

**TESTIMONY FROM NYCHA EXECUTIVE VICE PRESIDENT OF OPERATIONS CARLOS LABOY-DIAZ**  
**RIGHT-SIZING: NYCHA'S POLICY OF TRANSFERRING TENANTS IN UNDER-OCCUPIED APARTMENTS**  
**CITY COUNCIL COMMITTEE ON PUBLIC HOUSING**  
**TUESDAY, OCTOBER 23, 2012 – 10:00 AM**  
**14<sup>TH</sup> FLOOR COMMITTEE ROOM, 250 BROADWAY**

Chairwoman Rosie Mendez, Members of the Committee, and other distinguished Members of the City Council, thank you for the opportunity to discuss with you the New York City Housing Authority's (NYCHA) policy of "right-sizing," our mechanism to ensure that every family in public housing has access to an apartment with ample space to fulfill its unique needs. I am Carlos Laboy-Diaz, Executive Vice President for Operations. Joining me is Brian Clarke, Vice President of Operations for Support Services.

NYCHA's establishment 80 years ago was, in part, a reaction against the crushing, unsanitary, and overcrowded conditions in our City's tenements and slums. That's why, in fulfilling our fundamental charge to provide decent, affordable housing for low- and middle-income New Yorkers, we are committed to making sure that families have the space they need. Quality of life for NYCHA residents – our highest concern – often corresponds directly with the availability of appropriate space. Ensuring that every public housing family is in an apartment of appropriate size poses a huge challenge, one that NYCHA has wrestled with over the years. We recognize that there is much room to improve our current process, and that is why *Plan NYCHA*, our roadmap for the preservation of public housing, lays out the need to get this issue right. To that end, we have begun to assess our policies and procedures and work toward a new model for the future.

We fully recognize the impact that this endeavor will have on NYCHA residents across the City –including seniors and new families, heads of households, and children of all ages – and are therefore dedicated to moving forward in a way that is inclusive, collaborative, and sensitive. But make no mistake: we must take

action. To be successful, we will need collaboration not only from NYCHA's leadership and staff, but also from residents and other stakeholders vested in the well-being of public housing families. I will provide a brief overview of our current process, the real challenges that we face, what we've done so far, and how we plan to move forward.

## **Policy and Process**

The U.S. Department of Housing and Urban Development (HUD), our principal regulator, requires that every public housing authority place families in apartments of appropriate size. Each authority, however, has the leeway to craft specific policies to achieve this goal. Our current process for "right-sizing" apartments begins with our annual review, during which all residents must provide NYCHA with documentation indicating their income and family size. Using the information collected during this review, NYCHA deems families in apartments with one extra bedroom "under-occupied"; families in apartments with two or more extra bedrooms are considered "extremely under-occupied." Conversely, families needing one additional bedroom are deemed "overcrowded" and those needing two or more extra bedrooms are considered "extremely overcrowded."

Regarding NYCHA's focus on the under-occupied, residents in both "under-occupied" and "extremely under-occupied" apartments receive a letter indicating that they should visit their Housing Manager to sign up for the transfer list, at which point they can request a transfer to an apartment of appropriate size in any specific development, including their own. This request process is required by NYCHA regulation. From this point in the process on, our focus – with regard to both follow-up and enforcement – is on the residents of "extremely under-occupied" units. If these residents do not sign up for the transfer list, they receive a second letter to the same effect as the first letter requesting that they sign up for transfer. If, after this second notification, these residents do not put themselves on the transfer list, they are automatically placed on a list for transfer to a

development within their borough selected by the Tenant Selection and Assignment Plan (TSAP) computer system. Even after residents are notified of the borough list placement, they still have a small window of opportunity to choose to transfer to a specific NYCHA development. If, however, they are placed on a borough list and subsequently selected by TSAP for a specific apartment, they must accept that apartment. If they decline the offer of an appropriately sized available apartment, their NYCHA tenancy may be at risk.

Through our recent assessment of this process, we have determined that over 56,000 households— nearly a third of NYCHA’s total – live in apartments that are not the correct size for their family composition; 44,436 live in “under-occupied” units; and 11,890 are in “extremely under-occupied” apartments. At the same time, we have more than 15,000 families living in overcrowded units.

### **Overcrowding Affects Real Families**

One of these 15,000 families is that of Mouhamadou Kane. When he moved into a studio in the WSUR Brownstones in Manhattan 10 years ago, he was a bachelor – the space was perfect for his needs. Then – thanks in part to the stability that this affordable apartment provided – Mouhamadou got married and had a son and a daughter. Now this family strains to fit their lives – cooking, homework, dressing, and undressing, not to mention three beds – into that same room. Mouhamadou has been waiting for a transfer since 2005.

Or consider Iris and Francis Checo, who live with their three sons in the two-bedroom apartment they moved into over 12 years ago, when their eldest son was a toddler. Two of their sons, teenagers, now share a bed.

Unfortunately, the Kanes and Checos aren’t alone. Across our City, it is increasingly difficult for larger families to find apartments that meet their needs. Last year, only 14 percent of New York City’s rental units had three bedrooms, and only 2 percent had four or more. Because many of these larger apartments

are managed by NYCHA – where 22 percent of our units are three-bedroom and 4 percent are four-bedroom or larger – it is only fair that we find a way to get our growing families into the larger apartments required by their family size.

This sense of basic fairness is what leads residents like DeReese Huff to place themselves on the list to transfer into smaller, more appropriate apartments. DeReese was raised along with her nine siblings in a five-bedroom apartment that was later passed on to her and her own daughter. Wanting another family to receive the same opportunity that she had enjoyed, DeReese requested a transfer to a smaller apartment and now lives with her 13-year-old daughter in a 2-bedroom apartment.

Recognizing that moving is a disruption in the life of any family, when residents like DeReese transfer into smaller, more appropriately sized apartments, we provide a number of resources for their moves, including help with moving expenses. Our Family Services Department also assists frail or disabled residents with moving logistics and other concerns. NYCHA procedure currently provides an extra bedroom for residents needing large medical equipment. In addition, if residents have other specific needs as a result of a disability, we will consider any reasonable accommodation they may request.

### **Our Efforts So Far**

We have shared at prior hearings how, in the process of developing *Plan NYCHA*, NYCHA has engaged with our vast network of stakeholders to an unprecedented degree, addressing each of the *Plan's* critical imperatives. The issue of right-sizing apartments has been no exception: for the past year and a half, we've been carefully investigating and discussing the issue with residents, resident leaders, elected officials, and other advocates, stressing at every point along the way how important it is for us to build a new path forward. As of the beginning of this month, we have 11,672 families on our transfer list.

## **Moving Forward**

Although we've made these strides, we know that a lasting, sustainable solution will only be accomplished with the support and investment of our most important partners – including residents and elected officials – and by fundamentally transforming several of the policies that affect overcrowded families. In the 2013 Annual Plan that we submitted to HUD on October 18, we proposed changes to TSAP that would further weigh the preference for newly vacant apartments in favor of transfers for current residents, as opposed to new applicants. We expect that we'll receive HUD approval of this proposal in the first quarter of 2013. In the interim, we will continue to develop our plan by engaging a working group of stakeholders who will, over the coming months, review our plan and provide feedback.

This group will help NYCHA to stay nimble and flexible as more solutions are implemented, and keep us accountable to all of our stakeholders. We know that there is room for improvement– for example, we've heard a lot about the tone of our letters, and we're working right now to review and rectify those communications. The best way for us to tackle this issue fairly and sensitively is to continue to invite as many voices as possible to the table.

We are also working to develop new affordable and supportive housing options, giving residents in both under-occupied and overcrowded apartments opportunities for newly created homes. This is happening currently at Pomonok Houses, where we have developed senior housing. In the future, we also expect to pursue more housing options at Soundview, Boulevard, and Forest Houses.

Your continued support is vital for us as we endeavor to preserve public housing in New York City for generations to come. For that reason, we welcome your continued collaboration in our effort to fight overcrowding in public housing and request that you inform your constituents about the benefits that our entire City enjoys when all NYCHA families can live in apartments that fit their needs.

Thank you for your time today to discuss this important matter. I look forward to updating you on our progress in the coming months, and am happy to answer any questions you may have.