

Family Homelessness Special Master Panel

Panel

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New York City Family Homelessness Special Master Panel Releases Report on Shelter Intake and Eligibility Determinations at the Emergency Assistance Unit

The New York City Family Homelessness Special Master Panel released its second Evaluation Report today detailing a comprehensive approach to address the City's front door to the family shelter system – the Emergency Assistance Unit (EAU), and shelter eligibility determination. The Report fulfills a key charge in the historic agreement entered into on January 17, 2003 by the City of New York, the Department of Homeless Services and The Legal Aid Society calling for a new way to address family homelessness through evaluation of the issues, constructive problem-solving and reduced reliance on the courts. The Report contains findings and recommendations related to shelter application, shelter eligibility determination, shelter placement, the EAU facility, and EAU operations.

The Report builds from the Mayor's commitment to fundamentally reform services for homeless families with children. The process of fact-finding, analysis and development of recommendations was conducted with the participation of the City of New York, the New York City Department of Homeless Services, and The Legal Aid Society of New York. Starting in March 2003, the Panel conducted announced and unannounced site visits to the EAU. In February 2004, the Panel undertook a comprehensive examination of the EAU and eligibility determination through structured interviews, focus groups, and data analysis. The Panel engaged city policymakers, plaintiffs' counsel, family advocates, staff at the EAU, researchers and homeless families themselves in identifying and thinking through the complex issues long present at the EAU.

The EAU and Eligibility Determination Report calls for a fundamental restructuring of the EAU into a Family Shelter Intake Center and a functional transformation of shelter application and eligibility processes to shift from a shelter-only system of care to one with a homelessness prevention focus where shelter is only one of many housing-related services and supports offered to homeless families with children. The Report provides a frank and unvarnished review of EAU operations and the limitations of the facility and speaks directly to the hardships experienced by families in crisis and staff working under difficult conditions. In drafting the Report, the Panel sought to strike the proper balance between a

compassionate response and need for shelter and safety net services to be provided by government and the reality of tremendous need and finite public resources.

The recommendations in the Report are presented in their entirety and represent an integrated, systematic and flexible approach to addressing longstanding concerns about the EAU:

- One new shelter intake facility;
- Multiple opportunities offered to link families to homelessness prevention services and supports;
- Revamped and streamlined shelter application, improved eligibility determination, and expedited shelter placement processes;
- Strengthened and additional quality assurance and family safeguards;
- Expansion and enhancement of housing-related resources and supports at the EAU and in the community for families experiencing housing instability, housing emergencies, and homelessness;
- A new Ombuds function to handle individual family concerns and to provide feedback and recommendations on system functioning;
- A new process for handling ineligible families providing assistance to ease their transition back to the community without provision of shelter;
- Elimination of restrictive shelter facility intake practices;
- Elimination of multiple overnight placements; and
- Creation of a process of engagement with the SMP to support the Parties in “achieving the goal of ending the current cycle of litigation” and “resolution of the existing litigation involving family homelessness.” January 17, 2003 Agreement, at 3, 4 ¶ 7(McCain v. Bloomberg, Stipulation I (Sup. Ct. N.Y. Jan. 17, 2003)).

A key finding in the Report was the complex interplay between multiple applications, multiple overnight shelter placements, and numerous other challenges related to EAU operations (including a high volume of applicants, facility crowding, and processing delays). Taken as a whole, the recommendations outlined in the Report hold the promise of bringing about the fundamental restructuring necessary to realize the promise of relief of longstanding issues with the EAU and shelter eligibility.

Looking forward, the Panel will continue to discharge its responsibilities and will assist the city as it develops and implements a plan to establish a new Family Shelter Intake Facility and redesigned and improved shelter application, shelter eligibility, and shelter placement processes.

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NEW YORK CITY FAMILY HOMELESSNESS SPECIAL MASTER PANEL
REPORT ON THE EMERGENCY ASSISTANCE UNIT
AND SHELTER ELIGIBILITY DETERMINATION

EXECUTIVE SUMMARY

This Report concerns intake into New York City homeless shelter by families with minor children. The Family Homelessness Special Master Panel calls for a fundamental restructuring of the Emergency Assistance Unit (EAU) to a Family Shelter Intake Center and a functional transformation of shelter application and eligibility processes to shift from a shelter-only system of care to one with a homelessness prevention focus where shelter is only one of many housing-related services and supports offered to homeless families with children. At the core of the recommendations of this Report, the Special Master Panel speaks to the government's role and responsibilities in serving homeless families and especially homeless children. Policies related to homeless families with children must seek to strike the proper balance between, on the one hand, a compassionate response and the need for shelter and other safety net services provided by government and, on the other hand, the reality of tremendous need and finite public resources.

Taken together, this Report sets out recommendations that propose a complete transformation of intake into family shelter and the eligibility determination process, including among other central proposed changes – the need for a new or significantly reconfigured intake facility; the expansion and enhancement of housing-related resources and supports to enable at-risk families to obtain and maintain housing stability; a revamped, streamlined, and expedited application process; the introduction of an Ombuds function that will handle individual family concerns and address system-wide issues; a strengthened eligibility determination process that reinforces existing checks and balances and introduces additional safeguards; the introduction of a new process for handling families deemed ineligible for shelter; the introduction of a casework assessment and bridging function that will be integrated into the eligibility determination process to support the transition of ineligible applicants from the EAU; and the elimination of restrictive shelter facility admission practices that contribute to significant placement delays, multiple overnights, and congestion at the EAU.

The Panel believes that the integrated approach set out in this Report will provide essential supports and protections for families with children and will provide staff with more options to better assist families experiencing homelessness, housing instability, and housing emergencies. This Report contemplates the active interplay among a number of functions to ensure quality care and robust decision making.

Finally, this Report embraces the ethic that every family merits attention and that every vulnerable family with minor children – whether its circumstances meet the legal threshold for receipt of shelter or not – warrants individualized care and consideration.

The City of New York, under the leadership of Mayor Michael R. Bloomberg, has made addressing homelessness issues a priority. The New York City Department of Homeless Services (DHS) has developed and begun to implement a comprehensive plan to reform the shelter system. DHS's 2002 Strategic Plan sets out the City's approach, which calls for improving cross-agency coordination, expanding data collection and analysis, conducting comprehensive program evaluations, and enhancing prevention efforts. Further, the Mayor has undertaken the first large-scale housing development program in over a decade. Finally in response to the SMP's *Family Homelessness Prevention Report*, the Mayor has, for the first time, created a new targeted approach to stem the tide of homelessness for families in communities of high need. Together, these developments reflect critical efforts underway by the City of New York to reverse the trend of growing family homelessness and to increase housing resources for New Yorkers.

New York City provides shelter to approximately 8,000 families with nearly 16,000 children. The EAU is the front door to the City's shelter system for homeless families with children. All families with children seeking shelter apply for services at the system's entry point, the Emergency Assistance Unit (EAU), operated by the New York City Department of Homeless Services (DHS) and located at East 151st Street in the Bronx. At the EAU, DHS processes shelter applications, conducts eligibility determinations, and places families in shelter facilities.

Issues related to shelter application, eligibility, and placement for homeless families with children have been the flashpoint of court battles for over twenty years. On January 17, 2003, the Parties to four litigations involving homeless families entered into a historic, two-year agreement approved by the New York State Supreme Court (Freedman, J.) to significantly reduce litigation and promote, instead, constructive problem solving (the Agreement). The Parties included several classes of homeless families with children represented by The Legal Aid Society (LAS), the City of New York and the New York City Department of Homeless Services (DHS) (the Parties). The Agreement established the Family Homelessness Special Master Panel (SMP or the Panel) and charged it with broad evaluative and adjudicatory authority. The Agreement also sought to facilitate the implementation of DHS's 2002 Strategic Plan, which set out a comprehensive approach to advancing structural reforms in the prevention of homelessness and shelter operations and services, including improvements in the shelter intake and eligibility determination process for homeless families with children. The Agreement charged the Panel with a mandate to evaluate the functioning of various aspects of the shelter system for homeless families with children. In November 2003, the SMP issued its *Family Homelessness Prevention Report* and in February 2004 the SMP completed its *Review of the Legal Framework of the Homeless Family Shelter System* as part of its evaluation charge.

This Report centers on the EAU and focuses on intake, eligibility determination, shelter placement, and other EAU operations, as required by the Parties' January 17, 2003 Agreement. It contains findings and recommendations that developed out of a detailed and deliberate examination of these areas. Since its inception seventeen months ago, the Panel has directly observed EAU operations through announced and unannounced visits

**January 17, 2003 Agreement:
(Excerpts)**

[T]he Parties are desirous of achieving the goal of ending the current cycle of litigation and reaching the point where the problem of family homelessness can be dealt with by government and the larger society without the necessity for the intervention of the judiciary. They acknowledge at the same time, as noted in the [New York City Department of Homeless Services' June 2002] Strategic Plan, that the lawsuits of the past two decades have played a role in helping to create today's strong shelter system.

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The Panel will have the responsibility of evaluating the functioning of the shelter system for homeless families and making recommendations for improvement in such areas as the process of application for shelter services; the operation of the Emergency Assistance Unit; [and] the placement of families into shelter facilities, including the use of overnight placement. . . .

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To enable the City to implement its Strategic Plan and to facilitate the functioning of the Panel, the Parties have agreed to withdraw all pending motions before the Court involving family homelessness (existing court orders remain in effect) and to avert the need for applications to the Court by following [an adjudication] procedure. . . .

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At the end of the two year transitional period, the Panel will take account of all relevant factors and make whatever recommendations it believes appropriate as a result of its work, including any recommendations with respect to the resolution of the existing litigation involving family homelessness.

in the early morning hours and late into the evening and considered longstanding problems related to EAU operations and eligibility determination. As part of its evaluation, the SMP met with many stakeholders, including: DHS Commissioner Linda I. Gibbs and her executive staff as well as lead counsel for the plaintiffs, Steven Banks and his staff from LAS; City agency officials, managers, and front-line staff; homeless families; experts; researchers; homeless services providers; advocacy organizations; former City officials; former Special Masters in these litigations; and Professor Russell Hardin of New York University. The SMP also reviewed and analyzed data, reports, and other materials detailed more fully in the body of the Report.

The SMP identified fifteen principles to help guide its evaluation of the EAU. These principles provide the context for understanding the complexity of EAU operations and shelter eligibility, the breadth and depth of the findings, and the interrelated nature of the recommendations made in the Report. The principles include the following:

- Families applying for shelter are treated with respect.
- Eligibility determinations are conducted, in accordance with objectives set out in DHS Strategic Plan, so as to: (a) identify eligible families as quickly as possible; (b) minimize the instability of families becoming homeless; and (c) reduce the administrative inefficiencies of processing multiple ineligible applications.¹

¹ The New York City Department of Homeless Services, The Second Decade of Reform: A Strategic Plan for New York City's Homeless Services 21 (June 2002).

- Application processing is streamlined to prevent overnight placements and promote timely shelter placements. Families applying for shelter at the EAU do not remain overnight in the EAU.
- Families are encouraged to actively participate and assist in the eligibility determination process.
- Linkage and coordination among DHS, other City agencies (*e.g.*, the Human Resources Administration (HRA), the Department of Education (DoE), and the Administration for Children's Services (ACS)), and contract service providers are strengthened to reinforce prevention, expedite application processing and eligibility determination, and effect timely placement.
- Multiple opportunities are provided to inform families about the shelter application, shelter eligibility, and shelter placement processes and about links to prevention and other housing-related services and supports.
- Multiple opportunities to prevent shelter stays for families are encouraged and pursued by specially-trained staff.
- Placements occur in a way that reduces the movement of and minimizes disruption for families.
- Restrictive shelter rules are lifted to eliminate age and gender restrictions, reduce shelter placement delays, and promote timely shelter intake.
- The layout, design, and accommodations at the EAU facility must facilitate the flow of families, the processing of applications, and efficient work processes.
- The EAU must provide a safe, sanitary, secure, and clean office environment for applicants and staff, appropriate space and accommodations for children, and privacy for confidential interviews with families.
- An Ombuds function is established to facilitate resolution of individual family concerns and to provide feedback, guidance, and recommendations on overall system functioning.
- A strengthened accountability and reporting system is a necessary component of the EAU redesign recommended to track progress made against goals set, implementation activities, emerging trends, and areas where improvement is needed.
- Continuous quality improvement activities and systems are put in place to promote timely, consistent, and accurate decision making and efficient work processes at the EAU.
- The City provides 24/7 access to assist families with non-housing crises outside of the 24/7 shelter intake facility that assists homeless families.

During its observations at the EAU, the SMP witnessed hardship and suffering by families with children seeking shelter, many in grave crisis. The EAU experience is painful and difficult for families and many longstanding challenges present at the EAU exacerbate the hardship that many families already experience. In addition, a lack of basic amenities, equipment, and workstations in combination with the

inadequate physical conditions of the EAU and the pressures of working with frequently distressed families make for a very difficult work environment that challenges even the most experienced staff.

Near universal agreement exists – among DHS, LAS, and others – that the EAU as presently configured cannot process the flow of large numbers of families applying for shelter. This Report reflects that reality and the SMP’s effort to understand the role and functioning of the EAU, the intersection of twenty years of competing and frequently piecemeal policy, program, and legal mandates, and the Panel’s views for supporting DHS as it creates a better response to the problem of family homelessness in New York City.

The EAU evaluation has been undertaken in an effort to help bring about lasting improvements and all involved – the City, counsel for the plaintiffs, and the Special Master Panel itself – are committed to a process that will yield long-lasting improvements and concrete benefits to homeless families and children. Many attempts have been made in the past by the City and through litigation to reconfigure the EAU. Most of these improvements, however, have been short-lived. The Panel suspects that is because the structural reforms necessary to provide lasting improvements could not be achieved in part or sequentially and necessitate consideration of EAU operations and functioning in their entirety. It is the Panel’s view that lasting relief for families seeking assistance at the EAU will only occur through examination of all facets of EAU operations and through development of a comprehensive approach to improving the EAU facility and EAU operations. The SMP also sought to understand the EAU within the broader context of the role it plays for at-risk families with housing emergencies and chronic housing instability in a City with limited housing resources and few access points to obtain housing assistance.

The functioning of the EAU occurs in an environment that is very sensitive to incentives and internal and external pressures. Within the EAU, physical plant limitations, extraordinary demand, complex procedures, work process inefficiencies, practice problems, and shelter facility intake restrictions interact with and reinforce one another. Outside the EAU, government policies affecting low-income families – such as those that govern the distribution of housing subsidies, the availability of affordable housing, limits on domestic violence shelter stays, child welfare and Family Court practices, and income support programs – affect the demand for shelter at the EAU. Because overwhelming need for affordable and subsidized housing far outstrips available resources, the City has targeted public resources to high-need populations such as homeless families, domestic violence survivors, families known to the child welfare system, and protected witnesses and that has resulted in making the EAU one of only a few places where these resources are available. For many families, personal circumstances and choices also play a role in whether and when they seek shelter at the EAU as they look to deal with housing instability, housing emergencies, loss of housing, or the longer-term need for affordable housing. The EAU serves as the last resort for many families in crisis. It also serves as the means by which some families can obtain scarce and generous government housing benefits.

The SMP evaluation of the EAU and eligibility determinations has implications for complicated and difficult social justice, public policy, and jurisprudential issues. The Panel considered these issues in the context of the following questions:

- What is city government’s role and the extent of its obligations and how can it better assist families and children experiencing housing emergencies, loss of housing, or chronic, unstable living arrangements?
- What is city government’s role and the extent of its obligations in promoting child and family well-being?

- How can city government ensure the fair and efficient management of public services and benefits such as shelter, rental assistance, subsidized housing and links to housing-related and other safety net services?
- How can city government ensure the integrity of and public confidence in the shelter eligibility determination process and in the provision of shelter to eligible families to support the expenditure of government funds?
- How can city government continue to provide shelter to families who are homeless and at the same time encourage families to consider alternatives to shelter?
- How can government best address the needs of homeless families and children given the intersection of legal mandates, legal precedents, and policy?

Findings

- The EAU physical plant, as presently configured, is inadequate to the task of handling the demand for shelter applications by homeless families with children.
- Poor decision making around shelter eligibility and policies that promote repeated applications result in multiple applications. Each reapplication, in turn, contributes to congestion and overcrowding at the EAU, costly application processing, and prolonged instability for families.
- Restrictive facility admission practices by shelter providers prevent timely placement for many families including: those families with an adult male, teenagers, and children of various ages. These placement restrictions contribute to multiple overnight placements for families, congestion and overcrowding at the EAU, and placement delays.
- Insufficient opportunities exist for families with children experiencing housing emergencies or instability to access housing assistance and resources in the community on a twenty-four hour a day, seven-day per week basis. At the EAU, families with housing crises and instability and families who are homeless are able to access, primarily, only shelter.
- Contested issues about passes and pass control to leave and return to the EAU, provision of food, and school- and medically-related concerns are by-products of application and placement delays and facility overcrowding.

It is clear that continuing to address efforts to improve the EAU on a case-by-case basis or respond to individual policy or operational issues, sequentially as they emerge, is bound to fail. This conclusion suggests that only a comprehensive approach will yield long-term improvement. The Panel's recommendations signal a departure from current policy and practice. They contemplate a complete restructuring of and significant improvements in application, eligibility determination, and support functions. The Report sets out recommendations that tie together in an integrated, systematic, and flexible way an approach to preventing family homelessness with a revamped shelter application process, improved eligibility determination practice, timely placement into shelter, family safeguards, the

expansion in the range, availability, and commitment of housing-related resources and supports to families, and a facility designed to facilitate core EAU functions. The SMP intends that the changes proposed will occur only within a broad framework of implementation of the proposals set out in this Report and that no one component will be undertaken as a stand-alone policy.

Recommendations

- Replace the EAU with a single facility that is a safe, secure, clean, and sanitary office environment and is sized, staffed, and laid out to meet the demand for shelter services and to support the shelter intake, application and placement work processes.
- Revamp the application process so that it is completed in half a day, is conducted during business hours, and results in same-day conditional shelter placement to prevent overnight and late-night placements.²
- Eligible homeless families are entitled to shelter. Strengthen the eligibility determination process and improve the consistent application of eligibility rules through: institution of a mid-process case conference to review and communicate with applicant families preliminary eligibility determinations and provide assistance in complying with requirements for shelter eligibility; a legal examination of all eligibility determinations; support for families' request for and attendance at Legal Conferences and Fair Hearings for ineligibility determinations; enhanced training and cross-training of personnel working at the EAU across functions; performance monitoring of individual workers and supervisors; and establishment of a casework-bridge function to facilitate the transition back to the community.
- Develop a process for handling families who are ineligible for shelter, offering assistance to ease their transition back to the community without provision of shelter. This process will take account of families who do not have housing actually available to them.
- Lift restrictive shelter facility admission practices to facilitate timely placement of families into Tier II shelters and hotels, reduce overnights, and lessen congestion at the EAU.
- Build into the shelter application process and make available multiple opportunities for families to access a broader array of housing-related resources and supports to address housing instability, housing emergencies, and homelessness and also make these resources and support accessible and available to families served in DHS homelessness prevention programs in the community.
- Establish an Ombuds function to facilitate resolution of family concerns and provide feedback and recommendations on system functioning. The Ombuds function will include two components, the Ombuds Office and an independent Ombuds Review Board. This approach will reinforce accurate decision making and quality services and will serve as an early detection and warning system that enables timely course-correction.

² DHS practice provides families who have completed the initial application process at the EAU with up to ten days of conditional placement pending the determination of shelter applications. Families who have begun but not completed the initial application process at the EAU receive overnight placement and transportation back to the EAU to complete that initial application process.

- Strengthen cross-agency coordination between and among DHS and the other agencies present at the EAU – such as the New York City Human Resources Administration, the Administration for Children’s Services, the Department of Education, and The Floating Hospital, the contract medical provider – and conduct ongoing cross-training, particularly focused on child welfare and domestic violence concerns. Establish protocols to clarify roles and standards related to the assessment and consideration of child welfare issues implicated in eligibility determinations. Clarify directions related to the screening and processing of applicant families with domestic violence issues.

The SMP will assist DHS and continue to meet its obligations to the Parties and homeless families with children under the January 17, 2003 Agreement as DHS develops and implements a Family Shelter Intake Center and Shelter Eligibility Determination Redesign and Improvement Plan. We are mindful of the SMP’s responsibility represented in the Agreement, to consider “the resolution of the existing litigation involving family homelessness.”³ Existing appellate rulings and government policies and practices reflect the right to shelter of homeless families with children.⁴ To resolve the litigations, the SMP would expect to see major commitment to and substantial progress made on the recommendations outlined in both its Prevention and EAU/Eligibility Reports and, as contemplated in the Agreement, there will be a process of engagement by the Parties, with the Special Master Panel, on these issues.

³ McCain v. Bloomberg, Stipulation I, ¶ 7 (Sup. Ct. N.Y. Co. Jan. 17, 2003).

⁴ McCain v. Koch, 117 A.D.2d 198, 203, 213 (1st Dep’t 1986) (“Defendants’ less than equal treatment of plaintiffs is plainly irrational.”); id. at 216 (“[T]he City’s policy simply ignores the brutal realities of the plaintiffs’ situation [and] contravenes both the letter and spirit of the State’s affirmative obligation to aid all its needy residents under NY Constitution, article XVII, § 1.”).

Special Master Panel Description

The New York City Family Homelessness Special Master Panel was created by a New York State Supreme Court Order (Index No. 45177/86) of Justice Helen E. Freedman on January 17, 2003 to begin to resolve the problem of family homelessness without the intervention of the judiciary. The Special Master Panel settlement was negotiated by the Parties and their counsel (The Legal Aid Society and the City of New York and New York City Department of Homeless Services) and it covers four matters: McCain v. Bloomberg, Lambo v. Eggleston, Slade v. Bloomberg and Cosentino v. Dowling. The settlement agreement recognizes the desirability of avoiding litigation and achieving the best results for homeless families by working together collaboratively and cooperatively.

The stipulation agreement creates an independent panel with broad powers to help the city shape its policies and programs for homeless families and to intercede with the Parties in extreme circumstances involving a major problem. Panel members John D. Feerick, Daniel Kronenfeld and Gail B. Nayowith will serve for a period of two years without compensation. The Panel issued a *Prevention Report* in November 2003 and completed a *Review of the Legal Framework of the Homeless Family Shelter System* in February 2004.

The Panel has the authority to hear a legal claim and make reports and recommendations including recommendations for relief or remedies that could be granted by a New York State Supreme Court Justice. The Panel will provide the Court with periodic reports including recommendations to modify an existing order, which the Court can enforce.

The Panel is staffed by Dora Galacatos, Staff Director, and Maria Toro, Staff Associate.

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