the restored dignity the intake center offers. Late new arrivals have been cut in half.

### **92 Percent Success Rate at Fair Hearing**

As with any social service benefit, clients who are found ineligible for shelter can appeal to the State for a fair hearing where an administrative law judge reviews the determination. In calendar year 2007, 769 families disagreed with our determination and requested a fair hearing. DHS' initial determination was upheld 92 percent of the time, which by any standard is an A. This further affirms our position that we have created a fair and accurate system when determining eligibility.

### **The Resource Room and Increased Services**

The Resource Room was established in July of 2005, following a recommendation made by the Special Master Panel. Operating from 10:00 AM to 10:00 PM, seven days a week, 365 days a year, the Resource Room's primary goal is to provide ineligible families with referrals to community-based organizations that offer services specific to meet their individual needs — whether that be mental health or substance abuse services, child care,

legal services or benefits advocacy, educational or vocational training — to enable them to live independently in their community. Through crisis intervention, mediation and counseling, the social worker helps the ineligible family realize that shelter is not the only option and works to develop an individualized service plan specifically tailored to the family's individual needs.

The success we are seeing with the Resource Room since implementing the new policy indicates that clients are more likely to work with us on developing a plan to return to the community if they know that repeated late night placements are not available. Since we implemented the new procedure, 60 re-applicants were found ineligible for immediate needs shelter. Thirteen re-applicants (22%) accepted diversion services back to the community and withdrew their application at PATH.

The families diverted were assisted in relocating to housing options outside of New York City to be reunited with family, or in returning to a housing option in the City. In all cases, Resource Room social workers are following up with clients for three weeks to ensure that they are receiving all the services they need to remain stably housed in the community.

This success should not be taken lightly. This agency has invested a great deal of resources focused on creating and enhancing programs that will provide clients with better opportunities to stay in their communities and avoid shelter. Currently we are expanding our innovative community-based prevention program, HomeBase, city wide. In May 2007, we expanded diversion services at PATH by placing HomeBase representatives on site to



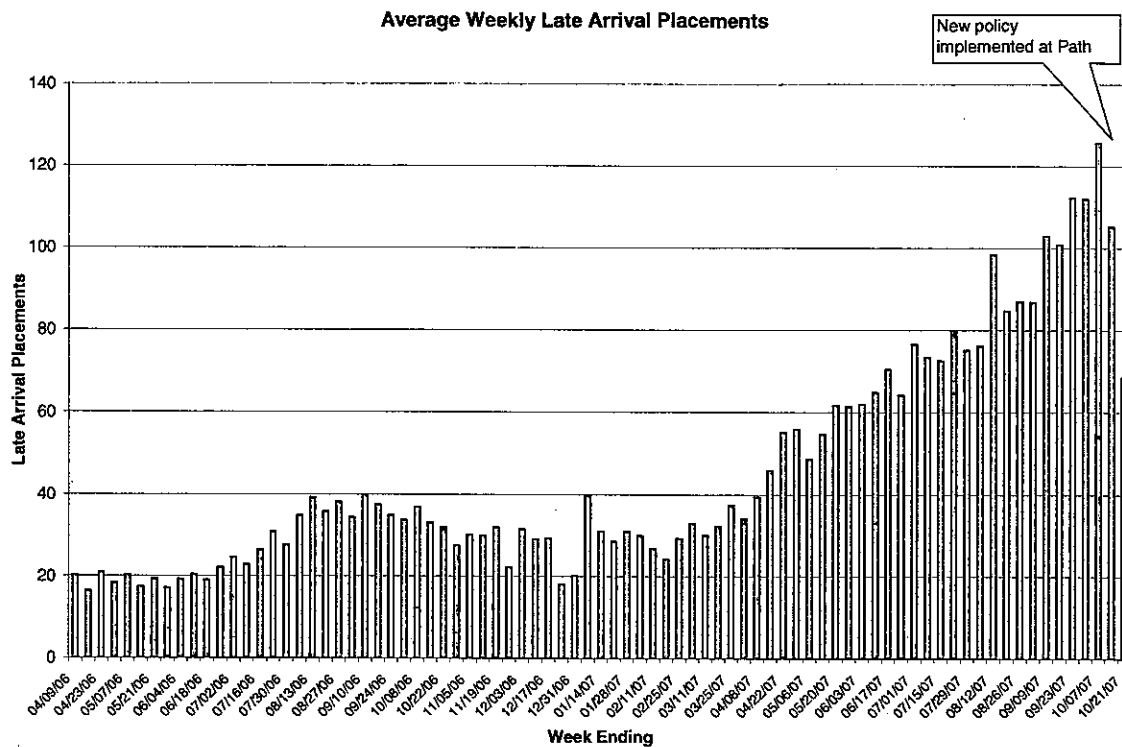
work with HRA Diversion staff in helping families avoid entry into shelter and by doubling HRA Diversion staff at PATH from 13 to 26 trained diversion workers.

These achievements, coupled with the City's development of Advantage New York, its new and improved rental assistance program for shelter clients, demonstrate our enduring commitment to effectuate positive improvement and change for the benefit of the families we serve.

The Advantage New York Program is a powerful resource and one that is helping a growing number of families move from shelter to permanent housing. Since implementation, more than 1200 families have left shelter with an Advantage subsidy.

### **Conclusion**

Our new policy is yet another example of the City taking action to protect a process that successfully has met the needs of those whom it was designed to serve and to avoid the crises of the past. So far, the policy's impact on the practice of seeking late arrival placements has been positive. As of last night, the overall number of families seeking late arrival placements has declined by 46 percent.



Our new policy is working. It has made a dramatic difference in our ability to help families who are most in need of emergency shelter. It is helping to restore order at PATH and strengthen a system that is dedicated to providing support and services to homeless families.

TESTIMONY OF DON KEITH ALLEN, SR. BEFORE THE GENERAL WELFARE  
COMMITTEE, OCTOBER 24, 2007

Good afternoon. My name is Don Keith Allen, Sr., and my two sons and I are homeless. For almost two weeks, since DHS denied us shelter, we slept on the floor of the basement of St. Ann's Church in the Bronx. Last night, Path gave us an overnight placement, but I have no idea if they will give us one tonight.

I have two metal rods in my back and I walk with a cane, and sleeping on the floor has been very difficult for me. My older son, who is 20, has special needs and this process has been very difficult for him. My younger son, who is 11, has had a very difficult year and this whole experience has been traumatic for him.

The last place we had to stay was my mother's New York City Housing Authority apartment. My father lived there too until he died recently. My mother suffers from multiple medical problems, including asthma, diabetes, high blood pressure, cancer, and Parkinson's disease. She uses a wheelchair to get around. I lived there with my older son for about a year, after I had a car accident and was in bed for a few months myself. My mother's health got steadily worse from the stress of having us in her home. When my younger son came to live with us in September, it was clear that we could not stay in her home any more.

A few days after I regained custody of my younger son, we applied for emergency shelter at the DHS Path office. DHS visited my mother and she told them we could not stay with her. Even so, DHS found that we were ineligible for shelter because they said we could go back to my mother's. I gave DHS a letter from my mother's doctor in which he states that "It is NOT recommended that she be asked to accept NOR care for any of her relatives including her son..." He also says that our return "will unduly burden her and DOUBTLESS be detrimental to her health." But DHS found us ineligible again.

We reapplied and got overnight placements for a month. Every day we would wait at Path, and every night they would put us on a bus to a place to stay for the night. Some nights they did not place us until 12:30 am, but every morning we had to be out of the hotel by 6:00 or 6:30 am. It was very difficult for us to live this way. We had to keep all of our belongings with us at all times, and we never knew where we were going to sleep. At one of the places they sent us we could see through holes in the door and the sheets were filthy. Most of the places they sent us were unlivable.

On Friday, October 12, DHS told us we would not get any more overnight placements. We had nowhere else to go. It was bitter cold that night and I was afraid my sons and I were going to sleep in the park across the street from Path. Fortunately, that night we met Mother Martha of St. Ann's Church and she gave us a place to stay in her church's basement. We slept there that night with 4 other families, including pregnant women, tiny babies, and other people with illnesses and disabilities.

The next day a shelter outreach team from the Citizen's Advice Bureau took us to my mother's apartment and tried to get her to let us stay with her, but she began shaking and told them that "under no circumstances" would she allow us back in. The CAB staff then took us back to Path, where DHS workers told us we could not even enter the building to make a new application.

We are grateful to be able to sleep on the floor of the church basement, but this is no way for us to live. During the day I take my younger son to school and then my older son and I do laundry or go to the library.

Last Friday, Mother Martha accompanied us back to Path. The DHS workers there again would not let us in the building. We waited while they met in the Path office, and then a worker came out and told us we could not reapply and we should go to Pennsylvania, where we lived for a short time in a house that we left when we came to visit with my mother. My brother lives in Pennsylvania, but he shares a one-bedroom housing authority apartment with his daughter. We have never even been inside that place so I don't understand how DHS says that we can go to another State and stay someplace where we have never been.

If my sons and I had anywhere to go, we would go there. It is that simple. We are homeless, and DHS has turned us out into the cold.



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TESTIMONY OF THE LEGAL AID SOCIETY BEFORE THE COMMITTEE ON  
GENERAL WELFARE OF THE NEW YORK CITY COUNCIL – October 24, 2007

We welcome this opportunity to testify before the Council concerning the impact of the Department of Homeless Services' new policy to deny shelter from the elements to homeless children and their families.

As you know, The Legal Aid Society provides legal assistance to homeless New Yorkers as well as homelessness prevention civil legal services with support from the Council. Since the 1980s, the Society has been counsel in the McCain litigation in which court orders require the provision of shelter, services, and permanent housing to homeless children and their families. The Society is also counsel to the Coalition for the Homeless in the Callahan and Eldredge litigation in which court orders require the provision of shelter to homeless men and homeless women.

For more than two decades, appellate and trial court orders in the McCain litigation have required the City to provide safety-net shelter to children and their families who are homeless and have no other housing that is actually available to them. Last year, the Department of Homeless Services commenced litigation to vacate and dismiss these long-standing appellate and trial court orders that have been in place to protect homeless children and their families from harm. That litigation is currently pending while discovery and document production has proceeded.

While the Department of Homeless Services is permitted to deny shelter to families who have other housing options, the Department is legally obligated to make sure that alternative housing is available. McCain v. Bloomberg, N.Y. Co. Sup. Ct., September 7, 2005 Order. Unfortunately, the Department's own website has revealed that the Department initially denies shelter to one-third of the families who are eventually are found eligible for shelter and relegates these families to apply multiple times before they are finally found eligible for shelter. Typically, these families re-apply on the same day or the day following the denial and so the eventual ineligibility reversals in their cases cannot credibly be attributed to changed circumstances as the Department has claimed.

In January 2007, represented by The Legal Aid Society, homeless families went back to Court in the McCain litigation because significant numbers of families were being improperly found ineligible for shelter and a number of the families brought before the Court had been relegated to sleeping in public spaces of the City before they were eventually found eligible for shelter. Based on the record evidence before the Court in this litigation, it is undisputed that the Department of Homeless Services has found hundreds of class member families with children to be ineligible for shelter and relegated them to apply and re-apply multiple times before ultimately finding them to be eligible for shelter from the elements.

After this litigation was commenced and The Legal Aid Society had highlighted the cases of re-applicant families who had been denied shelter outright, the Department of Homeless Services began to tell re-applicant families that they could receive "overnight" shelter if they applied after 5 PM. Under this Departmental procedure, many families were relegated to repeated "overnight" shelter placements made after 5 PM. While the Department has recently referred to this process as a "loophole" that families discovered, the Department itself implemented the post-5 PM placement procedure which often involved the provision of shelter on a night-to-night basis over a period of weeks without the acceptance of applications for more stable shelter. In fact, the Department informed the Court in August 2007 that: "Families seeking shelter after [5:00 PM] are provided with a placement for that night and are returned to PATH the following day for prompt processing of their applications. This practice provides all families with shelter, regardless of whether they are re-applicants or could demonstrate an immediate need for shelter." August 10, 2007 Department of Homeless Services' Attorney's Affirmation at ¶12.

This litigation challenging the Department of Homeless Services' denial of shelter to one-third of the families eventually found eligible for shelter was submitted to the Court on September 19, 2007. A ruling from the Court is pending. However, three weeks after this case was submitted to the Court, on October 12, 2007, the Department implemented a new plan to withhold shelter from re-applicant families, including the one-third of eligible families who are initially found ineligible and must apply multiple times before eventually being found eligible. Beginning on the night of October 12, 2007, pursuant to the new policy, children and families have been denied shelter based on erroneous eligibility determinations. After these shelter denials, a number of children and their families have ended up sleeping on the floor of St. Ann's Church near the Department's Path intake office. Photographs of the grim circumstances which these families have endured after they were denied shelter and sought refuge at the church are presented to this Committee for your consideration.

Since the Department's implementation of this new policy on October 12, 2007, The Legal Aid Society has been providing legal assistance to children and their families who have been improperly denied shelter and have no alternative housing. Representative families include:

The Y.M. Family: On October 12, 2007, under its new policy, the Department denied shelter to the family of Ms. Y. M. and her two-year old daughter, who suffers from

asthma. Ms. M. and her daughter became homeless in July 2007 when they were evicted from their Housing Stability Plus apartment because they could not pay the rent. The Department found the family ineligible for ongoing and immediate needs shelter on the ground that they could stay in Ms. M.'s grandmother's Housing Authority apartment. Without any alternative housing, the M. family slept on the floor of the church near the Path office on the nights of October 12 and 13, at Lincoln Hospital on the night of October 14, and again on the floor of the church on the night of October 15. The Department denied shelter to the M. family even though on August 3, 2007 the State had issued a hearing decision reversing the Department's underlying ineligibility finding and directed the Department to provide stable shelter to the family. The Legal Aid Society advised the Department on the night of October 13 that this family had been improperly denied shelter and was sleeping on the floor of a church. The Department did not agree to provide stable shelter to the family until the night of October 16 after the Society uncovered the State hearing decision. The family had not received a copy of the State decision and the Department had continued to provide them with overnight and short-term placements until October 12 despite the decision.

The D.A. Family: Since Friday, October 12, 2007, the Department has denied shelter to Mr. D.A. and his two sons, ages 20 and 11. Because the D.A. family has no alternative housing, for nearly two weeks, this family has been sleeping on the floor of St. Ann's Church. The Department claims that the D.A. family can live with Mr. D.A.'s mother in her New York City Housing Authority apartment. Mr. D.A. has two rods in his back and uses a cane; his mother suffers from multiple medical conditions, including diabetes, high blood pressure, cancer, and Parkinson's disease. She is wheelchair bound, and Mr. D.A. submitted a letter to the Department from his mother's physician stating that "It is NOT recommended that she be asked to accept NOR care for any of her relatives including her son..." and that a return of the D.A. family "will unduly burden her and DOUBTLESS be detrimental to her health." The Department's own files reveal that Ms. A. refused to allow Mr. D.A. and his sons to return, and that she feared that their unauthorized presence might jeopardize her New York City Housing Authority tenancy. The Department's files also document that Mr. D.A. had gained custody of his eleven-year-old son only two days before seeking shelter, but the Department completely ignored the effect the arrival of the additional child had on Ms. A.'s health and her willingness to continue to house Mr. D.A.'s family. Last week, a not-for-profit shelter outreach team accompanied Mr. D.A. and his sons to his mother's apartment where they tried and failed to negotiate their re-entry. Mr. D.A.'s mother began shaking and told them that "under no circumstances" will she allow the family back in her apartment. The shelter outreach staff then accompanied Mr. D.A. and his sons to the Department's Path office where Path staff told the family that they could not enter the building, even for a review of the new facts of what had occurred when the family tried, with the assistance of the shelter outreach staff, to gain access to the housing where the Department of Homeless Services says that the D.A. family can stay.

The J.A. Family: From October 12, 2007 until the night of October 19, 2007, the Department denied shelter to J.A. and his 15-year-old son on the ground that they had



two available housing "options" – a dangerous basement apartment which is a firetrap and not a lawful living space, and Mr. J.A.'s mother's overcrowded house in Puerto Rico which, even if the family could stay there, they could not travel to in the middle of the night when they were denied shelter. Mr. J.A.'s son suffers from epilepsy, chronic asthma, hyperactivity, and other developmental delays. Mr. J.A.'s mother sent the boy to live with Mr. J.A. because she was having surgery for her rheumatoid arthritis, for which she is still in a wheelchair, and could no longer house this child who suffers from multiple developmental problems. In addition, she has twelve people living in her three-bedroom apartment. Mr. J.A. had been residing in New York City for two years when his mother sent his son to live with him. They initially resided in a basement apartment with exposed wires, sewage water that leaked from the ceiling, and severe mold. After Mr. J.A. and his son had slept on the floor of the church for a week, the Department only relented and provided the family with shelter after Legal Aid Society staff presented pictures of the dangerous and unlawful basement apartment to Path staff. However, the Department has only agreed to shelter the family on a temporary basis and, under the new policy, could deny shelter to the family again.

The A.P. Family: On the night of October 13, 2007, the Department denied shelter to A.P. and her 13-month-old toddler and told Ms. P. to return to her father's home. Ms. P. is 21; she was placed into foster care at age 12 from the home of her father and a previous girlfriend. Ms. P.'s father beat her when she was a child, once so hard that she could not sit down. Ms. P. remained in foster care until she aged out in February 2007 and was brought to Path by her Administration for Children's Services-contracted foster care agency at that time and found eligible for shelter. In the spring of 2007, Ms. P. attempted to reconcile with her father who was then living with a different girlfriend and moved into their home until they kicked her and her baby out in July. When Ms. P. lived with her father, he would scream every time her son was around, so she never let her son out of her sight, even taking him to the bathroom with her. When Path staff spoke with Ms. P.'s father on October 13, her father refused to take her back, but Path staff told Ms. P. there was nothing he could do. Ms. P. has a high risk pregnancy and is due in June. She was hospitalized for the last three months of her pregnancy with her son. A baby daughter born after 24 weeks gestation died. Ms. P. is employed part-time as a security guard and through ACS has a Section 8 voucher. Before seeking shelter, Ms. P. had located an apartment to relocate to, but it was not ready for occupancy because it had not passed a Section 8 program inspection yet. After the Department had denied the Ms. P. and her child shelter on October 13, a Legal Aid Society staff member accompanied Ms. P. back to Path to renew her request for shelter due to the serious risk of child abuse at the father's home. Despite this threat, Ms. P. had never been referred to ACS at Path. As a result of the Legal Aid staff member's intervention just before midnight on October 13, the Department reversed its shelter denial and provided the family with a ten-day shelter placement. The P. case, however, illustrates the extreme danger of the Department's erroneous eligibility findings which are now being compounded by the new shelter denial policy. The P. family only needs shelter for a brief period of time because the apartment Ms. P. located before the P. family became homeless has finally passed a Section 8 inspection.

The E.F. Family: Ms. E.F. and her one-year-old daughter spent the night of October 12 - 13, 2007 sleeping on the floor of a church near the Path office in the Bronx. The Department of Homeless Services found them ineligible for shelter and denied them a place to sleep on the night of October 12, 2007 on the grounds that they could return to Ms. F.'s ex-boyfriend's step-parents' overcrowded apartment. Not only do Ms. F.'s ex-boyfriend's step-parents' refuse to house the family since Ms. F. and her boyfriend separated, but Ms. F. is not safe living there. When Ms. F. was living at this apartment, there were constant disputes between her, her ex-boyfriend, and other members of his family. One of these verbal disputes occurred after Ms. F. ex-boyfriend's step-sister's eight year-old son pushed Ms. F.'s daughter down the stairs. On a separate occasion, Ms. F.'s ex-boyfriend pushed her into a wall while she was holding her daughter. In doing so, Ms. F.'s ex-boyfriend injured Ms. F.'s daughter, and Ms. F. had to bring her daughter to the emergency room to be treated. After Ms. F. was initially found ineligible for housing assistance, she attempted to return to her ex-boyfriend's step-parents' apartment; however, they refused to open the door and told her not to come back. After sleeping on the floor of the church on the nights of October 12 and October 13, Ms. F. and her daughter spent the night of October 14 at the Living Room drop-in center where they slept on a chair. On October 15, the Department only relented and provided the family with a ten-day shelter placement after a Legal Aid staff member accompanied Ms. F. and her daughter to Path and insisted that Path staff properly assess the domestic violence threat in the family's case.

The cases of these representative families illustrate the harm that the new Department of Homeless Services policy is causing children and their families. Indeed, under this policy, children and their families who the Department eventually concedes are eligible for shelter can be denied even "overnight" shelter beds when they re-apply to overturn erroneous ineligibility findings. We are gravely concerned that this policy will result in severe and irreparable injury to homeless children and their families who are actually eligible for emergency housing. Children and families who have been improperly denied shelter since October 12 – and who have had no alternative but to seek refuge on the floor of a nearby church – have already suffered great harm. However, eligible families who are improperly denied shelter and cannot seek refuge in St. Ann's Church are exposed to even more extreme harm – exposure overnight to the cold and rain in public places or unsafe housing; they can become victims of criminal activity or violence as a result of their lack of a secure place to sleep; they can develop sickness and disease; in short, they can experience all the irreparable harms that appellate rulings and orders in the McCain litigation were issued to prevent.

As The New York Times has concluded, this new shelter denial policy is "especially harsh" and should be stopped. "No Room for Homeless Families," The New York Times, October 21, 2007 at CY17. We urge the Council to take action through its oversight of the Department so that this result can be achieved and additional children and their families can be spared the harm suffered by the families whose circumstances we have presented to this Committee – or potential greater harm with even more dire consequences for vulnerable children or adults.

Thank you again for this opportunity to testify and we welcome any questions that you may have.

Respectfully Submitted,

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THE SENATE  
STATE OF NEW YORK

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VETERANS, HOMELAND SECURITY  
& MILITARY AFFAIRS

New York City Council  
General Welfare Committee  
Wednesday, October 24, 2007 – 1PM

**Statement by New York State Senator Reverend Diaz (D-Bronx)**  
**New York State Senate Committee on Social Services, Children and Families**

**Topic: Department of Homeless Services: New Policy for Family Intake and Overnight Placements**

On Friday, October 12, 2007, I held a press conference outside of the PATH emergency family shelter located at 346 Powers Avenue in The Bronx. We were there to bear witness to Mayor Michael Bloomberg's new policy for the City's homeless services. My Chief of Staff, Ms. Camella Price, joined us at the PATH Shelter on Friday, October 12, 2007 and returned several nights after to personally witness the treatment of Bronx families who attempted to seek emergency shelter.

The families who were denied shelter due to the Mayor's new plans for the homeless to supposedly close a loophole in the City of New York's homeless policy included mothers and fathers with children and expectant mothers.

This new policy went into effect on the first cool evening of autumn. It was a disgrace. Several families on the "list" of names to be denied included families who were placed on the list in error. As a result, the City of New York inflicted emotional harm and undue suffering on mothers, fathers and children that sought and then were denied emergency shelter.

During that first week of the new policy, New York City had 9,400 families – that is 36,042 people living in City shelters. I reiterate the words of Mary Brosnahan, executive director of the Coalition for the Homeless: "Instead of helping place these families into permanent housing, the Bloomberg administration has announced a new initiative that will force many homeless families to return to unsafe living situations or out onto the street,"

Mayor Michael Bloomberg is failing at his goal to reduce homelessness. His policies are failing too many New Yorkers in need.

This new policy by Mayor Bloomberg has already affected mothers, fathers and children who have no place to turn and will be forced into spending the nights riding the subways and living in the parks, streets, and sleeping in public benches. The winter and very cold weather has not yet arrived.

Our office receives hundreds of complaints from Bronx residents about the treatment of families in need in New York's homeless shelters.

These complaints include stories of personal insults, and badgering from City staff degrading mothers and fathers in front of their children about how unacceptable it is to be homeless. It is not the place of municipal staff to pass judgment upon or mock families and degrade New Yorkers who need emergency assistance.

These complaints include stories from mothers who are denied the ability to heat their children's milk, or provide warm food for their children, all while watching City employees order warm food and drink in their presence.

These complaints are from families who are given the same meal every day at the Bronx Emergency Shelter. Children receive cold food, the same thing, for each meal – milk, an apple, a juice, and a sandwich.

These complaints include the denial of families to bring warm food into the shelter to feed their families. The same mop that is used to mop the floor should never be used to mop the toilet.

These complaints include families who describe the bathrooms at the Bronx Emergency homeless shelter as filthy. Is it too much to ask for someone to mop the floors with a different mop than they use to clean the toilets?

Ms. Pinkney-Price witnessed staff members at the Bronx PATH emergency shelter change the time that a mother of three young children signed out at 10:28PM. The staff person changed the time to 9:28PM. That mother had signed in before 5PM that day. The only conclusion we can reach is that this was done to prevent the woman from being granted her overnight shelter.

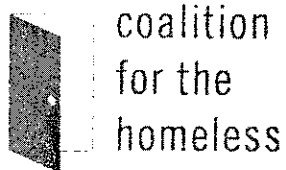
These complaints are about too many City employees who are so entrenched in the system and work in homeless shelters that they lack professionalism and common courtesy toward New York families in need, including families who seek prevention services. We will and should not stand for any policy that denies shelter to any family or person seeking assistance.

A drastic change at this shelter is needed, and a complete overview of the emergency shelter system is required.

According to Mary Brosnahan: "Three years after Mayor Bloomberg promised to end homelessness in New York City by 2009, the number of families seeking shelter is up 11% over last year. The number of families in shelter has hit a new record high, and tragically, the number of children seeking shelter is soaring. In fact, this week there were more than 9,400 families in NYC shelters each night, the highest number in NYC history".

And I also need to repeat myself: "I see this as another example of a billionaire who is so out of touch and not concerned with the pain and suffering of our communities."

In light of the glimpse of mistreatment and suffering we have already witnessed in the brief time this poorly thought out policy has taken affect, I respectfully urge the City Council of New York to oppose the Mayor's new policy toward the homeless and instead, support families in need.



**TESTIMONY OF COALITION FOR THE HOMELESS  
BEFORE THE NEW YORK CITY COUNCIL**

**General Welfare Committee Hearing  
October 24, 2007**

**Submitted by Patrick Markee, Senior Policy Analyst,  
Coalition for the Homeless**

I present this testimony on behalf of Coalition for the Homeless, a not-for-profit organization that assists more than 3,500 homeless New Yorkers each day. Since its founding in 1981, the Coalition has advocated for proven, cost-effective solutions to the crisis of modern homelessness, which now continues into its third decade. The Coalition has also struggled for more than 25 years to protect the rights of homeless people through litigation around the right to emergency shelter, the right to vote, and appropriate housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates several direct-services programs that both offer vital services to homeless, at-risk, and low-income New Yorkers, and demonstrate effective, long-term solutions. These programs include supportive housing for families and individuals living with AIDS, a job-training program for homeless and formerly-homeless women, a Rental Assistance Program which provides rent subsidies and support services to help working homeless individuals rent private-market apartments, and two buildings in Manhattan which provide permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes more than 1,000 nutritious meals to street homeless and hungry New Yorkers each night. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention assistance, client advocacy, referrals for shelter and emergency food programs, and assistance with public benefits.

**Record Family Homelessness and the Bloomberg Administration's Harmful New Rules for Families Re-Applying for Emergency Shelter**

Amidst all-time record family homelessness and a worsening housing affordability crisis, it is deeply troubling that the Bloomberg administration has chosen not to address these critical problems but instead to deny emergency shelter to some of the most vulnerable children and families in New York City.

Over the past two weeks, as the City has implemented its new rules denying emergency shelter to families re-applying for shelter – despite widespread evidence of widespread errors in the City's eligibility review process – the number of homeless families sleeping in New York City shelters exceeded 9,500 families per night for the first time in history. Even more troubling, the number of homeless families in New York City continues to rise at an alarming rate, and has increased by 20 percent in the past two years.

The current all-time record number of New York City families bedding down nightly in municipal shelters includes more than 15,000 children and nearly 14,000 adult family members. Indeed, of the more than 36,000 homeless New Yorkers currently sleeping each night in the municipal shelter system, four out of five are in families.

The reasons for the steady rise in family homelessness are familiar to this committee, and can be summarized as follows:

1. The increasingly acute shortage of affordable housing in New York City, exacerbated by rising rents and the significant and ongoing loss of subsidized and rent-stabilized housing citywide.
2. The Bloomberg administration's misguided decision, three years ago, to reverse longstanding City policy and to deny homeless families a priority for Federal housing vouchers and public housing apartments.
3. The failure of the administration's deeply flawed "Housing Stability Plus" program – launched in late 2004 and abandoned earlier this year – and the serious flaws in the program that largely replaced it, the "Work Advantage" program.
4. Finally, the failure of the City to invest sufficient resources in genuine homelessness prevention services, including eviction-prevention legal services and rental assistance for households with ongoing housing needs.

Facing these significant challenges, the Bloomberg administration has refused to alter its failed homeless housing policies and has sadly chosen essentially to close the shelter door on some of the most vulnerable children and families in our city. In a sense, the administration has borrowed from the worst and most harmful, and even illegal, policy tools of the Giuliani administration and of former welfare commissioner Jason Turner, and is attempting artificially to reduce the shelter rolls by denying help to homeless families who are genuinely in need.

The results have been predictable and tragic. Already since the new rules were implemented on October 12th many children and families who have no place to go have been turned away at the City's Bronx intake center, and many have been forced to sleep in unsafe places. We have worked with families who have slept in hospital emergency rooms, on the floor of a church in the South Bronx, on subway trains, and even, for much of a night, in a McDonalds restaurant. Many children and adults have gotten sick as a result of the denial of shelter, and we are fearful that even greater harm will occur to additional homeless families who are turned away by the City.

These results are predictable because of the large number of errors that the City continues to make in its eligibility determination process. Indeed, the City's own data verifies the large volume of mistakes made in determining families' eligibility for shelter. The Department of Homeless Services' website reports that of the 11,792 homeless families that the City deemed "eligible" for shelter in FY 2007, 33 percent – or some 3,891 families – were forced to apply two or more times before they were deemed eligible. In fact, these cases where the City reversed its initial determination of "ineligibility" represent 20 percent of all families who applied for shelter in FY 2007, an alarming error rate. Many of these are exactly the families that, under the new City rules, have been and will be denied emergency shelter.

City officials have repeatedly claimed that families deemed "eligible" after an initial "ineligibility" determination had a "change in circumstance" that merited the new determination, but this is simply not a credible claim given that the large majority of these families re-apply immediately. Moreover, our own experience working firsthand with dozens and dozens of families initially deemed "ineligible" for shelter has shown that the City makes numerous errors in the determination process, and that the procedures for determining eligibility are themselves significantly flawed. Indeed, Coalition staff report that the frequency and severity of these errors has worsened in the past year.

As this committee is aware, before the new rules were implemented on October 12th, the City implemented its shelter denial rules in a more limited way last year. During many long months, Coalition for the Homeless worked with more than 25 homeless families who were wrongly denied shelter by the City and who were turned out into the streets. Some of these families slept on subway trains or in other dangerous places. The Coalition in many cases paid to shelter the families temporarily in hotel rooms while we worked, with help from the Legal Aid Society's Homeless Rights Project, to convince the City of their eligibility. In nearly every one of these cases last

year, the City ultimately reversed its erroneous initial determination and finally deemed the families “eligible” for shelter. Attached to this testimony I have included a summary of some of these cases of homeless families, children, and pregnant women who were wrongly denied shelter by the City.

Three years ago, when Mayor Bloomberg announced the goal of reducing New York City’s homeless population by two-thirds in five years, we joined with this committee in applauding the Mayor’s ambitious goal. We believed then, as we believe today, that with the right policies and resources – and specifically, with the right commitment to addressing the affordable housing needs of homeless and at-risk families – the number of homeless New Yorkers in shelters can indeed be successfully reduced.

However, there is a right way and a wrong way to reduce the homeless shelter population, and attempting to artificially reduce the shelter rolls by closing the door to homeless families in need is not only the wrong way, but it inevitably results in tremendous harm to some of the most vulnerable children and adults in New York City.

We urge Mayor Bloomberg to immediately halt the new policy of denying emergency shelter to re-applicant families, and we are eager to work with this committee and the City Council to accomplish that goal.

Thank you for the opportunity to present this testimony.



## **Coalition for the Homeless**

### **Homeless Families Wrongly Denied Shelter by the City of New York: Case Summaries**

*Submitted to the New York City Council, General Welfare Committee  
October 24, 2007*

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#### **S. G. and her baby**

S. G., a developmentally disabled woman, and her baby were denied shelter by the City in June 2006, when the City claimed that S. could reside with her grandmother, who had thrown her out of her unsafe apartment. S. had told the City that her baby, who suffers from asthma, could not live with the grandmother, a heavy smoker. S. spent at least two nights sleeping on the streets or in subway trains after being denied shelter.

When she contacted Coalition for the Homeless, the Coalition arranged for her to stay in hotel rooms while the Coalition and the Legal Aid Society obtained records documenting her significant medical needs, including her developmental disability and her baby's asthma. The City had made no attempt to assess these chronic medical issues.

***After more than two weeks of shelter denials, the City subsequently reversed its earlier determination and found S. and her baby "eligible" for shelter.***

#### **F. V. and her disabled twin sons**

F. V. is a young mother with twin three-year old sons who have developmental disabilities, including cerebral palsy. They became homeless after being forced to leave her father's apartment due to severe overcrowding and her father's medical problems.

In April 2006, after having been deemed "ineligible" for shelter by the City, she and her two sons were denied shelter around 8:00 p.m. when they re-applied at the PATH intake office. The City denied her "immediate needs" shelter despite the documented overcrowded conditions in her father's apartment, despite his medical problems, and despite the developmental disabilities of the twin boys. F. V. contacted Coalition for the Homeless through an emergency hotline, and a Coalition staffer met her to arrange for a hotel placement for her and her children.

F. V.'s twin three-year-old sons were born prematurely and suffer from developmental disabilities. One of the sons has been diagnosed with cerebral palsy. Both boys had been receiving assistance from an early intervention program in Brooklyn, but the program had been unable to help the children in F. V.'s father's home due to the severe overcrowding.

The City claimed that F. V. and her children could return to her father's two-bedroom apartment in Brooklyn that already had six people – three adults and three children – living in it. In addition, her father, the primary tenant of the apartment, was recovering from a kidney operation and was experiencing post-operative complications.

***After proving a hotel placement for six nights and gathering additional documentation of the children's disabilities, the Coalition helped F. V. and her sons re-apply for shelter. The City reversed its earlier determination and deemed the family "eligible" for shelter.***

#### **M. S., his wife, and their two children**

M. S., his wife, and their two children were denied shelter on a freezing Friday night in early March 2006, based on the City's claim that the family could reside with M.'s estranged daughter in Florida.

M. had had virtually no contact with his estranged daughter since she was a small child, and the daughter refused to let him and his family stay with her.

When the City denied shelter to M. and his family, Coalition for the Homeless arranged for a hotel room for the family. The Legal Aid Society then initiated a legal challenge to the City's denial of shelter, and a State Supreme Court judge ordered the provision of temporary shelter for the family while a State administrative appeal progressed.

***In April 2006, the New York State Office of Temporary and Disability Assistance ruled that the City had been wrong to deny M. and his family shelter, and wrong to claim that the family could reside with M.'s daughter. The City was thus instructed to find the family "eligible" for shelter.***

#### **C. A. and her baby**

C. A. is 22-year-old homeless mother with a small baby. She was denied shelter by the City in August 2006 because the City claimed that she could live in her brother-in-law's severely overcrowded public housing apartment, despite the fact that housing authority rules prohibit such overcrowding. After receiving assistance and temporary shelter from Coalition for the Homeless, C. re-applied for shelter with a document from the public housing authority further verifying that she could not live at her brother-in-law's apartment, and was ultimately found "eligible" for shelter.

C. was denied shelter in August 2006 when the City claimed that she could live with her brother-in-law and sister. Her brother-in-law's two-bedroom public housing apartment already had six people living there, and New York City Housing Authority rules prohibit such overcrowding in its apartments. In addition, C.'s sister has a history of serious mental illness and has a history of erratic and unstable behavior.

On her first night without shelter C. turned to Covenant House, which sheltered her for one night only despite the fact that she is older than 21 years and thus not eligible for their services. Coalition for the Homeless paid for a hotel room for C. the following night and helped her obtain a letter from NYCHA verifying that she could not reside in her sister's apartment either temporarily or permanently without

risking the eviction of her sister's family. The letter re-stated NYCHA rules that were already known to the City's homeless services agency.

C. returned to the Bronx intake office, where a worker informed her that she would be denied shelter again. A Coalition staffer spoke with a representative of the intake office's legal team, and ultimately C. was given a shelter placement. In September the City, reversing its earlier determination, found C. eligible for shelter.

#### **L. J. and his sixteen-year-old son P.**

***L. J. and his sixteen-year-old son, P., both immigrants, were denied shelter in May 2006 because the City insisted that the family can live with L.' sister in the Dominican Republic, despite the fact that L. had not lived in the Dominican Republic since 1981.*** The City repeatedly claimed that L. and his son should abandon their legal permanent resident status in the United States to live with L.' sister in the Dominican Republic despite the fact that the sister will not allow L. and his son to live with her and that L. has never lived in his sister's home – the only time they lived together was as children with their parents. Ultimately, facing the threat of a legal challenge, the City reversed its decision and found the family "eligible" for shelter.

In the past two years, L., who is a legal permanent resident of the United States working towards U.S. citizenship, and who has lived and worked in the United States since 1981, has visited his relatives in the Dominican Republic twice. As his passport demonstrates and as the City did not dispute, L. was last in the Dominican Republic in 2004 for three weeks and in 2005 for less than three weeks. The reason L. went to the Dominican Republic in 2005 was to attend an immigration hearing for his sixteen-year-old son, P., also a legal permanent resident of the United States. While in the Dominican Republic, L. did stay at his sister's home, where four other people lived at the time. Since L. left on July 2005, two additional persons have moved into his sister's three bedroom home. L.'s sister has repeatedly told City investigators that her brother only visited her twice in the past two years and that he cannot live with her.

In May 2006, L. and his son were ejected from shelter after twice being found ineligible for emergency shelter and then being denied immediate needs shelter on the basis that the City claimed that L. and his son should live with L.'s sister in the Dominican Republic. Eventually after the family slept overnight in a public park, Coalition for the Homeless put L. and his son up in a hotel.

On May 31st, the family was again denied immediate shelter on the basis that the family should abandon their United States legal status to live with L.' sister, who will not allow them to live with her and with whom L. has not lived since they were both children. After being erroneously denied shelter again, the Javier family was put up in a hotel paid for by Coalition for the Homeless.

On June 7th, the Legal Aid Society wrote to City lawyers to seek legal relief for L. and his son, arguing that the City was asking the family to give up their legal resident status in the United States to return to a country that L. had not lived in for more than twenty years, and where he had no place to live. On June 8th, the City reversed its earlier denial of shelter and declared the family "eligible" for shelter.

### **S. P., a pregnant woman living with mental illness**

S. P. is a homeless woman who suffers from mental illness who was pregnant when she sought shelter. She became homeless after being thrown out of the apartment of her mother, who has a history of abusive treatment of her daughter. The City denied S. shelter, claiming that she can return to her mother's home, despite the fact that S. had been a resident of the homeless single-adult shelter system before her pregnancy and her case record contained voluminous documentation of her mental health condition and her mother's history of abuse. Coalition for the Homeless provided emergency shelter in hotels for S. for several weeks while the City repeatedly denied her multiple re-applications for shelter. Finally, after Coalition for the Homeless threatened to seek judicial relief for S., the City agreed to shelter her and ultimately deemed her "eligible" for shelter.

S.'s mother has a long history of abuse and neglect of her daughter. When S. was a child, she was placed into foster care placement due to her mother's active drug use and neglect. She remained in foster care placement from ages 8 to 12 years old. After being returned to her mother's home, S.'s mother continued to engage in abusive behavior towards her daughter. In addition, while a teenager residing in her mother's home, S. was visited by counselors from Project Cope, but was forced to terminate those visits due to her mother's demands that she ask for money from the counselors.

As recently as 2003, S. attempted to commit suicide due to the abusive treatment from her mother. In the summer of 2005, S.'s mother kicked her out of her apartment and S. entered the City shelter system. Shelter staff documented her history of abuse, and referred her for a psychiatric evaluation at Metropolitan Hospital. There she was diagnosed with depression and anxiety disorder and received treatment and medication. After S. got a job in August 2005, her mother allowed her to return to her apartment.

In February 2006, S.'s mother threw her out of her home again. She has refused to allow S. to return to her apartment. S., now four months pregnant, applied for shelter again. In April, after applying for shelter three times, the City rejected her application and denied her emergency shelter.

Coalition for the Homeless arranged for a hotel placement for S. and obtained documentation of S.'s mental illness, including a letter from a psychiatrist stating that it would be harmful to S.'s mental health condition if she returned to her mother's abusive home. Nevertheless, the City again denied S.'s request for emergency shelter.

On May 31, 2006, the Coalition and its legal counsel at the Legal Aid Society wrote to the City stating that if the City did not meet its legal obligation under the 1981 *Callahan v. Carey* consent decree to provide emergency shelter to S., then the Coalition would seek judicial relief on her behalf. On June 2nd, the City agreed to provide S. with a conditional shelter placement, and she waited for several weeks for a final determination on her "eligibility" for shelter. In July the City finally declared her "eligible" for shelter.

### **S. R. and her two children**

S. R., a licensed practical nurse, her 15-year-old son, and her eight-year-old daughter resided in their own apartment until an abusive relationship and an injury on the job prevented S. from working. Without any income, the family moved in with S.'s father, who passed away shortly thereafter. They then moved in

with S.'s mother who permitted them to stay with her provided they agreed to leave within six months. Soon after moving in S.'s mother became verbally abusive and repeatedly threatened to throw the family into the street. The situation deteriorated over time, to the detriment of S.'s and her young daughter's mental and physical health, and ultimately they were asked to leave.

After multiple applications for shelter at the City's intake office, the family was denied emergency shelter in April 2006, despite the fact that S. had provided evidence of the abusive treatment by her mother. Responding to a call on its emergency hotline, Coalition for the Homeless provided a hotel room for the family while also seeking medical attention and obtaining letters from staff at the children's school. The letters included documentation from a conflict resolution and mediation counselor who contacted S.'s mother and was unable to mediate the conflict between them, noting her fear for the safety of the children in S.'s mother's home.

S.'s family re-applied for shelter with the additional documentation and advised staff at the intake office's reception desk that they had additional documents to submit, but S. was told she could not re-apply for shelter. After some assistance from Legal Aid Society staff who were at the intake office that day, S. and her family were allowed to re-apply and were provided a conditional shelter placement.

The City subsequently found the family "eligible" for emergency shelter, noting an immediate and significant threat to the health and safety of the applicant's children despite no change in the circumstances of their case.

#### **C. W., her partner J., and her baby**

C. W., her partner J., and her baby were denied emergency shelter by the City in August 2006. The City claimed that C. and her family could live in her sister's apartment, despite the fact that there were two heavy cigarette smokers in the apartment and C., who suffers from severe asthma, had been told by her doctor not to live with smokers. After multiple denials of emergency shelter, the City finally reversed its earlier decision and found the family "eligible" for shelter.

After C. and her family were denied shelter and called a hotline in August 2006, Coalition for the Homeless arranged for a hotel room for the family. The Coalition then helped C. obtain a letter from her doctor stating that she cannot live with smokers due to her severe asthma, a condition and risk that had already been brought to the attention of the City.

C. re-applied for emergency shelter with this letter. However, despite State and City rules stating that immediate needs shelter must be provided when there is a health risk to an applicant family member at a so-called "housing option," the City denied her emergency shelter. However, approximately a week later, the City reversed its initial decision and found the family eligible for shelter.

#### **K.D. and her baby**

K.D., a domestic violence survivor with a two-month-old baby, was denied shelter by the City in early March 2006. After the intervention of Coalition for the Homeless and the Legal Aid Society – who arranged for a hotel room for K.D. and her daughter and for legal advocacy – the City reversed its earlier

denial of shelter, provided emergency shelter for K.D. and her baby, and ultimately deemed them "eligible" for shelter.

K.D. is a 20 year-old woman who has a two-month-old newborn baby. She and her baby were trying to escape from the baby's father, who has physically abused and threatened to kill K.D.. With nowhere else to go, in March 2006 K.D. applied for emergency shelter at the PATH office, and was told that she was not accepted. Two days later, she tried to re-apply for emergency shelter at the EAU, and staff and a supervisor there told her she could not even apply.

K.D. met her baby's father when she was 17. He was approximately 40 years old. He first started abusing K.D. when she became pregnant last year. He didn't want her to have the baby.

In February 2006, K.D. ran into her baby's father on the street. They started arguing, and then he hit her hard in the mouth. Someone on the street apparently called the police, but the baby's father ran off as they were arriving. At the time she wrote out a police complaint. Despite this information, the Bronx intake office staff kept insisting that K.D. had to leave.

Coalition for the Homeless arranged for a hotel room for K.D.'s family after she was denied shelter. The next afternoon, after speaking with Legal Aid Society staff, K.D. learned that a City lawyer had said that the intake office staff turning her away was a mistake, and she was allowed to re-apply for shelter. Since returning to the shelter system, K.D. was finally deemed "eligible" for shelter by the City.

### **G. P. and her family**

G. P., her husband, and their two-year-old daughter were denied shelter by the City, which claimed that she could live in G.'s aunt's public housing apartment, where the family had stayed temporarily after losing their home, despite the risk that the aunt could be evicted. G. had also informed the City that she suffered from asthma and could not stay with the aunt, a heavy smoker.

G., her husband and daughter were denied shelter in April 2006 after the City claimed that they could live with her aunt. G.'s aunt, who lives in a public housing apartment with her family, had allowed her niece's family to stay with her temporarily after they lost their home, despite being fearful that she could be evicted from her apartment for allowing another family to stay in her subsidized apartment.

Nevertheless, the City claimed G.'s family could return to the aunt's public housing apartment, even after the aunt wrote a strong letter explaining her fears and her refusal to permit her niece to stay in her home. In addition, conditions in the apartment (the aunt is a heavy smoker) threatened to worsen G.'s asthmatic condition.

When the family was denied shelter by the City, Coalition for the Homeless arranged for a hotel placement for G. and her family. After working with the Coalition and the Legal Aid Society to document G.'s health risks, she re-applied for emergency shelter and the City finally agreed to shelter the family provisionally. The Legal Aid Society then helped obtain a letter from a New York City Housing Authority official explaining that the aunt would lose her public housing apartment if G. and her family were forced to stay there. These NYCHA rules were already known to the City workers who had denied G. and her family shelter. Finally, the City reversed its earlier determination and found G. and her family "eligible" for shelter.

### **M. L. and her two daughters**

M. L. and her two daughters became homeless after M. became sick on the job and lost her employment and her apartment. She applied for shelter and, after multiple applications, was denied emergency shelter in August 2006 because the City claimed she could live with a sister in Puerto Rico with whom M. had never lived, and where the presence of the sister's pet dog was a threat to her and her youngest daughter's asthma. Coalition for the Homeless arranged for hotels for M. while helping her obtain evidence of her medical problems – evidence that the City did not seek – and ultimately, after several weeks without shelter, the City reversed its earlier decision and found her “eligible” for shelter.

M., who suffers from severe asthma, had become sick at her cleaning job due to fumes from some of the chemical cleaning products. She lost her rented room and she and her daughters applied for shelter. In August 2006 the City denied her application for shelter, claiming she could live in the crowded home of her sister in Puerto Rico, with whom M. had never lived. The sister refused to allow M. and her daughters to live with her, and the sister's pet dog posed a threat to the asthmatic condition of both M. and her youngest daughter.

Coalition for the Homeless arranged for a hotel room for M. and her daughters, and helped obtain medical documents to verify the family asthma problems. However, even when M. re-applied for shelter on multiple occasions with these new documents, the City continually denied her emergency shelter. Coalition for the Homeless also contacted the Department of Homeless Services' Client Advocacy office, which agreed to help secure shelter for M. and her family. Ultimately, in September 2006 the City reversed its initial decision and found M. and her daughters “eligible” for shelter.

### **S. F., her husband, and their one-year-old son**

S. F., her husband and their one-year-old son became homeless when S.'s mother told her she could no longer live in her home, when S. turned eighteen in March 2006. An early intervention worker who had been assisting the family, knowing of no other housing resources available to them, referred S. to the PATH intake office for homeless families.

After three unsuccessful applications for shelter and more than one month spent attempting to prove their homelessness to the City, S. and her family were denied shelter in April 2006, and told by the City that they could live with her mother-in-law. S. contacted Coalition for the Homeless for assistance. The Coalition arranged for a hotel room for the family and worked to assist them in documenting both that the family had never resided in the mother-in-law's home and that they were unable to reside there due to a history of domestic abuse with the primary tenant.

The family returned to the City intake office with a number of additional documents but was denied emergency shelter again. The Coalition continued to work with the family on obtaining documents and evaluations necessary to verify the family's homelessness.

In June 2006, the family returned to re-apply once again, this time with a letter from a social services agency detailing its concerns about domestic abuse in S.'s mother-in-law's home. The City ultimately reversed its earlier determination and declared the family “eligible” for shelter.

### **M. V. and her two children**

M. V. is a homeless mother with two children, a seven-year old daughter and an 11-year-old son. The City denied the family emergency shelter in May 2006 despite evidence that the family could not return to the home of Ms. V's sister, with whom M. and her children had lived temporarily.

After losing their home, M. and her family had been living temporarily her sister despite crowding in the apartment. The family became homeless when they were forced to leave after her sister reconciled with her estranged husband. In addition, M.'s children's medical problems were exacerbated by the crowded living arrangements in her sister's home. Her son suffers from developmental delays and hyperactivity due to lead poisoning as a young child, and her daughter suffers from asthma.

M. and her children applied for shelter, but were deemed "ineligible" by the City twice and then denied emergency shelter in May 2006, despite the fact that M. had given the City evidence of the changed circumstances in her sister's crowded apartment and of her children's health problems. After M. called a hotline, Coalition for the Homeless arranged for a hotel room for the family. The Coalition and the Legal Aid Society documented the problems in the sister's apartment, including the fact that the crowding in the apartment posed serious threats to the mental and behavioral health of Ms. V's son.

With the additional information, M. and her children re-applied and were granted provisional shelter. After several days, the City reversed its earlier determination and deemed the family "eligible" for shelter.