

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rule and Notice of Extension of Emergency Rule

What are we proposing? To implement the Mayor's priority of moving households from shelter into stable housing and preventing households from entering shelter, the New York City Human Resources Administration (HRA) proposes to amend Chapters 7 and 8 of Title 68 of the Rules of the City of New York to (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children; and (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV or V rental assistance or CITYFEPS rent supplements if such households meet initial eligibility criteria for such programs but for the fact that they are not currently residing in shelter. These amendments are currently being implemented via an emergency rule that was issued on September 2, 2015.

When and where is the hearing? HRA will hold a public hearing on the proposed rule. The public hearing will take place at 9:30 AM on December 11, 2015. The hearing will be held at Spector Hall, 22 Reade Street, First Floor, in downtown Manhattan.

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

- **Website.** You can submit comments to HRA through the NYC rules website: <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to constituentaffairs@hra.nyc.gov. Please include "LINC 6 Proposed Rule" in the subject line of your email.
- **Mail.** You can mail comments to:

**New York City Human Resources Administration
The Office of Constituent Services
150 Greenwich Street, 31st Floor
New York, NY 10007**

- **Fax.** You can fax comments to HRA at 212-331-5998. Please include "LINC 6 Proposed Rule" on the cover page of your fax.
- **Speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak at the beginning of the hearing. You can speak for up to two minutes.

Is there a deadline to submit comments? The deadline to submit comments is December 11, 2015.

What if I need assistance to participate in the hearing? If you need an interpreter or if you need a reasonable accommodation for a disability at the hearing, you must tell us by December 4, 2015. You can call us at 929-221-5188, send a fax to 917-639-0296, or contact us by mail at:

**HRA Rental Assistance Programs
150 Greenwich Street, 36th Floor
New York, NY 10007
Attention: Public Hearing**

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

What authorizes HRA to make this rule? Sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter authorize HRA to make this proposed rule. This proposed rule was not included in HRA's most recent regulatory agenda because it was not contemplated when HRA published the agenda.

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

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

Notice of Extension of Emergency Rule

Notice is further given, pursuant to New York City Charter Section 1043(i)(2), that the emergency rule expanding the reach and effectiveness of the Living in Communities Family and Friend Reunification Rental Assistance Program issued on September 2, 2015, is hereby extended an additional sixty days, to December 30, 2015. The additional sixty days are needed for HRA to adopt a final rule concerning the program after completing the public comment and hearing process set forth in New York City Charter Section 1043(e).

Statement of Basis and Purpose of Proposed Rule

In order to implement the Mayor's priority of preventing homelessness and moving households from shelter into stable housing, and in a joint effort with the Commissioner of the New York City Department of Homeless Services (DHS), the Commissioner of the New York City Human Resources Administration (HRA) issues this proposed rule amending Chapter 7 of Title 68 of the Rules of the City of New York to authorize HRA to:

- (1) make the Living in Communities Family and Friend Reunification Rental Assistance Program (LINC VI) available to homeless single adults and adult families without minor children.** By expanding the eligibility criteria for LINC VI to include homeless single adults and adult families, HRA and DHS will help additional households relocate to housing with families and friends in the community. This expansion of LINC VI provides an important new option for homeless single adults and adult families that will increase the number of exits from and reduce the number of entries to shelter, helping to address and alleviate demands on the shelter system.

- (2) allow households in receipt of LINC VI to receive LINC I, II, III, IV, or V rental assistance or CITYFEPS rent supplements if such households otherwise meet initial eligibility requirements for such programs but for the fact that they are not currently residing in shelter.** With this change, households that may be able to stay temporarily with host families will not lose the opportunity to obtain other forms of rental assistance, and they will also be able to exit shelter while they search for stable, long-

term housing. This change will increase participation in the LINC VI program and ultimately increase households' ability to avoid re-entry into shelter.

These amendments are currently being implemented via an emergency rule that was issued on September 2, 2015. This proposed rule, if adopted, will make these changes permanent.

HRA's authority for this proposed rule may be found in sections 34, 56, 61, 62, 77, and 131 of the New York Social Services Law and sections 603 and 1043 of the New York City Charter.

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

New text is underlined.

Deleted text is [bracketed].

Section 1. Section 7-01 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-01 Definitions.

(a) The "LINC Rental Assistance Programs for Families with Children" means collectively the LINC I, LINC II and LINC III rental assistance programs described in this [chapter] subchapter.

(b) The "City shelter system" means DHS Shelters and HRA Shelters.

(c) "DHS" means the New York City Department of Homeless Services.

(d) A "DHS Shelter" means a shelter for families with children operated by or on behalf of DHS.

(e) "Earned income" is defined and computed as set forth in Section 352.17 of Title 18 of the New York Codes, Rules and Regulations, except that it does not include income earned through subsidized employment.

(f) "Gross income" means the sum of earned income and unearned income.

(g) The "household" means all individuals collectively intended to reside and/or residing together in the place of residence obtained pursuant to this chapter, regardless of their eligibility for Public Assistance.

(h) "HRA" means the New York City Human Resources Administration.

(i) An "HRA Shelter" means a domestic violence shelter operated by or on behalf of HRA pursuant to Part 452 of Title 18 of the New York Codes, Rules and Regulations.

(j) "LINC VI" means the rental assistance program established pursuant to subchapter C of this chapter.

[(j)] (k) "Public Assistance" means benefits, including monthly grants and shelter allowances, issued under the Family Assistance program pursuant to New York Social Services Law § 349 and/or the Safety Net Assistance program pursuant to New York Social Services Law § 159, and regulations promulgated thereunder.

[(k)](l) A “program participant” means an individual who has entered into a lease for housing to which LINC rental assistance payments have been or are being applied.

[(l)](m) “Unearned income” is defined and computed as set forth in Section 387.10 of Title 18 of the New York Codes, Rules and Regulations, except that it shall only include such income that is regularly recurring.

[(m)](n) “Subsidized employment” means subsidized private sector employment or subsidized public sector employment as those terms are used in New York Social Services Law § 336(1)(b)-(c).

[(n)](o) “Unsubsidized employment” means unsubsidized employment as that term is used in New York Social Services Law § 336(1)(a).

§ 2. Section 7-02 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-02 Administration of the LINC I, LINC II, and LINC III Programs.

HRA shall administer the LINC Rental Assistance Programs for Families with Children and shall make eligibility determinations in accordance with this [chapter] subchapter, except that initial eligibility determinations for current shelter residents pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of section 7-03 or 7-04 of this chapter, or paragraph (3) of subdivision (a) of section 7-05 of this chapter, are made by HRA’s Family Independence Administration in consultation with DHS’s Division of Policy and Planning and Division of Family Services.

§ 3. Section 7-03 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-03 The LINC I Rental Assistance Program.

(a) Initial Eligibility and Certification for the LINC I Program.

(1) To be eligible for an initial year of LINC I rental assistance, a household must meet the following eligibility requirements at the time of certification:

(A) The household must include at least one member who is in receipt of Public Assistance, and all household members who are eligible for Public Assistance must be in receipt of such benefits;

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations;

(C) The household must include at least one member who:

(i) is eligible for shelter as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations or as determined by HRA pursuant to Sections 452.2(g) and 452.9 of Title 18 of the New York Codes, Rules and Regulations[; and (ii)] currently resides in the City shelter system[; (D) The household member described in subparagraph (C) of paragraph (1) of this subdivision must have] and resided in the City shelter system for at least ninety consecutive days prior to certification, excluding gaps of up to three calendar days; or

(ii) is in receipt of LINC VI rental assistance and has submitted an application for LINC I rental assistance on a form and in a format established by HRA:

[(E)](D) The household must include at least one member who is working and any such member or members must be collectively working at least thirty-five hours per week in unsubsidized employment;

[(F)](E) The household must demonstrate earned income for at least ninety days prior to certification; and

[(G)](F) The household must have total gross income that does not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services.

(2) The number of eligible households that [can] will be certified to receive LINC I rental assistance will be limited by the amount of available funding. Subject to HRA's exercise of discretion under subdivision (a) of section 7-09 of this chapter, upon finding that a household has met the eligibility requirements set forth in paragraph (1) of this subdivision and that appropriate funding is available to provide LINC I rental assistance to such household, HRA and/or DHS shall issue such household a certification letter. The letter will include an expiration date and will be conditioned on the household continuing to meet the requirements of subparagraphs (A), (B), (C), [(E)](D), and [(G)](F) of paragraph (1) of this subdivision up to the time when the lease for the housing to which LINC I rental assistance will be applied is executed. Priority will be given to families whose current stays in the City shelter system are the longest.

(3) At the time of certification, HRA will calculate the household's monthly program participant contribution and the maximum monthly rental assistance amount pursuant to subdivision (a) of section 7-06 of this chapter. The monthly program participant contribution and monthly rental assistance amount will not change during the first year of the program, regardless of changes in household composition or income.

(b) Renewals after the First Year.

(1) Subject to the availability of funding and the provisions of paragraph (4) of this subdivision, a household in receipt of LINC I rental assistance will receive two one-year renewals of such assistance if it meets the following continued eligibility requirements:

(A) At least one member of the household must be working, and the household's working member or members must be collectively working at least thirty-five hours per week in unsubsidized employment;

(B) The household's total gross income must not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services;

(C) At least one member of the household must be continually engaged in enhanced employment and social service supports developed in conjunction with a case manager or employment vendor designated by DHS or HRA intended to maintain or enhance the household's employment; and

(D) The household must provide prompt notice to HRA of any rent arrears that have accrued so that they may be addressed.

(2) Subject to the availability of funding, households that meet the continued eligibility requirements set forth in paragraph (1) of this subdivision may receive up to two additional one-year extensions after their third year in the LINC I rental assistance program pursuant to a determination by HRA on a case-by-case basis.

(3) HRA will determine a household's eligibility for renewal of LINC I rental assistance at the end of each year of the household's participation in the program, subject to the availability of funding. Prior to the commencement of each one-year renewal period, HRA will recalculate the household's monthly program participant contribution and the monthly rental assistance amount pursuant to subdivision (a) of section 7-06 of this chapter. The monthly program participant contribution and monthly rental assistance amount will not change during the one-year renewal period, regardless of changes in household composition or income.

(4) If a household has transferred to the LINC I program after being in receipt of LINC VI rental assistance, the time the household participated in the LINC VI program shall be considered time in the LINC I program for purposes of renewal. If the effective date of the first lease for the residence towards which LINC I rental assistance shall be applied is not more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's current year of LINC rental assistance shall begin anew on the effective date of such lease. If the effective date of the first lease for the residence towards which LINC I rental assistance shall be applied is more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's next year of LINC rental assistance shall begin on the effective date of such lease.

§ 4. Section 7-04 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-04 The LINC II Rental Assistance Program.

(a) Initial Eligibility and Certification for the LINC II Program.

(1) To be eligible for an initial year of LINC II rental assistance, a household must meet the following eligibility requirements at the time of certification:

(A) The household must include at least one member who is in receipt of Public Assistance, and all household members who are eligible for Public Assistance must be in receipt of such benefits;

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations;

(C) The household must include at least one member who:

(i) is eligible for shelter as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations or as determined by HRA pursuant to Sections 452.2(g) and 452.9 of Title 18 of the New York Codes, Rules and Regulations[; and (ii)]₁ currently resides in the City shelter system[; (D) The household member described in subparagraph (C) of paragraph (1) of this subdivision must have] and resided in the City shelter system for at least ninety consecutive days prior to certification, excluding gaps of up to three calendar days; or

(ii) is in receipt of LINC VI rental assistance and has submitted an application for LINC II rental assistance on a form and in a format established by HRA;

~~[(E)](D)~~ The household must include at least one member who has experienced two or more prior stays in the City shelter system of thirty days or more within five years of the first day of the current shelter stay if the household member is currently in shelter, or within five years of the first day of the household member's most recent shelter stay if the household member is currently in receipt of LINC VI rental assistance;

~~[(F)](E)~~ The household must have some income, earned or unearned; and

~~[(G)](F)~~ For households currently in shelter, HRA must have determined that the household will be eligible for Public Assistance upon exit from shelter. For households transferring to the LINC II program from the LINC VI program, HRA must have determined that the household will be eligible for Public Assistance following the transfer.

(2) The number of eligible households that will be certified to receive LINC II rental assistance will be limited by the amount of available funding. Subject to HRA's exercise of discretion under subdivision (a) of section 7-09 of this chapter, upon finding that a household has met the eligibility requirements set forth in paragraph (1) of this subdivision and that appropriate funding is available to provide LINC II rental assistance to such household, HRA and/or DHS shall issue such household a certification letter. The letter will include an expiration date and will be conditioned on the household continuing to meet the requirements of subparagraphs (A), (B), (C), ~~[(F)](E)~~, and ~~[(G)](F)~~ of paragraph (1) of this subdivision up to the time when the lease for the housing to which LINC II rental assistance will be applied is executed. Priority will be given to families whose current stays in the City shelter system are the longest and among those, further priority may be given to families who are receiving social services from multiple government agencies or who have a member who is in receipt of disability benefits and/or who is an employable adult.

(3) At the time of certification, HRA will calculate the household's monthly program participant contribution and the maximum monthly rental assistance amount pursuant to subdivision (a) of section 7-06 of this chapter. The monthly program participant contribution and monthly rental assistance amount will not change during the first year of the program, regardless of changes in household composition or income.

(b) Renewals after the First Year.

(1) Subject to the availability of funding and the provisions of paragraph (3) of this subdivision, a household in receipt of LINC II rental assistance will receive four one-year renewals of such assistance if it meets the following continued eligibility requirements:

(A) At least one member of the household must be continually engaged in ongoing case management activities designed to assist the household member in obtaining, maintaining and/or enhancing employment or to secure any benefits for which such member or household is eligible;

(B) All members eligible for Public Assistance must be in receipt of Public Assistance;

(C) Members of the household receiving Public Assistance must be in compliance with any applicable requirements related to the receipt of such Public Assistance;

(D) The household's total gross income must not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services; and

(E) The household must provide prompt notice to HRA of any rent arrears that have accrued so that they may be addressed.

(2) HRA will determine a household's eligibility for renewal of LINC II rental assistance at the end of each year of the household's participation in the program, subject to the availability of funding. Prior to the commencement of each one-year renewal period, HRA will recalculate the household's monthly program participant contribution and the monthly rental assistance amount pursuant to subdivision (a) of section 7-06 of this chapter. The monthly program participant contribution and monthly rental assistance amount will not change during the one-year renewal period, regardless of changes in household composition or income. Prior to the commencement of the renewal period, HRA will review whether a household is meeting all of the eligibility requirements set forth in paragraph (1) of this subdivision and will assist the household with maintaining eligibility as appropriate.

(3) If a household has transferred to the LINC II program after being in receipt of LINC VI rental assistance, the time the household participated in the LINC VI program shall be considered time in the LINC II program for purposes of renewal. If the effective date of the first lease for the residence towards which LINC II rental assistance shall be applied is not more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's current year of LINC rental assistance shall begin anew on the effective date of such lease. If the effective date of the first lease for the residence towards which LINC II rental assistance shall be applied is more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's next year of LINC rental assistance shall begin on the effective date of such lease.

§ 5. Section 7-05 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-05 The LINC III Rental Assistance Program.

(a) Initial Eligibility and Certification for the LINC III Program.

(1) To be eligible for the LINC III Program, a household must meet the following eligibility requirements:

(A) The household must be in receipt of Public Assistance;

(B) The household must include a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations;

(C) The household must, at the time of certification and up to the time when the lease for the housing to which LINC III rental assistance will be applied is executed, include at least one member who:

(i) is currently eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations as a victim of domestic violence within the meaning of Section 452.2(g) of Title 18 of the New York Codes, Rules and Regulations and Section 459-a of the New York Social Services Law and either resides in a DHS shelter and is eligible for shelter as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations, or resides in an HRA shelter; [and (ii) is currently eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations as a victim of domestic violence within the meaning of Section 452.2(g) of Title 18 of the New York Codes, Rules and Regulations and Section 459-a of the New York Social Services Law;] or

(ii) is in receipt of LINC VI rental assistance and has submitted an application for LINC III rental assistance on a form and in a format established by HRA and was eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations as a victim of domestic violence within the meaning of Section 452.2(g) of Title 18 of the New York Codes, Rules and Regulations and Section 459-a of the New York Social Services Law at the time his or her application for LINC VI rental assistance was approved; and

(D) The household must, at the time of certification and up to the time of lease signing, be in compliance with Public Assistance requirements.

(2) The number of eligible households that will be certified to receive LINC III rental assistance will be limited by the amount of available funding. Subject to HRA's exercise of discretion under subdivision (a) of section 7-09 of this chapter, upon finding that a household has met the eligibility requirements set forth in paragraph (1) of this subdivision and that appropriate funding is available to provide LINC III rental assistance to such household, HRA and/or DHS shall issue such household a certification letter. The letter will include an expiration date and will be conditioned on the household continuing to meet the requirements of paragraph (1) of this subdivision. Priority will be given to families who have resided in a DHS Shelter or an HRA Shelter for the longest consecutive periods, families currently residing in an HRA Shelter who have reached the 180-day time limit under New York Social Services Law § 459-b and would otherwise be discharged to a DHS Shelter, and families who are currently residing in a DHS Shelter due to lack of capacity in HRA Shelters or who have been discharged from an HRA Shelter to a DHS Shelter.

(3) At the time of certification, and prior to lease signing, HRA will calculate, pursuant to subdivision (b) of section 7-06 of this chapter, the household's maximum monthly rent amount, the maximum monthly LINC III rental assistance amount and any contributions required to be made by household members not eligible for Public Assistance. The LINC III rental assistance amount and the amounts of any required contributions are subject to change during the household's participation in the LINC III program as set forth in paragraph (3) and subparagraph (G) of paragraph (2) of subdivision (b) of section 7-06 of this chapter.

(4) In no event shall HRA certify for LINC III rental assistance a household that includes the perpetrator of the domestic violence that resulted in the determination of eligibility for HRA shelter described in subparagraph (C) of paragraph (1) of subdivision (a) of this section.

(b) Continued Eligibility.

A household's continued receipt of LINC III rental assistance is conditioned on the household continuing to meet the requirements of subparagraph (A) of paragraph (1) of this subdivision, unless the household has become ineligible for Public Assistance as a result of increased income and such household's total gross income does not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services.

(c) Renewals after the First Year.

(1) Subject to the availability of funding and the provisions of paragraph (4) of this subdivision, a household in receipt of LINC III rental assistance will receive up to four one-year renewals of such assistance if it meets the following continued eligibility requirements:

(A) All members of the household who are eligible for Public Assistance must be in receipt of Public Assistance;

(B) Where such activities are made available to the household, at least one member of the household must be participating in ongoing case management activities developed in conjunction with a case manager or employment vendor designated by DHS or HRA designed to assist the household member in obtaining, maintaining and/or enhancing employment or to secure any benefits for which such member or household is eligible;

(C) Members of the household receiving Public Assistance must be in compliance with any applicable requirements related to the receipt of such Public Assistance;

(D) The household's total gross income must not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services; and

(E) The household must provide prompt notice to HRA of any rent arrears that have accrued so that they may be addressed.

(2) HRA will determine a household's eligibility for renewal of LINC III rental assistance at the end of each year of the household's participation in the program, subject to the availability of funding. Prior to the commencement of each one-year renewal period, HRA will recalculate, pursuant to subdivision (b) of section 7-06 of this chapter, the household's maximum monthly rent amount, the maximum monthly rental assistance amount and any contributions required to be made by household members not eligible for Public Assistance. This recalculation is in addition to any recalculations required by subparagraph (G) of paragraph (2) of subdivision (b) of section 7-06 of this chapter. Prior to the commencement of the renewal period, HRA will review whether a household is meeting the eligibility requirements set forth in paragraph (1) of this subdivision and will assist the household with maintaining eligibility as appropriate. If the household's monthly program participant contribution and rental assistance amount are calculated under paragraph (3) of subdivision (b) of section 7-06 of this chapter, the monthly program participant contribution and monthly rental assistance amount will not change during the one-year renewal period, regardless of changes in household composition or income.

(3) HRA in its discretion may waive any of the requirements set forth in paragraph (1) of this subdivision on a case-by-case basis if the household's failure to meet the requirement was due to circumstances beyond the household's control, or where non-renewal is likely to result in the household's entry into shelter.

(4) If a household has transferred to the LINC III program after being in receipt of LINC VI rental assistance, the time the household participated in the LINC VI program shall be considered time in the LINC III program for purposes of renewal. If the effective date of the first lease for the residence towards which LINC III rental assistance shall be applied is not more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's current year of LINC rental assistance shall begin anew on the effective date of such lease. If the effective date of the first lease for the residence towards which LINC III rental assistance shall be applied is more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's next year of LINC rental assistance shall begin on the effective date of such lease.

(d) If a household becomes ineligible for LINC III because it has become ineligible for Public Assistance for reasons other than excess income or than pursuant to New York Social Services Law § 342, the household may have its LINC III rental assistance restored if (a) the household continues to reside in the address in which it resided at the time its Public Assistance benefits ceased; and (b) its Public Assistance benefits are reinstated within twelve months after such benefits ceased.

§ 6. Subdivision (a) of Section 7-07 of Title 68 of the Rules of the City of New York is amended to read as follows:

(a) Challenges by Shelter Residents or LINC VI Program Participants in Receipt of a LINC II Certification Letter and by LINC II Program Participants Regarding LINC II Rental Assistance.

Shelter residents or LINC VI program participants who have received a LINC II certification letter and LINC II program participants shall have the right to seek review pursuant to Part 358 of Title 18 of the New York Code, Rules and Regulations of all determinations and actions made by DHS and/or HRA pursuant to section 7-04 of this chapter.

§ 7. Section 7-08 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-08 Agency Review Conference and HRA Administrative Appeal Process.

(a) Right to HRA Administrative Review.

A shelter resident, LINC VI program participant, or LINC I or LINC III program participant may request an agency review conference and/or an HRA administrative hearing to seek review of any determinations or actions for which a right to review is provided under subdivision (b) of section 7-07 of this chapter.

(b) Agency Review Conference.

(1) If a shelter resident, LINC VI program participant, or LINC I or LINC III program participant requests an agency review conference, HRA shall informally review and attempt to resolve the issues raised.

(2) A shelter resident, LINC VI program participant, or LINC I or LINC III program participant may request an agency review conference without also requesting an HRA administrative hearing. Requesting an agency review conference will not prevent a shelter resident or program participant from later requesting an HRA administrative hearing.

(3) Except as provided in paragraph (4) of this subdivision, an agency review conference must be requested within sixty days after the challenged determination or action, provided further that if an HRA administrative hearing is scheduled, an agency review conference must be requested reasonably in advance of the scheduled hearing date.

(4) Notwithstanding paragraph (3) of this subdivision, an agency review conference to review a failure by DHS and/or HRA to issue a certification letter pursuant to section 7-03, 7-04 or 7-05 of this chapter may be brought at any time if such household has not received such letter.

(5) A request for an agency review conference will extend the time period to request an HRA administrative hearing as set forth in paragraph (2) of subdivision (c) of this section to sixty days after the date of the agency review conference.

(c) Request for an HRA Administrative Hearing.

(1) An administrative hearing must be requested in writing. Such written request must be submitted by mail, electronic means or facsimile, or other means as HRA may set forth in an appeals notice.

(2) Except as provided in paragraph (3) of this subdivision and paragraph (5) of subdivision (b) of this section, a request for an administrative hearing must be made within sixty days after the challenged determination or action.

(3) A request for an administrative hearing to challenge a failure by DHS and/or HRA to issue a certification letter under section 7-03, 7-04 or 7-05 of this chapter may be brought at any time if such household has not received such letter.

(d) Authorized Representative.

(1) Except where impracticable to execute a written authorization, a person or organization seeking to represent a shelter resident, LINC VI program participant, or LINC I or LINC III program participant must have the shelter resident's or program participant's written authorization to represent him or her at an agency review conference or administrative hearing and to review his or her case record, provided that such written authorization is not required from an attorney retained by such shelter resident or program participant. An employee of such attorney will be considered an authorized representative if such employee presents written authorization from the attorney or if such attorney advises HRA by telephone of such employee's authorization.

(2) Once HRA has been notified that a person or organization has been authorized to represent a shelter resident, LINC VI program participant, or LINC I or LINC III program participant at an agency review conference or administrative hearing, such representative will receive copies of all correspondence sent by HRA to the shelter resident or program participant relating to the conference and hearing.

(e) Aid Continuing.

(1) If a LINC I or LINC III program participant requests an administrative appeal of a determination by HRA that rental assistance payments issued under section 7-03 or 7-05 of this chapter are to be reduced, restricted, suspended or discontinued, or that the program participant's household is not eligible for renewal pursuant to subdivision (b) of section 7-03 or subdivision (c) of section 7-05 of this chapter, such program participant shall have the right to continued receipt of LINC I or LINC III rental assistance payments at the rental assistance amount in effect at the time of the determination until the hearing decision is issued pursuant to subdivision (l) of this section, provided that:

(A) The program participant requests the administrative appeal within ten days of the mailing of the notice of such determination; and

(B) The appeal is based on a claim of incorrect computation or an incorrect factual determination.

(2) There is no right to continued rental assistance payments pursuant to this subdivision where the sole issue on appeal is one of local, State or Federal law or policy, or change in local, State or Federal law.

(3) Rental assistance payments will not continue pending the issuance of a hearing decision when:

(A) The LINC I or LINC III program participant has voluntarily waived his or her right to the continuation of such assistance in writing; or

(B) The LINC I or LINC III program participant does not appear at the administrative hearing and does not have a good reason for not appearing.

(4) If a LINC I or LINC III program participant requests an additional appeal pursuant to subdivision (m) of this section, rental assistance payments will continue uninterrupted after issuance of the hearing decision until a written decision is issued pursuant to subdivision (l) of this section.

(f) Notice.

HRA shall provide the shelter resident, LINC VI program participant, or LINC I or LINC III program participant with notice of the date, time, and location of the administrative hearing no fewer than seven calendar days prior to the scheduled date of the administrative hearing, unless the issue underlying the request for an administrative hearing has been resolved and the shelter resident or program participant has withdrawn his or her hearing request.

(g) Examination of Case Record.

The shelter resident, LINC VI program participant, or LINC I or LINC III program participant or his or her authorized representative has the right to examine the contents of his or her LINC program case file and all documents and records that HRA intends to use at the administrative hearing. Upon request by telephone or in writing, HRA shall provide such shelter resident or program participant with copies of all such documents, and copies of any additional documents in the possession of HRA and/or DHS that the shelter resident or program participant identifies and requests for purposes of preparing for the administrative hearing. HRA shall provide such

documents at no charge reasonably in advance of the administrative hearing. If the request for such documents is made less than five business days before the administrative hearing, HRA must provide the shelter resident or program participant with copies of such documents no later than at the time of the administrative hearing.

(h) Adjournment.

The administrative hearing may be adjourned for good cause by the administrative hearing officer on his or her own motion or at the request of the shelter resident, LINC VI program participant, or LINC I or LINC III program participant, HRA, or DHS.

(i) Conduct of Administrative Hearing.

(1) The administrative hearing shall be conducted by an impartial hearing officer appointed by HRA who shall have the power to administer oaths and issue subpoenas and who shall have no prior personal knowledge of the facts concerning the challenged determination or action.

(2) The administrative hearing shall be informal, all relevant and material evidence shall be admissible and the legal rules of evidence shall not apply. The administrative hearing shall be confined to the factual and legal issues raised regarding the specific determination(s) for which the administrative hearing was requested.

(3) The shelter resident, LINC VI program participant, or LINC I or LINC III program participant shall have a right to be represented by counsel or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to offer evidence in opposition to the evidence presented by HRA and DHS, to request that the hearing officer issue subpoenas, and to examine any documents offered by HRA and DHS.

(4) An audio recording, an audio visual recording or written transcript of the administrative hearing shall be made.

(j) Abandonment of Request for Administrative Hearing.

(1) HRA will consider an administrative hearing request abandoned if neither the shelter resident or LINC I [or], LINC III, or LINC VI program participant nor his or her authorized representative appears at the administrative hearing, unless either the shelter resident or program participant or his or her authorized representative has:

(A) contacted HRA prior to the administrative hearing to request rescheduling of the administrative hearing; or

(B) within fifteen calendar days of the scheduled administrative hearing date, contacted HRA and provided a good cause reason for failing to appear at the administrative hearing on the scheduled date.

(2) HRA will restore the case to the calendar if the shelter resident, LINC VI program participant, or LINC I or LINC III program participant or his or her authorized representative has met the requirements of paragraph (1) of this subdivision.

(k) Hearing Record.

The recording or written transcript of the hearing, all papers and requests filed in connection with the hearing, and the hearing decision collectively constitute the complete and exclusive record of the administrative hearing.

(l) Hearing Decision.

- (1) The hearing officer shall render a decision based exclusively on the hearing record. The decision must be in writing and must set forth the administrative hearing issues, the relevant facts, and the applicable law, regulations and approved policy, if any, upon which the decision is based. The decision must identify the issues to be determined, make findings of fact, state the reasons for the determinations, and when appropriate, direct HRA to take specific action.
- (2) A copy of the decision, accompanied by written notice to the shelter resident, LINC VI program participant, or LINC I or LINC III program participant of the right to further appeal and the procedures for requesting such appeal, will be sent to each of the parties and to their authorized representatives, if any.

(m) Additional Appeal.

- (1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision within at least five business days after the delivery of the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the shelter resident, LINC VI program participant, or LINC I or LINC III program participant may wish to submit.
- (2) The Commissioner or his or her designee shall render a written decision based on the hearing record and any additional documents submitted by the shelter resident, LINC VI program participant, or LINC I or LINC III program participant and HRA or DHS.
- (3) A copy of the decision, accompanied by written notice to the shelter resident, LINC VI program participant, or LINC I or LINC III program participant of the right to judicial review, will be sent to each of the parties and to their authorized representatives, if any.
- (4) Upon issuance, the decision of the Commissioner or his or her designee made pursuant to an appeal under this section is final and binding upon HRA and must be complied with by HRA.

§ 8. Section 7-09 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-09 Additional Provisions.

- (a) If a household is eligible for two or more LINC programs, HRA and DHS reserve the right to determine, based on administrative and programmatic needs, which LINC program the household will be certified for. HRA and DHS also reserve the right to determine the schedule for release of available funding for each of the LINC programs based on administrative and programmatic needs.

(b) HRA and DHS will refer households in the LINC Rental Assistance Programs for Families with Children to service providers who will assist them with connecting to appropriate services in their communities.

(c) HRA and DHS will evaluate available resources under the United States Department of Housing and Urban Development's Homelessness Prevention and Rapid Re-Housing Program and will utilize these as an alternative to longer term rental assistance, if applicable, prior to determining any household's eligibility for LINC I and LINC II rental assistance.

(d) HRA shall provide a household moving from shelter moving expenses, a security deposit voucher equal to one month's rent and, if applicable, a broker's fee equal to up to one month's rent, as set forth in Section 352.6 of Title 18 of the New York Codes, Rules and Regulations.

(e) Rental assistance provided under [any of] the LINC Rental Assistance Programs for Families with Children cannot be combined with any other rent subsidies other than a Public Assistance shelter allowance provided pursuant to Section 352.3 of Title 18 of the New York Codes, Rules and Regulations.

(f) Households in receipt of rental assistance under the LINC Rental Assistance Programs for Families with Children that are unable to make their program participant contributions on account of involuntary job loss or other extenuating circumstances may be eligible for emergency rent assistance and arrears under Section [352.7of] 352.07 of Title 18 of the New York Codes, Rules and Regulations.

(g) HRA and DHS will not maintain waitlists for the LINC Rental Assistance Programs for Families with Children.

(h) Shelter residents and LINC VI program participants are responsible for identifying potential housing. However, shelter staff may provide assistance to shelter residents in their housing search.

(i) A landlord who signs a lease with a household in receipt of rental assistance under any of the LINC Rental Assistance Programs for Families with Children is prohibited from demanding, requesting, or receiving any amount above the rent or fees as stipulated in the lease agreement regardless of any changes in household composition. A landlord who demands, requests or receives any amount above what is set forth in the lease will be barred from further participation in any HRA rental assistance programs and may be barred from other rental assistance programs administered by the City of New York. Before placing a landlord on a disqualification list, HRA will provide notice to the landlord and an opportunity for the landlord to object in writing.

(j) If a program participant leaves the apartment for which the program participant is receiving LINC I, LINC II, or LINC III rental assistance due to an eviction or move, the landlord must return any over-payment.

(k) Any residence to which LINC rental assistance is applied pursuant to this subchapter must pass a City inspection. Section 8 Housing Quality Standards set forth in Section 982.401 of Title 24 of the Code of Federal Regulations will be applied in the inspection process with respect to the physical condition of apartments. The number of persons who can occupy a particular apartment will be evaluated on a case-by-case basis with each household.

(l) As a condition of participating in the LINC Rental Assistance Programs for Families with Children, landlords shall be required to:

(1) renew a participating household's lease for a second year at the same monthly rent as provided for in the first year provided that (a) funding for the applicable LINC Rental Assistance Program remains available, and the household has been found eligible [by the City] for a second year of the program, or (b) the household is able to pay its entire rent for a second year; and

(2) after the second, third and fourth years, renew a participating household's lease at the same total monthly rent provided for as in the previous year, increased by a percentage no greater than that allowed at that time for one-year leases for rent-stabilized apartments in New York City, regardless of whether the housing is subject to rent stabilization, provided that: (a) funding for the applicable program remains available and the participating household has been found eligible by the City for the applicable year of the program, or (b) the participating household is able to pay its entire rent for the applicable year.

§ 9. Subdivision (b) of Section 7-10 of Title 68 of the Rules of the City of New York is amended to read as follows:

(b) A "Homeless Adult" means an individual who:

(1) resides in a shelter for single adults operated by or on behalf of DHS, or a DHS veterans shelter, a DHS drop-in center or a DHS safe haven as those terms are defined in § 3-113 of the Administrative Code of the City of New York as added by local law 37 for the year 2011; [or]

(2) resides in a shelter for adult families operated by or on behalf of DHS and has been found eligible for shelter, as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Code of Rules and Regulations; [or]

(3) does not reside in a shelter, residence, or other accommodations and has not secured any other temporary or permanent housing; [or]

(4) is at risk of entry into a shelter for single adults or adult families operated by or on behalf of DHS, as determined by HRA in consultation with DHS; or

(5) is in receipt of LINC VI rental assistance, met the definition of Homeless Adult pursuant to paragraph (1), (2), (3) or (4) of this subdivision at the time his or her application for such rental assistance was approved, and has submitted an application for LINC IV or LINC V rental assistance on a form and in a format established by HRA.

§ 10. Subdivision (b) of Section 7-13 of Title 68 of the Rules of the City of New York is amended to read as follows:

(b) Renewals after the First Year.

(1) Subject to the availability of funding and the provisions of paragraph (5) of this subdivision, a household receiving LINC V rental assistance will receive four one-year renewals of such assistance if it meets the following continued eligibility requirements:

(A) At least one member of the household must be working in unsubsidized employment;

(B) The household's total gross income must not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services;

(C) Where such supports are made available to the household, at least one member of the household must be continually engaged in enhanced employment and social service supports developed in conjunction with a case manager or employment vendor designated by DHS or HRA intended to maintain or enhance the household's employment;

(D) All members of the household eligible for Public Assistance must receive Public Assistance; and

(E) The household must provide prompt notice to HRA of any rent arrears that have accrued so that they may be addressed.

(2) Subject to the availability of funding and in order to prevent entry or re-entry into the shelter system or a return to the streets, households that meet the continued eligibility requirements in paragraph (1) of this subdivision may receive additional one-year extensions after their fifth year in the LINC V rental assistance program on a case-by-case basis.

(3) HRA will determine a household's eligibility for renewal of LINC V rental assistance at the end of each year of the household's participation in the program, subject to the availability of funding. Before the start of each one-year renewal period, HRA will recalculate the household's monthly program participant contribution and the monthly rental assistance amount pursuant to section 7-14 of this chapter. Except as provided in section 7-15 of this chapter, the monthly program participant contribution and monthly rental assistance amount will not change during the one-year renewal period, regardless of changes in household composition or income.

(4) HRA in its discretion may waive any of the requirements set forth in paragraph (1) of this subdivision on a case-by-case basis if the household's failure to meet the requirement was due to circumstances beyond the household's control, or where non-renewal is likely to result in the household's entry into shelter.

(5) If a household has transferred to the LINC V program after being in receipt of LINC VI rental assistance, the time the household participated in the LINC VI program shall be considered time in the LINC V program for purposes of renewal. If the effective date of the first lease or rental agreement for the residence towards which LINC V rental assistance shall be applied is not more than ten months after the start of the household's current year of participation in the LINC VI program, then the household's current year of LINC rental assistance shall begin anew on the effective date of such lease or rental agreement. If the effective date of the first lease or rental agreement for the residence towards which LINC V rental assistance shall be applied is more than ten months after the start of the household's current year of participation in the LINC VI program, then the

household's next year of LINC rental assistance shall begin on the effective date of such lease or rental agreement.

§ 11. Subdivision (a) of Section 7-20 of Title 68 of the Rules of the City of New York is amended to read as follows:

(a) Initial Eligibility for the LINC VI Rental Assistance Program.

(1) To be eligible for an initial year of LINC VI rental assistance, a household must meet the following eligibility requirements:

(A) The household must include at least one member who receives Public Assistance, and all household members who are eligible for Public Assistance must receive such benefits;

(B) The household must include:

(i) a child who meets the criteria set forth in Section 369.2(c) of Title 18 of the New York Codes, Rules and Regulations; (C) The household must include] and at least one member who:

[(i)] (I) is eligible for shelter as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations or as determined by HRA pursuant to Sections 452.2(g) and 452.9 of Title 18 of the New York Codes, Rules and Regulations; [and (ii)]

(II) currently resides in the City shelter system; [(D) The household member described in subparagraph (C) of paragraph (1) of this subdivision must have]; and

(III) resided in the City shelter system for at least ninety consecutive days, excluding gaps of up to three calendar days;

(ii) a member who meets the description set forth in paragraph (1) of subdivision (b) of section 7-10 of this chapter and resided in a shelter operated by or on behalf of DHS for any period of time between May 1, 2015 and July 31, 2015; or

(iii) a member who meets the description set forth in paragraph (2), (3), or (4) of subdivision (b) of section 7-10 of this chapter;

[(E)](C) The household must have identified a host family, consisting of relatives or friends of the household who live in the City of New York, that has agreed to permit the household to reside in its residence and to receive a monthly rent payment from the household that does not exceed the applicable maximum rent set forth in the table in subdivision (a) of section 7-21 of this chapter;

[(F)](D) The host family and the host family's residence must meet the requirements of subdivision (j) of section 7-24 of this chapter.

[(G)](E) The household must have total gross income that does not exceed 200 percent of the federal poverty level as established annually by the U.S. Department of Health and Human Services.

(2) HRA may waive the [requirements in subparagraphs (C) and (D)] requirement, as applicable, for the inclusion of a household member who meets the requirements set forth in items (I)-(III) of clause (i) of subparagraph (B) of paragraph (1) of this subdivision if the household includes at least one member who:

(i) exited the City shelter system no more than ten days before the household member's most recent application for shelter; and

(ii) on the date of the household member's most recent exit from the City shelter system, [the household member] would have met the requirements set forth in [subparagraph (C) and subparagraph (D)] items (I)-(III) of clause (i) of subparagraph (B) of paragraph (1) of this subdivision.

(3) The number of eligible households that can be approved to receive LINC VI rental assistance will be limited by the amount of available funding. Applications must be submitted on a form and in a format established by HRA in consultation with DHS.

§ 12. Section 7-23 of Title 68 of the Rules of the City of New York is amended to read as follows:

§ 7-23 Agency Review Conference and HRA Administrative Appeal Process.

(a) Right to HRA Administrative Review.

[A shelter resident] An applicant or LINC VI program participant may request an agency review conference and/or an HRA administrative hearing to seek review of any determinations or actions made by DHS and/or HRA under this subchapter, as well as any failures to act, or failures to act with reasonable promptness, by DHS and/or HRA in implementing the provisions of this subchapter.

(b) Agency Review Conference.

(1) If [a shelter resident] an applicant or LINC VI program participant requests an agency review conference, HRA shall informally review and attempt to resolve the issues raised.

(2) [A shelter resident] An applicant or LINC VI program participant may request an agency review conference without also requesting an HRA administrative hearing. Requesting an agency review conference will not prevent [a shelter resident] an applicant or program participant from later requesting an HRA administrative hearing.

(3) An agency review conference must be requested within sixty days after the challenged determination or action, provided that if an HRA administrative hearing is scheduled, an agency review conference must be requested reasonably in advance of the scheduled hearing date.

(4) A request for an agency review conference will extend the time period to request an HRA administrative hearing as set forth in paragraph (2) of subdivision (c) of this section to sixty days after the date of the agency review conference.

(c) Request for an HRA Administrative Hearing.

(1) An administrative hearing must be requested in writing. Such written request must be submitted by mail, electronic means or facsimile, or other means as HRA may set forth in an appeals notice.

(2) Except as provided in paragraph (4) of subdivision (b) of this section, a request for an administrative hearing must be made within sixty days after the challenged determination or action.

(d) Authorized Representative.

(1) Except where impracticable to execute a written authorization, a person or organization seeking to represent [a shelter resident] an applicant or LINC VI program participant must have [the shelter resident's] the applicant's or program participant's written authorization to represent him or her at an agency review conference or administrative hearing and to review his or her case record, provided that such written authorization is not required from an attorney retained by such [shelter resident] applicant or program participant. An employee of such attorney will be considered an authorized representative if such employee presents written authorization from the attorney or if such attorney advises HRA by telephone of such employee's authorization.

(2) Once HRA has been notified that a person or organization has been authorized to represent [a shelter resident] an applicant or LINC VI program participant at an agency review conference or administrative hearing, such representative will receive copies of all correspondence sent by HRA to the [shelter resident] applicant or program participant relating to the conference and hearing.

(e) Aid Continuing.

(1) If a LINC VI program participant requests an administrative appeal of a determination by HRA that rental assistance payments issued under section 7-21 of this chapter are to be reduced, restricted, suspended or discontinued, or that the program participant's household is not eligible for renewal pursuant to subdivision (b) of section 7-20 of this chapter, such program participant shall have the right to continued receipt of LINC VI rental assistance payments at the rental assistance amount in effect at the time of the determination until the hearing decision is issued pursuant to subdivision (l) of this section, provided that:

(A) The program participant requests the administrative appeal within ten days of the mailing of the notice of such determination; and

(B) The appeal is based on a claim of incorrect computation or an incorrect factual determination.

(2) There is no right to continued rental assistance payments pursuant to this subdivision where the sole issue on appeal is one of local, State or Federal law or policy, or change in local, State or Federal law.

(3) Rental assistance payments will not continue pending the issuance of a hearing decision when:

(A) The LINC VI program participant has voluntarily waived his or her right to the continuation of such assistance in writing; or

(B) The LINC VI program participant does not appear at the administrative hearing and does not have a good cause reason for not appearing.

(4) If a LINC VI program participant requests an additional appeal pursuant to subdivision (m) of this section, rental assistance payments will continue uninterrupted after issuance of the hearing decision until a written decision is issued pursuant to subdivision (l) of this section.

(f) Notice.

HRA shall provide the [shelter resident] applicant or LINC VI program participant with notice of the date, time, and location of the administrative hearing no fewer than seven calendar days prior to the scheduled date of the administrative hearing, unless the issue underlying the request for an administrative hearing has been resolved and the [shelter resident] applicant or program participant has withdrawn his or her hearing request.

(g) Examination of Case Record.

The [shelter resident] applicant or LINC VI program participant or his or her authorized representative has the right to examine the contents of his or her LINC program case file and all documents and records that HRA intends to use at the administrative hearing. Upon request by telephone or in writing, HRA shall provide such [shelter resident] applicant or program participant with copies of all such documents, and copies of any additional documents in the possession of HRA and/or DHS that the [shelter resident] applicant or program participant identifies and requests for purposes of preparing for the administrative hearing. HRA shall provide such documents at no charge reasonably in advance of the administrative hearing. If the request for such documents is made less than five business days before the administrative hearing, HRA must provide the [shelter resident] applicant or program participant with copies of such documents no later than at the time of the administrative hearing.

(h) Adjournment.

The administrative hearing may be adjourned for good cause by the administrative hearing officer on his or her own motion or at the request of the [shelter resident] applicant or LINC VI program participant, HRA, or DHS.

(i) Conduct of Administrative Hearing.

(1) The administrative hearing shall be conducted by an impartial hearing officer appointed by HRA who shall have the power to administer oaths and issue subpoenas and who shall have no prior personal knowledge of the facts concerning the challenged determination or action.

(2) The administrative hearing shall be informal, all relevant and material evidence shall be admissible and the legal rules of evidence shall not apply. The administrative hearing

shall be confined to the factual and legal issues raised regarding the specific determination(s) for which the administrative hearing was requested.

(3) The [shelter resident] applicant or LINC VI program participant shall have a right to be represented by counsel or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to offer evidence in opposition to the evidence presented by HRA and DHS, to request that the hearing officer issue subpoenas, and to examine any documents offered by HRA and DHS.

(4) An audio recording, an audio visual recording or written transcript of the administrative hearing shall be made.

(j) Abandonment of Request for Administrative Hearing.

(1) HRA will consider an administrative hearing request abandoned if neither the [shelter resident] applicant or LINC VI program participant nor his or her authorized representative appears at the administrative hearing, unless either the [shelter resident] applicant or program participant or his or her authorized representative has:

(A) contacted HRA prior to the administrative hearing to request rescheduling of the administrative hearing; or

(B) within fifteen calendar days of the scheduled administrative hearing date, contacted HRA and provided a good cause reason for failing to appear at the administrative hearing on the scheduled date.

(2) HRA will restore the case to the calendar if the [shelter resident] applicant or LINC VI program participant or his or her authorized representative has met the requirements of paragraph (1) of this subdivision.

(k) Hearing Record.

The recording or written transcript of the hearing, all papers and requests filed in connection with the hearing, and the hearing decision collectively constitute the complete and exclusive record of the administrative hearing.

(l) Hearing Decision.

(1) The hearing officer shall render a decision based exclusively on the hearing record. The decision must be in writing and must set forth the administrative hearing issues, the relevant facts, and the applicable law, regulations and approved policy, if any, upon which the decision is based. The decision must identify the issues to be determined, make findings of fact, state the reasons for the determinations, and when appropriate, direct HRA to take specific action.

(2) A copy of the decision, accompanied by written notice to the [shelter resident] applicant or LINC VI program participant of the right to further appeal and the procedures for requesting such appeal, will be sent to each of the parties and to their authorized representatives, if any.

(m) Additional Appeal.

(1) An appeal from a decision of a hearing officer may be made in writing to the Commissioner of HRA or his or her designee provided it is received by HRA through the procedures described in the notice accompanying the hearing decision no later than five business days after the delivery of the hearing officer's decision. The record before the Commissioner shall consist of the hearing record, the hearing officer's decision and any affidavits, documentary evidence, or written arguments that the [shelter resident] applicant or LINC VI program participant may wish to submit.

(2) The Commissioner or his or her designee shall render a written decision based on the hearing record and any additional documents submitted by the [shelter resident] applicant or LINC VI program participant and HRA or DHS.

(3) A copy of the decision, accompanied by written notice to the [shelter resident] applicant or LINC VI program participant of the right to judicial review, will be sent to each of the parties and to their authorized representatives, if any.

(4) Upon issuance, the decision of the Commissioner or his or her designee made pursuant to an appeal under this section is final and binding upon HRA and must be complied with by HRA.

§ 13. Subdivision (j) of Section 7-24 of Title 68 of the Rules of the City of New York is amended to read as follows:

(j) Any residence to which LINC VI rental assistance shall be applied must pass a safety and habitability inspection. Additionally, if the household includes a member who is under eighteen years of age, the host family must pass a clearance that shall include, at a minimum, an evaluation of any information contained in the Statewide Central Register of Child Abuse and Maltreatment concerning any family member and whether any host family member is registered as a sex offender pursuant to Article 6-C of the New York Correction Law.

§ 14. Subparagraph (C) of Paragraph (1) of Subdivision (a) of Section 8-03 of Title 68 of the Rules of the City of New York is amended to read as follows:

(C) The household must:

(i) be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations as a victim of domestic violence within the meaning of Section 452.2(g) of Title 18 of the New York Codes, Rules and Regulations and New York Social Services Law § 459-a, and

(I) reside in a DHS shelter but have not refused placement in an HRA shelter; or

(II) reside in an HRA Shelter and have reached the applicable maximum length of stay permitted under New York Social Services Law § 459-b;

(ii) be eligible for DHS shelter pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations, be in the City shelter system and, within the twelve months prior to entering the City shelter

system, have been evicted or have left a residence located within the City of New York that (a) was the subject of an eviction proceeding; or (b) the household was required to vacate as a result of a vacate order issued by a City agency or a foreclosure action, or for health and safety reasons as determined by a City agency, other than reasons that would make the household eligible for shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations; [or]

(iii) be at risk of entry into a DHS shelter as determined by HRA in consultation with DHS and within the last twelve months have been evicted or have lived in a residence within the City of New York that (a) was or is the subject of an eviction proceeding; or (b) the household was or is required to vacate as a result of a vacate order issued by a City agency or a foreclosure action, or for health and safety reasons as determined by a City agency, other than reasons that would make the household eligible for shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations; or

(iv) be in receipt of rental assistance pursuant to subchapter C of chapter 7 of this title and have met the requirements of clauses (i), (ii) or (iii) of this subparagraph at the time the household was approved to receive such rental assistance.

§ 15. Subparagraph (C) of Paragraph (1) of Subdivision (a) of Section 8-04 of Title 68 of the Rules of the City of New York is amended to read as follows:

(C) The household must reside in a DHS shelter that has been identified for imminent closure or be in receipt of rental assistance pursuant to subchapter C of chapter 7 of this title and at the time the household was approved to receive such rental assistance have resided in a DHS shelter that was identified for imminent closure;

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

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

RULE TITLE: Amendment of LINC VI Program (Non-Emergency Rule)

REFERENCE NUMBER: 2015 RG 125

RULEMAKING AGENCY: Human Resources Administration

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

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

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: October 29, 2015

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

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of LINC VI Program (Non-Emergency Rule)
REFERENCE NUMBER: HRA-14
RULEMAKING AGENCY: HRA

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

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

/s/ Elvita Dominique
Mayor's Office of Operations

October 29, 2015
Date