

Responses to Public Comments Received Concerning HRA's Proposed Rule: Rent Limitation for Clients of the HIV/AIDS Services Administration (HASA)

A public hearing regarding the proposed rule was held on August 14, 2014. At the hearing, interested parties had an opportunity to provide input on the proposed rule. Approximately 75 members of the public attended the hearing, 15 of whom spoke. Also present at the hearing were Commissioner Steven Banks, HRA Chief Special Services Officer Daniel Tietz and Deputy Commissioner Jacqueline Dudley. A transcript of the public hearing is attached as Exhibit 1.

In addition to the oral comments received at the public hearing, HRA received one comment via the NYC Rules website, one comment that was sent by email via nyc.gov (via the Mayor's Office) and one submission of written testimony at the hearing itself. These written comments are collectively attached as Exhibit 2.

No comments were received via the phone number, fax number, email address or mailing address provided on the notice of public hearing.

Summary of Issues Raised in Written and/or Oral Comments

Comments Regarding the HASA 30% Rent Cap Proposed Rule

Two comments were received regarding eligibility for the 30% rent cap.

A number of commenters thanked Commissioner Banks, Chief Special Services Officer Tietz, Deputy Commissioner Dudley and others for efforts taken to pass and implement the 30% rent cap. One of the commenters stated she is finally happy in her new apartment as well as the neighborhood she resides in.

Comments Regarding HASA's Delivery of Services in General, Not Directly Related to the Proposed Rule

A number of comments were received concerning HASA's delivery of services in general, including:

- the use of email to communicate with HASA staff
- the information and knowledge among HASA staff concerning the 30% rent cap and budgeting
- reviewing one's own HASA case file
- the posting of HASA clients' rights and responsibilities
- congregate settings and obligations of the providers of congregate housing, including the provision of utilities

Comments About Individual Cases

A number of commenters commented about their individual cases.

- Three commenters raised concerns about living in supportive housing due to the low cost of rent, while not actually being in need of supportive services. They were thankful for the 30% rent cap and indicated that they were ready to transition into independent living.
- Two commenters stated that they were grateful for the 30% rent cap as they reside in commercial SROs and can now afford to relocate.

- Three persons commented about living conditions at their current residence.
- Three commenters explained the difficulty of affording housing in New York City given their modest Social Security Disability or employment income.

Responses to Issues Raised During the Public Comment Process

In response to the two written comments concerning eligibility for the 30% rent cap (see Exhibit 2):

The 30% rent cap was included in the state budget that was signed into law in March 2014. The statute states that a HASA client must first be receiving public assistance (defined as Family Assistance, Safety Net Assistance or Veterans Assistance) prior to making any calculation of 30% of the client's monthly unearned or earned gross income. Nothing in the statute or HRA's implementation plan approved by OTDA changed the eligibility for public assistance. As a result, HASA clients with low Supplemental Security Income (SSI) or low Social Security Disability (SSD) benefits, for example, will often be eligible for the 30% rent cap, but those with higher SSD benefits are often not eligible. In short, in order to be eligible for the 30% rent cap, based on the provision in the adopted state budget a HASA client will still need to have less than \$376 per month available after paying rent.

In response to the comment on page 12 of the hearing transcript, where a HASA client commented on the use of email to communicate with HASA staff:

HASA staff members have access to email and are free to share their HRA email addresses with clients and advocates. At times, HASA staff are in the field and may not be able to promptly reply. In other instances, a client or advocate inquiry is complex and may require input from a supervisor or another HRA employee. Always being mindful of client confidentiality, however, we will reinforce the need to reply as soon as possible to any emailed inquiry, at least to note receipt of the inquiry and then following up as soon as possible by phone, if not via email.

In response to the comments on pages 12-13 and 30-31 of the hearing transcript concerning the information and knowledge among HASA staff on the 30% rent cap and budgeting:

HASA staff has been provided complete information on the 30% rent cap, including information regarding eligibility and budgeting, as well as the issuance of retroactive payments for the period April 1-June 30, 2014. In addition, HASA is distributing fact sheets about the 30% rent cap among HASA clients and potential clients urging them to speak with their HASA case workers if they believe they are eligible. As necessary, we will regularly update and reinforce the 30% rent cap information with HASA staff. Additionally, while HASA staff regularly receive training, we are examining additional training and resource needs so that we are better able to assist clients.

In response to the comment page 15 regarding reviewing one's own HASA case file:

HASA clients are entitled to obtain a copy of their HASA case record upon request. HASA records are electronic and often case workers at our centers can quickly print specific items, such as records of shelter payments in a particular period, while the client waits. If a client wishes a copy of the entire case record, which may require more time to print, the client can either pick up the record at a later date or it can be mailed.

In response to the comments on pages 30-31 regarding the posting of HASA clients' rights and responsibilities:

HASA takes the matter of clients' rights and responsibilities very seriously. Recognizing the importance of client confidentiality, notably in the waiting areas of our centers, HRA is presently reviewing proper signage on this matter.

In response to the comments on pages 40 and 43 regarding congregate settings and obligations of the providers of congregate housing, including the provision of utilities:

Residents in HASA congregate housing are not obligated to contribute additional monies for utilities. HASA has reinforced this position with all congregate providers and confirmed that none are requiring residents to make such payments. We regularly conduct oversight with HASA congregate housing providers and welcome hearing complaints and concerns. We will promptly investigate any complaints and concerns and reinforce with our providers their contract obligations.

Additionally, HASA has investigated and addressed all of the issues raised by clients as part of the public comment process concerning their individual cases. Specifically:

- HASA staff will assist clients who are currently residing in supportive housing, but who are ready to live independently to locate appropriate private market apartments.
- Information concerning the 30% rent cap will be conveyed to all clients currently residing in emergency housing. Staff will continue to assist all clients residing in emergency housing to locate appropriate permanent housing.
- Apartments for all clients who complained of their living conditions have been inspected. Those who wish to relocate will be provided with assistance.
- Budgets were reviewed for all clients who expressed difficulty affording housing to ensure accuracy. HASA will discuss relocation options with any client still experiencing challenges.

EXHIBIT 1

Public Hearing Transcript PROCEEDINGS
30% Rent Limitation for Clients of the
HIV/AIDS Services Administration

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

PUBLIC HEARING: PURSUANT TO THE
CITY ADMINISTRATIVE PROCEDURE ACT

30% RENT LIMITATION FOR CLIENTS OF
THE HIV/AIDS SERVICES ADMINISTRATION

Date: August 14, 2014
2:00 p.m.

HELD AT: NYC HUMAN RESOURCES ADMINISTRATION
OFFICE OF LEGAL AFFAIRS
180 Water Street
New York, NY 10038

Agency Representatives:

JACQUELINE DUDLEY,
Deputy Commissioner
HIV/AIDS Services Administration

STEVEN BANKS
HRA Commissioner

DAN TIETZ
HRA Chief Special Services Officer

Public Hearing Transcript PROCEEDINGS
30% Rent Limitation for Clients of the
HIV/AIDS Services Administration

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*In accordance with Article 27-F of the New York Public Health Law, names of HASA clients have been redacted from this transcript.

1 JACQUELINE DUDLEY: Good afternoon everyone
2 and welcome to the New York City Human Resources
3 Administration, for those who have not been here
4 before. The purpose of this hearing today is to
5 provide notice of--first of all, my name is
6 Jacqueline Dudley. Good afternoon. My name is
7 Jacqueline Dudley. I'm Deputy Commissioner of the
8 HIV/AIDS Services Administration. I'd also like to
9 introduce some other HASA staff members who are here
10 with me today. Samuel Salnave is here, who is the
11 Assistant Deputy Commissioner at HASA. I also have
12 David Piersante who is our Director of Eligibility
13 and Fair Hearing, and also my Executive Assistant,
14 Ms. Angela Ferrell. The purpose of this hearing
15 today is to provide notice of positive changes we are
16 making here at HRA under the leadership of Mayor de
17 Blasio, Commissioner Banks and Governor Cuomo. We
18 believe these changes will greatly improve the
19 quality of life for some of our most vulnerable
20 clients in the system in staying in their apartments
21 and avoiding homelessness. Members of the audience
22 will also be given the opportunity to comment on
23 these changes after they are explained more fully.
24 The change we are making is a proposed rule change.
25 In order to implement the Mayor's priority of

1 preventing evictions and homelessness, the
2 Commissioner of the New York City Human Resources
3 Administration (HRA) is adding a new section to
4 Chapter 5 Title 68 of the rules of the City of New
5 York. This provision ensures that persons living
6 with clinical or symptomatic HIV illness or AIDS, who
7 receive public assistance and benefits through HRA's
8 HASA, do not pay more than 30% of their monthly
9 earned or unearned income towards the cost of rent
10 that they have a direct obligation to pay. To the
11 extent that any such person paid in excess of 30% of
12 his or her monthly earned or unearned income towards
13 their rent at any time since April 1, 2014, the
14 effective date of the change in the social services
15 law, this rule provides that HRA will reimburse the
16 amount paid in excess of 30%. Homelessness poses a
17 serious and life threatening risk to those living
18 with HIV and AIDS. This rule became effective June
19 18, 2014, as an emergency rule. Based on a finding
20 by the Mayor and the Commissioner of HRA the
21 immediate implementation of this rule was necessary
22 to address an imminent threat to the health and
23 safety of HASA clients. Implementing this rule on an
24 emergency basis allowed HRA to immediately reduce the
25 number of eligible HASA clients facing homelessness

1 as a result of an inability to pay their rent, and to
2 decrease expenditures to relocate clients post
3 eviction. That emergency rule has been extended for
4 an additional 60 days to afford an opportunity for
5 notice and comments in order for this agency to adopt
6 a final goal. At this point I'm just going to recite
7 the rule that's being changed.

8 Chapter 5 Title 68 of the rules of the City
9 of New York as amended by adding Section 5-022 reads
10 as follows: In accordance with Section 131A14 of the
11 New York City Social Services Law, the New York City
12 Human Resources Administration in calculating public
13 assistance benefits shall ensure that each person
14 living with clinical or symptomatic HIV or AIDS, who
15 is receiving public assistance through its HIV/AIDS
16 Services Administration, will not pay more than 30%
17 of his or her monthly earned or unearned income
18 towards the cost of rent that such person has direct
19 obligation to pay. If a person living with clinical
20 or symptomatic HIV illness or AIDS receiving public
21 assistance through HASA has at any time since April
22 1, 2014, had direct obligation to pay rent and paid
23 in excess of 30% of his or her monthly earned or
24 unearned income, such person shall be reimbursed in
25 the amount of such excess. This section does not

1 apply to persons receiving a room and board allowance
2 pursuant to 18NYCRR Section 352.8b1. This section
3 shall not adversely impact a client's eligibility for
4 other HRA benefits and services. At this time I'm
5 going to introduce to you the Commissioner of HRA
6 Steven Banks.

7 COMMISSIONER STEVEN BANKS: Thank you very
8 much Jackie.

9 MS. DUDLEY: Excuse me.

10 COMMISSIONER BANKS: You can tell this is
11 the first one we've ever had. We're a little
12 proceeding. It's great to see you all here today. I
13 want to acknowledge the great work of Jackie Dudley
14 and her team on the implementation of this 30% rent
15 cap. Also for those of you who haven't met him, Dan
16 Tietz is the Chief Special Services Officer of HRA
17 and HASA is under his authority. Everybody knows you
18 Dan or do you want to acknowledge yourself. Well,
19 you're going to speak. I wanted you to acknowledge
20 yourself. Also Kathleen Carlson, who is Chief
21 External Affairs Officer, is here as well and Grace
22 Bonilla, who is a Deputy Commissioner in the
23 Community Affairs, and Annette Holm who is also a
24 Deputy Commissioner in the Special Services area.
25 This is a very important initiative for us, but I

1 want to acknowledge the contributions of many of you
2 in this room, in the community, particularly VOCAL
3 and many of the other organizations that have played
4 such a critical role in the enactment of this State
5 law. The rule that Deputy Commissioner Dudley read
6 is word for word what the State statute provides, and
7 this is many years of struggle for many of you in the
8 audience led by VOCAL and other groups, Housing Works
9 and many of the other groups that have been so
10 focused on this issue. So it's been a community
11 partnership between this agency since January 1 and
12 many of you in the audience that have made this a
13 reality. Also proposed this rule on an emergency
14 basis so that we could implement as soon as possible
15 given the fact that it was part of the April 1 budget
16 agreement, and once we got the authority to go ahead
17 and implement it, the Mayor and HRA wanted to provide
18 the benefits as soon as possible, which we have done.
19 Also want to advise you that as part of the
20 implementation of the 30% rent cap that we are also
21 going to be providing the full broker's fee in order
22 to move clients out of the emergency housing
23 facilities.

24 [applause]

25 COMMISSIONER BANKS: Thank you. In order to

1 move clients out of the emergency housing facilities,
2 obviously, with the ability to cap rent to 30%; the
3 ability to move people out of emergency housing into
4 permanent housing. It's a critical goal of ours and
5 under Dan Tietz's and Jackie Dudley's leadership we
6 will be making a concerted effort to help people
7 relocate from the emergency housing facilities using
8 the full broker's fee. On a case by case basis we
9 will be paying a full broker's fee to avoid new
10 individuals having to go into the shelter system. So
11 we're going to be very targeted in the use of the
12 broker's fee. It was eliminated previously. We have
13 made the determination that we want to have it as
14 another available tool to our front line workers to
15 help people move out, and on a case by case basis
16 avoid people moving in. I became Commissioner on
17 April 1. The Mayor became the Mayor on January 1.
18 Dan Tietz became the Chief Special Services Officer
19 mid-June. We know that there are still a lot of
20 things that we need to be focusing on. We are using
21 this hearing to hear your comments, and we will
22 listen to everything that is said. I may not be able
23 to be here for the entire hearing but it will be
24 transcribed. I will certainly be reviewing all of
25 the comments and reviewing them with Dan Tietz and

1 Jackie Dudley. I appreciate that people took the
2 time to come today to express your views. Your views
3 are important to us, as you can see from the kinds of
4 changes that we've been making at HRA over these past
5 few months. So thank you very much and
6 congratulations on this community achievement today.

7 [applause]

8 MS. DUDLEY: Good afternoon. That was my
9 top boss, but my immediate boss is Dan Tietz, Special
10 Services Officer Daniel Tietz.

11 [applause]

12 MR. DANIEL TIETZ: The idea of being
13 Jackie's boss is kind of weird. I'm glad that you
14 came today. You know two days ago we were saying
15 nobody signed up. We didn't know if anybody was
16 coming, so we're really pleased that there is
17 somebody here. If I may just add to what the
18 Commissioner said, we're going to hear your comments
19 and concerns. As a matter of course we won't respond
20 today, so we're going to collect all that and I want
21 to assure that we will hear you. So we will actually
22 do something and reply to those. We just won't say
23 anything back to you about that today. Also just
24 following on what Steve said, there's a lot in play.
25 As some here know, we have a giant list of policy

1 actions across HRA that we're looking at in terms of
2 making important changes going forward. Some number
3 of those are in HASA. The Commissioner mentioned a
4 couple that we're very pleased about; the 30% rent
5 cap, of course, and its implementation. The fact
6 that City tax levy covered the first three months of
7 that I think is an important acknowledgment of this
8 Commissioner and this Mayor in getting that benefit
9 to people promptly. I'll note that there are some
10 folks whose math on that was a bit harder than some
11 others, shall we say, and those checks are coming
12 soon, so the check is in the mail, but we're about
13 done with that. So I'm pleased that the folks in
14 HASA and MIS worked very hard to get those out,
15 recognizing that people needed the money, so we're
16 pleased about that. I think that's all I'll say. I
17 think we'll get started. We don't want to keep
18 people here all afternoon. I'll hand it back to
19 Jackie. Thanks.

20 [applause]

21 MS. DUDLEY: Thank you. I believe that Mr.
22 Felix Rodriguez has a list of people who have asked
23 to speak.

24 MR. FELIX RODRIGUEZ: For those of you who
25 signed up to speak I'm going to ask for you to line

1 up on this side. I'll call out your name and then
2 you come to the mic. [Speaker 1].

3 [applause]

4 [SPEAKER 1]: Thank you. First I'd like to
5 congratulate everyone that was responsible for this
6 legendary landmark legislation that's come down.
7 There's a list of people; obviously, you know who
8 they are, the Mayor and the City Council and all the
9 members of HRA and HASA too; but again, we want to
10 thank them and congratulate them. We saw immediate
11 response and changes in our budget. I'm a client at
12 043 Center Kings Bridge in the Bronx. I always was a
13 working person for many years. Unfortunately, I had
14 to resort to this for complicated reasons, but the
15 issue that I have today is that, certainly, the
16 Commissioner, I think you stepped up earlier and you
17 said that there's going to be changes at HASA. I'm
18 certainly one who thinks that's in order. We need a
19 makeover. Some of the personnel and staff there are
20 very condescending and suffer from stigma. They need
21 to be psychologically reevaluated and some of them
22 need to be removed, unfortunately. I think you might
23 even find some people who are positive, (it would be
24 better), and more sensitive, you know, go with some
25 great ideas. I emailed the Mayor, rather the

1 Commissioner here, Steve Banks: Thank you.
2 Congratulations on your new Commissioner, Steve. I
3 think you are very wonderful for this position coming
4 from the background that you had in litigation.
5 Again, you're helping poor people. So, I think that
6 was great that I was able to email you but, again, we
7 don't have email functions among our caseworkers. We
8 can't email them. They have email between HASA and
9 members of HASA Administration. They can email each
10 other but we can't send them emails. This is
11 information technology. I think we should be able to
12 not be discriminated we can't send an email. That's
13 not a major issue. I would gladly think that's
14 lesser, down the priority, but right now I think I'd
15 like to be able to talk to my people at the center
16 fairly; and so far, there's an issue that's really
17 outstanding; it's urgent. Along with the rent cap,
18 30% rent cap that came down, I said that's been
19 handled very well for, I can say, my own rent, had a
20 little excess. But the other element in there and
21 the component was the retroactive rent. I know that
22 you said some checks were in the mail. I don't know
23 if that includes what I was talking about, but the
24 retroactive rent has been handled very poorly. It's
25 really, unfortunately, disgraceful because no one has

1 any information. It's been an information blackout.
2 As soon as I said I like communications and
3 interpersonal communications, the competence on this
4 is really a failure because you can't get any
5 information from let's say your case manager;
6 supervisor doesn't know about this. [Name redacted],
7 one of my reps in Desalso [phonetic] came today from
8 VOCAL New York. He says he had the same experience.
9 No one knows anything in the local centers. In other
10 words, the financial worker who, (their job is to
11 regulate and maintain your financial affairs),
12 doesn't know anything about the retroactive monies.
13 They act like; it's like mum's the word. It's like
14 communication blackout. This is a supervisor at 043,
15 Ms. Dougherty [phonetic]. Called her and she didn't
16 know anything. She didn't even know the number for
17 HASA. When I said, well--directed me to go to HASA
18 to find out information. I said well, could you give
19 me a number. She said no, I don't know the number.
20 So it's kind of interesting that nobody knows
21 anything about this. It's a big organization but
22 nobody has any answers. So I just would think that
23 would be it. I'm calling for an investigation on
24 that, please. Let's investigate what's going on.
25 Let the people get some kind of notice as well. It's

1 bad enough you don't have any--phones haven't been
2 distributed but nobody is even communicating and
3 that's worse. Also get this attitude that we don't
4 really want to talk to you about it at the centers,
5 and that shouldn't happen either. So there's a few
6 things at the centers that need to be addressed;
7 can't list them all today. Unfortunately, I didn't
8 bring all my notes because I had a long list of
9 things that were wrong with this recoupment policy as
10 well. I have an issue with that as well because a
11 lot of the recoupment money that they're taking from
12 you now are deducting from your income, usually from
13 your rental assistance too, (if you're not getting
14 any cash assistance), is generated by having all
15 these years where we were exploited by having our
16 money taken. The only State agency to do that was
17 HASA in the whole State. I hate to beat the drum but
18 that was wrong. That's just like an issue with
19 insurance called contributory negligence. When they
20 contributed to this issue, but yet they're not taking
21 any responsibility for repaying it, we are taking the
22 full brunt. I'm paying over, what is it \$72 in this
23 recoupment issue. I don't want to take up too much
24 time because I know everybody else wants to speak,
25 but I guess I have a long list of issues. Now, that

1 \$72 has arrived at a so-called household needs. But
2 when you go in to find out about that in the center
3 nobody knows what the household need is. You're not
4 allowed to see your case record either, which is
5 really against the rules. You're supposed to be able
6 to see the case record when you go and ask for it.
7 But it wasn't given to me. I don't know if that's
8 some unwritten rule or policy at the center, but I
9 don't really see any records on my household needs.
10 But I happened to see the figure of \$724 and they
11 took 5% of that and in some kind of way they got \$72.
12 That's what I'm being taken for every month as a
13 recoupment cost and utility bills that were paid,
14 because I didn't have enough money left over in my
15 rent to pay them, so I had to make concessions like
16 [name redacted] did, [name redacted], one of the
17 Board chairs of VOCAL New York did as well. She had
18 some other issues. We all had the same issues
19 because we didn't have enough income. So we had to
20 juggle whether we saw the doctor or whether we paid
21 the utility bill. Certainly, the rent was paid.
22 That was priority with me. But anyway, I want to
23 thank, again, all the staff of VOCAL New York who
24 helped get this landmark legendary legislation in,
25 and also the City officials who might be here, City

1 Council. Again, I pay my respects to the
2 Commissioner, Steve Banks, and Deputy Commissioner
3 and the Commissioner there as well. Again, thank you
4 so much for your time and I just hope that we can
5 make some changes and we start right at the local
6 centers as well, because they really need a big
7 makeover. Thank you very much everybody.

8 [applause]

9 MR. RODRIGUEZ: [Speaker 2].

10 [SPEAKER 2]: Good afternoon. So my name is
11 [redacted]. I'd like to thank you for the
12 opportunity to testify at this hearing. I'm here
13 representing the City Council HIV Service
14 Administration Advisory Board. As many of you know,
15 the House Advisory Board members are on point under
16 Local Law 49 to make policy and procedural
17 recommendations to the Commissioner of HRA for
18 overseeing and monitoring service delivery to people
19 living with HIV and AIDS. We have been asked to
20 share these recommendations with both the Mayor and
21 City Council. This is a task my fellow Board members
22 and I take very seriously. More than half the Board
23 is comprised of people living with HIV and AIDS who
24 have received services from HASA. The other half are
25 people with a long history of involvement in HIV/AIDS

1 issues at New York City's leading community based
2 organizations. We are committed to working with our
3 government partners to ensure that all people living
4 with HIV and AIDS have access to quality treatment
5 services and support, including housing, public
6 benefits and case management. The Advisory Board
7 congratulates Commissioner Banks and HRA for
8 implementing a 30% rent cap for HASA clients at the
9 end of June. This is a policy we have long advocated
10 for and couldn't be happier it is now in place. Why?
11 Because an estimated 12,000 New Yorkers living with
12 HIV and AIDS who are at risk of homelessness will
13 benefit. Still others living unstably at shelters
14 will now be able to move into safe and healthy
15 housing. The implementation plan for the City to pay
16 approximately two-thirds of the cost and the State to
17 cover the remaining one-third makes sense, because
18 the cap is likely to eventually pay for itself via
19 reduced emergency housing placements and improved
20 health outcomes. Since my diagnosis of HIV and AIDS
21 in 1997 I have faced the risk of losing my apartment
22 as well. I hope others never have to experience what
23 it is like being forced to choose between paying
24 rent, eating, or having to pay utilities, or getting
25 your utilities turned off. Ten years ago I worked

1 with City Council to document the poor housing stock
2 in which people living with HIV and AIDS across the
3 City. I will never forget visiting the SRO's that
4 were missing bathrooms, sinks infested with rodents
5 and raining down plaster from the ceiling. No one
6 should have to live like this. Hopefully, thanks to
7 the 30% rent cap, such conditions will no longer be a
8 reality for our brothers and sisters who are living
9 with HIV and AIDS. The Advisory Board is excited to
10 collaborate with the new administration to continue
11 supporting and improving HASA's efforts. Effective
12 communities, advocates and governments must work
13 together to develop, implement and monitor these
14 kinds of solutions. Thank you.

15 [applause]

16 MR. RODRIGUEZ: [Speaker 3].

17 SPEAKER 3: Housing, stable housing is an
18 important factor for anyone's health. For a person
19 living with HIV/AIDS, it is critical. Studies on the
20 efficacy of stable housing have proven enormous
21 improvement in health and life expectancy for people
22 living with AIDS, consequently, reducing the
23 dependence on expensive emergency room visits and
24 medical care. Through the demoralizing process to
25 qualify for disability, I was qualified 1-1/2 years

1 retroactively. The process clearly indicated I did
2 not apply too soon and abuse the safety net. When I
3 had the meeting at HASA to be told what my benefits
4 would be I was told all my Social Security disability
5 income, except \$330, was budgeted for rent. I was
6 also told everyone--you guys can't hear me in the
7 back? I was also told everyone lives with that
8 budget. The process clearly indicated I would have
9 to make \$330 a month, \$10.85 a day of work. While I
10 was grateful for rent assistance, I had no idea I was
11 being discriminated against for not living in
12 congregate, supported, SRO, emergency, temporary and
13 all other types of housing except that where I held
14 my lease privately. I learned the cost associated
15 with all those types of housing and learned the rent
16 assistance was a punitive reward for living in the
17 least expensive housing of all. Consequently, from
18 January 1, 2003, to April 1, 2014, I paid 72% to 76%
19 of my earned disability entitlement for rent barely
20 surviving on 24% to 28% of my earned disability
21 entitlement.

22 I had worked for 35 years. I had my own
23 business for 25 years. For those 25 years I paid
24 taxes twice including the compulsory federal taxes.
25 I didn't think I was asking for what I was not

1 entitled to. I did, however, think there would be
2 more than what was budgeted for welfare recipients.
3 After witnessing the devastating effect on my aunt
4 and uncle of losing their son at the age of 21, my
5 cousin, who was six months older than myself, I
6 decided and dedicated myself to not to die before my
7 parents when I tested positive in 1989, and
8 rededicated when I was diagnosed with full blown AIDS
9 in 1996. I was not going to make them bury their
10 first born. I put my heart, body and soul into
11 making work what I had been told everyone lives with,
12 \$10.85 per day. I had to make sure I had a stable
13 home to manage my 33 medications and money to pay the
14 deductibles and co-payments for those 33 medications
15 and one weekly injection, my 7 physicians and the
16 numerous required blood tests, and to have money for
17 the roundtrip transportation to those 7 physicians to
18 increase the chances of my not dying before my mother
19 and father. In order to do that I had to abstain
20 from any social experience, which is counter
21 intuitive for people living with AIDS, because it has
22 also been proven to improve physical and mental
23 health; movies, lunch, drinks. Not so much as a cup
24 of coffee was allowed into my life if I wanted to
25 keep my home I moved into July 1, 1979, 35 years ago.

1 Many days and nights I did not leave my home. I had
2 to abstain from replacing things like bedding,
3 towels, underwear, socks and other necessities of
4 life worn through with use. Some replacements were
5 found on the street. All clothing I wear today is
6 from dead people. I stopped shaving and getting
7 haircuts. Toothbrushes were replaced when bristles
8 came out in my mouth. By 2009, I realized there was
9 no wiggle room for any financial mistakes and
10 emergencies. In April, I had to abstain from going
11 to California and being there for and with my 3
12 younger siblings as their older brother when my
13 mother died. In January 2011, again, I could not be
14 there for my 3 younger siblings upon the death of our
15 father. There was no calculation of paying off the
16 plane ticket to California on my credit card with
17 \$10.85 a day that would end up with me paying my rent
18 and keeping my home.

19 I was collecting bottles and cans to make
20 ends meet that were not too far apart in the first
21 place. There were not enough bottles and cans in the
22 West Village that would pay for the plane ticket to
23 be there with my siblings to bury our parents. After
24 8 years of lobbying, writing op-eds, participating in
25 countless demonstrations, many radio interviews, many

1 state senate and assembly district office visits,
2 over 200 trips to Albany, bird-dogging electeds and
3 getting arrested for a planned civil disobedience
4 with my state Senator and many executive directors of
5 CBOs, community based organizations, and AIDS service
6 organizations, all in the effort to lobby for the 30%
7 rent cap bill, I can now start the process of
8 repairing my life and living conditions that have
9 deteriorated to resemble the Bouvier's Grey Gardens,
10 to that point of a medically disabled person who
11 compulsorily contributed for 35 years into a system
12 for this exact type of emergency, and is now no
13 longer discriminated against simply for where he
14 lives. This accomplishment affords me the luxury of
15 wiggle room, contributing to a less cruel lifestyle
16 and greater chances of living healthy for a
17 statistically average life time. Do not mistake me;
18 my life will not be one sitting even near the lap of
19 luxury.

20 I have scores of people to thank for making
21 the 30% rent cap bill a reality. The short list is
22 the sponsors of the bill, originally Senator Duane
23 and Assembly member Glick and their Albany and
24 district staff, the pick-up sponsors Senator Hoylman
25 and Assembly member Rodriguez and their Albany and

1 district staff. For the final tilting of the
2 windmills in our direction, a big handshake goes to
3 mayor de Blasio, who was always supportive, Deputy
4 Mayor Barrios-Paoli and Commissioner Steve Banks.
5 During the campaign I found myself explaining to
6 various and sundry how the system really worked at
7 home and suggesting many improvements to the HASA
8 system for equality, efficiency and cost
9 effectiveness. I tip my hat to Dan Tietz and Molly
10 Murphy for their participation and in expectation of
11 great things on behalf of all HASA clients in the
12 future. There is still much to be done.

13 [applause]

14 MR. RODRIGUEZ: [Speaker 4]. SPEAKER 4:
15 Hello everyone. I'm here. I retired from PD after
16 20 years with the narcotic unit. HASA was at the
17 Hells [phonetic] Place at Bay Street, 156 Bay Street
18 on the third floor. They put me in an apartment and
19 all I see is doing drugs and people doing all kinds
20 of crazy things that I would rather not get into.
21 The landlady knows about it but she don't want to do
22 nothing about it. I don't feel it's right. I can
23 come in with a raid but I don't want to get too
24 technical with it. I retired. I did my time, and
25 I'm done with it. I feel that they

1 should pull people out and clean up all the garbage.
2 The landlady should be pulled off her license. Also,
3 I had a security camera I was paying for that someone
4 stole, so when I had deliveries they took my
5 delivery. That wasn't cheap either. I was
6 aggravated with that; had to go to the police
7 department to file a complaint, get all these numbers
8 and give it to UPS so they issued to me again. I
9 have my deliveries go to my fiancée's house. I feel
10 that it's not good for anyone to live in this state
11 where you have people that are good and then people
12 that are doing crack and whatever. That the
13 landladies don't care. All they care about is
14 getting paid and don't want to do nothing. I
15 complained about my bathroom ceiling. It took me, I
16 think, almost a year before I got it fixed. And
17 Albert knows about it from HASA. His last name is
18 Hacito [phonetic] I think it is. I'm not sure. His
19 name is Albert. I came here to say what I had to
20 say. I don't feel that people that are doing
21 situations like that, they should clean up all their
22 garbage and live happy. I mean coming home and
23 seeing people doing drugs and this guy says oh, he's
24 a cop. I said, you know, I'm retired but I don't
25 need to have this. If it's possible, they should

1 have homes where people come home, be happy and not
2 worry about getting your home robbed and getting
3 stabbed and shot and all that. I came here to say
4 that, again, separate all the three dimensions and
5 they clean up all this. Again, I say thank you.

6 [applause]

7 MR. RODRIGUEZ: Lyndel Urbano. MR. LYNDEL
8 URBANO: Hello. My name is Lyndel Urbano. I'm the
9 Manager of Government Affairs at Gay Men's Health
10 Crisis. Gay Men's Health Crisis urges swift
11 enactment of the proposed rule. This rule will allow
12 the City to comply with New York State Social
13 Services Law and prevent evictions and homelessness,
14 by ensuring that people living with HIV and AIDS will
15 receive public assistance benefits through HASA, do
16 not pay more than 30% of their monthly income towards
17 rent. The rule would also ensure that people living
18 with HIV and AIDS are able to contribute more of
19 their income to medical treatment and basic living
20 necessities while maintaining stable housing. Stable
21 housing increases the health outcomes of people
22 living with HIV and AIDS, decreases the risk for HIV
23 transmission. It also reduces higher risk behaviors
24 and helps individuals adhere to treatment. We thank
25 you for

1 your urgent action on this important matter and GMAC
2 is here to support you in this effort and every
3 effort to maintain the dignity and respect of people
4 living with HIV and AIDS.

5 [applause]

6 MR. RODRIGUEZ: [Speaker 6].

7 SPEAKER 6: Thank you. Good afternoon. My
8 name is [redacted]. I'm a proud member of Unity
9 Fellowship Church and VOCAL New York. Three years
10 ago I was evicted from my rent stabilized apartment
11 with all utilities paid that I lived in for 12 years.
12 I became homeless and had to abandon my two cats that
13 I love very much because I could no longer afford to
14 pay the 70% of my income toward rent. In 2002, I had
15 to quit my job and stop working due to health reasons
16 and sought support from HASA. From 2003 to 2010 HASA
17 assisted me by paying my rent in full. However, when
18 I began to receive SSD in 2010 I was re-budgeted and
19 forced to pay \$700-\$750 a month from my disability
20 check for approximately \$1,100. Now, I always
21 thought that SSD, Social Security Disability, was
22 something that you worked for when you had an
23 emergency, something to fall upon. Well, it seems
24 like the emergency money that I had got to fall back
25 on was taken from

1 me. I was robbed. I was robbed of the money that I
2 worked for. I worked to get that money, but then
3 when I needed that money it was taken from me.
4 Needless to say, I immediately started to fall behind
5 in my rent. The burdens of having to lose nearly 70%
6 of my income eventually proved too much and I lost
7 the place I once called my home; my eviction from the
8 place only a year and four months after I started
9 receiving SSD. HASA immediately placed me into
10 emergency housing program in Brooklyn. While there I
11 started to look for a new home and one that I could
12 afford. A caseworker told me about supportive
13 housing programs and informed me that in these
14 programs I would receive services to assist me and,
15 most importantly, only pay 30% of their income toward
16 rent. I applied that day. Currently I am residing
17 in a scatter site program, but I don't need those
18 services. What I need is a 30% rent cap, not the
19 services. So when I get out of supportive housing,
20 which I intend to do, that will free up that space
21 for somebody who is living in a shelter. Also, by
22 having to go to a shelter, I found out that HASA paid
23 more for me to stay in a shelter than they paid when
24 they paid my entire rent. Multiply that by 100
25 people in my shelter times all the people in

1 shelters, we could house people with that money.
2 It's awful. I was pissed off. When I found out they
3 were paying twice as much I said what's up with that.
4 I'm in a room--I was in a shelter. So, at any rate,
5 it's wrong people; it's wrong. It's a waste of
6 money. Thankfully, because of the leadership of
7 Mayor de Blasio and Governor Cuomo this affordable
8 housing program of 30% for low income people living
9 with HIV and AIDS has been expanded into the private
10 market. I can finally move onto my own again and get
11 back into independent housing, which I never should
12 have had to leave in the first place. I want to
13 thank--the 30% rent cap will now allow me and
14 hundreds of others to go, HASA clients living in
15 supportive housing to finally move on to independent,
16 allowing those in emergency shelter to get the
17 support they need to save, to improve their lives. I
18 now look back on this situation. But when it
19 happened I thought why Lord am I going through this.
20 I realized I had to go through this so that I could
21 explain and find out what's going on. Because of
22 what I went through I was the face that VOCAL was
23 looking for. I was the face that VOCAL was looking
24 for, because this actually happened to me. I wasn't
25 theoretical. This actually happened to me, so they

1 needed someone who had gone through that. So my
2 having gone through that I'm pleased to say that I
3 understand now. I went through that so that all the
4 10,000 other people who are living in my situation
5 won't have to go through what I had to go through.
6 For that I'm grateful. I want to thank Commissioner
7 Banks, oh yes, Chief Special Officer Dan Tietz,
8 Deputy Commissioner Dudley for working with
9 supportive housing programs to help identify those of
10 us who are ready to move on, (are ready to move on
11 like yesterday; I'm ready to move on), and assisting
12 us and successfully transitioning us out. Thank you
13 very much.

14 [applause]

15 MR. RODRIGUEZ: [Speaker 7].

16 SPEAKER 7: Good afternoon. My name is
17 [redacted] and I'm from VOCAL New York. Thank you
18 for implementing the 30% rent cap. I'm affected by
19 it because my mate was paying 70% of his income
20 toward our rent. Now he pays 30%. Commissioners,
21 Special Deputy, you all got a lot of work to do,
22 okay? I've been a HASA client since 1999. It's
23 deplorable. As a HASA client I do not know my
24 rights and responsibilities. My center, which is
25 Center 19, Crotona Center,

1 was supposed to be a model center because you
2 move them from one place to Grand Concourse.
3 When we was in the old place we had posted our
4 rights and responsibilities of clients. When we
5 moved to the new building, and we've been there
6 at least five years, that rights and
7 responsibilities has never gone up on the wall.
8 All of that kind of foolishness in different
9 languages is up on the wall but client
10 responsibilities and rights are not there. And
11 if you go into HASA centers, they're sitting
12 around for hours; that's not right either.
13 Because when you go to a doctor's office, if
14 you're not seen within an hour, hour and a half,
15 then you're supposed to complain. They sit
16 around like cows, two, three, four hours waiting
17 to see a caseworker that for the most part know
18 less than I do. I am an HIV activist and when I-
19 -I can say I have a great caseworker, supervisor
20 and director. They know me by name because I'm
21 not sitting around in nobody's office for two or
22 three hours to get information that I can get
23 myself. It shouldn't be like that. There is a

1 book. You can't tell me that they're not telling
2 clients what they are entitled to when they can
3 get it. But there is not a worker in the system
4 that can tell you where it is or how we can see
5 it. You all need to fix that. You got us living
6 in deplorable places thinking because in the
7 beginning people with HIV and AIDS, oh, they
8 didn't think we would live long anyway. Hello.
9 I've been here 15 years after being diagnosed. I
10 intend on being here another 50 years and I'm 59
11 now. I live in a great apartment. I have a
12 first floor apartment, two bedroom in a four
13 family house. So I can't complain. But I didn't
14 get in this fight because of what I don't have.
15 I got in the fight for those coming behind me,
16 those in front of me that don't know, that don't
17 have a voice. I'm their voice. And I'm telling
18 you now; I'm challenging you; I'm putting out the
19 gauntlet; fix HASA because we are decent people.
20 We deserve to live decent like every one of you
21 because every one of you that are working, if
22 you're in City Council or if you work for the
23 State, technically you work for me. And your

1 work, get it together because I'm not proud. I'm
2 not pleased. If I'm your ultimate boss, I'm not
3 pleased and you need to be fired. And if you
4 don't want to get fired, get your program
5 together and fix HASA because we deserve it.
6 Thank you.

7 [applause]

8 MR. RODRIGUEZ: [Speaker 8].

9 SPEAKER 8: I want to say good afternoon to
10 each and every one of you. I also want to share with
11 you right now I'm goddamn mad simply because after
12 spending 20+ years of smoking crack, 20+ years of
13 running around being homeless, today I work for
14 Housing Works. I only make \$24,000. That's not a
15 lot of money but let me share with you. Come next
16 month, the 7th of September I will be homeless. You
17 know why? Because they're taxing--what they're doing
18 is taking the gross income of my money and telling
19 me, okay, from that gross income that you make, you
20 make too much. No. Because if you're making \$24,000
21 a year, that doesn't come out to much at all, less
22 than \$2,000 a month. Now, try living off of less
23 than \$2,000 a month traveling back and forth to work,
24 buying your groceries; no food. I don't get food
25 stamps. If I were to spend the

1 following to pay my \$1,100 a month in rent I am left
2 with \$342, \$342. Show me who can live off of \$342.
3 I can't. My phone bill alone is \$87. My cable is
4 \$116 and change. Bless the landlord. She's taking
5 care of utilities. I cannot afford to become
6 homeless. Believe me, I can't. It doesn't work that
7 way. The landlord, bless her heart, when I moved
8 into the apartment building--and Ladies and
9 Gentlemen, this is what my place looks like. It
10 isn't great. It's a little studio. But I moved into
11 the place and I took care of it to the point where
12 the landlord said you're taking care of my property,
13 here are the keys. Keep on doing what you're doing.
14 You've taken someone who was a crack head, a crack
15 head and now giving him the keys to your place,
16 collecting your rent from your tenants, dealing with
17 the headaches that you don't want to deal with.
18 That's me. Because wherever I move to I took care of
19 their property better than they took care of it
20 themselves. Why? Because God said to me if I bless
21 you with the small things, later on I'll bless you
22 with the big things. So, from New York to Miami,
23 wherever I moved, they turned around and gave me the
24 keys to the place. Now next month I will be
25 homeless. You don't want me on the streets as a

1 crack head. No, you really don't. Because I would
2 be kind and polite to you when you meet me on the
3 subway, and I would take you for your money by being
4 very articulate, being very well dressed and saying,
5 hi, good afternoon, my name is [redacted]. I work
6 for Housing Works and for 20 something plus years
7 we've been helping people with HIV/AIDS. And I'm
8 here to ask would you like to give something, a
9 nickel, a penny, a quarter, a dime, any contribution
10 would aid us. And when you give me your dollars I'm
11 running out the other way and I'm spending it on
12 crack. You don't want to see me on crack. I don't
13 want to see me on crack because I'm not a beautiful
14 person. But HASA, you're telling me that I can make
15 it off less than \$2,000. You're telling me that at
16 the end of the month if I were to take this income of
17 mine and pay \$1,100 that I can survive off of \$300.
18 I can survive off of \$342 when, in fact, the
19 government gives us \$189 for food stamps. But guess
20 what; if that's what they're giving us for food
21 stamps, when I'm working I eat a whole lot more, a
22 whole lot more. And guess what; today I don't mind
23 contributing back to society. I don't mind getting
24 up early in the morning and going to work during the
25 9-5 because I'm contributing. Transit, the guy at

1 the grocery store, all of these things that you and I
2 use our income for, but guess what; that's not the
3 case. I can't go nowhere today. I'm on vacation
4 right now. But with the small income that I make and
5 you're telling me with \$342 next year if I'm still
6 with Housing Works, I can't even go to the toilet as
7 a vacation. Ladies and Gentlemen, thank you, but
8 HASA, yes, get it together. Thank you.

9 MR. RODRIGUEZ: [Speaker 9].

10 SPEAKER 9: Good afternoon everyone.

11 Listening to everyone's story today, it mirrors mine
12 almost verbatim. I'm also in Center 19, need I say
13 more. Once again, my name is [redacted]. I'm here
14 in support of the 30% rent cap because I was ecstatic
15 to see it happen. I was on the earlier teams of
16 VOCAL when Bloomberg was in office. I was hoping it
17 would happen because I've had the same experience,
18 because I receive SSD; that all of a sudden most of
19 my income is going towards my housing and it leaves
20 me very little. I mean I'm like right on the
21 precipice of both sides. HASA says I make too much,
22 and if I apply for regular housing they tell me my
23 income is not enough. So I'm in the Catch-22. But
24 anyway, I wanted to say I was rejoiced earlier this
25 year. The City and the State, they worked together

1 to get the funding for the 30% rent cap for HASA
2 clients who have been living on fixed incomes. So I
3 was really excited about that, but when I didn't hear
4 anything from them when it was initiated I was how
5 come I'm not hearing anything about it. So I go and
6 they had to re-budget me. Then they told me, oh,
7 your income is too much. The amount they're talking
8 about is roughly about \$100. I'm like so many other
9 people here. I'm paying over 70% of my income on my
10 rent. Today utilities, a mobile phone, cable TV,
11 these are not luxuries. These are necessities today.
12 It's a necessity because you can't have TV if you
13 don't have cable. Everybody has to have a cell phone
14 for communication. So I mean it's a Catch-22. Then
15 someone says, you say you get \$189 in food stamps.
16 They just cut my food stamps because they said my
17 income is too much. So it just keeps to be getting
18 worse and worse for me. What's most important is
19 that I'm in housing court right now. I'm behind in
20 my rent, about \$4,000, because I was anticipating the
21 reimbursement to pay back the monies that I owed for
22 that; and then, fortunately, I would be able to live
23 on my own with my income, if I'm approved for this.
24 So I mean I'm just putting my life in God's hands and
25 I'm just going on and doing what I have to do.

1 That's why I'm here today to talk about it. The
2 landlord did finally paint the place after 11 years
3 that I've lived in there. But there are so many
4 other things they need to do. So I'm going to,
5 hopefully by the end of the month, I guess I have to
6 go back and get an extension and hopefully something
7 will happen, hopefully by sometime next month.
8 Because for one thing, I can't imagine being
9 homeless. I've never been homeless. I contributed
10 successfully to society for 35 years plus, like the
11 other gentleman who spoke before. I feel like I
12 deserve to have the dignity of being able to live,
13 like anyone else. I have been HIV for over 20 years.
14 Most recently I've become diabetic and I have acute
15 arthritis. The party is not getting prettier. So I
16 mean my scene for moving and figuring out places and
17 all this other stuff is not, it's not as robust as it
18 used to be. So I really urge you, to the Council, to
19 do something about the situation with HASA and the
20 30% rent cap to make it in effect for people like
21 myself so we won't be locked out of the eligibility
22 and also we won't be locked out of our homes. Thank
23 you.

24 [applause]

25 MR. RODRIGUEZ: [Speaker 10].

1 SPEAKER 10: Thank you. Good afternoon
2 everyone. I wasn't really going to speak this
3 afternoon but the previous, my predecessors kind of
4 inspired me to tee in on some of the key issues that
5 we've been dealing with. I too have been suffering
6 with AIDS for almost 20 years. I worked most of my
7 life down here on Wall Street and New York
8 University. In fact, I was in the trenches when AIDS
9 didn't even have a name working at NYU. My story is
10 I've always lived in my own home in the Bronx for
11 over 40 years. Because of certain situations with
12 Social Security Disability and Social Security income
13 and an aging mother, an aging house, for a while
14 became unmanageable. At that time HASA and HRA
15 doesn't help anybody that own or inherit property.
16 Four years ago it became unmanageable. My mother, I
17 couldn't take care of her. She had to move out to
18 California with my aunt. It was established that the
19 only way you're going to be able to maintain was
20 either repair this house or get rid of it. I tried
21 to hold on as long as I could to refinance it, to get
22 it rehabbed, maybe rented out to people living with
23 HIV, but unfortunately, things turned the other way.
24 The streets called you and I simply turned my home
25 into a crack house. In 2009, 2010, I gave in. I

1 abandoned the home. We put the home up and right
2 away HASA housed me in one of the SROs in the Bronx.
3 The situation there was HASA was paying almost \$2,300
4 a month for me to be in a roach infested, bug bed
5 infested hotel that was just as bad if not worse than
6 my own home that I abandoned. Now, my thing is you
7 can pay \$2,300 a month for a hotel room but you can't
8 give half of that to an individual to have a one
9 bedroom apartment. But I'm grateful. I have a lot
10 of gratitude. Within 10-12 weeks of seeing that
11 condition I got my act together. I was shown a few
12 apartments, also situation, dilapidated building, bug
13 infested environments. It was a recipe for disaster.
14 So I had an option of going into a congregate. The
15 thing about it is, and this is the main point of my
16 story is, I'm occupying a unit in a congregate that
17 I'm overqualified to be in. I don't need support of
18 housing like that. I don't have any serious
19 substance abuse issues. I've been pretty much
20 independent most of my life. I've maintained
21 sobriety, and I'm right now, even though I pay a
22 portion of my Social Security, which is 30%, towards
23 the rent, which the congregate calls the service fee,
24 I'm still regulated by their rules. I can't have
25 company stay with me. They have to sign in and out.

1 I have to have conferences with the caseworker, the
2 house manager, every now and then. Everything has to
3 be approved. Just recently, my congregates when I
4 initially signed up said well, utilities are
5 included. Well, this past couple of months they're
6 saying, well, now, we're only going to pay \$40 of
7 your utilities and anything in excess of that you
8 have to pay. I'm like wait a minute. Where is this
9 coming from, because from what I understood, whatever
10 contract congregates have with HRA and HASA, the
11 utility is supposed to be included. So how can you
12 come in in the 12th hour and start charging people for
13 utilities that are not even in their name, much less
14 assist people to move out of these into independent
15 housing. So I'm occupying a unit that's suited for
16 somebody that has issues struggling with substances,
17 might be struggling with their health, because I
18 cannot afford to move into independent housing up
19 until now because 30% wasn't a guarantee. It's taken
20 this long for it to get there. But I'm still not
21 sure because there's nothing set in stone through HRA
22 and HASA to actually motivate and get people from
23 these scatter sites and these congregates into
24 affordable housing, because there are no affordable
25 housing units around. They are trying to build them

1 but they're not there. Most of the time it's less
2 than the 30% that they're supposed to be built for
3 people with low income. It's less than that. Most
4 of the unit are going for middle class. So we're
5 still kind of out of the loop, even though we have
6 the guarantee of 30%, which is not really set in
7 stone yet. But there are no units to move into. So
8 right now I'm occupying a space that I don't need to
9 be occupying, that somebody is in more need of.
10 That's why I wanted to add onto. So I hope HASA can
11 get motivated, build it into the structure where
12 those of us that are ready for stable housing can get
13 stable housing, so we can get on with our lives,
14 because we have a lot to offer. I'm getting back to
15 work. I actually work for Partnership for the
16 Homeless along with GMHC and VOCAL. So thank you
17 very much for hearing me.

18 [applause]

19 MR. RODRIGUEZ: [Speaker 11].

20 SPEAKER 11: Good afternoon. My name is
21 [redacted]. I'm with the Action Center at GMHC as
22 well as a HASA client. I, myself, also live in a
23 congregate care facility, which I found myself there
24 coming up on--Friday will be two years. Before that,
25 I came from Upstate New York. Before I go any

1 further, I have to say what we are experiencing here
2 in New York is a huge victory because people in
3 Upstate New York do not have any of this whatsoever.
4 They are paying, I want to say about 70%, 80% of
5 their grant is going towards their housing. The rest
6 is left for the transportation and needs. I hope
7 what we see and what happens down here is guidelines
8 for what's going on in the old Rust Belt cities like
9 Buffalo, Syracuse, Rochester, Albany, Binghamton.
10 However, but what I will say in having been the
11 Assistant Coordinator for the Care Network in Upstate
12 New York, I won't turn around and say I haven't made
13 some poor decisions when I came down here. I wound
14 up in a congregate care facility because those were
15 my options. After living in a bug, flea-infested
16 HASA hotel on 109th Street, (and I'll leave it at
17 that), the money that goes into it is now going into
18 a congregate care facility and a program that I
19 really do not need. I have to report into a case
20 manager who does nothing. You guys are paying an
21 obscene amount of money and they are not doing a damn
22 thing. I will tell you an experience which happened
23 this weekend is--I want to get out of there. I
24 walked into my HASA office today because I had to
25 file a complaint on Monday that I watched a client,

1 who needs to be there, bleed out on my floor. The
2 paramedics come in and goes what the fuck happened
3 here, blood everywhere. It looked like a crime
4 scene. Now it's being inverted that I'm the person
5 in the wrong because they did not respond and clean
6 up the blood. The residents were left to do it. I
7 talked to my caseworker. He's says do a housing
8 application and he's a good guy. So what about the
9 30% rent cap that I can get into and get help and get
10 out. He goes that's not fully implemented yet and
11 we're still waiting. At least he knew a little bit
12 about it because he keeps himself informed, and I
13 keep him informed. But the point is why are we
14 paying all this money for people that are living in
15 congregate care facilities that are not getting the
16 services and programs, and some of them don't even
17 need it. HASA, you guys have, and HRA, you have a
18 lot of work to do. It's not just the implementation
19 of this. It stems all the way down to the bottom of
20 the people that we have to walk into. We have to go
21 in and meet and put up with. Some of the tactics at
22 HASA is bullying. It needs to stop. I challenge you
23 guys to put an end to it today. Thank you.

24 [applause]

25 MR. RODRIGUEZ: [Speaker 12].

1 SPEAKER 12: Good afternoon everyone. My
2 name is [redacted]. I'm nervous with this here. So I
3 live in a congregate. I live in a condo. I don't
4 understand it, because for me I'm living with HIV since
5 1999, like 14 years. It's like spooky, very spooky to me
6 but I'm still handling and doing what I have to do for
7 myself. I'm talking about--you're looking at really a
8 miracle right here; a man who has been shot three times;
9 died on the table; temperature was 115. Two weeks later I
10 wind up getting stabbed 22 times; hit by a car 23 times;
11 fell off a three story building head first; poisoned
12 twice; my heart attack, seizure and stroke. I don't have
13 9 lives. It just, thank God, is just not ready for me
14 now. Also, I'm living in a condo. I paid 30% of my rent.
15 Before it was like gas and lights was included; now, they
16 ask for \$102. So I didn't know. I just gave it to them.
17 I got receipts and everything for that. What I don't
18 understand is I'm positive. I have HIV. They told me.
19 They said I don't have the virus that causes AIDS. I was
20 in the hospital for pneumonia. I never had AIDS, and I
21 just pray that I can make it and help everybody else and
22 pray for everybody else. But you know where I'm at when I
23 take a shower I'm getting fat and everything. I'm taking
24 a shower. The people are pissing down on me. How? I
25 don't know how this is happening but it's happening to me.

1 I went to my landlord. I went to the rental office. I
2 went to the people that got me in the place there. I
3 explained to them. I said please, if you come here, I
4 don't care. If you want to spend the night, take the
5 house. I'll go out and sleep on the bench or go to some
6 friend's house and stay the night. Just go take a shower
7 in my place and see how the shower is. See how this piss
8 is coming down and the kids is laughing and giggling
9 upstairs at you. They're looking at your face and see
10 that they so guilty and everything. It is disgusting.
11 This is something that I got to take a shower or sometime
12 I got to do birdbath. I just smelled under my arms and my
13 arms don't smell bright. I'm 59 years old. I shouldn't
14 have to never go through this. I wear a suit just about
15 practically every day, but sometimes my feet get tired.
16 My legs get very tired. I have rheumatoid arthritis and
17 all the stab wounds and shot wounds and stuff. Sometimes
18 I can't get up out of my bed because I fell off a three
19 story head first and stayed in a coma for three months. I
20 barely know you all. I barely know myself sometimes.
21 Sometimes I have to call somebody and tell them I'm lost
22 again because I can't find my way. I shouldn't never have
23 to live like this. Every time I tell people; I said,
24 look, smell this urine. You can smell it. It's hard.
25 Then I got to come out and say I don't want to take a

1 shower because I got to sit here. I've got to birdbath
2 when I got a shower and a tub. I don't think I have to
3 live that way. And I should never have to live that way.
4 I don't bother nobody. I did crack and dope and all of
5 that there, but now, today, I've been clean for three
6 years, eight months and 14 days. I smoked cigarettes for
7 42 years. I haven't had a cigarette for two years, eight
8 months and 14 days. And I don't wish to smoke or drink no
9 matter what. I can't stop the drug heads from doing what
10 they're doing. I know I can stop myself because I know I
11 was told if I smoke a cigarette or if I pick up a drink or
12 anything, I'd be kissing goodbye to my family and put
13 their suits on. Some of my family and my kids don't want
14 to bother with me because I'm living with the virus, also
15 my wife too. They want no part of me. So just me and God
16 just live together and my pictures, that's all I have. I
17 thank God for being here even at PSI. They told me; said
18 because I was clean for three years and stuff like that
19 they don't need me in the program. They're not going to
20 pay for it for me. Why should I sit around people or be
21 around people who ain't got the virus and get a
22 relationship with one of them and pass it on. I don't
23 want to do that because somebody pass it to me when I
24 thought I knew them. For six months they tell me they had
25 this here. I took a chance to trust them. I strapped

1 [phonetic] up but I went down before. Thank you.

2 [applause]

3 MR. RODRIGUEZ: [Speaker 13].

4 SPEAKER 13: Good afternoon everybody. I
5 came here after a long day trying to take care of my
6 stepmother and do things that I need to do for myself
7 to come here and let HASA know exactly how I feel. I
8 thank you all for the 30% cap. Lord knows we all
9 need it. It's impossible to pay rent for one bedroom
10 for \$1,400 a month out of SSI and SSD combined
11 \$758 and still have to pay Con Edison and still have
12 to pay your phone, still have to buy toiletries,
13 still have to wash clothes. Nobody that's not on
14 HASA can live off of \$250 a month. My husband
15 recently passed away in February 2010. He gave up
16 the fight because every day that we were together we
17 would have to go to the
18 Grand Concourse and fight and argue about him getting
19 some money. All they would say is oh, you're married
20 now; your wife is supposed to take care of you.
21 That's not how it works. When I met my husband I had
22 my own SSI. My SSI is my SSI. It's not my SSI to
23 take care of my husband and take care of the rent and
24 take care of the phone. It's SSI that is done for me
25 to take care of my needs for my household. We fought

HIV/AIDS Services Administration

1 and we fought and we fought and we fought and finally
2 they gave him \$10 food stamp. But they added on to
3 my card. They had him do a finger image printing for
4 Medicaid card to receive money, which is \$15 every
5 two weeks and \$10 food stamp. He got to the point
6 that he didn't want to take his medicine no more. He
7 didn't want to be in a society where he feel that
8 people that had HIV wasn't worth two cents. At times
9 I used to think maybe he was right. Maybe I should
10 go back out there. I've been clean for 27 years.
11 I'm 52. I'll be 52 in October. I have nine kids and
12 six grandkids. I've been very independent even when
13 I was using. I know how to pay rent. I may not have
14 paid my light bill but I had a roof over my head
15 every night. So when I got this letter in the mail
16 from New York City Housing, or excuse me, Human
17 Resources stating that starting July 1st 30% rent
18 income cap would be a part of my payment, I was so
19 happy. I don't have to pay no more \$575 out of \$800
20 to be left with \$100 a month. But I have a question.
21 If I'm supposed to pay my share, why not you all are
22 paying yours? I have not got a full payment of my
23 rent since the 30% change started on July 1 of 2015,
24 or 2014, excuse me. I have a letter telling me my
25 responsibilities. What happened to yours? You all

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1 are still paying \$250, but you make sure you call me
2 every month; [redacted], did you pay your fair--did
3 you pay your percentage. You got to pay your rent.
4 Okay. I pay my \$242.50. Why are you only paying
5 \$200 and my rent is \$1,000 and some change? I just
6 got in here. I finally got in a brand new building
7 that I love in a perfect area where I'm surrounded by
8 transportation and clinics and everything at my
9 fingertips. I don't have to go far. I'm looking
10 forward to this thing. I signed a two year contract
11 and I ain't going nowhere. So I suggest that you all
12 get on your job and you all do what you all got to
13 do, because like that gentleman said before, if you
14 can pay \$1,500 to \$1,600 today to stay in a hotel
15 that's roach infested, rat infested, drug dealers,
16 drug users, that we shouldn't live under. Nobody
17 should live under them conditions just because we
18 have the virus. The virus lives with me. I don't
19 live with it. So I come here today and I ask you
20 please, stick to your bargain. If we stick with
21 ours, stick with yours. We don't need no more people
22 out in the street. There's too much going on. I
23 thank you.

24 [applause]

25 MS. DUDLEY: Good afternoon. If anybody

HIV/AIDS Services Administration

1 else would like to speak this afternoon? Come
2 forward please ma'am. Unless there's anybody else,
3 this will be our last speaker. Unless anybody else
4 identifies themselves, this will be our last speaker.
5 Please make sure that Mr. Rodriguez has your name.
6 What's your name?

7 MR. RODRIGUEZ: [Speaker 14]

8 SPEAKER 14: Good evening everyone. My name
9 is [redacted]. I'm a transgender. My name is really
10 [redacted] but I go by [redacted]. Well, I heard
11 about the new rent cap thing or whatever and I felt
12 very happy because, like I said, when I first got HIV
13 positive in 2008, HASA wasn't available for me,
14 because I had to be sick or I needed an opportunistic
15 infection or something. I literally had to die in
16 order to get housing or some kind of Medicaid and
17 food stamps to the point where HRA had
18 cut my Medicaid off and I couldn't even afford my HIV
19 medication. I had to go to--what's that other--ADAP.
20 I had to get ADAP, stuff like that. So finally when
21 I was dying I had thrush, oral thrush in my throat
22 and whatever, and I got an opportunistic infection.
23 Now you are HASA eligible. You can stay in an SRO,
24 which I was homeless and stuff like that. I was
25 living on the street and whatever, in the park eating

1 out of soup kitchens every day, stuff like that. So
2 it was just horrible because I was like--I got the
3 virus and I can't even get no help. Other people are
4 getting help. So kind of like made me not love
5 myself and care about myself and didn't want to do
6 nothing with my life, because I thought I'm going to
7 die with this disease. Now that there's a lot of
8 things out there, like housing, like a lot more
9 things to help us with and stuff like that, it
10 motivates me now to have a different life, and a
11 better perspective on life and try to do something
12 with myself, because now I feel I love myself today.
13 Because before I didn't love myself. I was just a
14 bad person. I was just like too much, but now I care
15 about myself and I want to achieve. I want to live
16 now because I've been taking my HIV medications and
17 stuff like that. So now I want to live. I don't
18 understand why people that have HIV, they have to
19 have like an opportunistic infection in order to get
20 any kind of assistance and stuff like that. They
21 have to literally be dying in order to be placed or
22 get food stamps. I don't think that's right. You
23 understand what I'm saying? I think you should try
24 to help people, especially people that want to help
25 themselves. Because me and myself, I'm the type of

1 person I want to help myself. All I need is like a
2 little boost or some kind of help in order to get
3 myself together. Everybody needs help. I thought I
4 didn't need it at one time. I thought I can do it
5 all on my own, but now I know that I need help. So
6 all I'm saying is that if you help me, I'll help
7 myself, but everyone needs help and that's all I want
8 to say. Thanks for letting me share.

9 [applause]

10 MR. RODRIGUEZ: Christopher Johnson.

11 MR. CHRISTOPHER JOHNSON: Good evening
12 everyone. My name is Christopher Johnson. I'm with
13 Gay Men of African Descent. One of the reasons--I
14 didn't come here today with the intentions of
15 speaking, but working at Gay Men of African Descent
16 as a therapist I have a lot of gay men, African
17 American males, where the percentage in New York City
18 is astronomical. It's very sad that we have a lot of
19 young people, specifically ages 14-29 are the highest
20 rates, that's over 60% to 70% and are seniors. The
21 sad part of it is that we're talking about people who
22 are engaging in relationships with each other,
23 specifically for their God given right to be able to
24 have intimacy with a partner. A lot of our males are
25 out there alone. They're isolated. They're

1 depressed and they are encountering this disease. I
2 do hear that there are some are intentions, but I
3 think there are very few who are intentionally
4 encountering the disease. One of the things I want
5 to say is that I've heard so many of the stories.
6 I'm very saddened by thinking about the young men
7 that I'm relating to each and every day and hearing
8 their stories each and every day about their
9 instability; about they don't have enough money to
10 eat; about how they're going and they're engaging
11 HASA workers and they're being treated very badly.
12 We have to really take a look at how we contribute to
13 the continuation of the disease growing in our
14 communities, the specific population that it's
15 targeting. One of the other things I'd like to speak
16 to is that I think it's just very sad that we have
17 housing going up in New York City. There are empty
18 buildings. There are brand new buildings. We have
19 young people dying living on the street and don't
20 have an opportunity to have a place to stay, or
21 they're in SROs, or they're in environments where
22 it's dilapidated. It's just not good to their
23 health. And we wonder why we are still fighting the
24 battle of this disease. It's very sad. I think we
25 ought to take a look at how we engage these

1 individuals. Maybe the centers ought to have some
2 education around what to do instead of having workers
3 there that are saying what they can't get. But what
4 about educating, imparting some responsibilities in
5 terms of how they can contribute to society. If
6 they're paying 30% how can they be engaged in terms
7 of understanding their medications. They just don't
8 have the knowledge, so where do you expect people who
9 are desolate to go. Get a sense of why they're
10 continuing to contract STIs or why they're continuing
11 to be in this situation with the knowledge of what's
12 available. I'm just very confused by the thought of
13 our process. The other contribution to this is that
14 I have to say living in New York City for the time
15 I've lived here is one of the greatest states and
16 cities that is doing something about it. But then we
17 have another issue. We have people immigrating here.
18 They're immigrating here and they're coming with
19 similar issues. Once they immigrate here they
20 contract the virus when they come here. People from
21 other states who are not getting the same
22 contributions are coming here and there's less for us
23 to get here. It's just a huge cycle of problems that
24 we're not looking at the whole global picture. I
25 think we need to do a better job of making sure that

1 it's about the disease. Is it our intention to fight
2 the disease? That's the part that I'd like to
3 contribute. Thank you very much.

4 [applause]

5 COMMISSIONER BANKS: Thank you very much
6 for those that shared your very moving stories. Dan
7 Tietz and Jackie Dudley and I listened to all of
8 them. In some of the situations that you described
9 they are very particular individual situations and
10 we're going to take a look at your circumstances.
11 Some of the things that were described are processes
12 and procedures that we're very committed to reforming
13 and changing. Some of the things that were said
14 relate to laws and regulations that require the same
15 kind of struggles that the 30% cap did. But because
16 we can't solve all of the things that people talked
17 about doesn't mean that we won't try to reform and
18 address the things that we can try to solve. On the
19 other hand, and some of you I know from many
20 struggles over the years, this didn't happen
21 overnight. We inherited 20 years' worth of policies
22 and procedures. I think I probably--when I meet with
23 staff at HRA people ask me frequently, you know, you
24 sued the agency for 33 years, how can you lead it.

25 MALE VOICE: You know what you're doing.

for Clients of the

HIV/AIDS Services Administration

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COMMISSIONER BANKS: Well, I appreciate that but I want to just say, (and this is something that I know is difficult on a day to day basis when people interact with the agency), that all the lawsuits I brought over the years were always about policies and procedures. They were never about the people at HRA. One of the things that I know Dan Tietz and Jackie Dudley and I and their staffs are committed to do is to try to give the kinds of tools to our front line staff that they haven't had, frankly, in years. So things like the 30% cap, and things like the broker's fee, and things like the kinds of suggestions that many of you made, these are the things that I know that Dan and Jackie and I are very much focused on trying to make an impact. Some of the things that confront our HASA workers are things that relate to policies and procedures that we're changing. We think that will make a difference in the kinds of interactions that many of you described very movingly. I know that this law change, the 30% cap, happened because we worked together. I know that when we keep working together with the management that's here that's new, and some of the management that's here that's not, are very interested in being able to do the kinds of things

for Clients of the

HIV/AIDS Services Administration

1 that they have wanted to do for years and are part of
2 the reform effort; the staff unions and the front
3 line workers who want to have the tools to make
4 changes. Some of the things, frankly, that you've
5 said saddened me to hear, but I sat to listen to it
6 so I would hear it. I know that Dan and Jackie feel
7 the same way and I know that, because I've met with
8 many of our HASA workers now, that if they were to
9 hear too, they would be saddened as well that people
10 have experienced the kinds of things that people
11 described. So we can do better. We will do better,
12 but Rome wasn't built in a day as the saying goes.
13 We will keep building what can be built to make a
14 better delivery of services to all of you in this
15 room, and all of you that are not in the room but who
16 many of you represent. But thank you all for sharing
17 very, very moving stories.

18 [applause]

19 MS. DUDLEY: Thank you all for coming.
20 This concludes our hearing for today. I want to
21 share Commissioner Banks's thoughts with Dan Tietz
22 and the rest of the HASA staff. I want to thank all
23 of you who spoke today for your very powerful and
24 thought provoking comments. We will definitely for
25 those who gave us their names, their particular

for Clients of the

1 HIV/AIDS Services Administration
cases, and gave things that we need to look into and
2 check for their particular cases, we certainly will
3 do so. We certainly will look at policy and
4 procedural changes within the program that we can
5 change and make differences where we can. Thank you
6 again, and have a great afternoon.

7 [applause]

8 [crowd noise]

9 [END OF HEARING]

EXHIBIT 2

Comment received via NYC Rules website:

As a new york city resident who knows first hand the struggles PLWHA face in obtaining and maintaining affordable housing in NYC i thank the staff at NYC HRA HASA, Mayor DeBalsio and Gov Cuomo for working to help the PLWHA community; implementation of this rule as proposed would be of immense benefit to PLWHA and is strongly encouraged by myself and my family ; i thank the rule committee for allowing comment

Comment received via nyc.gov – Mayor’s Office

Dear Mr. Mayor, My name is [redacted]¹ and I have been a client of HASA since June 2008. Recently, a new program 30% Rent Cap for People with HIV/AIDS passed.
http://www.nyc.gov/html/hra/downloads/pdf/news/press_releases/2014/pr_april_2014/HASA_rental_assistance.pdf Unfortunately, a lot of HASA clients are being left out of the program due to HRA using the old budgeting methods. I was disqualified because my Social Security Disability monthly income is 65.00 over the budget limit. HIV/AIDS activists and organizations like Vocal-NY are trying to fix this problem. Can you help them? Most of us being denied the 30% Rent Cap HIV/AIDS are low-income people of color. Cathy Bowman from South Brooklyn Legal Services is also looking into it.

¹ The name of this HASA client has been redacted in accordance with Article 27-F of the New York Public Health Law.

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THE SENATE
STATE OF NEW YORK
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CODES
CRIME VICTIMS, CRIME &
CORRECTION
CULTURAL AFFAIRS, TOURISM,
PARKS & RECREATION
JUDICIARY

**Testimony of State Senator Brad Hoylman
on the New York City Human Resource Administration's
Proposed Rule to Implement a 30% of Income Rent Cap for Participants
in the HIV/AIDS Services Administration
Rental Assistance Program**

August 14, 2014

Thank you for the opportunity to comment on the New York City Human Resource Administration's (HRA) proposed rule to implement a 30% of income rent cap for people living with HIV/AIDS who receive rental assistance through HRA's HIV/AIDS Services Administration (HASA).

I applaud Mayor Bill de Blasio and HRA Commissioner Steve Banks for their commitment to preventing evictions and homelessness and improving the health and well-being of the approximately 10,000 permanently disabled people with HIV/AIDS in HASA's Rental Assistance Program. I am particularly grateful for Mayor de Blasio's leadership, in collaboration with Governor Andrew Cuomo, in reversing the longstanding policy that required HASA rental assistance recipients to scrape by on just over \$12 a day, forcing them to choose between paying their rent or purchasing other essentials, placing them at high risk of eviction and the need for costlier emergency housing.

The proposed rule being discussed today took effect June 18, 2014 on an emergency basis, and both constituents and advocates have indicated it is working well. I fully support it being made permanent.

It has come to my attention, however, that even with the implementation of the 30% of income rent cap for HASA rental assistance recipients, there is a small population of very low income New Yorkers living with HIV/AIDS who are still paying a disproportionate share of their income toward rent, putting them at imminent risk of



homelessness. It's my understanding that rental assistance program eligibility criteria exclude HASA clients whose monthly income exceeds their monthly rent amount plus a standard transportation and nutrition allowance. I would welcome the opportunity to work with HRA and my fellow elected officials at the state and local level to facilitate a change in the rental assistance program eligibility criteria so that this small group of poor, permanently disabled individuals receives protection.

Thank you for HRA's continued commitment to New York City's most vulnerable residents and your consideration of my comments.