

MEMORANDUM

THE CITY OF NEW YORK
HUMAN RESOURCES ADMINISTRATION

DATE: December 9, 1983

TO: Center Directors

RECEIVED

FROM: Martin Burdick, Deputy Administrator
for Income Maintenance Programs

'83 DEC 14 A2:56

SUBJECT: McCain, et al. v. Edward I. Koch - Interim Order -
Homeless Families Case

On June 20, 1983, an interim order was issued by the Supreme Court of the State of New York, County of New York. In this law-suit, plaintiffs, represented by the Legal Aid Society, petitioned the N.Y. Supreme Court, on behalf of homeless families for an order which would require the City of New York to provide emergency housing to all eligible homeless families and to provide grants, as needed, for restaurant allowances, security deposits, etc. The Court took the arguments of plaintiffs' attorneys and the Corporation Counsel under advisement and in the interim issued an order which among other items provided that:

1. HRA and HPD (Housing Preservation and Development Department) are required to provide adequate, personal notice pursuant to 18 NYCRR Section 358.3 at the time action is taken on a request for emergency housing or where the disclosed facts indicate a need for emergency housing. The notice has to include language to inform the family of their right to a regularly scheduled and or expedited fair hearing.
2. Standards

No Family shall be referred to a hotel/motel nor shall any reimbursement be made for cost incurred from such referral unless all of the requirements set forth below are met:

- (1) Primary consideration shall be given to the special needs of children. Specific factors considered must include but shall not be limited to educational needs, security, the nature of the facility in which the children would be placed, and factors which will insure the minimum disruption of community ties.
- (2) The hotel/motel shall have appropriate contractual or other arrangements for maintenance, repair and sanitation in the hotel/motel. The hotel/motel must have available for review by the local social services district information verifying the above mentioned arrangements or record of such. Such information would include, for example contracts with carters, bills, receipts, or other evidence of performance.

Such arrangements shall include but not be limited to agreements for provision of the following services:

- (i) Removal of garbage.
 - (ii) Maintenance of floor coverings, draperies and furniture.
 - (iii) Repairing of the facility at least once every five years.
 - (iv) Maintenance and inspection of the electrical system.
 - (v) Maintenance of plumbing and plumbing fixtures.
 - (vi) Maintenance and inspection of heating, ventilation, and air conditioning system.
 - (vii) A regular vermin control program.
 - (viii) Provision to insure that entrances, exits, stairs and walkways are kept clear of garbage, ice, snow and other hazards.
- (3) Rooms shall be cleaned at least every other day by hotel/motel staff.
 - (4) Furniture necessary for daily living, including but not limited to tables, bureaus, chairs, beds and cribs, shall be in each room.
 - (5) No more than two adults shall be placed in the same room.
 - (6) When children are placed in the same room as adults there shall be sufficient beds so children shall not have to share single beds.
 - (7) All bedding material shall be clean. Each bed shall have at least two clean sheets, adequate clean blankets, clean pillows and pillowcases. A complete change of linens shall be made by hotel/motel staff at least once a week and more often where individual circumstances warrant or when a new family occupies the unit. Each unit shall be supplied with towels, soap, and toilet tissues. A clean towel shall be provided daily to each resident.
 - (8) Each unit must have operational door and window locks. All windows at and above the second floor must have window guards in place, unless windows are sealed and the air conditioning works.

- (9) A heating system shall be permanently installed and operated in accordance with applicable local law. Where local law or code does not govern the provision of heat, the system will provide heat to maintain a temperature of 69° F (20° C) in all occupied parts of the building, including corridors. Where windows do not open, proper ventilation, including but not limited to air conditioning, shall be operational.
- (10) Each family must have a private bathroom. At a minimum, this shall include a toilet, a sink and a shower or bathtub, all of which shall be properly maintained with hot and cold running water.

3. Inspection

Local Social Services districts which make hotel/motel referrals must inspect the hotels/motels in which families are placed at least once every six (6) months. In addition to verifying that the hotel/motel meets the requirements set forth in subdivision (9) above, the local district shall make appropriate inquiries to determine whether the hotel/motel is in compliance with all applicable state and local laws, regulations codes and ordinances. Any violation found during the on-site inspection shall be reported to appropriate authorities. Further, each inspection shall at least review arrangements for hygiene, vermin control, security, furnishing, cleanliness and maintenance, and shall include a review of any applicable documents pertaining to compliance with any local laws or codes. A written report shall be made of each such inspection and shall be maintained at the office of the local district together with such other information as the district may maintain concerning the families placed in the hotel/motel.

- 4. HRA and HPD are required to continue to provide emergency housing assistance and services to any family already in receipt of such housing assistance and services until such time as it provides adequate, advance notice of an intent to terminate or reduce assistance and a notice of right to aid continuing.
- 5. HRA is required to see that every effort shall be made to provide that there is no delay or interruption of public assistance, Food Stamps, or Medicaid as a result of a family's having to move into emergency housing, move from one emergency housing site to another, or from emergency housing into permanent housing.

To carry out item 2 (Standards) of this interim order, we have notified all of the hotels/motels which we contact on behalf of a homeless family that we expect them to tell us that they can't provide any of the items listed in the court order when we make a call to them, so that we can advise the recipient of what is or is not available. The recipient can then decide whether to take the available accommodations or say no. If a family finds that the accommodation is unacceptable, the staff will continue to make inquiries to hotels/motels/family shelters until an available accommodation is found acceptable or there are no other available accommodations. The family will be advised that there are no other alternatives and asked for their decision.

To carry out part of item 5 of this interim order, we have distributed IM Memo #12/83 which describes to staff how to evaluate whether a family in a temporary shelter is eligible for Food Stamp benefits and how to send the benefits to the recipient.

It is also incumbent on staff to change the address to which the recurring check is sent so that clients can receive the Medicaid card at their temporary accommodation. If the address can't be changed because the temporary accommodation is of such a short duration, staff is to ask recipients if they want a Temporary Medicaid Card (CS-19). For families in temporary accommodations, the CS-19 can be written for a period beyond the end of the calendar month depending on whether it is reasonable to expect that the next monthly Medicaid card will be received by the client, instead of for the period specified in IM #13/83.

To carry out this interim guideline, the State Department of Social Services has provided us with four forms:

- o Request for Emergency Assistance For An Active Public Assistance Case (W-145N);
- o Notice of Acceptance/Denial of Request/Application For Emergency Housing Aid (IM Centers) (W-145P);
- o Notice of Acceptance/Denial of Request/Application For Emergency Housing Aid (E.A.U. Emergency Assistance Unit) (W-145Q);
- o Important Notice For Homeless Persons (an 18x24 poster).

Posters

We will be providing 5 copies of the poster which are to be displayed on the walls of the floors in your center where clients are interviewed or where they wait to be seen. Additional copies can be ordered from Mr. Hagop Vartebedian, Director, Office of IM Facilities and Supply.

Interviewing Recipients/Applicants

Wherever a recipient or an applicant states that he/she and his/her children are homeless or expect to be made homeless, the recipient/applicant is to be asked to complete the Form W-145N, Request for Emergency Assistance. For an applicant, the form is to be completed in addition to the application Form DSS 1994. If the recipient requires help in formulating his/her request, the worker may help the recipient fill out the request.

For a recipient family who is homeless or about to become homeless, the worker is expected to explore alternatives to preserve existing housing and to help the family think through the places that they may go to avoid a hotel/motel/family shelter.

Staff should remember that the possibility of losing a roof over your head is an extremely stressful experience and that recipients in these circumstances need to be helped to express their needs and think through their alternatives. Some of the most common alternatives that can be discussed:

- o Families are to be asked if they may remain as guests in the home of their relatives and friends. Workers are reminded that in such circumstances, payment may be made to non-legally responsible relatives and friends.
- o An advance payment may be made to meet a three day notice, dispossess, or eviction to avoid homelessness.
- o A call may be made to Mr. J. Allocca, Director, Office of Information, Liaison and Adjustment at 553-5185, to discuss an advance, where the monthly rent owed exceeds the maximum shelter allowance.
- o An offer of rent up to the maximum shelter allowance may be made where a family can move in with a relative or friend who is not in receipt of public assistance.
- o An offer of rent up to the amount charged by the landlord (but in no event more than the maximum for that size family) can be made where a family can move into the home of a public assistance recipient who pays more for rent than the maximum shelter allowance.
- o An offer of a restaurant allowance (partial or full) in addition to the shelter allowance may be made where a family lives with a friend or relative and there is difficulty in gaining access to kitchen facilities.

- o Rent in advance, moving expenses, security deposit, broker's fee may be paid for the family who can find another apartment to avoid homelessness. For all allowances other than a rent advance, a call must be made to the Division of Housing.

In these situations where homelessness can't be avoided, a call must be made to the Division of Housing for referral to a hote/motel/family shelter. The number of adults, the number of children and their sex and ages is given to the proprietor of the hotel/motel/family shelter so that he can be aware of the number of beds, linens, blankets, and other furnishings needed.

Where there is less than a bed for each family member, or linens, towels, etc. can't be supplied, C.O. Housing staff will be advised by the proprietor so that the information can be transmitted to the family. In the final analysis, it is up to the family to decide whether they will or won't take the accommodations offered by proprietors. If a family finds that the accommodation is unacceptable, the staff will continue to make inquiries to hotels/motels/family shelters until an available accommodation is found acceptable or there are no other available accommodations. The family will be advised that there are no other alternatives and asked for their decision.

When a family's alternative is to go to a hotel/motel or to become a sub-tenant, they must be reminded that they need to take their clothing, perishable food, other personal possessions, and such items as strollers, cribs, or other items needed for daily living, and they also need to make arrangements for storage of their furniture and other possessions that can't be taken with them to the new living arrangement. Families are to be advised of the availability of allowances for storage fees so that possessions are not lost while the family remains in temporary placement.

Workers need to discuss with the family the availability of a restaurant allowance and Food Stamps while the family is housed in a hotel/motel. Families should also be reminded that their Medicaid cards will arrive at their last address on or about the first of the month and will not be rerouted to their hotel/motel until their recurring checks are rerouted. Where a family doesn't get their Medicaid card and needs medical attention, workers should remind families to ask for a Temporary Medicaid Card (CS 19). Those CS 19's issued should be written for the balance of the month.

Recording

The worker's activity is to be recorded in the case record. In addition, the worker must complete Form W-145P, Notice of Acceptance/Denial of Request/Application For Emergency Housing Aid. Where a request is being denied or no aid is being given, the reason is to be described on the form.

Referring an applicant/recipient to EAU when there is no hotel/motel/family shelter accommodation available during the day is not to be considered a denial.

When making a referral to EAU, staff should write out a Form W-113E advising why they were unable to help. In addition, a copy of the request by the client and the staff's notice to the client on the request should be sent with the client to EAU. If it is necessary to give a food and other allowance, this should be issued in the IM Center and so noted on the referral to EAU.

The applicant/recipient is to be given a copy of the form. Where an applicant/recipient is dissatisfied with the aid given or where no aid is given, the applicant/recipient may immediately see the Service Representative or, where aid is denied, may ask for an immediate appointment with the Liaison and Adjustment Section to review the reason for the denial. The client has the right to ask for a Fair Hearing.

For denials, a copy of the form is to be mailed to the Fair Hearing Division of the SDSS in Albany.

Please inform your staff. If there are any questions, the Center Director or Office Manager may call 553-5345.

cc: IM Cabinet
Field Managers
S. Eber
L. Konstan
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Code D