

**NOTICE OF ADOPTION OF EMERGENCY RULE CONCERNING THE LIVING IN COMMUNITIES (LINC) RENTAL ASSISTANCE PROGRAMS, THE CITY FAMILY EVICTION PREVENTION SUPPLEMENT AND CITY FAMILY EXIT PLAN SUPPLEMENT (CITYFEPS) PROGRAMS AND THE SPECIAL EXIT AND PREVENTION (SEPS) PROGRAM**

Pursuant to the authority of the Commissioner of the New York City Human Resources Administration (HRA) under sections 603 and 1043 of the New York City Charter and sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law, and subject to state approval for the amendments to the LINC I and II programs, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), notice is hereby given of the adoption of the following emergency rule, effective immediately, authorizing HRA to: (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children; and (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV or V rental assistance or CITYFEPS or SEPS rent supplements if such households meet initial eligibility criteria for such programs but for the fact that they are not currently residing in shelter.

New text is underlined.

Section one. Chapter 7 of title 68 of the Rules of the City of New York is amended by adding a new subchapter D to read as follows:

**Subchapter D: Extension of LINC VI to Single Adults and Adult Families and Extension of LINC I, II, III, IV, V, CITYFEPS and SEPS to Certain Households in Receipt of LINC VI**

**§ 7-25 Extension of LINC VI to Single Adults and Adult Families.**

(a) Notwithstanding any inconsistent provision of this chapter, a household may be approved to receive LINC VI rental assistance pursuant to this section provided that such household:

(1) includes a member who:

(i) resides in a shelter for single adults operated by or on behalf of DHS, or a DHS veterans shelter, a DHS drop-in center or a DHS safe haven as those terms are defined in § 3-113 of the Administrative Code of the City of New York as added by local law 37 for the year 2011 and resided in a shelter operated by or on behalf of DHS for any period of time between May 1, 2015 and July 31, 2015;

(ii) resides in a shelter for adult families operated by or on behalf of DHS and has been found eligible for shelter, as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Code of Rules and Regulations; or

(iii) does not reside in a shelter, residence, or other accommodations and has not secured any other temporary or permanent housing; and

(2) meets the requirements of subparagraphs (A), (E), (F) and (G) of paragraph (1) of subdivision (a) of section 7-20 of this chapter.

(b) The host family clearance requirement in subdivision (j) of section 7-24 of this chapter shall not apply to a household approved to receive LINC VI rental assistance pursuant to this section, unless such household includes a member who is under eighteen years of age.

(c) Except as otherwise provided in this section, the provisions of subchapter C of this chapter shall apply when a household applies for, is approved to receive, or is in receipt of LINC VI rental assistance pursuant to this section.

**§ 7-26 Extension of LINC I, II, III, IV, V, CITYFEPS and SEPS to Certain Households in Receipt of LINC VI Rental Assistance**

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) "CITYFEPS" means the City Family Eviction Prevention Supplement Program or the City Family Exit Plan Supplement Program described in subchapter A of chapter 8 of this title.

(2) "SEPS" means the Special Exit and Prevention Supplement Program described in subchapter B of chapter 8 of this title.

(b) Notwithstanding any inconsistent provision of chapter 7 or chapter 8 of this title, a household in receipt of LINC VI rental assistance that would meet the initial eligibility requirements for the LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance program, CITYFEPS, or SEPS as set forth in section 7-03, 7-4, 7-05, 7-12, 7-13, 8-03, 8-04, or 8-12 of this title, respectively, but for the fact that the household does not currently reside in shelter, may be certified or approved pursuant to this section to receive LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance or CITYFEPS or SEPS rent supplements, as applicable based on eligibility, subject to the availability of funding.

(c) When a household has been certified or approved pursuant to this section to receive LINC IV or LINC V rental assistance or SEPS rent supplements, such rental assistance or rent supplements shall not be applied towards the rental of a single room unless such room is used for single room occupancy as that term is defined in New York Multiple Dwelling Law Section 4(16).

(d) Except as otherwise provided in this section, when a household has been certified or approved pursuant to this section to receive LINC I, LINC II, LINC III, LINC IV, or LINC V rental assistance or CITYFEPS or SEPS rent supplements, the provisions of chapter 7 or chapter 8 of this title related to such rental assistance or rent supplements shall apply.

**§ 7-27 Agency Review Conference and HRA Administrative Appeal Process.**

An applicant or LINC VI program participant may request an agency review conference and/or an HRA administrative hearing to seek review of any determinations or actions made by DHS and/or HRA under this subchapter, as well as any failures to act, or failures to act with reasonable promptness, by DHS and/or HRA in implementing the provisions of this subchapter. The provisions set forth in section 7-23 of this chapter shall apply to and in the event of such request.

## Statement of Basis and Purpose of Emergency Rule

In order to implement the Mayor's priority of preventing homelessness and moving households from shelter into stable housing, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), the Commissioner of the New York City Human Resources Administration (HRA) issues this emergency rule amending Chapter 7 of Title 68 of the Rules of the City of New York to authorize HRA to:

- (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children. Currently, the program is only available to families with children who are in shelter or were recently in shelter and are reapplying to shelter.
- (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV, or V rental assistance or CITYFEPS or SEPS rent supplements if such households otherwise meet initial eligibility requirements for such programs but for the fact that they are not currently residing in shelter.

### Extension of LINC VI to Single Adults and Adult Families

The urgent need for this amendment is established by census data from DHS documenting that the numbers of individuals and families in the DHS shelter system remain very high, with vacancy rates remaining low.

Specifically, between July 1, 2004 and December 31, 2013, the number of adult families in the DHS shelter system increased by 59 percent. Similarly, there was a 20 percent increase in the average daily census for single adults during this period. As of August 26, 2015, 16,569 individuals in total were in DHS shelters for single adults and adult families.

As shelter census has increased, the DHS shelter system has continued to experience extremely low vacancy rates. Indeed, on August 31, 2015, the vacancy rate for adult family shelters was .54 percent and the vacancy rate for single adult shelters was .9 percent. DHS anticipates further strain on the single adult and adult family shelter system in the coming months.

The shelter system for families with children is facing similar challenges. As of August 26, 2015, there were 11,790 families with children in DHS shelter, including 23,294 children. The vacancy rate for shelters for families with children was .13 percent as of August 31, 2015.

In addition to the men, women and children in DHS shelter, it is estimated that as of January 2015 there were over 3,000 unsheltered individuals living on the streets, in parks, and in other public spaces of the City, including the New York City subway system.

LINC VI is currently only available to families with children living in HRA shelter or DHS shelters for families with children. By immediately expanding the eligibility criteria for LINC VI to include homeless single adults and adult families, HRA and DHS can immediately help additional households relocate to housing with families and friends in the community. These amendments provide an important new option for homeless single adults and adult families that will increase the number of exits from and reduce the number of entries to shelter, helping to address and alleviate current demands on the shelter system.

## **Extension of LINC I, II, III, IV, and V, CITYFEPS, and SEPS to Certain Households in Receipt of LINC VI**

There is also a pressing need to make LINC I, II, III, IV, and V, CITYFEPS, and SEPS available to households in receipt of LINC VI rental assistance that otherwise meet initial eligibility requirements for such programs except the requirement that the household currently reside in shelter. Allowing certain households in receipt of LINC VI rental assistance to obtain rental assistance for their own residence after moving in with a host family will increase participation in the LINC VI program and ultimately increase households' ability to avoid re-entry into shelter. Households that may be able to stay temporarily with host families will not lose the opportunity to obtain other forms of rental assistance, and they will also be able to exit shelter while they search for stable, long-term housing. This will increase the number of exits from shelter, thereby reducing the strain on the shelter system.

HRA's authority for this emergency rule may be found in sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter.

## Required Finding Pursuant to New York City Charter Section 1043(i)(1)

IT IS HEREBY CERTIFIED that the immediate effectiveness of this emergency rule amending Chapter 7 of Title 68 of the Rules of the City of New York is necessary to address the immediate need to relocate individuals and families from and reduce the number of new entries to New York City Department of Homeless Services shelters. The shelter system is currently experiencing a very high need for capacity. Providing sufficient shelter capacity to meet the needs of City residents who do not have permanent housing is a necessary City service. Without the immediate implementation of these amendments, which will expand the reach and increase the effectiveness of the existing Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI), other emergency measures would be required to meet the need for increased shelter capacity. It is therefore necessary to act by emergency rulemaking so that the City of New York and its agencies can immediately begin to use available rental assistance to relocate additional individuals and families to permanent housing from shelters (or unstable housing where they are at risk of homelessness), thereby taking immediate action with respect to shelter system capacity, pending the adoption of a final rule.

The number of single adults and adult families in DHS shelter is very high, and the vacancy rate for the shelters that house these populations are extremely low. Specifically, between July 1, 2004 and December 31, 2013, the number of adult families in the DHS shelter system increased by 59 percent. Similarly, there was a 20 percent increase in the average daily census for single adults during the same period. As of August 26, 2015, 16,569 individuals in total were in DHS shelters for single adults and adult families. The number of families with children in DHS shelter as of that date also remains high: 11,790 families, including 23,294 children.

As shelter census has increased, the DHS shelter system has continued to experience extremely low vacancy rates. Indeed, on August 31, 2015, the vacancy rate for adult family shelters was .54 percent and the vacancy rate for single adult shelters was .9 percent. The vacancy rate for shelters for families with children was .13 percent as of that date.

In addition to the men, women and children in DHS shelters, it is estimated that as of January 2015 there were over 3,000 unsheltered individuals living on the streets, in parks, and in other public spaces of the City, including the New York City subway system.

LINC VI is currently only available to families with children living in HRA shelter or DHS shelters for families with children. By immediately expanding the eligibility criteria for LINC VI to include homeless single adults and adult families, HRA and DHS can immediately assist additional households to relocate to stable housing with families and friends in the community. These amendments provide an important new option for homeless adults and adult families that will increase the number of exits from and reduce the number of entries to shelter, helping to address and alleviate current demands on the shelter system.

Additionally, providing certain households in receipt of LINC VI rental assistance with the ability to access other forms of rental assistance that they would otherwise not be eligible for because they are no longer in shelter will make the program more effective for potential LINC VI and host families alike, thereby increasing the number of exits from shelter. Allowing families to obtain their own housing will stabilize families in the community and prevent their reentry to shelter.

Delaying implementation of these amendments pending non-emergency rulemaking would result in longer stays in shelters for currently homeless men, women and children, substantially increasing the strain on the shelter system, which, as indicated, provides a necessary service to large numbers of individuals and families.

Pursuant to section 1043(i)(2) of the Charter, the emergency rule will remain in effect for not more than 120 days while HRA prepares a permanent rule.

IT IS THEREFORE HEREBY CERTIFIED that the immediate effectiveness of amendments to the rule establishing the Living in Communities (LINC) Family and Friend Reunification Rental Assistance Program is necessary to address an imminent threat to a necessary service.

Dated: September 2, 2015

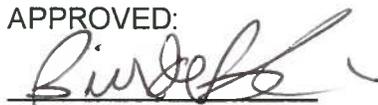


STEVEN BANKS  
COMMISSIONER  
NYC HUMAN RESOURCES ADMINISTRATION



GILBERT TAYLOR  
COMMISSIONER  
NYC DEPARTMENT OF HOMELESS SERVICES

APPROVED:



BILL DE BLASIO, MAYOR