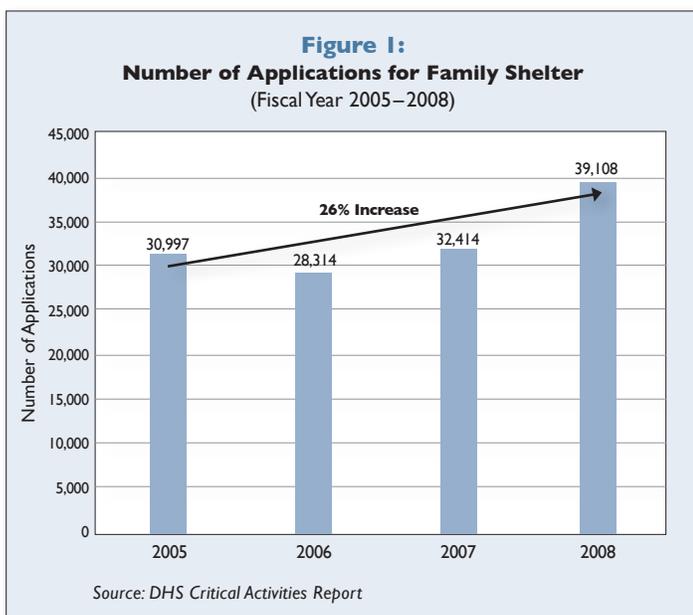


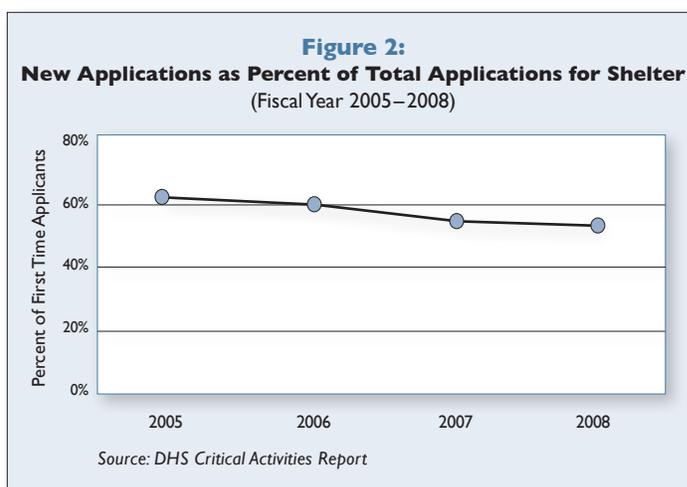
In 1986, New York City adopted the “Right to Shelter” for homeless families, legally mandating the provision of emergency shelter to all in need.¹ Twenty-three years later, it appears that this right is in jeopardy because of bureaucratic policies and procedures employed by the city to defer, if not deny, shelter to eligible families. To better understand this issue, the Institute for Children and Poverty examined the “front door” to the shelter system and the Department of Homeless Services’s (DHS) shelter entry data for families during the first four years of “Uniting for Solutions Beyond Shelter,” a ten-year plan to end homelessness initiated in 2004.²

Determining Eligibility: Getting Through the Front Door

Homeless families in New York City apply for shelter at a single intake center, the Prevention Assistance and Temporary Housing (PATH) Office. During this initial application, DHS either finds families “eligible,” and gives them a shelter placement, or “conditional,” in which case a family receives temporary shelter while their application is investigated further. In the latter instance, DHS has ten days to complete the investigation process. DHS evaluates eligibility based on a family’s most recent housing history (over the past two-years) and whether or not these families have other viable housing options beyond shelter. If DHS finds the family ineligible, that family is discharged from shelter. Once discharged, a family must wait 90 days before reapplying for shelter.³ Ineligibility can result from substantial reasons such as having a safe housing alternative to shelter to minor infractions—such as the inability to immediately produce a birth certificate for a child.



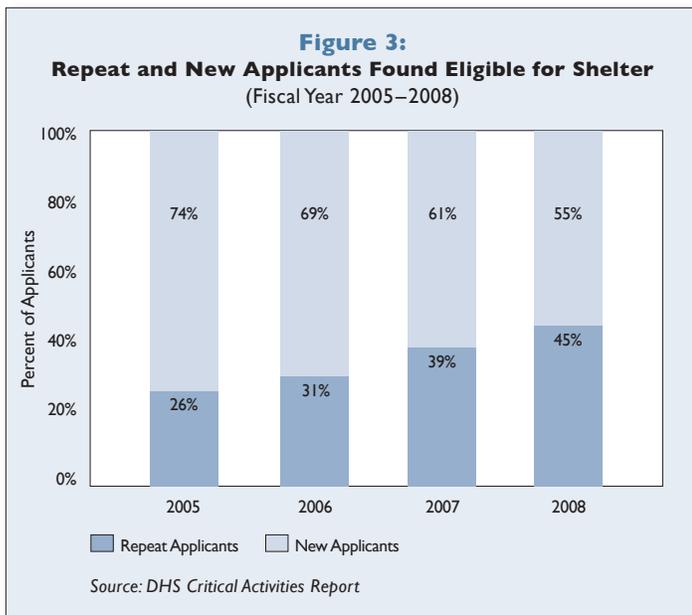
Between FY05 and FY08, applications for emergency shelter increased by 26% (see Figure 1). On average, 93 families apply at the PATH center daily, with applications consistently reaching well above 100 per day.⁴ Interestingly, the percentage of first time applicants decreased by 13% from 61% in FY05 to 53% in FY08, implying that *repeat applicants*—not newcomers to the system—are responsible for the large numbers of families arriving at the front door (see Figure 2).



Returning Shelter Applicants: Experiencing the Revolving Front Door

The stringent DHS eligibility process may help to explain this trend. DHS frequently finds first-time applicants as ineligible—perhaps as a deterrent—in an attempt to keep the shelter census down. As the data show, however, these families do not disappear; rather, they return seeking shelter once again. During the last four years, the number of repeat eligible families as a proportion of all families found eligible for shelter increased by 73% (from 26% to 45%) (see Figure 3). Ultimately, 38% of all families deemed eligible had to *reapply two or more times* before DHS found them eligible.

DHS reports that its “error rate” (the measure for families denied shelter and then found eligible within 90 days) is less than 10%.⁵ Upward trends in eligible determinations from repeat applicants, however, suggest that this error rate may be underreported. Even so, a 10% error rate for FY08 means that DHS erroneously deemed as many as 2,710 families ineligible for shelter only to find them eligible later.⁶ (Such an oversight could put roughly 2,500 children at severe risk of educational, emotional, and physical setbacks.)⁷ In addition, while DHS reports that it completes 100% of all conditional applications within its



The number of repeat applicants found eligible for shelter is increasing as a proportion of all applicants found eligible.

given ten-day limit, actual experience demonstrates the opposite: many investigations take as long as three months to complete.⁸

Finally, the “recidivism rate,” the proportion of families returning to shelter after moving to permanent housing, has also increased (see Table 1). Between FY05 and FY08, the percentage of families returning to shelter within one year increased by 300% (from 1% to 4%), and the two-year rate increased by 175% (from 4% to 11%) with over 700 families returning to shelter within a twenty-four month period. In sum, the increase in the number of repeat applicants seeking shelter, the length of time DHS requires to reach eligibility determinations, and the increase in recidivism all contribute to the high numbers of families in need seen at the front—and revolving—door of New York City’s shelter system.

Table 1:
One and Two Year Recidivism Rates for Families Returning to Shelter
(Fiscal Year 2005–2008)

Fiscal Year	One-Year Recidivism	Two-Year Recidivism
2005	1%	4%
2006	2%	3%
2007	4%	7%
2008	4%	11%

Source: DHS Critical Activities Report

Conclusion: Flawed Policy

The Department of Homeless Services, in its efforts to control the family shelter census, has adopted a seemingly tight “front door” policy. This policy is manifest in an eligibility determination process that has ironically put increased pressure on the system. The number of families in shelter has not decreased but rather the overall number of applications has increased: applicants who are initially denied

shelter return again and again until their legal “right to shelter” is honored. However, there is more at stake here than a numbers game. It is in fact children who are the invisible victims of flawed policies, inaccurate eligibility determinations, and housing instability. Controlling the front door is a failed policy derived from a poorly conceived plan with far-reaching consequences yet to be seen. This is a policy that demands reassessment and change.

¹ In a 1986 lawsuit filed by the Legal Aid Society on behalf of homeless families with children, *McCain vs. Koch*, the State Supreme Court ordered the city to provide emergency housing to homeless families with children.

² New York City’s fiscal year runs from July 1 to June 30. In June 2004, Mayor Bloomberg unveiled *Uniting for Solutions Beyond Shelter*, a ten-year plan to end chronic homelessness in New York City. The proposal embraced ambitious objectives regarding homeless prevention and census reduction. In a shift away from sheltering individuals and families, the new strategy promised to limit shelter activity while simultaneously moving the city’s homeless population into stable housing. For more information on the city’s action plan, visit: <http://www.nyc.gov/html/endinghomelessness/html/home/home.shtml>.

³ As of March 2006, families who reapply for shelter within 90 days of having been found ineligible do not receive temporary placement unless they meet certain exceptions, including: material change since last application (new information or documents), immediate danger, medical needs, actual eviction, and domestic violence or child abuse.

⁴ The 93 figure is based on DHS data from March 2008 to June 2008 “Daily Reports.” As of January 2009, the figure has grown significantly higher.

⁵ See Leslie Kaufman, “Homeless Families in New York Lose a Loophole,” *New York Times*, October 11, 2007.

⁶ FY08 erroneous determinations were computed by applying the 10% error rate to the number of applications not found eligible, given the 29% eligibility rate on applications. Based on DHS family data reported in the FY08 “Critical Activities Report,” available at: <http://www.nyc.gov/html/dhs/html/about/car.shtml>.

⁷ The 2,500 figure is based on an estimated rate of 2 applications and 1.9 children per family in FY08, see: <http://www.nyc.gov/html/dhs/html/about/car.shtml>.

⁸ Shelter operators report that some cases took as long as 90 days to receive a final eligibility determination and in others, families found ineligible were sent back to the PATH Center and returned to shelter within a 24-hour period.

The Institute for Children and Poverty (ICP) is an independent non-profit research organization based in New York City. ICP studies the impact of poverty on family and child well-being and generates research that will enhance public policies and programs affecting poor or homeless children and their families. Specifically, ICP examines the condition of extreme poverty in the United States and its effect on educational attainment housing, employment, child welfare, domestic violence, and family wellness. Please visit our Web site for more information. www.icpny.org

