

**NOTICE OF ADOPTION OF RULE**

Pursuant to the power vested in me as Commissioner of the New York City Human Resources Administration ("HRA") by Sections 603 and 1043 of the New York City Charter and sections 56, 61, 62, 77 and 131-a(14) of the Social Services Law, I hereby adopt the following amendment to Chapter 5 of Title 68 of the Official Compilation of the Rules of the City of New York concerning HRA's HIV/AIDS Services Administration.

This rule was first published on June 20, 2014 as an emergency rule. It was then published as a proposed final rule on July 10, 2014. A hearing for public comment was held on August 14, 2014.

Dated: 9/16/2014  
New York, New York



Steven Banks  
Commissioner  
NYC Human Resources Administration

### **Statement of Basis and Purpose of Rule**

This rule is promulgated pursuant to the authority of the Commissioner of HRA under Sections 603 and 1043 of the New York City Charter and sections 56, 61, 62, 77 and 131-a(14) of the Social Services Law.

In order to implement the Mayor's priority of preventing evictions and homelessness, the Commissioner of the New York City Human Resources Administration (HRA) is adding a new section 5-02 to chapter 5 of Title 68 of the Rules of the City of New York. This provision ensures that persons living with clinical or symptomatic HIV illness or AIDS who are receiving public assistance benefits through HRA's HIV/AIDS Services Administration ("HASA") do not pay more than 30 percent of their monthly earned and/or unearned income toward the cost of rent that they have a direct obligation to pay. To the extent any such person paid in excess of 30 percent of his or her monthly earned and /or unearned income towards his or her rent at any time since April 1, 2014, the effective date of New York Social Services Law section 131-a(14), this rule provides that HRA will reimburse the amount paid in excess of 30 percent.

New material is underlined.

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

## Rule

Section 1. Chapter 5 of Title 68 of the Rules of the City of New York is amended by adding a new section 5-02, to read as follows:

### § 5-02 Rent Limitation

- (a) In accordance with section 131-a(14) of the New York Social Services Law, the New York City Human Resources Administration, in calculating public assistance benefits, shall ensure that each person living with clinical/symptomatic HIV illness or AIDS who is receiving public assistance through its HIV/AIDS Services Administration will not pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay.
- (b) If a person living with clinical/symptomatic HIV illness or AIDS receiving public assistance through HRA's HIV/AIDS Services Administration has or, at any time since April 1, 2014, had a direct obligation to pay rent and paid in excess of thirty percent of his or her monthly earned and/or unearned income towards his or her rent, such person shall be reimbursed in the amount of such excess.
- (c) This section does not apply to persons receiving a room and board allowance pursuant to 18 N.Y.C.R.R. § 352.8(b)(1).
- (d) This section shall not adversely impact a client's eligibility for other HRA benefits and services.