

TESTIMONY FOR NYCHA DGM FOR OPERATIONS GLORIA FINKELMAN

**HOW DHS AND NYCHA COORDINATE IN DETERMINING ELIGIBILITY FOR SHELTER/
NYCHA'S OCCUPANCY POLICY**

CITY COUNCIL COMMITTEES ON GENERAL WELFARE AND PUBLIC HOUSING

TUESDAY, OCTOBER 26, 2010 – 10:00 AM

250 BROADWAY, CITY COUNCIL HEARING ROOM, 14TH FLOOR

Chairwoman Annabel Palma, Chairwoman Rosie Mendez, distinguished members of their respective Committees, and to all the members of the City Council — it is my pleasure to be with you today. I am Gloria Finkelman, Deputy General Manager for Operations of the New York City Housing Authority (NYCHA). And joining me this morning is Alan Pelikow, Assistant Director for Resident Policy and Administration.

For many years, NYCHA and the Department of Homeless Services (DHS) have maintained a good working relationship, making intra-agency

information available to one another and providing tailored training for DHS employees who would benefit from understanding NYCHA's Occupancy Policy.

Today, I would like to take the Council through that policy, which governs who may lawfully reside in a NYCHA apartment.

Who constitutes a NYCHA family?

For decades, NYCHA has maintained an Occupancy policy. It clearly defines an "original" NYCHA family as the tenant (or tenants) who sign the initial lease and any persons listed on the Housing Application and authorized to reside in the apartment at move-in.

In 1988, the Authority updated its procedures to stipulate that no one may be added to an existing

tenant's household unless the tenant requests permission in writing and permission is granted by the development's management. Exceptions are, of course, made for natural "family growth," including births, legal adoptions and court appointed guardian- and custodianships.

Tenants may either request to have an additional person join their household on a permanent basis or temporarily. As I will discuss, the procedure for Permanent Residency Permission requests is more rigorous than requests for temporary occupancy.

Permanent Residency Permission Requests

The criteria for adding a "permanent" household member include the following:

The tenant making the request must currently live in the apartment and be in “good standing” with the Authority—they must be current in all rent payments; he or she may not be in violation of any NYCHA rule or regulation; and they may not be party to current or pending Termination of Tenancy proceedings.

Furthermore, the person who is requested to join the household permanently must be either the tenant’s spouse or registered domestic partner; parent (including stepparents and parents-in-law); grandparent; grandchild; child (including stepchildren and children-in-law); or sibling (including half-siblings). And if he or she is older than 16, the proposed permanent resident must pass a criminal background check.

In addition, if the proposed resident will cause an “overcrowded” situation, based on the Authority’s occupancy standards, NYCHA must deny permission for that person to be added to the household.

I should also mention that the income of the additional permanent household member is not a factor in NYCHA’s deliberation; but if the person officially joins the household, his or her income will be included in the total family income for rent calculation purposes.

Applications for both permanent and temporary residency are reviewed by NYCHA’s Housing Managers. If—after careful review of the application, including all supporting documents and, in some cases, a personal interview—the Housing Manager determines the request should be granted, she or he

does so in writing within 60 days of the application date. If the Housing Manager must deny the request, she or he also does so in writing, indicating the reasons for the denial. If the Housing Manager does not approve a permanent residency permission request, the request is deemed denied. The tenant may commence an administrative grievance to contest the denial.

Once a person has received permission to permanently reside in a NYCHA apartment under an existing lease, she or he must remain in the apartment continuously—in other words, the added occupant must be shown to live in the apartment on each of the tenant's annual Affidavits of Income. If an authorized household member leaves the apartment and seeks to return at some later date, she or he is not

automatically granted permission to rejoin the household—permission on his or her behalf must be requested by the tenant and is subject to the same review process as discussed.

Temporary Residency Permission Requests

Often, tenants will request that a person be allowed to reside in their household temporarily. Unlike permanent residency requests, there are no specific requirements for a familial relationship between the tenant and the proposed temporary occupant, except that boarders and paying guests are prohibited.

The income of the person applying for temporary residency permission is not considered and is not included as part of family income for the purposes of adjusting the tenant's rent.

Furthermore, the Housing Manager may grant temporary residency permission even if the additional person “overcrowds” the apartment, provided that the apartment does not become “extremely overcrowded” per NYCHA’s *Occupancy Standards for Families*.

Housing Managers may approve the length of a temporary stay to a maximum period of one year, except as modified for foster children and home care attendants.

When NYCHA becomes aware that one of our residents may know someone who could benefit from services provided by DHS, we help inform the resident that such services exist.

Keeping Residents Informed

As you can see, NYCHA's Occupancy Policy has several procedural steps, each presenting various responsibilities, as well as rights. NYCHA takes the duty to inform our residents of this, and other, NYCHA policies very seriously. To that end, NYCHA communicates the Occupancy Policy to residents when a family signs a new lease, when a tenant requests permanent permission for a family member to be added to the household, and twice each year—in the annual Affidavit of Income and in the yearly Lease Addendum and Rent Notice, which is issued at the end of the annual review process.

Nonetheless, the Authority is taking steps to improve how we communicate this important policy to NYCHA families, including broadening the languages into

which the policy is translated and making it available on the NYCHA website. Furthermore, residents are encouraged to reach out to the management staff where they live if they have any questions regarding this policy.

Conclusion

NYCHA is committed to safeguarding the City's valuable public housing resource for the families who count on us, and we pledge to continue to work with the City Council and with our residents to ensure that our process is clear, fair and transparent.

Thank you very much and I look forward to your questions.