URBAN JUSTICE CENTER
SAFETY NET PROJECT
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The Safety Net Activists, the community organizing arm of the Safety Net Project, submit the following comments regarding the CITYFHEPS rule.

The Safety Net Activists are a volunteer group of community members with personal experience with poverty, homelessness, and the public benefits system. Since 2014, the Safety Net Activists have been organizing to improve New York's safety net programs, including Public Assistance, SNAP, and the shelter system.

Our members agree that the proposed rule is an improvement over the current voucher system. Of significant note is the ability for households to renew the voucher beyond five years and the ability to adjust the household's rent portion in between renewals when household income decreases significantly.

However, we also believe that the City should adopt the following recommendations in order to prevent the rise of homelessness, preserve the affordable housing stock, and help families exit shelter more quickly.

1. **HRA should expand eligibility for households not already in shelter to include rent stabilized households and households eligible for SCRIE and DRIE.**

The new CITYFHEPS rule allows for households in limited circumstances to receive the voucher in order to avoid eviction, specifically veterans, those referred by CITYFHEPS qualifying agencies, those preserving rent controlled apartments, those receiving APS services, and those with a previous shelter history.

While the rule certain helps those families, it does not extend to the tens of thousands of families who also live below 200% of the FPL and face eviction each year but do not have future ability to pay their rent due to low wages, the amounts of their disability or retirement income, or unemployment. There are no rental subsidies available to help these families unless they are eligible for Public Assistance and have minor children (FHEPS). Furthermore, the one shot deal is only available to those with future ability to pay rent.

Our member, Brenda Riley, is a perfect example of a senior who may fall through the cracks. Brenda is a senior and lives in a rent-stabilized apartment in Bushwick for $1040 per month where she has lived for the past 30 years. She is currently facing eviction. There are no programs to help New Yorkers like Brenda unless they enter shelter.

If the City wants to stem the tide of families and individuals entering shelter, it should expand eligibility for CITYFHEPS to other households under 200% of the FPL, including those seeking to preserve rent stabilized apartments and households that are eligible for DRIE and SCRIE. These families are at huge risk of eviction due to pressures from landlords and gentrification. Preserving their apartments also preserves affordable

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housing stock in a City where we continue to lose thousands of rent stabilized apartments each year.

Finally, ensuring that the voucher is accessible *before* individuals enter shelter ensure that entering a DHS shelter is not the only way that low-income families can receive the subsidy that they need to be able to afford to live in New York.

2. **HRA should clarify language regarding renewals after 5 years.**

The current CITYFHEPS language creates potential ambiguity regarding eligibility to renew the voucher after five years for households that are not elderly or disabled.

We recommend that HRA simplify this section to read:

> (c) Subject to the availability of funding, households receiving CITYFHEPS rental assistance will continue to receive additional annual renewals after their fifth year in the CITYFHEPS rental assistance program if they continue to meet the requirements of subdivision (a) of this section. ~~and if, at the time of renewal, one of the following criteria are met:~~
>
> ~~(1) The head of household is 60 years of age or older.~~
>
> ~~(2) The head of household:~~
>
> ~~(A) receives federal disability benefits; or~~
>
> ~~(B) receives a recurring monthly PA grant and has been determined by the Commissioner to be potentially eligible for federal disability benefits based on their own documented disability.~~
>
> ~~(3) There is good cause for renewal as long as the household maintains eligibility.~~

It is of utmost importance to our member that this voucher be permanent to ensure that families do not end up experiencing the trauma of homelessness again. Many of our members experienced this after the Advantage Program ended and ended up back in the shelter.

We also believe that this clarity around renewals will be important in convincing landlords to accept the voucher; many of our members had been told that certain landlords were interested in LINC IV but not other LINC's because LINC IV offered ongoing annual renewals and many of the other LINC's did not.

3. **The maximum rent amounts are too low and do not reflect the market cost of apartments in NYC.**

The biggest obstacle preventing individuals and families from moving out of shelter is the difficulty of finding apartments that meet the rent levels set by the vouchers. The City must adjust the rent levels to the actual pricing of apartments available on the

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market if it wants to reduce the shelter census and improve families' chances of obtaining apartments.

Furthermore, we recommend that increases in voucher amounts be subject to studies of median apartment prices, not Rent Guidelines Board increases. Most families exiting the shelter system are not able to secure rent-stabilized apartments and end up in non-regulated housing. Furthermore, this metric pits the interests of rent-stabilized tenants who have faced decades of steep increases and weakening of the rent laws against the interests of homeless families and individuals trying move from the shelter to stability.

4. **Street homeless people should have alternate methods of certification besides DHS outreach services, should be able to receive waivers of the PA requirement, and should have the opportunity to get approvals in less than 90 days.**

Street homeless New Yorkers are some of our most vulnerable community members – the physical and psychological trauma of sleeping on the street often takes a significant toll on a person's physical, emotional and mental health. Instead of requiring 90 days of engagement with outreach, we recommend that these individuals get expedited approvals so that they can get off the street and into housing as quickly as possible before their health further deteriorates. This practice is supported by the "Housing First" model, a model supported by HUD and various cities across the country and proven to be effective in promoting positive long-term outcomes for homeless individuals.

Additionally, HRA should include a waiver of the requirement that those eligible for Public Assistance receive Public Assistance for individuals who are street homeless or other individuals with special circumstances. Many street homeless individuals are unable to navigate the maze of work requirements and appointments needed to maintain eligibility for Public Assistance and similarly have been unable to navigate the long and complicated SSI / SSD application and appeals process. These individuals (who suffer from significant disabilities that prevent them from being able to access public benefits) will otherwise be left out of the program and will continue to reside on the streets.

Finally, HRA should allow street homeless to obtain verification of street homelessness from non-profits and religious organizations instead of requiring that such individuals engage with DHS-contracted outreach services. Thousands of street homeless individuals across the City receive high-quality services from a range of non-profits, including New York Common Pantry, St. John's Bread and Life, and Holy Apostles. Many of those street homeless individuals do not currently engage with DHS outreach staff. Furthermore, the dedicated staff at many of these organizations have already built consistent relationships built on trust with hundreds of street homeless New Yorkers, one of the important factors in successfully moving people off the street. By allowing

other organizations to provide verification of street homeless, HRA will be able to move more people off the streets at a much quicker rate.

5. **DHS should remove the 90 day wait before DHS shelter residents can receive a CITYFHEPS voucher.**

The Housing First model dictates that homeless individuals and families be placed in housing as quickly as possible in order to minimize trauma and the negative health implications of homelessness.

We recommend that HRA remove the requirement that DHS shelter residents wait 90 days in shelter before they can receive a voucher and instead issue vouchers to DHS shelter residents as soon as HRA has completed all requisite checks and investigation to ensure eligibility for the voucher.

6. **Income guidelines should be increased to 250%, not 200%, of federal poverty level.**

Given the high cost of housing in NYC and the lack of affordable housing for households earning up to 250% of the FPL, we recommend that HRA increase the income limits for eligibility to 250% of the FPL – the same criteria that is used for renewals.

7. **DSS should remove the disclaimer on voucher stating that the City is not required to pay.**

While this issue was not included in the text of the proposed rule, many homeless residents have had significant trouble getting landlords to accept their vouchers because of text on the physical voucher that emphasizes that the City does not have an obligation to pay. We recommend that the City revise this language to be presented in a way that does not discourage landlords from accepting the voucher.

Thank you for the opportunity to comment. Should you wish to contact us regarding any of the comments included here, you can contact:

Helen Strom
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University Neighborhood Housing Program

2751 Grand Concourse

Bronx, NY 10468

Testimony submitted by Jim Buckley on behalf of University Neighborhood Housing Program on Tuesday, August 21st, 2018 for the public hearing on HRA's Proposed Rule on Pathway Home and CITYFHEPS

I am writing on behalf of University Neighborhood Housing Program, a community organization operating in the Bronx for the past 35 years. We have been involved in the preservation and creation of affordable housing in the NW Bronx over these years and about 10 years ago created the Northwest Bronx Resource Center to assist individuals living in the Bronx in filing their income tax and providing a variety of other services including hosting the Tenant Support Unit of the City's Public Engagement Unit. About a year ago, UNHP became a Housing Ambassador and we have enrolled hundreds of people in the City's Housing Connect system.

Due to our broad range of activities, we have experience with assisting people who can benefit from the various programs that currently exist through Pathways and FEPS. We endorse HRA's efforts to unite the programs to make a simpler process for people to apply and utilize the assistance.

The current array of programs is confusing and as HRA consolidates the programs, we urge HRA to take the opportunity to make the guidelines and process for using the program very clear and easily accessible for the people and organizations that need to use it. We would be interested in providing input as the process is developed.

Additionally, we urge HRA to make the process clear and easy to use for housing managers. For instance, in the current process, management representatives are required to physically go to a central office to sign leases; the amount of time spent in this process seems to consume most of the work day for the management staff, especially if you work outside of Manhattan. We would support creating borough offices or exploring electronic Lease signing methods to speed up the process.

Thanks for your attention and we look forward to assisting where we can to see these revised programs rolled out smoothly.

FOSTERING
YOUTH SUCCESS
ALLIANCE

Prepared Testimony for Submission on the CITYFHEPS Program
New York City Human Resources Administration
Tuesday, August 21, 2018

This testimony is being submitted by Jessica Maxwell, Director of the Fostering Youth Success Alliance (FYSA). I would like to thank Steven Banks, Commissioner of the New York City Human Resources Administration (HRA) for the opportunity to submit testimony on the CITYFHEPS program. FYSA supports the proposal to include foster youth as an eligible population for housing vouchers under the CITYFHEPS program.

The Fostering Youth Success Alliance is a state-wide advocacy group focused on improving the socioeconomic, health, housing and educational outcomes for children and youth who are currently in or aging out of foster care across New York State. FYSA is comprised of concerned providers, activists, and passionate youth who identify, research and monitor issues that affect current and former foster youth. The alliance advocates for effective policies, significant resources and better services to support foster youth. FYSA is housed at and managed by Children's Aid.

Children's Aid is dedicated to helping children in poverty succeed and thrive by providing comprehensive supports to children and their families in targeted high-needs New York City areas. We are leading a comprehensive counterattack on the obstacles that threaten children's achievements in school and life. Today, our over 2,000 full-and part-time staff members empower nearly 50,000 children, youth, and their families through our network of over 40 locations, including early childhood education centers, public schools, community centers, and school-based and community health clinics in four New York City neighborhoods – Harlem, Washington Heights, the South Bronx, and the north shore of Staten Island.

Over 18,000 foster youth are currently residing in New York State.[1] Youth currently or formerly in foster care face immense barriers in areas of education, health and employment. Youth aging out of care face an additional obstacle, housing, that may prevent them from making a successful transition to adulthood. Youth aging out of care may abruptly lose access to previous support systems. When aging out of care, relationships with foster parents can change, fade or falter forcing youth into housing uncertainty or homelessness. These youth lose the safety net the family provides and are forced to navigate their new world of adulthood alone. Due to low wages mixed with the high housing costs characteristic of New York City, the majority of youth aging out of care will not earn enough on their own to afford to rent an apartment. Housing insecurity puts immense pressure and stress on students, triggering a state of crisis and anxiety that often leads youth to drop out or delay schooling.

A 2014 report completed by the Federation of Protestant Welfare Agencies, detailed the findings from a collection of anonymous surveys completed by 50 child welfare workers, 65 current

[1] Foster care. (2014). Retrieved August 16, 2018, from https://affcny.org/fostercare/

foster care youth and six former foster youth who experienced homelessness after aging out of care. Caseworkers reported 36 percent of former foster youth ended up homeless after struggling to get placement in public or supportive housing. Caseworkers who followed up with youth six months after aging out of care reported 44 percent of former foster youth were residing in homeless shelters. Additionally, over 2/3 of the youth reported living in three different places after aging out of care. 24 percent of youth reported experiencing homelessness at least once, and 37 percent of former foster youth reported either couch surfing or being homeless.[2]

These numbers show youth who age out of foster care face barriers in gaining access to the resources needed to smoothly and successfully transition to adulthood without trauma. These current and former foster youth, who entered foster care at no fault of their own, are in need of stable, year-round housing in order to achieve academic and emotional success in adulthood. Therefore, it is of the utmost importance the CITYFHEPS program includes foster youth as an eligible population for housing vouchers.

FYSA is dedicated to advocating for foster youth aging out of care by working to improve their socio-economic, health, housing, and educational outcomes, so foster youth have the ability to realize and harness their full potential. It is morally right to work towards eliminating these barriers for foster youth by ensuring they have access to stable, year-round housing through eligibility for housing vouchers.

Thank you for the opportunity to submit testimony on this crucial issue. Please feel free to contact me at jmaxwell@childrensaidnyc.org with any questions regarding this testimony.

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[2] *Keeping foster youth off the street.* (2014, January). Federation of protestant welfare agencies.

Comments from Cathy Kim
Program Director, Most Vulnerable Populations
Enterprise Community Partners, Inc.

On the Proposed "Pathway Home" and "CITYFHEPS" Programs
August 21st, 2018

My name is Cathy Kim and I lead the Vulnerable Populations program for Enterprise Community Partners, a nonprofit organization that has worked to create and preserve affordable housing here and nationwide for over 30 years. On behalf of Enterprise, thank you, Commissioner Steve Banks and the NYC Human Resources Administration for your dedication to addressing homelessness and ensuring that social safety nets exist for all New Yorkers.

We commend HRA on proposing the new CITYFHEPS and Pathway Home programs to combat the city's homelessness crisis. We are highly supportive of any effort to consolidate and streamline the city's rental assistance programs, and of any effort to make utilization easier for families and for housing providers, which we believe will increase housing opportunities for low-income New Yorkers. Like the City, we feel that these efforts will help significantly combat source of income discrimination.

Any sort of large-scale transition inevitably produces a lot of questions. As such, Enterprise presents the following recommendation to ensure the smoothest transition possible to the new programs.

CITYFHEPS

We are extremely pleased to see that the five-year time limit has been eliminated in CITYFHEPS. In addition, we are very pleased to see that households recertifying after their first year in the program can make up to 250% of the federal poverty level, enabling households to grow income without losing their CITYFHEPS eligibility. These programmatic and policy changes better enable homeless families and individuals to use housing as a platform and seize greater opportunity, promoting the overall economic mobility of those who have experienced homelessness.

It is very exciting that the City is willing to use CITYFHEPS to avert shelter entry for "CITYFHEPS qualifying programs" – this is a great way to replicate rapid rehousing, which serves as an effective homelessness prevention tool that has yet to be scaled in New York City. In addition to the four qualifying programs eligible for this use outlined under "10-01 definitions", we strongly recommend that the City also qualify programs that serve victims and survivors of domestic violence, given that this is one of the leading causes of family homelessness in the City today.

To the extent that it is feasible, it would be incredibly valuable to index the maximum monthly rents to the fair market rental rates. This will enable housing providers to help more CITYFHEPS clients while also ensuring revenue from rental payments.

Additionally, it is imperative that those individuals and families transitioning out of shelter with CITYFHEPS and into independent affordable housing be connected to services and support that ensures

short- and/or long-term housing stability. To this end, we urge HRA to more clearly explain Section 10-15 Additional Provisions (f) by laying out to which service providers CITYFHEPS households are being referred to and what types of support and services families and individuals will receive during that immediate- and medium-term transition period. In addition, we feel that there would be much value in coordinating with HPD so that housing providers are also aware of what service providers are available to work with CITYFHEPS clients.

Pathway Home

It is imperative that Pathway Home be paired with a clear set of comprehensive services that participants know where and how to access. This is especially critical, as the one-year time limit may not be a sufficient amount of time for an individual or parent(s) to find stable employment, child care and/or permanent housing. As such, Pathway Home participants must be offered the support, resources and services to best position themselves for the long-term housing and economic success within the one-year period they are granted through the program.

Pathway Home requires clarity on whether program participants are considered homeless while they are staying with family and/or friends who are receiving the benefits. There are opportunities that are only available to people who qualify as homeless, such as connections to HPD homeless set-aside units and supportive housing units. We strongly urge that services like the ones described be made available to participants in this program, and that should be made very clear.

Finally, we are pleased to see that Pathway Home will be available to individuals exiting the Department of Corrections. We ask that the City define "significant prior stay in DHS shelter" for those who are discharged from the custody of the New York City Department of Corrections and clarify general eligibility requirements for this target population.

Implementation and Education

As the City rolls out the new programs, it must be made very clear to housing providers and clients what the changes and requirements apply to them and what they need to do in order to receive the benefit(s). The City may want to consider forming a short-term series of physical helpdesks in all five boroughs as well as online resources that housing providers and clients can use to navigate during this transition period – for both those who are new CITYFHEPS clients to those who are transitioning from a previous subsidy to the CITYFHEPS subsidy. In doing so, the City may consider either a technical assistance provider that can host those helpdesks or leverage existing programs like HPD's Housing Ambassadors Program to help clients and landlords navigate the transition. We also invite you to leverage Enterprise's training series which regularly draw a wide audience of professionals in the housing and homelessness.

Finally, Enterprise has received feedback from its housing provider partners that the centralized LINC lease signings at HRA's 16th Street offices are cumbersome and often contributes to delayed move-ins, creating inefficiencies for both the City and the housing provider. As such, we recommend that the City consider borough-based CITYFHEPS lease-signing to minimize the burden this places on housing providers and clients.

We are excited about CITYFHEPS as we think this streamlining of rental subsidies will greatly improve operations for housing providers and improve a household's ability to use these programs and stay out of and/or minimize their stay in shelter. But as we have detailed above, providing information early and often about the transition is critical. We are happy to support in that information sharing in any way we can. Thank you for the opportunity to comment and we look forward to working with the City to implement these important changes.

Testimony before the New York City Human Resources Administration

Concerning Title 68

of the Rules of the City of New York

Tuesday, August 21, 2018

I, AC Dumlao, Program Manager at the Transgender Legal Defense & Education Fund (TLDEF), welcome the opportunity to submit comments about new proposed rules concerning the consolidation of City rental assistance programs. TLDEF is committed to ending discrimination against transgender people (including gender non-conforming and non-binary), and to achieving equality for them through impact litigation and education.

Transgender, gender non-conforming, and non-binary (TGNCNB) people are impacted by housing insecurity and injustice in a number of ways, from TGNC youth being thrown out of their homes, to the inability to afford housing. TGNC people, as with many New Yorkers, are priced out of rapidly gentrifying neighborhoods. A 2015 survey from the New York State LGBT Health and Human Services Network showed that 29.4% of TGNC NYC respondents reported ever having been homeless, compared to 16.2% of cisgender LGB respondents. NYC's Public Advocate, Letitia James, has spoken to the need for increased action around protecting TGNCNB peoples' rights to non-discrimination and access to housing. TGNCNB community members who took part in forums conducted in all five boroughs in 2016 and 2017 asked for greater access to affordable housing, and support for TGNCNB people experiencing housing discrimination.

With that background, I join other TGNCNB-serving organizations and activists in making the following recommendations around these CITYFHEPS rules.

I request that TGNCNB people be given special consideration for receiving rental assistance under the CITYFHEPS program, along with other vulnerable populations, including but not limited to older adults, people with disabilities, and people with serious health and mental health

issues. Former participants of Runaway and Homeless Youth programs should be specifically named as eligible for CITYFHEPS.

Additionally, while the proposed rule says people must be on Public Assistance to receive CITYFHEPS, this rental assistance should also be available for people who are not on Public Assistance. TGNCNB people have a long, traumatizing history with Public Assistance program staff. Their Public Assistance cases are sometimes treated unfairly, and that unfair treatment should not keep people from receiving CITYFHEPS.

I understand and accept that proposed rule has work requirements, but work requirements should be waived if people otherwise eligible for CITYFHEPS are from communities who have historically faced discriminatory hiring processes (like TGNCNB communities), or require extra skills and training to enter the job market.

We commend the proposed rules for allowing for people to receive CITYFHEPS beyond five years. However, the final rules should specifically state that if someone loses or cannot get a job due to discrimination, or other reasons that would keep a person from maintaining a job (like being a victim of violence, or having health problems) they should be able to retain CITYFHEPS.

Lastly, the proposed rule states "applicants and shelter residents are responsible for identifying potential housing." However, because TGNCNB people often encounter discrimination when attempting to find housing, recipients of CITYFHEPS should receive support in securing housing from case managers or some similar staff with housing expertise.

As I've outlined above, transgender, gender non-conforming, and non-binary (TGNCNB) people face significant barriers to securing and maintaining safe and affordable housing. TLDEF appreciates you keeping these considerations top of mind as you finalize these vital rules that will have a profound impact on their lives.

Thank you for the opportunity to submit comments today.

CSH

Commissioner Steven Banks
New York City Human Resource Administration
150 Greenwich Street
New York, NY 10007

August 21, 2018

Dear Commissioner Banks,

Thank you for providing an opportunity for Corporation for Supporting Housing (CSH) to comment on the proposed amendments to Title 68 of the Rules of the City of New York to include City Fighting Homeless & Eviction Prevention Supplement (CITYFHEPS).

CSH is a national nonprofit that works with communities across the country to create supportive housing – affordable housing connected to health, human services and community supports – to help individuals and families thrive. For 20 years CSH led the national movement to end chronic homelessness through supportive housing. With this experience and expertise, CSH now leverages supportive housing as a central component to changing the way communities respond to a range of individuals who are also *at risk* of becoming homeless. In the New York Metro region, CSH has committed over $150 million in grants and loans and worked with over 150 nonprofit organizations to create over 18,000 units of supportive housing.

CSH applauds the New York City's efforts to do more to keep individuals and families in their homes prior to becoming homeless, serve people in their own neighborhood, and move people out of homelessness more rapidly. While City-funded rental assistance programs have helped over 80,000 New Yorkers remain housed and move back into homes more quickly after a period of homelessness, the variations between these programs have led to confusion amongst tenants and landlords and even discrimination against some types of subsidies. By streamlining multiple rental-assistance programs through the CITYFHEPS, more individuals and families will have an opportunity to successfully navigate the housing market and find a place to call home.

In consideration of the proposed rules for the CITYFHEPS rental assistance program, CSH makes the recommendations below.

Eligibility requirements for city residents

Section 10.03 – Initial Eligibility, Application and Approval for City Residents Who Are Not in an HRA or DHS Shelter or Street Homeless

To avert more vulnerable indivduals from entering shelters in the first place, CSH recommends changing Section 10.03(a)(6)(A) to say- *The household has been determined by HRA to be at risk of homeless and includes:*

- *A veteran;*
- *A family at risk of child welfare involvement whose primary reason for involvement is lack of stable housing;*
- *A family with children in out-of-home placement whose reunification is being delayed because of lack of stable housing;*
- *An individual aging out of the foster care systems;*
- *An individual 60 years or older;*
- *An individual with disabilities, including mental illness*
- *An individual exiting a correctional facility; and*
- *An individual exiting institutional care.*

Section 10.04 – Initial Eligibility, Certification and Approval for Shelter Residents and Persons who are Street Homeless

CSH recommends targeting rental assistance to vulnerable individuals by changing Section 10.04(a)(8)(B)(i) to say- *The household includes:*

- *A veteran;*
- *A family at risk of child welfare involvement whose primary reason for involvement is lack of stable housing;*
- *A family with children in out-of-home placement whose reunification is being delayed because of lack of stable housing;*
- *An individual who has aged out of the foster care systems in the last 90 days;*
- *An individual 60 years or older;*
- *An individual with disabilities, including mental illness*
- *An individual exiting a correctional facility in the last 90 days; and*
- *An individual exiting institutional care in the last 90 days.*

Designated "CITYFHEPS qualifying programs" from which to accept referrals to avert entry to shelter or shorten the stay of households already in shelters

Section 10.01 – Definitions

CSH applauds the inclusion of ACS, DYCD, and DOC as CITYFHEPS qualifying programs. There are also additional mainstream programs that can play a critical role in identifying households experiencing or at risk of homelessness and refer them to CITYFHEPS for rental assistance. CSH also recommends including the following entities as qualifying programs:

- The Department of Education;
- NYC Housing Authority;
- Contracted services providers of ACS;

- Institutional settings such as residential treatment facilities and residential living programs;
- Medicaid Managed Care Organizations (MCOs); and
- Private landlords and property managers.

Based on a 2017 New School analysis of rental practices for housing vouchers for CSH, we also recommend the following considerations:

1. Provide additional funding for contracted Landlord Liaisons to serve as the first point of contact after and applicants move in to a unit. The main objective of the liaison is to serve as a resource for both the tenant and the landlord. Landlords often have questions regarding rental payments and/or addressing concerns regarding late payments from the city. Landlords reported at times going 4-5 months without payment; which discourages landlords from accepting future vouchers. Liaisons also serve as a mediators between tenant and landlord when there are non-payment or lease violations. Mediation is the preferred and less costly alternative to eviction, allowing voucher holders to stay housed longer.

2. Enable landlords to access to the Special Supplemental Assistance Fund or a similar risk mitigation fund to incentivize them to participate in the rental assistance program.

3. Streamline the applicant search process for available apartments by using one system to connect individuals and families with landlords and vacant units, as well as provide an opportunity to submit applications. Landlords can use the system to list available units. Landlords registering to use the system would need to be vetted and approved by the city to ensure that the building is up to code and there are no inspection violations or tax liens against the property. NYC CAPS and Come Home NYC systems already serve similar purposes, and can be adapted to meet the needs of CITYFHEPS applicants.

Thank you again for the opportunity to comment on the proposed amendments to Title 68 of the Rules of the CITYFHEPS rental assistance program.

Sincerely,

Kara Mergl

Kara Mergl
Director, State Policy
CSH
61 Broadway, Suite 2300
New York, NY 10006

From: Kaleb Dornheim [mailto:kalebd@gmhc.org]
Sent: Tuesday, August 21, 2018 4:34 PM
To: HRA Rules
Subject: CITYFHEPS comments

Good Afternoon,

The following statement are comments from Gay Men's Health Crisis, part of Transgender Solutions Coalitions, on the proposed CITYFHEPS rules:

I,Kaleb Dornheim, Advocacy Specialist of Gay Men's Health Crisis (GMHC) welcome the opportunity to speak about new proposed rules concerning the consolidation of City rental assistance programs. Transgender, gender non-conforming, and non-binary (TGNCNB) people are affected by housing insecurity and injustice in a myriad of ways, from TGNC youth being thrown out of their homes, to inability to afford housing. TGNC people, as with many New Yorkers, are priced out of rapidly gentrifying neighborhoods. A 2015 survey from the New York State LGBT Health and Human Services Network showed that 29.4% of TGNC NYC respondents reported ever having been homeless, compared to 16.2% of cisgender LGB respondents.[1] NYC's Public Advocate, Letitia James, has spoken to the need for increased action around protecting TGNCNB peoples' rights to nondiscrimination and access to housing.[2] TGNCNB community members who took part in forums conducted in all five boroughs in 2016 and 2017 asked for greater access to affordable housing, and support for TGNCNB people experiencing housing discrimination.

With that background, I join other TGNCNB-serving organizations and activists in making the following recommendations around these CITYFHEPS rules. I will reference the specific sections of the proposed CITYFHEPS rule for which we request modification below:

§ 10-01(f)
Proposed regulations note that CITYFHEPS qualifying programs could include referrals from DYCD. **There should be explicit language making former participants of Runaway and Homeless Youth (RHY) programs—those who have aged out—eligible for CITYFHEPS.**

§ 10-03(a)(6)(B) and §10-04(8)
Proposed HRA regulations regarding CITYFHEPS focus on allowing eligibility for vulnerable populations, including veterans, residents of three-quarter housing, people who utilize services through the Administration for Children's Services, Department of Correction, and Department of Youth and Community Development, and more. **Given the history of homelessness and housing discrimination faced by transgender, gender non-conforming, and non-binary (TGNCNB) people, TGNCNB people should be among a set of populations that require an exception to usual eligibility requirements in receipt of CITYFHEPS—TGNCNB identity should be a qualifying factor that makes one eligible for CITYFHEPS, along with other vulnerable communities.** The current list of identities, populations, and sociological conditions that make one eligible for CITYFHEPS, especially under § 10-03(a)(6)(B), are inadequate—TGNCNB status should be a qualifying factor in allowing someone to receive CITYFHEPS, along with older adults, people with disabilities, persons with acute health/mental health issues, and other extenuating circumstances.

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[1] M.S. Frazer & Howe, E. (2015). Transgender health and economic insecurity: A report from the 2015 LGBT Health and Human Services Needs Assessment Survey. Available at http://strengthinnumbersconsulting.com/wp-content/uploads/2017/06/TG-health-and-economic-insecurity-report-FINAL.pdf

[2] Fuhrman, J., & Lewenstein, G. (2017). Policy Brief: Combating Trans Housing Discrimination in New York City. Available at https://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/combating_transgender_housing_discrimination_-_policy_brief_-_final_3.31.17_0.pdf

While §10-04(8) is ideally inclusive enough that it will "catch" eligible TGNCNB people, if final regulations for §10-04 outline various qualifying factors (e.g., the various categories of populations listed above in the discussion of § 10-03(a)(6)(B), such as seniors and people with disabilities), TGNCNB should be included within those populations.

§ 10-03(a)(2) and (3) and § 10-04(a)(3)
These proposed rules would require all CITYFHEPS recipients eligible for Public Assistance to apply for Public Assistance. **We propose that non-Public Assistance recipients should be eligible for CITYFHEPS.**

While we recognize HRA's effort to improve the TGNCNB community's experience with Public Assistance via the new CareerAdvance program focused on TGNCNB people, there is, within the TGNCNB community, a reputation that staff of Public Assistance programs have been unfriendly toward TGNCNB people—this dates to the Back to Work era, and the reputational problems have not been resolved by the new formulation of career programs for PA recipients. Furthermore, recipients of Public Assistance (in general, both within and outside of the TGNCNB community) could potentially face sanctions and unfair case closures that such recipients should have time to resolve, should they elect to continue on PA. Such potentially resolvable case issues should not bar people from receiving CITYFHEPS.

Finally, the HRA workforce program for TGNC PA recipients is, according to RFP documents, only funded at approximately $47,000 a year. If TGNCNB people are forced to take PA as part of CITYFHEPS eligibility, they should be able to take part in a program funded at a higher level and that can, as much as any job program can, guarantee TGNC people entry into jobs.

§ 10-04(a)(8)(A)(i)
These proposed rules would require that CITYFHEPS recipients be subject to a work requirement. It must be noted that that TGNCNB community members face a crisis of unemployment. The aforementioned 2015 NYS LGBT Health and Human Services Network survey showed that 36.8% of TGNCNB NYC respondents reported having been unfairly not hired, and 26.4% reported being unfairly fired.[3] 16.2% of TGNCNB NYC respondents were neither employed nor in school, compared to 9.9% of cisgender (non-transgender) LGB respondents. Nationwide, transgender people of color report five times the unemployment rate of the general US population.[4] In other words, TGNCNB people face specific barriers to employment.

Work requirements should be waived in the event that people otherwise eligible for CITYFHEPS:

- **are from communities historically discriminated against in hiring processes (such as TGNCNB communities),**
- **or otherwise require extra skills to be competitive in the job market, as determined by case managers or similar staff.**

§ 10-08(c)

We are happy that the proposed rules provide a route for CITYFHEPS recipients to be eligible to continue receipt of rental assistance beyond five years. We are happy that there is a clause noting that people could continue to receive CITYFHEPS for more than five years if "there is good cause for renewal...." That said, **it**

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[3] Frazer, M. S., Dumont, M. S., & Howe, E. E. (2017). Custom Data Request: Transgender and Gender Nonconforming New Yorkers: An analysis of data from the 2015 LGBT Health and Human Services Needs Assessment. Strength in Numbers Consulting Group, Inc.

[4] James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf

should be clear that if someone loses or cannot gain employment due to discrimination or other factors that limit one's ability to take part in a job (e.g., a person is a victim of violence, or having chronic health problems), they should be able to retain CITYFHEPS.

§ 10-15

While this section notes that "applicants and shelter residents are responsible for identifying potential housing," **case managers or similar staff with housing expertise should be made available to support CITYFHEPS recipients in finding housing.** As the NYC Public Advocate's report on TGNCNB housing discrimination makes clear, housing discrimination occurs to TGNCNB people with disturbing frequency, and recipients of CITYFHEPS should receive support in securing housing, especially if they're from a community that has a history of being discriminated against in housing.

Thank you for your consideration of these comments, and I look forward to working with HRA in making a CITYFHEPS final rule in line with the needs to TGNCNB people across New York City.

Thank you for your time,

Kaleb Dornheim, MA
Advocacy Specialist
Gay Men's Health Crisis (GMHC)
Pronouns: they/them/theirs
P: (212) 367-1213
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GMHC has moved and is now located at 307 West 38th Street (between 8th and 9th Avenues)

From: Stacy Bisignano [mailto:stacyb@womenscommunityjustice.org]
Sent: Tuesday, August 14, 2018 10:29 AM
To: HRA Rules
Subject: "Pathway Home" Comments

Dear HRA,

Please accept the following comments regarding the Pathway Home program proposal.

1. Regarding the "significant prior stay in DHS shelter" criteria, what will be the definition/criteria of the "prior stay" history that is needed to identify candidates for Pathway Home?

2. Regarding the criteria of being "discharged" from the custody of the New York City Department of Correction, what is the discharge time frame (how long ago the discharge occurred) and the type(s) of discharge from NYC DOC that will be defined for eligibility purposes?

3. Please define which Commissioner and agency, and any other reviewing agency, which will be responsible for determining that the Pathway Home program is necessary to avoid an person's re-entry to the shelter.

Thank you very much for your consideration of these comments.

Best regards,

Stacy Bisignano, LMSW
Program Director
Women's Community Justice Project
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HOMELESS SERVICES UNITED

Testimony of Catherine Trapani, Executive Director, Homeless Services United, Inc.

Before the Human Resources Administration on the CityFHEPS and Pathway Home Proposed Rules

August 21st, 2018

Background

My name is Catherine Trapani, and I am the Executive Director of Homeless Services United (HSU). HSU is a coalition of approximately 50 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach and prevention services. Each day, HSU member programs work with thousands of homeless families and individuals, preventing shelter entry whenever possible and working to end homelessness through counseling, social services, health care, legal services, and public benefits assistance, among many other supports. Leveraging the experience of our members who provide services across the continuum, our recommendations focus on ensuring strong coordination between City social service agencies, adding flexibility to help those in need, and offering efficient logistical suggestions.

HSU would like to thank the Human Resources Administration for its commitment to offering a range of specialized housing subsidies that allow New Yorkers to maintain and obtain permanent stable housing, and we applaud your efforts to streamline all City subsidies into one program, CityFHEPS. The proposed streamlined program will make the process simpler for eviction prevention and shelter providers, HRA, tenants, and landlords. HSU looks forward to continuing collaboration with HRA and DHS to ensure the transition is as smooth as possible. To that end, we offer the following recommendations:

No "wrong door" when seeking homeless housing services

Central to our recommendations is the idea that no New Yorker should be denied eligibility for the program based solely on the system they use to access homeless services. Any client receiving services from a City-funded program charged with preventing homelessness or serving homeless New Yorkers should be eligible for CityFHEPS regardless of what other specialized services they may require. For example, individuals residing in Safe Havens should be explicitly included for eligibility as homeless, as they are not technically street homeless but also do not reside in traditional DHS shelter.

Also, while the rule allows clients of DHS and some HRA funded shelter programs to qualify for assistance, it only stipulates that DYCD may refer some clients to the program pursuant to an agreement with the Commissioner. Amending the rule to specify that all individuals and families residing in Runaway Homeless Youth (RHY) DYCD shelters who are otherwise eligible for the

program will be referred would ensure equitable access to housing assistance across City homeless services programs. Similarly, DYCD street outreach teams should also be able to make a "street homeless" determination for the purpose of CityFHEPS or Pathway Home eligibility. Mechanisms are also needed so that other privately funded shelter and outreach programs can report information on individuals they serve to City programs at their clients' request so that they can accurately document the homeless history of persons seeking housing assistance to verify their eligibility.

The goal with these recommendations is to ensure that clients can receive services from programs designed to meet their specific needs without having to resort to DHS shelter to access housing. For this reason, we were pleased to see that HRA shelter residents were included in the rule as eligible, but we request that their certification period be lowered from 90 to 45 days, as 90 days is also the time limit for residing in HRA shelters. If survivors need to wait to the literal last day of shelter to apply for a housing subsidy they are forced to remain in shelter longer, either by having to apply for an extension of their HRA shelter stay or transferring to a DHS shelter to be able to use CityFHEPS or Pathway Home. We should make such transitions as rare as possible by affording access to housing assistance earlier for these households.

Still it may be inevitable that people will move between systems (for example reaching the maximum time in HRA DV or DYCD Crisis Shelters and Transitional Independent Living (TIL) programs and transferring to DHS Homeless shelter). Therefore, CityFHEPs and Pathway Home eligible households should carry their eligibility for housing assistance with them when they transfer shelters. If they must transfer prior to being found eligible, the time spent in each system should cumulatively count towards shelter or street homeless length of stay requirements for eligibility. The "clock" should not reset if they transition among homeless shelter systems so that a households' experience of homelessness are as brief as possible.

Ensuring the most vulnerable people do not have to enter DHS shelters

While CityFHEPS endeavors to meet the diverse needs of those previously served by seven distinct subsidies, HSU recommends there be additional consideration for vulnerable groups recently evicted or at risk of eviction who would have a particularly hard time if forced to enter shelter, such as the elderly, people with disabilities, people with acute mental health concerns, hospital discharges, and transgender, gender non-conforming and non-binary persons as well as those who have resided in their homes for more than 15 years. We also feel that CityFHEPS should serve people being evicted from rent-stabilized apartments to avoid the loss of an affordable unit, not just rent controlled as currently proposed. New York City must make a strong effort to preserve as much affordable housing as possible if we are to turn the tide on homelessness.

Ensuring eligible households are able to utilize CityFHEPS

HRA's acknowledgement that larger households often have difficulty securing apartments using the regular rent guidelines is admirable. We support the proposed policy to grant higher maximum rent exceptions up to 30% for households 5 or more. In addition, HSU believes such exceptions should also be made to help families comply with court orders and other mandates which can also hinder their ability to finding housing within the rent limits, such as when ACS or family court dictates households must secure an extra bedroom, or in cases when a household's medical concerns also warrant an exception like when they need space for medical equipment or care.

Our members also shared that single parent single child households have an especially challenging time trying to find an apartment they can afford. HRA may want to consider allowing two small families to "double-up" when appropriate, to combine their vouchers to qualify as a larger household size under CityFHEPS, while also allowing that combined household the additional rent of up to 30%, to allow them to find a suitable apartment to share.

Ensuring stable permanent housing

Homeless Services United is particularly grateful to HRA for allowing CityFHEPS households to renew while earning up to 250% FPL; the ability to increase their income without fear of putting their housing at risk is important. The City's foresight to allow households to continue to receive CityFHEPS beyond five years is also another great step toward the long-term housing stability of vouchered households.

We are also grateful for HRA's including a restoration process to allow CityFHEPS recipients who did not renew to be able to regain their voucher within one year of termination, given they meet eligibility requirements. We recommend that HRA also adopt language allowing for other extenuating circumstances or longer than a year at the agency's discretion, to allow for other instances where restoration would be appropriate.

HRA should also adopt a formal process for Safety Transfers for survivors of domestic violence, following the principles of the Violence Against Women Act (VAWA) to be administered by HRA's Office of Emergency Intervention Services. In this way, people experiencing safety issues would be granted the opportunity to transfer apartments and receive support from HRA non-residential DV programs and/or the Family Justice Center without returning to homelessness.

Allowing sufficient time for transition

Given the complexity of this new rule and in recognition of the tremendous amount of work and moving pieces that factor into streamlining rental assistance, HSU is concerned that the 120-day expiration for current voucher holders from effective date of this the new rule is too short, given that there will be a transition period for providers and the City to train and operationalize the

new subsidy. HSU is still working with members to address inefficiencies with the new FHEPS subsidy which rolled out in December. We strongly recommend that the CityFHEPS time limit be lengthened to one year from the effective date of this rule.

Thank you for your time. Please see our written comments for our full list of recommendations, and if you have any questions please feel free to contact our offices. Thank you for your effort streamlining these vital housing resources and we look forward to working with you and our members to ensure that CityFHEPS and Pathway Home can help many New Yorkers to attain permanent housing.

HOMELESS SERVICES UNITED

HSU Public Comments for CityFHEPS Proposed Rule

Before the Human Resources Administration on August 21st, 2018

1) **No "wrong door": expanding access**
   a) Section 10-01 (f) CityFHEPS qualifying programs-
      i) Specify for item (1) for ACS referrals to also include ***"other extenuating circumstances"*** (e.g., to avoid ACS suicides in shelter)
      ii) Specify for item (3) "referrals from DYCD" to add the language ***"for all individuals residing in Transitional Independent Living (TIL) or Crisis Shelters"***
      iii) Add an authorization process for non-City funded Shelters to become "qualifying programs" (e.g., CHiPS). Given proper guidance, these programs could make appropriate referrals for individuals that they currently serve.
   b) Section 10-01 (qq) "Street Homeless" definition- Amend sub-sections (1) (2) and (3) to replace ***"DHS contracted outreach provider"*** with ***"DHS or DYCD contracted outreach provider, or per review of documentation of services from other outreach programs"***, to ensure an individual's street homeless designation is captured for CityFHEPS eligibility regardless of which outreach programs they utilize.
   c) Section 10-04 (a) (8)- Insert ***"or residing in a Safe Haven"*** to read ***"The household must be street homeless or residing in a Safe Haven or belong to Group A or B below:"*** Since individuals in safe havens are not technically considered homeless, but Safe Havens do not fall under the DHS Shelter portfolio (instead falling under Street Homeless), we want to add this clarification to ensure they remain eligible for CityFHEPS if they reside in this particular program.
   d) Section 10-03 (a) (6) (C)- **Add a clearly defined referral process for other City Agencies-** Thank you for including this, allowing flexibility referrals for other City agencies to avert DHS shelter entry. A more clearly defined referral guidelines and process rather than Commissioner's discretion would help to upstream referrals within non-DHS systems, flagging at-risk individuals and helping avert shelter.
   e) Section 10-04 (b) (1) **"Qualifying shelter stay"** for a DHS shelter resident should be amended to:
      (1) Include time also spent in a DYCD Crisis Shelter or Transitional Independent Living (TIL).
      (2) Count the ***cumulative*** time spent in DHS, DYCD, and HRA shelters towards the minimum day requirement. The "clock" should not reset for a client because they transition from one type of shelter to another.
      (3) **For survivors of domestic violence residing in HRA shelters, the "90 days" prior to certification requirement should be lowered to "45 days", as HRA shelters have an initial 90-day time limit which necessitates them waiting until the last day to apply for housing and then either file an extension for HRA shelter or transfer to a DHS shelter.**
2) **Ensuring the most vulnerable people do not have to enter DHS shelters: program flexibility**
   a) Section 10-03 (a) (7)- Amend lease eligibility guidelines for families with children under 18 years old not in shelter or street homeless, to be in parity with FHEPS guidelines laid out in **NYC HRA Policy Directive #17-26-ELI, Determining Eligibility for FHEPS section** which states a family that is NOT the tenant of record may be eligible for the subsidy, *given they are named co-tenant on*

the lease of tenant of record, in a court stipulation, or in a written agreement with tenant of record or landlord, granting residency rights for at least 12 months from time of the application.

b) Sections 10-03 (c) and 10-06 (c)
   i) Mirror Language from Section 10-03 (a) (7) to amend exceptions for CityFHEPS rental assistance amount increases to include rent-stabilized or rent-controlled apartments, which have mid-year increases authorized under the rent-stabilization or rent control laws.

c) Section 10-04 (a) (8) (A) (i)-work requirements- add ***"or for other extenuating circumstances per the Commissioner's discretion."*** to the end of the paragraph. Added flexibility would allow CityFHEPS to help individuals that face extreme challenges to meeting work requirements.

d) Section 10-03 (a) (6) (B)
   i) **Consider adding additional vulnerable groups recently evicted where entering shelter is especially not suitable:**
      (1) **Head of household over 60 years old.**
      (2) **People on SSI/SSD**
      (3) **Long Term Tenancies- households living 15 or more years in their current residence**
      (4) **People with acute mental health concerns**
      (5) **Hospital Discharges who otherwise would go to shelter**
      (6) **Trans, Gender Non-Conforming, and Non-Binary identity**
   ii) Section 10-03 (a) (6) (B) (ii) **Add *"rent-stabilized or"*** *rent controlled apartments.* Maintaining New York City's dwindling affordable housing stock is crucial to turning the tide on homelessness.
   iii) Section 10-03 (a) (6) (B) (iii) **Change: previously resided in a *"DHS Shelter"* to *"New York City-funded Shelter"*.** People in other City shelter systems like DYCD and HRA should also count as homeless. They all resided in NYC homeless shelters, and should not have that vulnerability indicator disregarded because it was through a different City Department.

3) Ensuring eligible households are able to utilize CityFHEPS

a) Section 10-05 (b)- **In addition to 5+ households, additional groups that could benefit from higher rent exceptions include:**
   i) Compliance with Government Orders/mandate (e.g., ACS mandates, family court, ADA Compliance, etc.)
   ii) Households with particular medical concerns (e.g., live-in caretaker, accommodation of hospital equipment, autistic child, etc.)
   iii) Individual instances where two smaller families wish to pool their CityFHEPS subsidies to be eligible for a larger combined household size, since it's challenging to find apartments for lower amounts. (e.g., two households of 2 could move together into a larger apartment with a max rent of up to $2,024 ($1,557 (4-person household) + $467 (30%))

4) Ensuring stable permanent housing

a) Section 10-08 (a) (1)- household gross income cannot exceed 250% FPL for renewals after year one- Thank you for this added flexibility which will allow households to increase their earning potential without putting their housing stability at risk.

b) Section 10-08 (c)- CityFHEPS recipients can continue to receive rental assistance beyond their 5th year. This will come as a major relief for thousands of households currently using time-limited City subsidies, ensuring they remain stably housed long-term.

c) Section 10-08 (d)- CityFHEPS recipients that do not renew can recertify within one year of termination if they meet renewal requirements at time of renewal.
   i) Thank you for including this. It will help to save time for providers and the City to have a quick process by which to recertify those that had their subsidy fail to renew, and more importantly, lower the chance of further destabilizing a household.
   ii) Revise statement to read "Subject to availability of funding, if a household is not renewed for CityFHEPS, ***or other extenuating circumstances,*** it may be restored within one year of termination ***or longer at the agency's discretion*** if the household meets CityFHEPS renewal requirements at the time it applies for restoration." This revision will grant HRA more flexibility to quickly restore subsidies to avoid Housing Court or returning to shelter.

d) 10-04 (a) (6)- We recommend that HRA remove this section – survivors have the right to self-determine their family composition. While DV providers can continue to counsel and education survivors on the risk and legal ramifications of allowing an abuser to rejoin their household, Survivors should be given the autonomy to self-certify who they choose live with. We ought not discourage people from reporting abuse for fear that the City will force family breakup if a victim isn't ready to separate from their abusive partner

e) The City should add a formal protocol to allow survivors of Domestic Violence to transfer to a new CityFHEPS apartment that conforms with VAWA's transfer policy protocols.

f) Section 10-10 (a)- Request Process for Moves- for Survivors of Domestic Violence, we recommend that a timely formalized process for Safety Transfers be adopted, following the principles of the Violence Against Women Act (VAWA) to be administered by HRA's Office of Emergency Intervention Services. In this way, people experiencing safety issues would be granted the opportunity to transfer apartments and receive support from HRA non-residential DV programs and/or the Family Justice Center.

g) Section 10-14- Add a 2nd year Renewal Requirement for Landlords. For CityFHEPS holders living in unregulated apartments that can renew for a second year, landlords must agree to renewing their lease for a second year upon renewal of the CityFHEPS subsidy. This requirement will offer some protection to tenants by promoting housing stability and preventing landlord abuses of the signing bonus system.

h) Section 10-15 Additional Provisions- Recognizing HRA's commitment to engaging landlords and preventing Source Of Income discrimination, we recommend including a provision establishing a dedicated CityFHEPS Landlord Hotline to address questions and concerns for prospective or current landlords of CityFHEPS recipients.

5) Allowing sufficient time for transition

a) Section 10-03 (a) (6) (D)- **Change expiration of CityFHEPS qualification from *"120 days"* to *"one year"* after the effective date of this rule**. HSU is extremely grateful to HRA for undertaking this enormous endeavor to streamline City rental subsidies. Given the complexity, it would be prudent to give City agencies and providers enough time to ensure that these new changes in an orderly fashion to prevent endangering a person's housing status during the transition.

b) Section 10-04 (a) (8) (B) (iii)- change **"120 days"** expiration limit to **"one year"** after effective date of this rule change (see above rationale)

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THE COUNCIL OF
THE CITY OF NEW YORK

STEPHEN T. LEVIN

COUNCIL MEMBER, 33rd DISTRICT, BROOKLYN

Good morning, my name is Council Member Stephen Levin; I am the Chair of the General Welfare Committee of the New York City Council.

I applaud the administration for advancing today's proposed rule to streamline the city's rental assistance program, helping thousands of New Yorkers with one of the biggest challenges residents experience in our city—finding a home for themselves and their family. The decision to consolidate seven rental assistance initiatives into one system is a significant step in addressing our city's homelessness crisis. New York City's rental vouchers help residents move into stable housing and get back on their feet, and this rule recognizes the need for a long-term voucher program that is clear, flexible, and accessible.

The need for changes to our city's voucher system is urgent. Since the Advantage program ended in 2011, the city's homeless population has skyrocketed -- increasing by over 20,000 residents in the past few years to an average of more than 60,000 New Yorkers living in shelters each night. Following the closure of Advantage, New York City and New York State created several new housing vouchers for clients, each designed for different populations and with different stipulations. This multi-voucher system has created challenges for both residents and landlords, putting the burden on homeless New Yorkers to navigate a complex voucher system and highly competitive market, and on landlords to trust a program that has undergone repeated changes over the past several years with strict time limits. For many New Yorkers, a five year voucher is not enough time for them to be able to afford their entire rent, especially as housing costs continue to rise. Removing the five year limit will go a long way to bring some permanency to the system.

While I commend the administration for these proposed changes, I also recognize there is more we must do to combat homelessness and secure housing for New Yorkers in need. In support of the goals of the proposed rule and our city's commitment to housing homeless New Yorkers, I would like to propose the following recommendations:

1. **Expand voucher eligibility to reach more New Yorkers at risk of homelessness.** The vast majority of voucher recipients currently live in shelter or have in the past. Tenants

struggling to stay in their home face several eligibility restrictions, making it extremely difficult for residents not in shelter to access rental vouchers. I am pleased the administration is working to address this issue by allowing households that have been subject to eviction proceedings to be eligible for rental assistance, however, this eligibility applies specifically to veterans, households receiving Adult Protective Services, households that have been referred by a city agency, or households living in rent controlled units or that have previously lived in shelter. I strongly recommend this rule be expanded to all eligible applicants facing eviction proceedings, including residents living in rent stabilized units and those eligible for SCRIE and DRIE. As the city faces a crisis of housing, we need to do more to preserve housing, fight displacement, and help people stay in their homes.

2. **Ensure voucher renewals for eligible residents after five years.** Under the proposed rule, a voucher recipient is eligible for renewal after five years under "good cause." The administration's commitment to the goal of voucher permanency is laudable; however, I recommend that the final regulation clarify the definition of good cause based on eligibility, so that no residents face unnecessary or discriminatory barriers in accessing vouchers after the program's initial five years.

3. **Increase the rental assistance eligibility to New Yorkers making up to 250% of the Federal Poverty Level and remove the requirement to meet New York's Standard of Need.** More than 65,000 residents are homeless, and an additional 400,000 New Yorkers are severely rent burdened, making 0-30% of the Average Median Income (AMI). Yet fewer than 10,000 households utilize vouchers each year, significantly lower than the demand of those in need of housing. New York's Standard of Need restricts eligibility even further, as it falls below 200% of the FPL and requires applicants to stay within the measured rate. Expanding the size of the rental assistance pool would grow the program to better address the current need and help more rent burdened New Yorkers stay in their homes.

4. **Remove the required 90 day waiting period for street homeless applicants and those living in DHS shelters.** Ending homelessness means getting people off the streets and out of shelter sooner. New York City is at its highest shelter population, and the length of stay continues to rise. We need a bold commitment to housing, and reports have shown that an individual receiving DHS outreach services for 30 days is as likely to remain in long-term housing as someone who has been in shelter for over 90 days. Placing residents into housing sooner can connect people to needed care and services, minimize trauma, and supports the city's Housing First goals. Street homeless applicants should also be exempt from the rule's requirement that individuals who are eligible must receive public assistance (PA), as PA's complex appointment and work requirements can be difficult for individuals without stable housing to navigate, and disincentivizes engagement in the program.

5. **Increase voucher amounts for all household levels.** I have met with housing specialists, case workers, and voucher recipients across the city who consistently share that voucher

amounts are simply too low to meet the cost of housing in New York. The proposed rule allows the Commissioner to increase the maximum monthly rents for households of five or more individuals by up to 30%. While I support the call for flexibility regarding households with 5 or more individuals, it is just as important that we commit to a process that meets rental needs for all households facing homelessness, and so I urge the administration to adjust rental assistance levels across the board. With fewer than 10,000 vouchers utilized each year, we have a long way to go to meet the needs of our city's homeless communities.

6. **Commit to transparent implementation that includes outreach and education for community members.** Outreach and education is critical to ensuring the rental assistance program transition is completed without added confusion for landlords and clients, and that program changes are seamless for recipients, so no one loses their current access to housing. I also strongly recommend the administration provide greater transparency to elected officials and the broader public as the new voucher program is implemented, including an assessment of how many distributed vouchers are matched to placements and an ongoing review of the impact the city's streamlined process on formerly homeless New Yorkers.

August 21, 2018

Testimony for the New York City Human Resources Administration (HRA) RE: CITYFHEPS Proposed Rule

***Submitted by**: Nathylin Flowers Adsegun, VOCAL-NY. Contact: flowersnathylin@gmail.com / 347-446-0629*

Hello, my name is Nathylin Flowers and I am member of the New York City Homeless Union, VOCAL-New York, and Partnership for the Homeless.

I was evicted from my apartment of 34 and a half years when I lost my rent stabilization status. My rent increased from $475 a month to $1,319.16 a month and it was impossible for me to continue paying rent.

I have lived in a homeless shelter since February of 2015. For the first six months I worked to get my personal documents in order to qualify for my LINC IV voucher. I was so excited when I finally received it *because from my perspective, this was my way out of homelessness – this was the solution the city was offering for thousands of New Yorkers in my situation.* But in two and a half years of looking for an apartment, no landlord will accept my voucher.

Consolidating the vouchers seems like a step in the right direction – the different programs have long been confusing to both homeless New Yorkers and landlords alike. But many people have unanswered questions and concerns about how these changes will impact them and why they will not go far enough. Here are my recommendations:

1. **Raise the amounts of the vouchers to meet fair market rent**: Rental assistance programs, like Section 8, have a proven track record that they work. What sense does it

make to pay $2026 per month in rent to have me stay in a shelter, when the city could fund a rental assistance program to give me a fair chance to find permanent housing?

2. **Loosen criteria for accessing vouchers:** Thousands of homeless people outside of the shelter system need access to rental assistance. The proposed rule puts difficult restrictions on people who are living in the street or are housed unstably.
3. **Programs should be permanent** so long as the individual or household meets the income eligibility. The rule change states that after 5 years, renewals are subject to "good cause." What does good cause mean and who decides? If someone continues to need the rental assistance, they should have access to it.
4. **HRA must get serious about confronting source of income discrimination**. During my housing searches, landlords regularly break the law and refuse to accept my voucher.
5. **Language matters**: At the bottom of my LINC IV voucher, it reads "money not guaranteed." If the city wants landlords to accept cityFHEPS, they should eliminate doubts landlords may have about the programs.
6. **Create a plan (with input from homeless New Yorkers)** to educate the public about who qualifies for the voucher, how to access the voucher, and any relevant details.

Without creating a voucher system that is respected by landlords and pays market rent this voucher consolidation is *just a name change. The reality remains the same: these vouchers are* a paper tiger with no teeth!

August 21, 2018

Testimony for the New York City Human Resources Administration (HRA) RE: CITYFHEPS Proposed Rule

***Submitted by**: Lani Shepard. Contact: 718-812-3268 / lanis888@yahoo.com*

Greetings everyone. My name is Lani Shepard, and I'm with the New York City Homeless Union. I have been living in the New York City shelter system since December 22, 2016. I have had a LINC voucher since 2017.

The consolidation of vouchers into a single voucher, City FHEPS, matters greatly to those of us who are homeless. For me there are two main reasons why.

1. Shelter conditions are terrible where I am.
    a. There is no sense of safety. Physical violence and bullying occur on a daily basis.

    b. The hygiene of the facility is very poor.

    c. There is a general lack of respect and professionalism by the staff. They don't appear to have had any training on how to defuse hostile situations, or how to work with mentally ill clients.

    d. Medication access is not handled by medically trained professional staff, and non-medical staff override doctor's orders on a regular basis.

2. Because of these conditions, it is clear that finding sustainable housing is vital to achieving stability and moving forward with my life.

Right now, there is no clarity among the current voucher system for clients or case managers. I am hopeful that consolidating the voucher system will lead to a simplification of the process as well as the time it takes to apply and receive the new City FHEPS.

My main concerns *around this consolidation* are as follows.

1. There needs to be proper training for all staff that will be working with clients seeking these vouchers, and there must be timely communication between city agencies, clients and landlords. Knowledge about how the

voucher system works should be easy to access, *not a maze for people in crisis to navigate*. Current HRA contracted case managers and housing specialists have little correct information to offer voucher holders. What is HRA's outreach plan, and how do they expect to communicate this consolidation to landlords?

2. Which brings me to my next concern - landlords do not accept vouchers now, what makes you think they will accept one with a new name? Source of income discrimination has kept too many people homeless for far too long.

3. *My other major concern is the voucher amount.* How do we find landlords who will accept the new vouchers, if the maximum rents we can lease are below fair market *rent? The number of apartments accessible to us at the voucher price is incredibly low, and often times 100's of voucher holders are vying for the same 3 or 4 apartments.*

My main recommendation for City FHEPS is that

1. the maximum rents meet the fair market rates charged in NYC.

2. *I also want to recommend creating a system where individuals with vouchers can access online accounts with their updated information about their voucher, including steps to take when you are discriminated against.*

3. Lastly, there is a definite need for individuals with severe mental health and other disability issues *who cannot function alone* to get *better* help moving out of the shelters.

Having to stay in a shelter is not something most individuals want to experience, and I hope you take our recommendations seriously.

August 21, 2018

Testimony for the New York City Human Resources Administration (HRA) RE: CITYFHEPS Proposed Rule

***Submitted by**: Harold Alexis. Contact: 518-870-3757*

Hello my name is Harold Alexis, and I am here with the New York City Homeless Union. I currently have the SEPS voucher, and I've had it for over 2 and a half years. I have been in the shelter for 5 years. In that time, I have had over 8 case workers, and they were all extremely limited in their ability to help me find housing. I have been searching for my own housing this entire time without assistance from anybody. While the voucher is a step in the right direction to get out of the shelter system, I am proof that these programs do not always work.

The city believes that consolidating the vouchers will be a significant improvement, but I expect that this will just cause a traffic jam of clients from all of the current programs who are looking for answers and help from HRA. Many HRA workers have been notoriously unhelpful with clarifying questions around the vouchers thus far. I worry that all of these changes will happen without proper education of workers or without informing clients in any meaningful way about changes to the vouchers, how to access it, and so on.

The proposed voucher has many of the same problems as the current programs. For example, $1,300 for an apartment is too low. Advertised costs are in the price range of 1,800 to 2,400. I'm not asking for $1,800. But fair market rent in New York City right now is $1,500. Looking for an apartment within the voucher price range that is livable, will pass city inspection and will actually accept the voucher is very difficult. I would challenge all of you sitting up there to try it out for yourself. See if you can find an apartment under the restrictions you have designed.

Additionally, some clients have found apartments, agree with the landlords, only to lose the apartment because the city fails to complete inspections in a timely manner. This has happened countless times to friends, and myself. I know that HRA has a policy that will pay rent on the apartment to hold it while the paperwork goes through, but case managers don't know that. Most

voucher holders don't know that. If you have this rule, you need to advertise it. You need to make sure landlords know it, and it is available to all voucher holders.

As a homeless New Yorker who has been stuck in the system for far too long, I ask that you go further in this process of consolidation and address the problems that I stated before to fix the broken pipeline for homeless people in NYC:

- ensure that DSS workers have all of the relevant answers and tools to answer our questions
- lay out a clear plan to communicate changes with clients and answer their questions
- raise voucher amounts to meet the fair market rent so that homeless New Yorkers
- complete city inspections in a timely manner so that homeless New Yorkers don't lose out on housing

Without addressing these problems, the programs will continue to fail thousands of people across the City.

New York City Anti-Violence Project
116 Nassau Street, 3rd Floor
New York, New York 10038
212.714.1184 voice |

Good morning. My name is Lolan Sevilla, and I am the Training Coordinator at the New York City Anti-Violence Project (AVP) - a crisis organization that serves LGBTQ-identified survivors of violence through services and advocacy. Thank you for this opportunity to speak on the new proposed rules concerning the consolidation of City rental assistance programs. As long time advocates for our clients and community members, we witness on the daily how transgender and gender non-conforming (TGNC) people are explicitly impacted by the intersections of housing insecurity, lack of economic access, and discriminatory practices; further compounded by rapidly gentrifying neighborhoods faced by all New Yorkers. Whether it is TGNC young adults aging out of shelters, or survivors of violence being denied access to crucial services, we have hope that CITYFHEPS and HRA will take into consideration the needs and barriers that the city's most vulnerable populations often face when trying to access their services.

Specific to the communities we serve at AVP, we have been able to compile data regarding the housing issues our clients experience as it relates to the proposed changes. For instance, the switch from LINC III to CITYFHEPS has left many of our clients without housing subsidies (because of new income requirements, or lack of information regarding how to access them, etc.). Most alarmingly, our clients have been unable to get safety transfers to move to new apartments under CITYFHEPS, because of a lack of a streamlined process responding to requests.

One proposed rule says "applicants and shelter residents are responsible for identifying potential housing." Yet, a majority of our clients are also facing huge difficulties in getting landlords to accept housing subsidies due to skyrocketing rent prices and landlords often not getting paid on time through these subsidies. Clients who are LGBTQ (specifically TGNC) face double-edged discrimination by landlords because of their gender identity and/or sexual orientation in tandem with their housing subsidies. Given this, recipients of CITYFHEPS should receive support in securing housing from case managers and their counterparts.

We ask that rules such as needing to be on Public Assistance or stipulating work requirements in order to qualify for CITYFHEPS be drafted with enough nuance to consider the many barriers that TGNC survivors of violence often face. Thank you for your consideration of these comments, and I look forward to working with HRA in making a CITYFHEPS final rule in line with the needs to TGNC-identified New Yorkers.

Covenant House New York

460 West 41 Street, New York, NY 10036 • 212-613-0300

Testimony to the New York City Human Resources Administration

August 21, 2018

Good morning. My name is John Sentigar and I am a member of the advocacy team at Covenant House New York, where we serve runaway and homeless youth, ages 16 to 24. I would like to thank the New York City Human Resources Administration (HRA) for the opportunity to testify today.

Covenant House New York (CHNY) is the nation's largest, non-profit adolescent care agency serving homeless, runaway and trafficked youth. During this past year, CHNY served over 1,600 young people in our residential programs, as well as through our drop-in center and street outreach efforts. On a nightly basis, we provide shelter approximately 200 young people, including pregnant women and mothers with their children, LGBTQ youth, and commercially sexually exploited youth and trafficking survivors. Our youth are primarily people of color and over a third of our youth have spent time in the foster care system. Many of our youth have experienced abuse or neglect at the hands of parents or other caregivers, and a disproportionately high percentage of our youth struggle with the pervasive impacts of trauma, mental health issues, and substance abuse. We provide young people with food, shelter, clothing, medical care, mental health and substance abuse services, legal services, high school equivalency classes and other educational programs, and job-training programs. All of these services help young people overcome the trauma of abuse, homelessness, and exploitation and move toward stability.

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First and foremost, we appreciate and applaud HRA's proposal to amend Title 68 of the rules of the City of New York to establish a new city rental assistance program entitled CITYFHEPS. Creating a single streamlined program will enable HRA to more effectively and efficiently administer the various city funded rental assistance programs targeted to households in or at risk of entry to shelter. Streamlining these programs will ease much of the burden and unnecessary bureaucracy for those trying to navigate a complex city system as they seek to find the most basic need of shelter.

We are also grateful that, for the first time, there is a possibility that a homeless youth receiving services from a DYCD funded shelter could receive a housing voucher from HRA, and in this case be eligible for CITYFHEPS rental assistance. At CHNY, we know how crucial these housing vouchers can be. Time and time again our dedicated and experienced aftercare housing managers struggle to find housing options for young people who were about to leave Rights of Passage (ROP), our transitional living program (TIL), even when the client met all of their individual and program goals. For example, Destiny [1] was one of our stars in ROP. She was a young mother to a precocious and adorable two-year-old boy, and she was determined to continue her education so that she could one day be a pharmacist. Destiny was getting straight A's in her second year at a CUNY school, while also working at a drugstore. Yet she always found time to be a loving and attentive mother. Destiny juggled it all with such aplomb that adult working mothers wondered how she found the energy. She also saved her money every month, as she had her eye on the future and was looking forward to the day where she and her son could have a home of their own. But despite the fact that she saved her money in amounts greater than

[1] Names and some identifying information have been changed to protect the client's identity.

our ROP program required, our aftercare housing department struggled to find her a decent apartment. If only she could have been eligible for a housing voucher, Destiny and her son would have had the housing options that they deserved.

If we have trouble finding housing for our best/model residents, it should not be surprising that finding appropriate aftercare housing is a major obstacle for a majority of the young people that we serve. This can create a bottleneck as a young person in our crisis program will not be able to move into our TIL until there is a bed available. Yet we will not release that bed until we can be assured that the young person exiting our TIL has an appropriate place to stay.

Ultimately youth who have successfully completed a TIL need access to affordable housing, and a voucher through HRA would be an essential tool in making that happen. However, since our clients are receiving services from a DYCD funded shelter instead of an HRA funded shelter, they are currently denied any opportunity to receive an HRA voucher. It simply does not make sense that because a person is accessing services through a different city agency, one that specializes in developmentally appropriate services for their age group, they should be denied a major pathway to achieving housing stability. We are therefore grateful that this new proposal allows an opportunity for young people in DYCD shelters to gain a voucher through the CITYFHEPS program.

Although the proposed rules do provide an avenue for a youth in a DYCD shelter to receive a CITYFHEPS voucher, it seems to be written as an exception as opposed to allowing for general eligibility for DYCD youth in the CITYFHEPS program. In order to be eligible for

CITYFHEPS, the regulation requires that the individual be referred by the Commissioner of another city agency and that the HRA Commissioner determine that due to the particular circumstances of the household, CITYFHEPS rental assistance is needed to avert entry to a DHS shelter. This language is vague and does not specifically state what circumstances must be met for the HRA Commissioner to approve CITYFHEPS rental assistance. CHNY echoes the concerns of the Coalition for Homeless Youth that the lack of categorical eligibility for anyone who is in any sort of city shelter implies that these resources will only be available on a limited basis. We strongly believe eligibility for CITYFHEPS should be based on someone's lived experience with homelessness and not dependent on which agency they have sought shelter from. We therefore recommend that any young person who receives services from a DYCD provider be granted equal access to CITYFHEPS. If equal access is not possible, the next best alternative would be to have clearly defined referral guidelines and processes instead of leaving it up to the Commissioner's discretion, which could result in too many young people like Destiny falling through the cracks.

In the same vein, instances in the proposed regulation where the term "DHS contracted outreach provider" is used should be replaced with "outreach provider." DHS Street outreach providers are only one of many outreach providers who interact with the homeless in New York City. Others include: DYCD funded outreach providers, federally funded outreach providers, Port Authority, MTA and others. It again is both illogical and unjust that whether a homeless person is eligible for CITYFHEPS assistance is dependent solely on which outreach team they come in contact with.

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We also have the following recommendations:

- In Section 10 – 03 (a) (2) and (3) and 10 – 04 (a) (3), the proposed rules would require that all individuals who receive CITYFHEPS and are eligible for public assistance (PA) apply for PA. Although we believe that it is a fair requirement to require those receiving CITYFHEPS to apply for PA, many of the young people we serve have difficulty applying for PA often because their parents refuse to remove them from their PA case. DYCD providers need help alleviating these barriers and we ask that HRA and DYCD work together to establish clear policies and procedures that will help young people applying for PA.
- Section 10 – 04 (b) "Qualifying shelter stay". As we mentioned previously, time spent in a DYCD crisis shelter or TIL should count as a qualifying shelter stay, as this important program should not be limited to only those who stayed in a DHS shelter. We join our voices with Homeless Services United in asking that when counting the cumulative time spent in any shelter for the 90 day requirement that the clock should not reset for clients when they transition from one type of shelter to another. Homeless young people are transient and in crisis and often need to change shelters and plans due to their rapidly changing needs and circumstances, and this should not be held against them.
- Also in section 10 – 04 (b), we recommend that the 90 day period that is needed before certification should be lowered to 45 days. This is because DYCD crisis

shelters have an initial 60 day limit and HRA DV shelters have an initial 90 day limit. It is important to do long term housing planning early in a client's stay in a crisis shelter so that we can be assured that they will have somewhere safe to go when their allowable time runs out. 90 days is already after their initial allowable stay in a DYCD shelter.

We again thank you for the opportunity to testify today. We are greatly optimistic that streamlining prior rental assistance programs into CITYFHEPS along with adding these recommendations will go a long way toward ensuring that every vulnerable New Yorker has a place to call home.

coalition
for the
homeless

THE
LEGAL
AID
SOCIETY

Testimony of
Coalition for the Homeless
and
The Legal Aid Society

on

Streamlining Rental Assistance Programs: CityFHEPS and Pathway Home

presented before

New York City Human Resources Administration

Giselle Routhier
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Coalition for the Homeless

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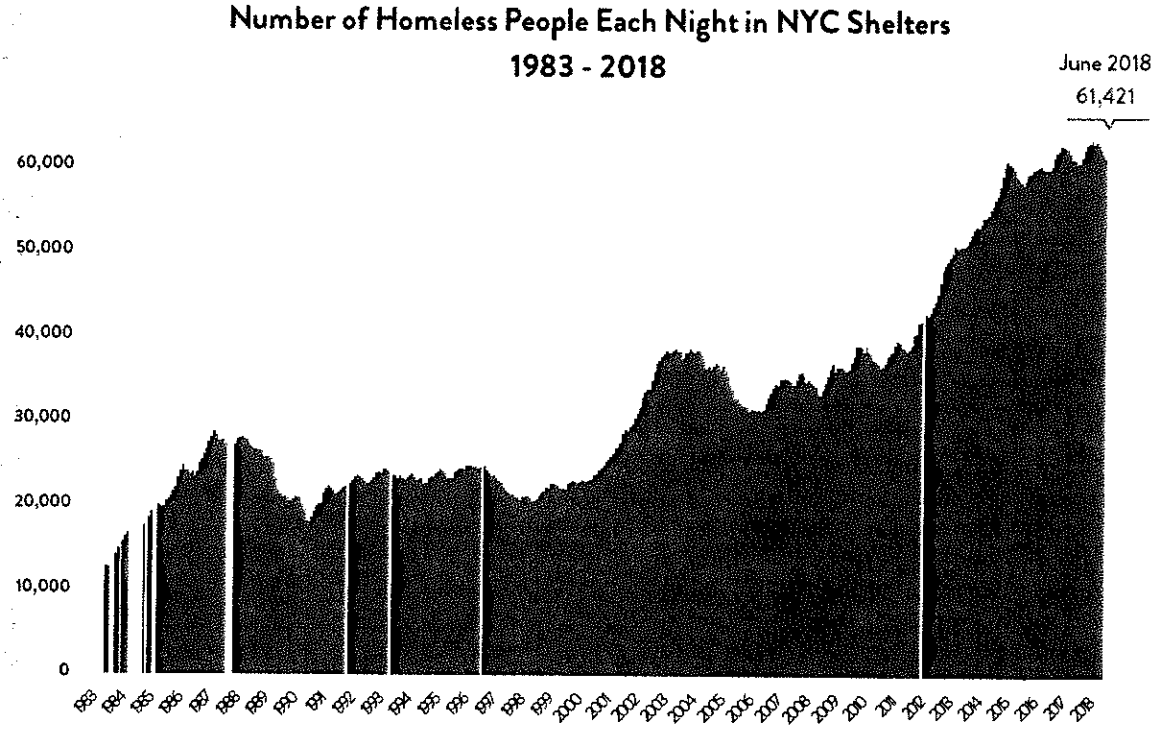
The Legal Aid Society

August 21, 2018

The Coalition for the Homeless and The Legal Aid Society welcome this opportunity to testify before the New York City Human Resources Administration (HRA) regarding the restructuring of rental assistance and transforming it into CityFHEPS and Pathway Home.

Record Homelessness in NYC

New York City remains in the midst of the worst homelessness crisis since the Great Depression. Each night, more than 61,400 New Yorkers sleep in City shelters, including over 22,000 children and nearly 17,000 single adults.



Source: NYC Department of Homeless Services; LL37 Reports
Data include individuals in DHS municipal system, Safe Havens, stabilization beds, veteran's shelters, criminal justice beds, and HPD emergency shelters.

The Coalition and Legal Aid have repeatedly encouraged the City and State to address the root cause of homelessness – the lack of affordable housing – through proven-effective policies, including rental assistance, new housing development, supportive housing, and public housing (NYCHA). When Mayor de Blasio launched the initial City-funded rental vouchers (LINC) in the fall of 2014, it marked an important shift toward providing a greater range of housing options to New Yorkers in shelter, which were severely lacking at the time. However, as the LINC program grew and the City established additional rental assistance programs, shelter residents, staff, landlords, and advocates were often confused as to how they worked. A 2017 settlement in Legal Aid's *Tejada* case expanded a similar State subsidy, which was renamed FHEPS, and increased the rent supplement levels, creating an additional layer of change.

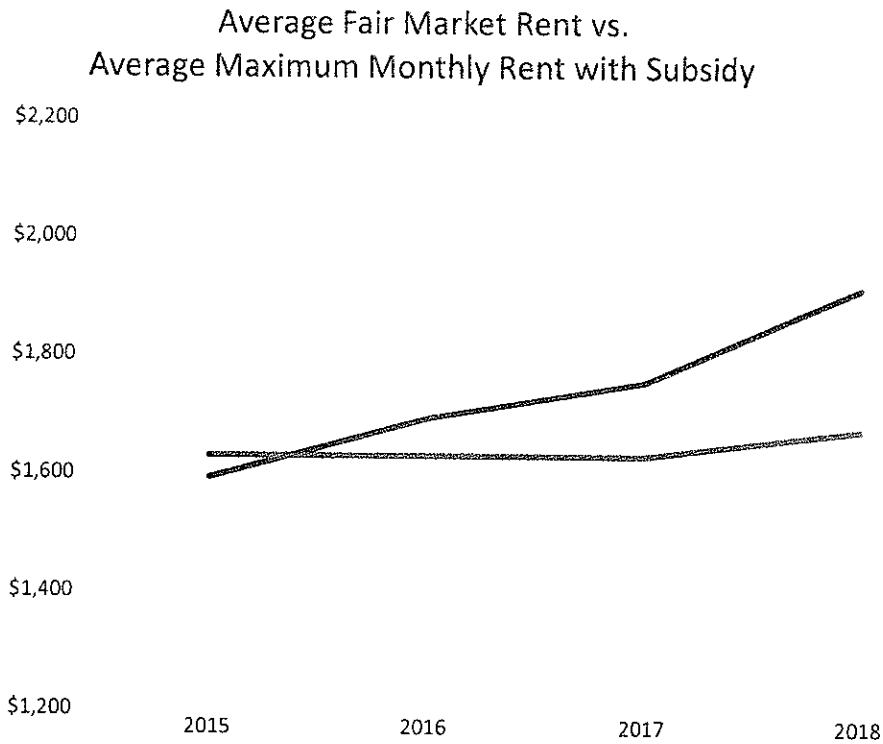
We thank DSS for beginning the process of streamlining its vouchers. While the proposed CityFHEPS and Pathway Home rules may in some cases increase assistance and protections for

New Yorkers at risk of entering shelters or already homeless, they also have the potential to exclude certain vulnerable populations and pose new challenges for implementation. Furthermore, the rules are not fully clear on some important points.

Maximum Monthly Rents Should Match Fair Market Rent Levels

§10-08 and §11-04 detail the maximum monthly rents, which are below fair market levels. We believe these levels should be increased to Fair Market Rent (FMR) levels and indexed accordingly. Current market forces make it almost impossible for low-income families to reside in New York City, and the rents should be at levels that allow families to find and maintain apartments and avoid entry into the shelter system. As the chart and graph below demonstrate, when CityFEPS was first introduced in 2014-15, the maximum monthly rents were set above FMRs, but as the FMRs have increased since that time, their value is now approximately $250 below the FMRs. The consolidated subsidy does not help close this gap and begins rent levels an average of $240 under FMR. As shown in the graph, this gap will only grow in the coming years, making it increasingly difficult to obtain an apartment with a voucher.

Apartment Size: Household Size 1-8 People	**Studio / Efficiency: 1**	**1-Bedroom: 1-2**	**2-Bedroom: 3-4**	**3-Bedroom: 5-6**	**4-Bedroom: 7-8**
Original FHEPS/CityFEPS	$1,213	$1,268	$1,515	$1,956	$2,197
2015 FMR	$1,196	$1,249	$1,481	$1,904	$2,134
2016 FMR	$1,293	$1,357	$1,571	$2,021	$2,224
2017 FMR	$1,352	$1,419	$1,637	$2,102	$2,267
2018 FMR	$1,514	$1,558	$1,789	$2,280	$2,437
2018 Proposed CityFHEPS	$1,246	$1,303	$1,557	$2,010	$2,257
Real Rent Shortfall	($268)	($255)	($232)	($270)	($180)



	2015	2016	2017	2018
Average Rent	$1,593	$1,693	$1,755	$1,916
Subsidy Amount	$1,630	$1,630	$1,630	$1,675

Data for this graph came from the above chart. The Average Maximum Monthly Rent with Subsidy was created by averaging the original CityFEPS and State FHEPS rates between 2015-2017 and the proposed State FHEPS rates and proposed CityFHEPS for 2018 for studio apartments (household of 1 person) to four-bedroom apartments (household of 7-8 people). The Average Fair Market Rent rates are the average of FMR for studio apartments (household of 1 person) to four-bedroom apartments (household of 7-8 people).

Homelessness Prevention Avenues Should Be Maintained

Since 2014, nearly 6,000 households have accessed rent subsidies in the community and avoided costly and traumatic shelter stays. The existing City rental assistance programs provide a valuable tool to prevent homelessness by allowing households from the community to participate, meaning that applicants do not need to become homeless and enter a shelter in order to be eligible for a voucher. Under the newly written rules, many individuals and families who are currently able to avoid entering shelters by accessing existing programs may not qualify for assistance under CityFHEPS or Pathway Home. The existing CityFEPS program is currently available for some households who do not qualify for State FHEPS because they do not qualify for cash assistance.[1] Without a guarantee that these families will also be served in the new subsidies, the adoption of CityFHEPS may increase the number of individuals and families who may be forced to enter shelters before qualifying for housing assistance.

[1] These families include people with a significant work history who are no longer able to work because of disability benefits such as SSDI. Once their benefits go over the public assistance cut-off by even $1, they are categorically ineligible for FHEPS and, under the proposed rule, CityFHEPS or Pathway Home.

Legal Aid's client, Ms. Hernandez,[2] is 31 years old. She lives with her husband, 13-year-old daughter, and 4-year-old son. Ms. Hernandez has built a strong support network in the community, which includes her children's health care providers as well as her mother who lives nearby. The children are also enrolled in neighborhood schools within blocks of her apartment. She currently works as a home health aide, earning approximately $1,600 per month. Her rent is close to $1,500 per month, and she is unable to afford it on her salary alone. As a result, her landlord brought a non-payment proceeding against her in Housing Court.

Ms. Hernandez was previously able to afford the rent because she had an open public assistance case and received a FEPS rent subsidy. However, after she began working in June 2017, her public assistance case was closed because her income was too high for cash assistance and her rent subsidy ceased. After receiving eviction papers, Ms. Hernandez tried to come up with a solution to pay her ongoing rent and arrears. She visited two HomeBase sites – CAMBA and Catholic Charities. She also applied for a rental arrears assistance grant, but her application was denied because she couldn't show how she would be able to pay her rent into the future. After her application for a rental arrears assistance grant was denied, Ms. Hernandez retained The Legal Aid Society in April 2018. After four months of advocacy, Ms. Hernandez's application for a CityFEPS exception was approved, averting her loss of housing by allowing her to pay an affordable $435 per month, while the remainder of the rent is covered by the subsidy.

Ms. Hernandez's story shows how the current CityFEPS program can effectively prevent homelessness. As a former FEPS recipient who started working, Ms. Hernandez is not eligible for the new State FHEPS subsidy, nor would she be eligible for CityFHEPS under the proposed rules. However, without rental assistance, Ms. Hernandez could not have been able to afford her family's market-rate apartment, and she and her family would have been forced into the shelter system. She has worked tirelessly to create stability for her children in the neighborhood they call home, and absent her rental subsidy, the lives of her family members would have been thrown into chaos.

With stagnating low wages and a skyrocketing real estate market, the current CityFEPS program provides a crucial homelessness prevention tool for individuals trapped in what is referred to as the "benefits cliff" – people whose wages are too high to entitle them to public assistance but not high enough to support the cost of living in New York City. Without a similar way to make exceptions under the consolidated CityFHEPS, Legal Aid clients like Ms. Hernandez and countless other current recipients of the CityFEPS exception supplement will be at imminent risk of homelessness. This issue should be addressed with a change to the proposed rules. Or, at the very least, HRA should maximize the period during which they will accept CityFEPS applications before this exception disappears.

In addition to the above concerns, it appears §10-013 (a) (7) of the proposed regulation requires a household to have a lease before being given CityFHEPS eligibility. This would effectively prevent the use of the benefit to families who do not currently have a lease but who could be

[2] Names have been changed to protect client privacy.

prevented from becoming homeless either by obtaining a lease renewal or locating a new apartment with the guarantee of rental assistance. This should be clarified and fixed.

Limited Eligibility Excludes Vulnerable Homeless Populations

The regulations as written would largely exclude vulnerable New Yorkers who are homeless, but not in contact with a DHS or HRA shelter. For example, §§10-01 and 10-03 define "CITYFHEPS qualifying programs," which allow for certain agencies to prevent or abbreviate a stay in a DHS or HRA shelter by making a referral for a voucher. However, there are no standards or procedures to regulate how clients will be referred from these qualifying programs, and the lack of categorical eligibility for anyone who is homeless implies these resources will only be available on a limited basis. Eligibility for CityFHEPS should be based on lived experience of homelessness, not specific to DSS system contacts.

One group of the qualifying programs are the Department of Youth and Community Development (DYCD) shelters, which serve runaway and homeless youth (RHY). Youth in these shelters currently have no access to housing assistance that will bring them out of temporary shelters other than supportive housing, which has restricted eligibility and is not appropriate for all youth experiencing homelessness.[3] Youth shelter stays are time-limited by both State and City laws and regulations,[4] which shortens the amount of time youth have to access permanent housing resources. Without an automatic referral for a youth in a DYCD-funded program, this population will be effectively prevented from accessing a critical supply of affordable housing resources. We ask that HRA reconsider this provision and allow for all homeless youth residing in DYCD shelters to access these rental vouchers automatically, by reason of their current homelessness.

Whether the new CityFHEPS will work with SCRIE and DRIE is not sufficiently elaborated. SCRIE and DRIE require a contribution of 33 percent of the participant's income, but the new subsidy requires only a 30 percent contribution. HRA should ensure the populations benefitting from SCRIE and DRIE are able to do so and use vouchers simultaneously.

Another necessary clarification concerns §10-04, which specifies an eligibility requirement of "qualifying subsidized employment programs" without giving any examples of such programs.

We ask that HRA look into how the CityFHEPS rule prioritizes certain households and adjust the rule to make it as inclusive as possible for households at risk of homelessness or currently homeless.

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[3] The Coalition for Homeless Youth received data through a FOIL request showing that from July 2017 to January 2018, only 48 out of the 2,209 youth (approximately 2 percent) were discharged from DYCD Crisis and Transitional Independent Living programs to their "own apartment." This is backed up by the City's own research, which also found that having a "subsidized exit substantially reduced the likelihood of both future system use and being a high service user in all models – by about two-thirds and 85%, respectively." https://www1.nyc.gov/assets/cidi/downloads/pdfs/housing-trajectories-of-transitionage-youth.pdf

[4] See *Local Law 87-2018*, which requires New York City to offer runaway and homeless youth up to 120 days for a crisis program and 24 months for a transitional independent living program as outlines in §§ 532-b, 532-d, and 420 of the State executive law.

Lease Renewals Should Be Required

We are extremely concerned that the new rule removes the requirement for landlords to provide a lease renewal. The landlord requirements in §10-14 of the proposed regulation do not include language from previous rent subsidies that guaranteed lease renewals to participants. Ensuring that voucher recipients have renewal leases to avoid cycling back into shelters is critical. Without this language, participants in unregulated apartments are at significant risk of not receiving a renewal lease after their first year in the housing unit, despite maintaining eligibility for the subsidy. Since approximately two-thirds of families moving out of shelters with a voucher move into unregulated apartments, this would undoubtedly lead to a greater percentage of individuals and families subsequently returning to the shelter system. We strongly encourage the City to restore this language. If the City refuses to reinstate this requirement, they could alternatively gradually pay out the signing bonus over multiple years, in order to deter landlords from evicting tenants after one year and claiming a new signing bonus for the next tenant. Additionally, we propose that DSS refuse to grant landlords an additional bonus if they have previously refused to renew a voucher recipient for the same apartment.

§10-08 (c) (3) allows households to receive additional annual renewals after their fifth year if, "[t]here is good cause for renewal as long as the household maintains eligibility." Information about who will make these determinations and what criteria will be used should be specified in the revised rule.

Ambiguities in the New Rules Should Be Clarified

§§ 10-03(a) (7) and 10-04(d) of the proposed regulation refer to a "safety and habitability assessment." As advocates, we often learn about terrible conditions under which our clients live while using vouchers. We urge the City to set an explicit and appropriately high standard for this assessment to ensure that clients exiting shelters are entering safe, habitable environments, free from the pressures of unscrupulous landlords. Similarly, §10-05 (2) does not list any paperwork that the City will require to allow for room rentals in rent-stabilized or rent-controlled apartments, such as proof in the lease that the sublet is legal, allowable, and safe.

§ 10-06 (d) specifies that some households will receive access to additional rent payments up front to facilitate moves, but there are no criteria or factors listed as to what information will be used to make these determinations. These should be clearly specified.

§10-12 describes the requirements of program participants but does not have language ensuring that participants are given information about how they can remain in compliance. For example, according to § 10-12 (h), households must apply for EITC, CTC, etc. to be in compliance with program rules; therefore, information about these benefits should be provided. Similarly, § 10-12 (i) requires participants to seek all appropriate services, but it is unclear how this information is to be communicated, who is to share possible resources with clients, and whether aftercare is included.

We are concerned that the appeal process for both CityFHEPS and Pathway Home described in the proposed regulations provides for aid to continue only if the appellant raises an issue relating to the calculation of the benefit or an "incorrect factual determination" (see § 10-13 (e) (1) (B) and § 11-06 (e) (1) (B)). Aid to continue should also be provided for appeals based on a

household's inability to comply with program requirements due to a disability that the agency has not accommodated. § 10-13 (e) (1) (B) and § 11-06 (e) (1) (B), which discuss the appeal process for CityFHEPS and Pathway Home, do not make any mention of this legal right.

Conclusion

Thank you for the opportunity to testify. We hope HRA and the City will consider adjusting the rental supplements to address the concerns we have raised. We welcome further opportunity to discuss these and other suggestions, and are happy to answer any questions.

About The Legal Aid Society and Coalition for the Homeless

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State, and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 1,100 lawyers, working with some 800 social workers, investigators, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

The Legal Aid Society is uniquely positioned to speak on issues of law and policy as they relate to rental assistance. Last year, the Society's Civil Practice provided free direct legal assistance in more than 48,500 cases and legal matters through neighborhood offices in all five boroughs, and 23 specialized units, of which the Homeless Rights Project is one. The Legal Aid Society is also counsel to the Coalition for the Homeless and for homeless women and men in the *Callahan* and *Eldredge* cases. The Society, along with institutional plaintiffs Coalition for the Homeless and

Center for Independence of the Disabled – NY, settled *Butler v. City of New York* on behalf of all disabled New Yorkers experiencing homelessness. Our Criminal Practice handles over 220,000 trial and post-conviction cases a year, some of which arise out of arrests predicated on our clients' homeless status. Legal Aid's Juvenile Rights Practice provides comprehensive representation as attorneys for children who appear before the New York City Family Court in abuse, neglect, juvenile delinquency, and other proceedings affecting children's rights and welfare. Last year, our staff represented approximately 34,000 children. Our perspective comes from daily contact with New Yorkers and their families, and also from our frequent interactions with the courts, social service providers, and State and City agencies.

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.

Testimony of

Jamie Powlovich
Executive Director
Coalition for Homeless Youth

On

Streamlining Rental Assistance Programs: CITYFHEPS and Pathway Home

Presented before

New York City Human Resources Administration

August 21, 2018

CHY is thankful that over two years after the Mayor stated homeless youth in DYCD programs would be given access to rental subsidies in his 90-day review,[2] we are now seeing that come to fruition in the proposed rule for CITYFHEPS. CHY believes that if the recommendations outlined below are accepted, youth experiencing homelessness in NYC will finally have an equal opportunity to obtain their own apartment and exit homelessness.

Recommendations

1.) **Regarding §10-01 and §10-03**

Proposed regulations note that "CITYFHEPS qualifying programs" could include referrals from youth in Department of Youth and Community Development (DYCD) programs that are "at-risk" of entering the DHS system. However, it is not specifically stated what would qualify a youth in DYCD programs to be eligible, and the lack of categorical eligibility for anyone who is homeless implies these resources will only be available on a limited basis. We feel that eligibility for CITYFHEPS should be based on someone's lived experience with homelessness, not specific to DHS system contacts. We recommend that HRA allow for all homeless youth that receive services from a DYCD contracted Runaway and Homeless Youth provider to be given equal access to CITYFHEPS automatically, based on the fact that they are currently homeless.

Similarly, we recommend that the term "outreach provider" be used in lieu of "DHS contracted outreach provider" in the proposed regulations. DHS Street outreach providers are only one of many outreach providers who interact with the homeless young people in New York City. Others include: DYCD funded outreach providers, federally funded outreach providers, Port Authority, MTA and others. A homeless young person should not be found ineligible for CITYFHEPS assistance because they sought support from non-DHS outreach staff.

2.) **Regarding §10-03(a)(2) and (3) and §10-04(a)(3)**

These proposed rules would require all CITYFHEPS recipients eligible for Public Assistance (PA) to apply for PA. Although we understand the need for a recipient of CITYFHEPS to have an active PA case, we feel that it is important that DYCD work with HRA to establish clear policies and procedures to alleviate the current barriers that homeless youth and young adults face when trying to open their first PA case. This must include situations where youth and young adults are listed under a guardian's case whom they no longer reside with, and need to be removed before establishing their own case.

3.) **Regarding §10-4**

As stated in recommendation #1, time spent in a DYCD crisis shelter or TIL should count as a qualifying shelter stay and should not be limited to only those who stayed in a DHS shelter.

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[2] Mentioned on page 20 of the *Turning the Tide* report. http://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf as well as the 90-day review report at: http://www1.nyc.gov/assets/home/downloads/pdf/reports/2016/90-day-homeless-services-review.pdf

We agree with the recommendation proposed by other advocates that when calculating the time that an individual has spent in shelter for the purpose of meeting the 90-day requirement, it should not matter if they have transitioned between types of shelter (DYCD, DHS, HRA). DYCD discharge data shows that youth experiencing homelessness often move in and out of systems, and this should not be held against them.

4.) **Regarding §10-08 and §11-04**
We support the recommendation put forth by The Legal Aid Society and The Coalition for the Homeless regarding the maximum monthly rents, which are below fair market levels. We believe these levels should be increased to fair market rate (FMR). If the voucher rates do not reflect the realistic rents in the city, then it will make it almost impossible for individuals to secure apartments with the vouchers in today's rental market.

5.) **Regarding §10-14**
The proposed regulation does not include the same guaranteed lease rental language as the previous rental assistance programs did, and therefore would put youth that secure unregulated apartments through CITYFHEPS at serious risk of not having their lease renewed after the first year, despite maintaining eligibility for the program. This would increase their risk of returning to homelessness. We recommend that the City re-add this language to help alleviate the chance that someone may be forced back into homelessness unnecessarily.

Conclusion

To conclude, the Coalition for Homeless Youth is thankful that homeless youth receiving services from DYCD will now have access to rental assistance through the CITYFHEPS Program, and hope that HRA and the City will include the recommendations that we have outlined in the final rule. Thank you for the opportunity to testify today.

SAFETY NET ACTIVISTS

Supported by the Safety Net Project at the Urban Justice Center

PETER MALVAN TESTIMONY
CITY OF NEW YORK DEPARTMENT OF SOCIAL SERVICES
CITYFHEPS RENT VOUCHERS
8/21/18

The New York City Council enacted a coordinating council to work together on ending Homelessness in the City, to make their cooperative effort, and communication transparent. This council is supposed to include Government Agencies with the work of ending Homelessness as a goal to include major housing providers and consumers. The New York City Continuum of Care is supposed to report annually to City Council with their progress and accomplishments. Currently the NYCCoC is not functioning as designed.

The New York City Human Rights Commission is a City agency which brings legal action for those who are denied housing due to their income. NYCCHR placed funding into their Source of Income Discrimination SOI department for the purpose of fighting for the rights of Homeless and low income New Yorkers. Why aren't Department of Homeless Services Shelter residents, which are discriminated against, referred to the Human Rights Commission SOI? DHS Shelters are not "Public Accommodation."

New York Housing Connect site there has been an inordinate number of listings of "Affordable Housing" with tax breaks that are thousands of dollars above the amounts reflected on the consolidated vouchers. In recent months, those looking for housing have had to play devil's advocate in order to have some idea why the vouchers are not being accepted by brokers, landlords, and management companies. Possible reasons sighted have been the fact that rent vouchers indicate no financial obligation of the part of NYC to pay the rent.

Voucher payments come through agencies, which have been known to pay in partial payments from 2 to 4 times per month. New York State which funds some of the vouchers has pulled out of voucher programs in past. Statements such as vouchers will be extended beyond years for those with "Good Cause," and for those who continue to maintain eligibility becomes a disincentive for those who are striving to become more independent. Housing becomes at risk and therefore progress and independence forever unachievable! This has potential to place single adults, couples, and families back into the Department of Homeless Services shelter system yet again.

What is in the new consolidation of vouchers that addresses these issues?

END NOTES

New York City Human Rights Commission NYCCHR Source of Income Discrimination
https://www1.nyc.gov/site/cchr/media/source-of-income.page

Peter Malvan contact information
jhh_pmalvan@hotmail.com

WENDY O'SHIELDS TESTIMONY
CITY OF NEW YORK DEPARTMENT OF SOCIAL SERVICES
CITYFHEPS RENT VOUCHERS

8/21/18

My name is Wendy O'Shields I am testifying as a Housing Advocate and a member of the Safety Net Activists. I have a few suggestions for the CITYFHEPS Vouchers.

1. CITYFHEPS RENT VOUCHERS ARE INADEQUATE PLEASE SEE THE SUPPORTING DATA WITH MARKET RENTS AND MARKET RENT AVERAGES BY BOROUGH.
    a. CITY REALITY MAY 2018 AVERAGE RENTS BY BOROUGH.
        i. REFERENCE THE MAP ON PAGE 2.
    b. RENT JUNGLE JULY 2018 AVERAGE RENT PER MONTH FOR NEW YORK NY IS $3616.00
        i. $3616.00 is an increase of 13.25% from 2017
        ii. $3585.00 a .86% increase from June 2018
        iii. Additional data from 2011 – 6/20/18
    c. CITYFHEPS RENT VOUCHERS BEGIN AT $1246.00 PER MONTH.

2. CITY OF NEW YORK DEPARTMENT OF SOCIAL SERVICES' DISCLAIMER, WHICH STATES THE CITY, DOES NOT AGREE TO PAY THE RENT SHOULD NOT BE INCLUDED ON THE CITYFHEPS VOUCHER. MANY LANDLORDS ARE REJECTING RENT VOUCHER HOLDERS BECAUSE OF THIS DISCLAIMER.

3. DOES THE CITYFHEPS RENT VOUCHER KEEP A LOW INCOME TENANT IN THEIR APARTMENT AND OUT OF THE DEPARTMENT OF HOMELESS SERVICES SHELTER SYSTEM?

4. CITYFHEPS RENT VOUCHERS SHOULD PROTECT RENT STABILIZED TENANTS THAT MEET THE ELIGIBILITY REQUIREMENTS. LESS LOW INCOME, NEW YORKERS HEADED FOR THE DHS SHELTERS.

I thank you for considering my suggestions let us ensure that New Yorkers Homeless or Housed are protected by the CITYFHEPS Rental Voucher.

From: Carol Corden [mailto:ccorden@newdestinyhousing.org]
Sent: Wednesday, August 01, 2018 5:35 PM
To: NYC Rules
Subject: Comments on Proposed CITYFHEPS Rule

I want to express my agency's gratitude to HRA for undertaking the consolidation of LINC, SEPS, and CityFEPS. The proposed program, CITYFHEPS, addresses many of the problems--e.g., conflicting rent levels and requirements and the 5 year time limit --of the existing programs. In reading the proposed rules, it is clear that the City has taken into consideration many of the criticisms made by housing developers, property managers, advocates, and social services providers of the existing array of subsidies.

New Destiny's comments/questions are as follows:

• What is the inspection process for the CITYFHEPS apartments and who will be responsible for conducting inspections? The differing inspection standards used by Section 8 and CityFEPS and LINC has been another source of confusion, with landlords preferring to take rental subsidies that have a less stringent inspection process. Will the inspection of CITYFHEPS apartments follow the same or similar standards as the Section 8 inspection?

•How will CITYFHEPS and the State FHEPS be coordinated? Will the same unit at HRA be handling both programs? How HRA coordinator CITYFHEPS with HPD/NYCHA Section 8? What will be the critieria used for allocating various subsidies?

•Maximum rents by household size are noted in Section 10-05 (a). Can CITYFHEPS be used for any size unit? In other words, if a landlord will accept CITYFHEPS subsidy at the maximum allowable rent level for a 2-bedroom unit for a 1- or 2-person household, would that be acceptable to HRA?

•Will undocumented individuals pursuing legal status be eligible for CITYFHEPS?

•Can CITYFHEPS be used outside NYC is a homeless household finds housing in, for example, Westchester or Long Island?

•The rules mention "designated social service providers" in Section 10-12 (i) and again refer to "service providers" in Section 10-15(f). How will providers (other than HomeBase) be selected and how will CITYFHEPS recipients be linked to them? One of the weaknesses of the LINC program was that LINC recipients did not understand program requirements and did not understand where to go for help. How will CITYFHEPS address this issue?

•What is the estimated number of households to be assisted under CITYFHEPS?

Will the centralization of processing of CITYFHEPS and the State FHEPS program result in any efficiencies for landlords in terms of paperwork required and check distribution?

carol corden
executive director
new destiny housing
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646.472.0262 ext. 11
Visit our website: www.newdestinyhousing.org

From: Andrea Bowen [mailto:andy@bowenpublicaffairs.com]
Sent: Thursday, August 16, 2018 3:10 PM
To: HRA Rules
Subject: CITYFHEPS

Dear HRA staff,

I, Andrea Bowen, Principal of Bowen Public Affairs Consulting, a consulting firm that works with many LGBTQ organizations, welcome the opportunity to speak about the new proposed rules concerning the consolidation of City rental assistance programs. Transgender, gender non-conforming, and non-binary (TGNCNB) people are affected by housing insecurity and injustice in a myriad of ways, from TGNC youth being thrown out of their homes, to inability to afford housing. TGNC people, as with many New Yorkers, are priced out of rapidly gentrifying neighborhoods. A 2015 survey from the New York State LGBT Health and Human Services Network showed that 29.4% of TGNC NYC respondents reported ever having been homeless, compared to 16.2% of cisgender LGB respondents.[1] NYC's Public Advocate, Letitia James, has spoken to the need for increased action around protecting TGNCNB peoples' rights to nondiscrimination and access to housing.[2] TGNCNB community members who took part in forums conducted in all five boroughs in 2016 and 2017 asked for greater access to affordable housing, and support for TGNCNB people experiencing housing discrimination.

With that background, I am making the following recommendations around these CITYFHEPS rules. I will reference the specific sections of the proposed CITYFHEPS rule for which I request modification below:

§ 10-01(f)
Proposed regulations note that CITYFHEPS qualifying programs could include referrals from DYCD. **There should be explicit language making residents of Runaway and Homeless Youth (RHY) programs —those who have aged out—eligible for CITYFHEPS.**

§ 10-03(a)(6)(B) and §10-04(8)
Proposed HRA regulations regarding CITYFHEPS focus on allowing eligibility for vulnerable populations, including veterans, residents of three-quarter housing, people who utilize services through the Administration for Children's Services, Department of Correction, and Department of Youth and Community Development, and more. **Given the history of homelessness and housing discrimination faced by transgender, gender non-conforming, and non-binary (TGNCNB) people, TGNCNB people should be among a set of populations that require an exception to usual eligibility requirements in receipt of CITYFHEPS—TGNCNB identity should be a qualifying factor that makes one eligible for CITYFHEPS, along with other vulnerable communities.** The current list of identities, populations, and sociological conditions that make one eligible for CITYFHEPS, especially under § 10-03(a)(6)(B), are inadequate—TGNCNB status should be a qualifying factor in allowing someone to receive CITYFHEPS, along with older adults, people with disabilities, persons with acute health/mental health issues, and other extenuating circumstances.

While §10-04(8) is ideally inclusive enough that it will "catch" eligible TGNCNB people, if final regulations for §10-04 outline various qualifying factors (e.g., the various categories of populations listed above in the discussion of § 10-03(a)(6)(B), such as seniors and people with disabilities), TGNCNB should be included within those populations.

§ 10-03(a)(2) and (3) and § 10-04(a)(3)
These proposed rules would require all CITYFHEPS recipients eligible for Public Assistance to apply for Public Assistance. **We propose that non-Public Assistance recipients should be eligible for CITYFHEPS.**

While we recognize HRA's effort to improve the TGNCNB community's experience with Public Assistance via the new CareerAdvance program focused on TGNCNB people, there is, within the TGNCNB community, a reputation that staff of Public Assistance programs have been unfriendly toward TGNCNB people—this dates to the Back to Work era, and the reputational problems have not been resolved by the new formulation of career programs for PA recipients. Furthermore, recipients of Public Assistance (in general, both within and outside of the TGNCNB community) could potentially face sanctions and unfair case closures that such recipients should have time to resolve, should they elect to continue on PA. Such potentially resolvable case issues should not bar people from receiving CITYFHEPS.

Finally, the HRA workforce program for TGNC PA recipients is, according to RFP documents, only funded at approximately $47,000 a year. If TGNCNB people are forced to take PA as part of CITYFHEPS eligibility, they should be able to take part in a program funded at a higher level and that can, as much as any job program can, guarantee TGNC people entry into jobs.

§ 10-04(a)(8)(A)(i)
These proposed rules would require that CITYFHEPS recipients be subject to a work requirement. It must be noted that that TGNCNB community members face a crisis of unemployment. The aforementioned 2015 NYS LGBT Health and Human Services Network survey showed that 36.8% of TGNCNB NYC respondents reported having been unfairly not hired, and 26.4% reported being unfairly fired.[3] 16.2% of TGNCNB NYC respondents were neither employed nor in school, compared to 9.9% of cisgender (non-transgender) LGB respondents. Nationwide, transgender people of color report five times the unemployment rate of the general US population.[4] In other words, TGNCNB people face specific barriers to employment.

Work requirements should be waived in the event that people otherwise eligible for CITYFHEPS:

- **are from communities historically discriminated against in hiring processes (such as TGNCNB communities),**
- **or otherwise require extra skills to be competitive in the job market, as determined by case managers or similar staff.**

§ 10-08(c)

We are happy that the proposed rules provide a route for CITYFHEPS recipients to be eligible to continue receipt of rental assistance beyond five years. We are happy that there is a clause noting that people could continue to receive CITYFHEPS for more than five years if "there is good cause for renewal...." That said, **it should be clear that if someone loses or cannot gain employment due to discrimination or other factors that limit one's ability to take part in a job (e.g., a person is a victim of violence, or having chronic health problems), they should be able to retain CITYFHEPS.**

§ 10-15

While this section notes that "applicants and shelter residents are responsible for identifying potential housing," **case managers or similar staff with housing expertise should be made available to support CITYFHEPS recipients in finding housing.** As the NYC Public Advocate's report on TGNCNB housing discrimination makes clear, housing discrimination occurs to TGNCNB people with disturbing frequency, and recipients of CITYFHEPS should receive support in securing housing, especially if they're from a community that has a history of being discriminated against in housing.

Thank you for your consideration of these comments, and I look forward to working with HRA in making a CITYFHEPS final rule in line with the needs to TGNCNB people across New York City.

[1] M.S. Frazer & Howe, E. (2015). Transgender health and economic insecurity: A report from the 2015 LGBT Health and Human Services Needs Assessment Survey. Available at http://strengthinnumbersconsulting.com/wp-content/uploads/2017/06/TG-health-and-economic-insecurity-report-FINAL.pdf

[2] Fuhrman, J., & Lewenstein, G. (2017). Policy Brief: Combating Trans Housing Discrimination in New York City. Available at https://pubadvocate.nyc.gov/sites/advocate.nyc.gov/files/combating_transgender_housing_discrimination_-_policy_brief_-_final_3.31.17_0.pdf

[3] Frazer, M. S., Dumont, M. S., & Howe, E. E. (2017). Custom Data Request: Transgender and Gender Nonconforming New Yorkers: An analysis of data from the 2015 LGBT Health and Human Services Needs Assessment. Strength in Numbers Consulting Group, Inc.

[4] James, S. E., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). The Report of the 2015 U.S. Transgender Survey. Washington, DC: National Center for Transgender Equality. Available at http://www.transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf

Sincerely,

Andrea (Andy) Bowen, MSW
Principal
Bowen Public Affairs Consulting
917-765-3014

Frederick Grove
Comment:

I think that consolidating the vouchers will be helpful for all those that have vouchers because now there is one avenue to go through instead of multiple options where it is uncertain if you qualify or not. However, landlords and brokers don't accept the voucher and that will not change from this consolidation. What is HRA's plan to communicate this change to landlords and brokers? Without strong outreach, this will not solve any of the confusion out in the market

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Tanya Wong
Comment:
The agency should expand the initial eligibility criteria for households living in shelter (Group A) to prioritize households which include a person with a disability (not only a head of household with a disability). Such households should also be exempted from any work requirement as non-disabled household members may not be able to work because they may be needed to take care of the household member with a disability. Thus, we recommend that Section 10-04 (a)(8(A) (iii) be amended to read as follows: Ø The household includes a member who receives social security disability (SSD) or supplemental security income (SSI) or is receiving Public Assistance and is potentially eligible to receive such benefits based on a documented disability. Likewise, we recommend that the agency expand the initial eligibility criteria for households living in the community, at section 10-03(a)(6) to include: Ø Households at risk of homeless which include a member who receives social security disability (SSD) or supplemental security income (SSI) or is receiving Public Assistance and is potentially eligible to receive such benefits based on a documented disability. This will help prevent these vulnerable households from becoming homeless and entering shelter in the first instance.

Tanya E.M. Wong, Esq.
Director of Government Benefits
Legal Services NYC – Legal Support Unit
40 Worth Street, Suite 606 New York, NY 10013

Nancy Sheran
Comment:
Anything that makes it easier for people to navigate the NYC system(s) of housing assistance is an improvement. The primary focus should be to help people stay in their apartments or to move to more appropriate affordable housing. Homelessness is mostly a housing problem. There is not enough affordable housing for no or low income New Yorkers. The city must do more to preserve and create affordable housing for people at the lowest income levels. I no longer need City assistance. But as a young adult I had very little income as a student and as an artist in the 1960s and 1970s. I was able to find very inexpensive housing in the East Village and Yorkville thanks to rent control and rent stabilization. This helped me survive and to get my life stabilized while I got a career started. I wish the same for people now living in NYC.