

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule

What are we proposing? In order to more efficiently issue public assistance and emergency assistance benefits and services, specifically payments for the storage of furniture and personal belongings when it is essential, for circumstances such as relocation, eviction or temporary shelter, the Commissioner of the New York City Human Resources Administration (HRA) proposes to add a new Chapter 11 to Title 68 of the Rules of the City of New York to specify how and to whom payments will be made, and the circumstances under which HRA may deny requests for these benefits.

When and where is the hearing? HRA will hold a public hearing on the proposed rule. The public hearing will take place at 9:30 A.M. on 11/17/2016. The hearing will be held at Spector Hall, 22 Reade Street in Lower Manhattan.

How do I comment on the proposed rule? Anyone can comment on the proposed rule by:

- **Website.** You can submit comments to HRA through the NYC rules website: <http://rules.cityofnewyork.us>
- **Email.** You can email written comments to storagerule@hra.nyc.gov.
- **Mail.** You can mail written comments to:

FIA Executive Office
New York City Human Resources Administration
150 Greenwich Street, 36th Floor
New York, NY 10007
Attention: Storage Rule
- **Fax.** You can fax written comments to HRA at (917) 639-0194. Please include the title of the rule ("Payment of Essential Storage Fees") on the cover page of your fax.
- **Speaking at the hearing.** You can speak at the public hearing. Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 929-221-7367, or you can sign up in the hearing room before the hearing begins on 11/17/2016. You can speak for up to three minutes.

Is there a deadline to submit written comments? The deadline to submit written comments is 11/17/2016 at 5pm.

What if I need assistance to participate in the hearing?

If you need an interpreter or if you need a reasonable accommodation for a disability at the hearing, please let us know. You can call us at 929-221-7367, email us at storagerule@hra.nyc.gov, fax us at 917-639-0194 or contact us by mail at:

FIA Executive Office
New York City Human Resources Administration
150 Greenwich Street, 36th Floor
New York, NY 10007
Attention: Storage Rule

You must tell us by 11/10/2016.

Can I review the comments made on the proposed rule? You can review the comments made online on the proposed rule by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all written comments and a summary of all oral comments concerning the proposed rule will be available to the public on HRA's website.

What authorizes HRA to make this rule? Sections 603 and 1043 of the New York City Charter, Sections 34, 56, 61, 62, 77, 131, 159, 303(1)(k), and 350-j of the New York Social Services Law, and Sections 352.6(f), 370.3, 372.4, and 397.5(k) of Title 18 of the New York Codes, Rules and Regulations authorize HRA to make this proposed rule. This proposed rule was not included in HRA's most recent regulatory agenda because it was not contemplated when HRA published the agenda.

Where can I find HRA's rules? HRA's rules are in Title 68 of the Rules of the City of New York.

What rules govern the rulemaking process? HRA must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

HRA is proposing to add a new Chapter 11 to Title 68 of the Rules of the City of New York to improve the way Public and Emergency Assistance payments are made for storage of furniture and personal belongings for eligible persons. Under the rule, Public Assistance allowances or Emergency Assistance grants for the storage of furniture and personal belongings will be issued when essential, for circumstances such as relocation, eviction, or temporary shelter, subject to certain procedures and restrictions.

The proposed rule authorizes HRA to require a person whose storage fees exceed reasonable and customary amounts to submit three written cost estimates and move his or her possessions to the most cost-effective alternative storage facility or warehouse. A person requesting a storage fees allowance or grant who has not yet placed his or her possessions in storage will also be required to submit three estimates to HRA and utilize the most cost-effective alternative.

The proposed rule also provides that HRA will automate storage payments for eligible Public Assistance recipients residing in New York City Department of Homeless Services (DHS) shelters and HRA domestic violence shelters. For individuals who do not reside in shelters and for shelter residents who are not Public Assistance recipients who apply monthly and are determined eligible for this benefit, HRA will make non-automated payments directly to the storage facility or warehouse.

The proposed rule authorizes HRA to deny payment of late fees if it does not receive storage bills and/or an application for storage payments on a timely basis, without good cause.

Finally, the proposed rule authorizes HRA to deny an application for storage fees when a person:

- (i) does not provide three written estimates when required;
- (ii) seeks to increase the amount of belongings stored when such increase is not essential;
- (iii) cannot demonstrate a continued need for storage fees allowances/grants; or
- (iv) refuses available permanent housing, including offers of supportive housing, without good cause.

This rule is proposed 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, Sections 34, 56, 61, 62, 77, 131, 159, 303(1)(k), and 350-j of the New York Social Services Law, and Sections 352.6(f), 370.3, 372.4, and 397.5(k) of Title 18 of the New York Codes, Rules and Regulations.

New material is underlined.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of HRA, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 68 of the Rules of the City of New York is amended by adding a new chapter 11 to read as follows:

Chapter 11: Allowance for Essential Storage of Furniture and Personal Belongings

§ 11-01 Payment of Essential Storage Fees.

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

- (1) “Emergency Assistance” shall mean benefits issued pursuant to New York Social Services Law § 303(1)(k) or 350-j, and/or §§ 370.3, 372.4, and 397.5(k) of Title 18 of the New York Codes, Rules and Regulations.
 - (2) “HRA” shall mean the New York City Human Resources Administration.
 - (3) “Person” shall mean an applicant for, or recipient of, Public Assistance or Emergency Assistance.
 - (4) “Public Assistance” shall mean recurring monthly grants, and additional allowances, under the Family Assistance program pursuant to Title 10 of the New York Social Services Law and/or the Safety Net Assistance program pursuant to Title 3 of the New York Social Services Law, and regulations promulgated thereunder.
 - (5) “Storage facility” shall mean any real property or a portion thereof that is designed and used for the purpose of occupying storage space by occupants who are to have access thereto for the purpose of storing and removing personal property.
 - (6) “Storage warehouse operator” shall have the same meaning as set forth in § 20-475 of the Administrative Code of the City of New York.
- (b) Eligibility. HRA shall provide an allowance or grant for the storage of a person’s furniture and personal belongings pursuant to the provisions of this section when such storage is essential, for circumstances such as relocation, eviction or temporary shelter, as long as the person remains eligible for Public Assistance or Emergency Assistance and as long as the circumstances necessitating the storage continue to exist.
- (c) Application Process and Payment of Fees.
- (1) Method of application for a Public Assistance allowance or Emergency Assistance grant for storage fees.
 - (A) A person in receipt of Public Assistance may apply for a Public Assistance allowance for storage fees. Such person may apply for such allowance in person, by fax, by mail or by telephone.
 - (B) A person not in receipt of Public Assistance may apply for an Emergency Assistance grant for storage fees. Such person must apply in person for such grant on a form provided by HRA.
 - (2) Method of payment.
 - (A) When a person receives Public Assistance and resides in a shelter operated by or on behalf of the New York City Department of Homeless Services or in a domestic violence shelter operated by or on behalf of HRA pursuant to Part 452 of Title 18 of the New York Codes, Rules and Regulations, and such person has applied for and been determined

eligible for a storage fees allowance, HRA shall issue automated monthly payments for storage fees on behalf of such person directly to a storage facility or storage warehouse operator.

(B) When a person does not reside in a shelter operated by or on behalf of the New York City Department of Homeless Services or in a domestic violence shelter operated by or on behalf of HRA pursuant to Part 452 of Title 18 of the New York Codes, Rules and Regulations, or does not receive Public Assistance, the person shall apply to HRA for a Public Assistance allowance or Emergency Assistance grant for storage fees, as appropriate, on a month-to-month basis. If HRA approves an application for a storage fees allowance or grant made pursuant to this paragraph, HRA shall issue payment directly to the storage facility or storage warehouse operator.

(3) Persons requesting a storage fees allowance or grant for possessions that are not already in storage shall submit to HRA written estimates from three storage facilities and/or storage warehouse operators and utilize the most cost-effective storage facility or storage warehouse operator as determined by HRA, unless HRA determines that the immediate placement of the person's possessions in storage is necessary for the preservation of the person's health or safety.

(4) HRA may deny the payment of late fees if a person otherwise eligible for a storage fees allowance or grant pursuant to this section fails without good cause to:

(A) request or apply for a storage fees allowance or grant pursuant to this subdivision prior to the accrual of late fees; or

(B) submit storage bills for payment on a timely basis.

(d) Where a person's possessions have been placed in storage for at least thirty days and HRA determines that the fees charged by the storage facility or storage warehouse operator are not within the range of reasonable and customary fees charged for a similarly sized unit, HRA shall notify such person in writing that he or she must submit to HRA written estimates from three other storage facilities and/or storage warehouse operators within 30 days of such notice and move his or her possessions to the most cost-effective storage facility or storage warehouse operator, as determined by HRA. HRA may grant an additional extension of time to submit such estimates for good cause.

(e) Grounds for Denial. HRA may deny an application or request for a storage fees allowance or grant made pursuant to this section for reasons that include but are not limited to:

(1) The person was required to submit three written estimates from storage facilities and/or storage warehouse operators and fails without good cause to submit such estimates.

- (2) The person seeks to increase the amount of furniture or personal belongings in storage beyond the amount initially placed in storage, and the person fails to establish why such an increase is essential.
- (3) The person fails to demonstrate continued need for a storage fees allowance or grant.
- (4) Permanent housing, including supportive housing, is available to the person, and he or she has refused such housing without good cause.
- (5) The person is required to submit an application for a storage fees allowance or grant and fails to submit such application.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Payment of Storage Fees

REFERENCE NUMBER: 2014 RG 097

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: April 12, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Payment of Storage Fees

REFERENCE NUMBER: HRA-6

RULEMAKING AGENCY: Human Resources Administration

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

April 12, 2016
Date