



**The City of New York
Human Resources Administration
Concept Paper**

**Homelessness Prevention Law Project
EPIN: 09615I0002**

Purpose

The following Concept Paper is a precursor to the forthcoming Homelessness Prevention Law Project (HPLP) program Request for Proposal (RFP). The HPLP program has existed for over a decade, but as of fiscal Year 2015, the City of New York (City) moved the HPLP program from the Department of Homeless Services (DHS) to the Human Resources Administration (HRA). The funding has also more than doubled in FY15 from \$6.4 million dollars to \$13.5 million dollars. The HPLP program provides an array of legal services that help ensure that low-income families facing eviction or other potential loss of housing remain housed and avoid becoming homeless and entering shelters. HRA's Office of Housing and Homelessness Prevention is seeking qualified service providers to provide HPLP services in all five boroughs.

The urgent need to expand anti-eviction legal service resources for low-income households in NYC has been well documented. The assistance of a lawyer to prevent an eviction can have a profound impact for families who would otherwise lose their housing, jeopardizing stable employment, health care, family stability, school attendance and neighborhood ties. The social and financial impacts of eviction are even more serious for families who have no other option than to enter the City's homeless shelter system. HRA is committed to funding anti-eviction legal services that address housing as one of the four "essentials of life" as identified by the New York State Chief Judge's Task Force to Expand Access to Civil Legal Services in New York¹ which means working to prevent evictions, but also a focus on preventing homelessness.

By targeting these legal services toward the most at-risk households facing eviction and homelessness, the project will maximize both social and monetary benefits to the City and its most vulnerable residents. This program will target risk factors such as a history of homelessness, potential loss of housing subsidies and public housing, and the involvement of multiple city agencies. Researchers have shown that a history of homelessness is the greatest predictor of future homelessness. Housing subsidies, particularly those that are federally funded, have been proven to be the most effective means by which households remain stably housed. Once evicted, these subsidies are most often lost to vulnerable tenants forever.

¹ **The Task Force to Expand Access to Civil Legal Services in New York** was created by Chief Judge Jonathan Lippman in 2010 as part of his effort to establish a comprehensive approach to providing counsel to low-income New Yorkers in civil cases.

The Homelessness Prevention Law Project consists of two program components, the Anti-Eviction Legal Services provided by multiple contractors in each borough, and the Court-Based Homelessness Prevention Project, which will be provided by one contractor that will be placed in the Bronx, Brooklyn, and Queens housing courts. Each program component will be a separate competition under the HPLP RFP. To provide these services, HRA is seeking qualified service providers who have experience effectively representing a high volume of tenants in housing court, including conducting trials and appeals.

Anti-Eviction Legal Services

HRA Anti-Eviction Legal Services programs will provide full legal representation for tenants who are facing eviction in housing court. The provision of services for households at risk of homelessness requires a seasoned, well-trained civil legal services lawyer who is able to address the often complex, interrelated legal matters faced by HRA's target population. Lawyers may also need to address housing conditions, research legal rent levels, and navigate issues with public benefits in order to thoroughly represent the case.

In addition to providing the full legal representation services outlined in previous section, when appropriate, an Anti-Eviction Legal Services provider may allocate up to 20% of the cost proposal for "brief" legal services, meaning housing counseling from lawyers or paralegals.

In addition to full representation in housing court, providers may also offer related services such as benefits advocacy and social service referrals in order to help ensure that low income families facing eviction remain housed to avoid becoming homeless and entering shelter.

Court-Based Homelessness Prevention Project

HRA also intends to provide funding for the provision of the Court-Based Homelessness Prevention Project which targets at-risk tenants from specific zip-code(s) and provides ongoing social services case management to families, to the extent appropriate. The cases are identified by housing court staff and assigned to a specific judge in each housing court who is assigned to the program.

The genesis of the Court-Based Homelessness Prevention Project was the Housing Help Program (HHP). In January 2005, the United Way of New York City (UWNYC) launched the HHP in partnership with the Civil Court of the City of New York. When it was created, HHP was a new, innovative program model that responded to the homelessness crisis by bringing together partners from the court system and the human services field. This unique approach produced a model that could address the diverse challenges facing families struggling to avoid eviction and homelessness.

In addition to providing the full legal representation services outlined in previous section, when appropriate, the Court-Based Homelessness Prevention Project can instead offer some at-risk

tenants “brief” legal services, meaning housing counseling from lawyers or paralegals. The active participation of the court staff and judges, the constant presence of the contractor in the housing court, and case management provided by the social services staff allows for all of the tenants from the high risk zip-codes selected by HRA to be served effectively with a combination of full representation and brief legal services.

Partner Agencies

HRA

The HRA Office of Legal Service Initiatives will offer programmatic oversight for the HPLP program. HRA will also refer at-risk families to the HPLP providers and assist with benefit coordination and emergency homelessness prevention assistance when needed.

The Office of Court Administration (OCA)

The Office of Court Administration is instrumental in setting up a system of referrals for at-risk cases and providing staff and resources for the Court-Based Homelessness Prevention program. The OCA will also assist in identifying and referring households at-risk of homelessness for the Anti-Eviction Legal Services.

Target Population

Anti-Eviction Legal Services:

This program will target families with children who are homeless or at-risk of homelessness and whose household income does not exceed 200% of the federal poverty level, but up to 15% of all cases may consist of low-income adults or adult families without children in the household at risk of homelessness. Contractors will be required to certify that households served under this program meet the financial and household composition requirements for eligibility. It is anticipated that case assignments will be made by HRA on a rotating basis.

Court-Based Homelessness Prevention Project:

This program will target all cases from specific zip codes identified by the HRA. The program will primarily target families with children who are homeless or at-risk of homelessness and whose household income does not exceed 200% of the federal poverty level, but 15% of all cases may consist of low-income adults or adult families at risk of homelessness who do not have children in the household. Contractors will be required to certify that households served under this program meet the financial and household composition requirements for eligibility.

Program Activities

Anti-Eviction Legal Services (Competition #1):

The contractor would provide full legal representation and related ancillary services to stabilize clients; services may include but are not limited to:

- Initial client interviews
- Factual investigations
- Legal research
- Preparation and filing of required agency and court papers
- Preparation of motions
- Brief writing
- Preparation for hearings and trials
- Representation at judicial hearings, trials, appeals, and other such forums as required, including settling and/or trying cases
- Ongoing client contact, including follow-up interviews and consultations
- Evaluation of whether the tenant's rent level is correct, whether there are conditions that require repair, and whether these might constitute defenses(s) to the proceeding
- Institution of all appropriate remedial actions to retain or restore a housing subsidy
- Assistance with housing discrimination and/or tenant harassment claims

Providers must be able to demonstrate a proven track record of providing each of these client services. Providers should have experience in using mediation and/or negotiation strategies to avoid further litigation. In all cases, an experienced housing attorney must supervise the legal services provided.

Providers must meet or exceed the service targets awarded, and provide the agency with service and outcome data on a monthly basis. At least 90% of all tenants serviced should not enter the DHS shelter system within one year of HPLP services.

The selected vendors will be required to have at least five (5) years' experience in the provision of anti-eviction legal services. Proposers will be asked to demonstrate experience providing high volume, high-quality anti-eviction legal services. Experience in providing high quality services can be demonstrated by a description of judicial decisions obtained by the provider, including appellate court decisions that benefited the target population outlined in this concept paper.

Selected vendors will be expected to maintain an array of resources in addition to legal staff, which could include paralegals and benefits experts, and have the capacity to serve non-English speaking clients consistent with the demographics of the community.

Court-Based Homelessness Prevention Project (Competition #2):

The contractor for Court-Based Homelessness Prevention Project must have experience in providing effective brief legal services, and must provide counseling and referrals to social

services in the community, such as mental health, domestic violence, employment, food, financial empowerment, and homelessness prevention assistance. Services and referrals provided are meant to address underlying issues that may contribute to future homelessness.

The Contractor must meet or exceed the service target awarded, and provide the agency with service, referral, and outcome data on a monthly basis. At least 90% of all tenants serviced should not enter the DHS shelter system within one year of HPLP services.

The selected vendor will be required to have at least five (5) years' experience in the provision of a combination of court-based anti-eviction legal services and social service support. Proposers will be asked to demonstrate experience providing high volume, high-quality anti-eviction legal services. Experience in providing high quality services can be demonstrated by a description of judicial decisions obtained by the provider, including appellate court decisions that benefited the target population outlined in this concept paper.

Selected vendors will be expected to maintain an array of resources in addition to legal staff, which could include paralegals and benefits experts, and have the capacity to serve non-English speaking clients consistent with the demographics of the community.

Program Outcomes for both Competitions

Contractors will provide client-level demographic, service, and outcome data to HRA, including:

- Services provided
- Benefits secured
- Legal outcomes

Proposers will need to demonstrate that they are able to collect the exact demographic, process, and outcome data required by HRA. Proposers will not have to use a data system created by HRA, but must be able to submit required data fields in a format designed by HRA on a regular basis. Proposers will be required to maintain a Notice of Appearance that has been filed with the housing court in each case file.

HRA will also track entry into DHS shelter and calculate a retention rate. At least 90% of all tenants serviced should not enter the DHS shelter system within one year of HPLP services.

Funding and Payment Structure

It is anticipated that the total available funding for the contracts awarded from this RFP will be \$13,500,000.

Anti-Eviction Legal Services:

It is anticipated that the total available funding for Competition 1 - Anti- Eviction Legal Services will be \$10,500,000. HRA expects that the payment structure for the contract awarded under this RFP will be 100% line item, but contingent on meeting certain performance metrics, i.e. contractors must achieve enrollment targets in order to receive full funding. The contractors will have quarterly service targets in proportion to the agreed upon annual service targets. The

Agency will review performance at the end of each quarter and reserves the right to recalculate the annual service targets based on current performance and reallocate the cases and budget accordingly.

While HRA is not paying on a case rate, the maximum average cost per case cannot exceed \$1,500 for a full representation case and \$500 for a brief services case.

Borough	Total Funding	Maximum Full Representation	Maximum Brief Services
Brooklyn	\$3,465,000	2,310	1386
Bronx	\$4,095,000	2,730	1638
Manhattan	\$1,365,000	910	546
Queens	\$1,260,000	840	504
Staten Island	\$315,000	210	126
	\$10,500,000	7,000	4,200

Proposers must propose to serve at least 100 cases in at least one borough. Proposers may not propose to serve more than 25% of the cases (full representation and brief services) in each borough. Once 25% of the cases have been allotted to one proposer in said borough, HRA will proceed to award the remaining cases to next technically highest ranked proposer until all of the cases in that borough have been allocated. Only technical proposals that have a technical score above the natural break will be considered. If a particular borough does not have enough proposers who score above the natural break, HRA reserves the right to award the highest technical proposal(s) an amount greater than it has proposed, based on the vendor’s capacity.

Proposers may propose to provide legal services for cases in any borough where the proposer operates at least one legal services office. Proposers for a particular borough must maintain an office in the borough other than an office that is based in the housing court and clients must be able to meet with an attorney in the office at least from Monday through Friday, 9am to 5pm.

The final total funding amount depends on the availability of funds and is subject to change.

Court-Based Homelessness Prevention Project

It is anticipated that the total available funding for Court- Based Homelessness Prevention Project will be \$3,000,000. HRA expects that the payment structure for the one contract awarded under this RFP will be 100% line item, but contingent on meeting certain performance metrics i.e., contractors must achieve enrollment targets in order to receive full funding. The contractor will have quarterly service targets in proportion to the agreed upon annual service targets. The Agency will review performance at the end of each quarter and reserves the right to recalculate the annual budget accordingly.

HRA is not paying on a case rate for these services, but the proposer should serve a minimum of 2,240 cases with either full or brief services.

Boroughs	Total Funding	Cases
Bronx, Queens, Brooklyn	\$3,000,000	2,400

The final total funding amount depends on the availability of funds and is subject to change.

Anticipated Number of Contracts

HRA anticipates that several contracts will be awarded for the Anti-Eviction Legal Services Program per borough, up to the maximum caseload delineated above, and that one contract will be awarded for the Court-Based Homelessness Prevention Project.

Planned Method of Evaluating Proposals

Proposals will be evaluated pursuant to the criteria set forth in the RFP. This will include the quality of the proposer’s approach and program design. In addition, the evaluation will assess the proposer’s successful, relevant experience providing similar services. Proposals will also be evaluated based on the organization’s staffing model and organizational structure as it relates to capacity to deliver these services. Vendors may submit joint proposals, but vendors may not subcontract with additional vendors following selection.

For each competition, HRA will award contract(s) to the highest technically rated proposals which do not exceed the average cost per case, and which are determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria set forth in the RFP.

For Competition 1 - the Anti-Eviction Legal Services

A separate and complete proposal must be submitted for each borough proposed. Each borough will be considered a separate competition. In the event that a proposer is eligible for more than one contract award, HRA reserves the right to determine, based on the proposer’s demonstrated organizational capability and the best interests of the City, how many and for which proposed boroughs and at what level of services a contract will be awarded, as well as the dollar amount for each such contract. A proposer may not propose to serve more than 25% of the cases in each borough. Once 25% of the cases have been allotted to one proposer in said borough, HRA will proceed to award the remaining cases to next technically highest ranked proposer until all of the cases in that borough have been allocated. Only technical proposals that have a technical score above the natural break will be considered. If a particular borough does not have enough proposers who score above the natural break, HRA reserves the right to award the highest technical proposal(s) an amount greater than it has proposed, based on the vendor’s capacity.

HRA will award contracts based on need, programmatic distribution, and geographic distribution. Negotiations may include capacity reductions or increases as compared to the proposed capacity. HRA will also reserve the right to reallocate targets for that proposer between boroughs due to service demand during the course of the contract. HRA reserves the right to award the highest technical proposal(s) an amount less than it has proposed, based on vendor's capacity.

For Competition 2 – Court Based Homelessness Prevention

One contract will be awarded to the highest rated technically rated proposal which does not exceed the average cost per case, and which is determined to be the most advantageous to the City, taking into consideration the price and such other factors or criteria set forth in the RFP.

Proposed Term of the Contracts

It is anticipated that the term of the contract(s) awarded from this RFP will be for three (3) years from July 1, 2015 to June 30, 2018. The contract(s) may include one (1) option to renew for three (3) additional years, from July 1, 2018 to June 30, 2021.

Use of HHS Accelerator

To respond to HRA's Homelessness Prevention Law Project RFP Requests for Proposals (RFPs) released during the Fall of 2014 and later, vendors must first complete and submit an electronic prequalification application using the City's Health and Human Services (HHS) Accelerator System. The HHS Accelerator System is a web-based system maintained by the City of New York for use by its human services Agencies to manage procurement.

Required Service Pre-qualifications

The Homelessness Prevention Law Project (HPLP) RFP will be released exclusively through the HHS Accelerator system. Only organizations with approved HHS Accelerator Business Application and Services Applications for one or more of the following will be able to propose:

- Legal Services

To submit a prequalification application to become eligible to apply for this and other CCS RFPs, please visit <http://www.nyc.gov/hhsaccelerator>.

Procurement Timeline

Expected RFP Release: December 12, 2014

Expected Proposal Submissions Due: January 12, 2015

Expected Award Selection Announcement: March 1, 2015

Expected Contract Start: July 1, 2015

Feedback on Concept Paper

Please submit all comments to this concept paper no later than November 28, 2014 to accprocurements@hra.nyc.gov.