

**CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? To comply with recent amendments to Administrative Code § 26-301, the Department of Housing Preservation and Development (HPD) proposes to amend its rules regarding relocation services.

When and where is the hearing? HPD will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 AM to 11:00 AM on August 1, 2017. The hearing will be in the HPD hearing room at 100 Gold Street, Room 5R1, fifth floor, New York, N.Y. 10038.

This location has the following accessibility option(s) available: The building and hearing room are wheelchair accessible.

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

- **Website.** You can submit comments to HPD through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to rules@hpd.nyc.gov.
- **Mail.** You can mail comments to HPD, Attention: Assistant Commissioner Vivian Louie, 100 Gold Street, Room 7T2, New York, N.Y. 10038.
- **Fax.** You can fax comments to Assistant Commissioner Vivian Louie at 212 863-7061.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212 863-7087. You can also sign up in the hearing room before the hearing begins on August 1, 2017. You can speak for up to three minutes.

Is there a deadline to submit comments? The deadline for submission of comments is August 1, 2017.

Do you need assistance to participate in the hearing? You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212 863-7087. You must tell us by July 21, 2017.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. After the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public at HPD, Office of Legal Affairs, 100 Gold Street, 5th Floor, New York, N.Y. 10038.

What authorizes HPD to make this rule? Sections 1043 and 1082 of the City Charter and Local Law numbers 14 and 16 for the year 2017 authorize HPD to make this proposed rule. This

proposed rule was not included in HPD's regulatory agenda for this Fiscal Year because it was not contemplated when HPD published the agenda and is the result of enactment of legislation.

Where can I find the HPD's rules? HPD's rules are in title 28 of the Rules of the City of New York.

What rules govern the rulemaking process? HPD 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.

Statement of Basis and Purpose of Proposed Rule

HPD provides relocation services to tenants whose buildings have been issued a vacate order. Amendments to Administrative Code § 26-301, made by Local Laws 14 and 16 of 2017 effective August 14, 2017, will eliminate the agency's requirement that affected tenants must apply for relocation services within 90 days after a vacate order is issued, and clarify that affected tenants may apply for relocation services at any time while a law, regulation or order is in place which requires occupants to vacate the building.

Consistent with these local laws, the proposed rule also:

- requires potential relocatees, after receiving notification of confirmed eligibility for relocation services, to notify HPD in writing within 30 days whether they accept relocation services,
- amend the relocation services that the agency may provide, and makes those services dependent on the circumstances and timing of the relocatee's displacement,
- provide that a relocatee will only be eligible once for such services
- incorporate local law amendments regarding documentation that may be submitted to confirm occupancy of the vacated building, and
- provide information regarding how to appeal the agency's decision when relocation services are denied.

HPD's authority for these rules is found in section 1043 and 1082 of the New York City Charter and New York City Administrative Code section 26-301 et seq., as amended by Local Laws 14 and 16 for the year 2017.

New material is underlined.

[Deleted material is in brackets.]

"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.

Section one. Section 18-01 of Chapter 18 of Title 28 of the rules of the city of New York is amended to read as follows:

§ 18-01 Services to Individuals Temporarily Displaced by Vacate Orders.

(a) Definitions. The following terms used in this section have the meanings stated below.

"Administrative Code" means the New York City Administrative Code.

"Case Manager" means an employee or agent of HPD assigned to coordinate and direct the provision of Relocation Services to a particular Relocatee.

"Claimant" means a person claiming eligibility for Relocation Services.

["DHCR" means the State of New York Division of Housing and Community Renewal.]

"Family" means those individuals who permanently resided in the Former Apartment with a Relocatee at the time the Vacate Order was issued.

"Former Apartment" means the dwelling unit in which the Relocatee and his or her Family formerly resided that is the subject of a Vacate Order.

"HCR" means the State of New York Homes and Community Renewal.

"Housing Maintenance Code" means Chapter 2 of Title 27 of the Administrative Code.

"HPD" means the City of New York Department of Housing Preservation and Development.

"NYCHA" means the New York City Housing Authority.

"Post-Vacate Relocatee" means an individual, or a head of household and his or her Family, who first occupied the Former Apartment that is the subject of a Vacate Order as a permanent residence for more than thirty days beginning after the Vacate Date and while such Order was still in effect. "Post-Vacate Relocatee" shall not include an owner of the property that is the subject of the Vacate Order or his or her Family.

"Prepared for Occupancy" means, with respect to any dwelling unit, one that is free of all immediately hazardous violations of record pursuant to the Housing Maintenance Code, supplied with all appropriate fixtures and appliances, reasonably cleaned, and available for occupancy.

"Relocatee" means an individual, or a head of household and his or her Family, who resided in a Former Apartment prior to issuance of a Vacate Order, and whose Former Apartment is the subject of a Vacate Order and who is eligible for Relocation Services under any provision of these Rules [or of law]. "Relocatee" shall not include an owner of the property that is the subject of the Vacate Order or his or her Family.

"Relocation Services" means all relocation services offered or provided to a Relocatee or to a Post-Vacate Relocatee by HPD, [including] provided, however that Relocation Services provided to a Post-Vacate Relocatee shall not include Shelter Services.

"Rule" or "Rules" means section 18-01 of Chapter 18 of Title 28 of the Rules of the City of New York.

"Shelter Services" means temporary shelter relocation services offered or provided to a Relocatee by HPD.

"Site Occupancy Record" means a written file concerning a Relocatee or a Post-Vacate Relocatee, maintained by a Case Manager, containing all documents and information concerning the Relocatee or Post-Vacate Relocatee.

"Standard Apartment" means a dwelling unit approved by HPD that:

- (i) Has adequate floor area for the Relocatee or Post-Vacate Relocatee and his or her Family pursuant to the Housing Maintenance Code;
- (ii) Has no immediately hazardous violations of record in the dwelling unit;
- (iii) Has no violations of record in the dwelling unit for vermin, mice, or other pest infestations, unless a letter from a licensed exterminator certifies that the building is under contract to be serviced monthly;
- (iv) Does not have any rooms or facilities which can be reached only through a public area, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit;
- (v) Has heat and hot water;
- (vi) Contains a private kitchen or kitchenette for the exclusive use of the Relocatee or Post-Vacate Relocatee and his or her [family] Family, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit;
- (vii) Contains private and fully enclosed toilet and bathing facilities for the exclusive use of the Relocatee or Post-Vacate Relocatee and his or her Family, unless the dwelling unit is approved for single room occupancy use or is a room in a dwelling unit; and[;]
- (viii) Has a window or adequate light and ventilation in each room pursuant to the Housing Maintenance Code.

"Uninhabitable" means, with respect to any dwelling unit, one that is unfit for human habitation, due to substantial structural or other damage that has not been remedied.

"Vacate Order" means one of the following orders of a local governmental agency requiring occupants of a building or dwelling unit to discontinue occupancy:

- (i) A Vacate Order issued by the Department of Health and Mental Hygiene pursuant to Administrative Code §17-159 or other provision of law;
- (ii) A Vacate Order issued by the Department of Buildings pursuant to Administrative Code §28-207.4 et seq. or other provision of law;
- (iii) A Vacate Order or other order issued by the Fire Department pursuant to Administrative Code §15-227 or other provision of law; and
- (iv) A Vacate Order or other order issued by HPD pursuant to Housing Maintenance Code §27-2139 or other provision of law.

"Vacate Date" means the date of issuance of a Vacate Order. If more than one Vacate Order affects a building or dwelling unit, "Vacate Date" means the date of issuance of the first Vacate Order affecting such building or dwelling unit.

(b) Relocation Services.

(1) To request Relocation Services, a Claimant for Relocation Services must provide:

(i) Proof of identity, such as a driver's license, passport, government identification card, or other photo identification, and, for children, a birth certificate, letter from school with address, or proof of legal guardianship; and

(ii) Documentation that he or she resided in the Former Apartment. Documentation of residency may include:

(A) a lease, sublease or license agreement verifying that the Claimant resided at the Former Apartment; or

(B) any two of the following:

(a) a valid government-issued identification listing the Former Apartment as the Claimant's address;

(b) a valid record from any government agency listing the Former Apartment as the Claimant's address;

(c) a valid record relating to medical treatment, such as a prescription, that lists the Former Apartment as the Claimant's address;

(d) a notarized written statement from the owner of the Former Apartment verifying that such Claimant resides at the Former Apartment, provided, however, that a statement by the owner stating that such Claimant does not reside at such Former Apartment shall not be used, by itself, to prevent such claimant from receiving Relocation Services without further documentation provided by such owner;

(e) a valid, current utility bill addressed to the Claimant at the Former Apartment;

(f) a written, notarized statement from a third party, non-governmental service provider, on the provider's letterhead, verifying that the provider's services were provided to the Claimant and that the Claimant resides at the Former Apartment; and

(g) any other forms of verification that the department may deem appropriate, including, but not limited to, official payroll documentation, bank statement, or credit card statement.

[(1)] (2) Upon receiving notice of a Vacate Order and [identifying] verifying eligibility of a Relocatee or a Post-Vacate Relocatee, HPD will issue a notice of eligibility and offer Relocation Services to [such] a Relocatee or to a Post-Vacate Relocatee, as provided in these rules. If HPD finds a Claimant to be ineligible, it will issue a notice of ineligibility. An offer of Relocation Services shall be made only once to any Relocatee or Post-Vacate Relocatee while the Vacate Order is in effect.

(i) A Relocatee [will] or Post-Vacate Relocatee must accept or decline an offer of Relocation Services, as applicable, in whole or in part, [within ninety days after the Vacate Date] in writing within thirty days after the date a notice of eligibility has been issued by HPD.

(ii) If a Relocatee or Post-Vacate Relocatee does not accept an offer of Relocation Services [within ninety days after the Vacate Date] in writing within thirty days after the date of the notice of eligibility, such offer (or the part not accepted) [will be deemed to have been declined and] will be permanently withdrawn.

[(2)] (3) If a Relocatee accepts an offer of Shelter Services, HPD may order a Relocatee to move from one temporary shelter to another if, in the judgment of HPD, this facilitates the work of HPD or reduces the costs of temporary shelter.

[(3)] (4) A Relocatee who declines an offer of Shelter Services may be eligible for other Relocation Services as provided in these Rules. However, a Relocatee who has declined an offer of Shelter Services will not be eligible for any further Shelter Services, despite eligibility for other Relocation Services.

[(4)] (5) HPD will provide a Relocatee or a Post-Vacate Relocatee with a copy of these Rules in English [and Spanish] and such other language as it deems necessary. HPD will notify such Relocatee or Post-Vacate Relocatee of the name, office address and telephone number of the Case Manager assigned to the Relocatee or Post-Vacate Relocatee. A copy of these Rules in English [and Spanish] and such other language as HPD deems necessary will also be made available in the offices of Case Managers.

[(5)] (6) HPD will assist a Relocatee or a Post-Vacate Relocatee in completing and submitting an application for housing or [for a housing subsidy to] a NYCHA housing application on behalf of the Relocatee or Post-Vacate Relocatee. A Relocatee or Post-Vacate Relocatee who fails or refuses to complete such [application] application(s) will be ineligible for any further Relocation Services and his or her application will be subject to termination.

[(6)] (7) HPD will pay the cost of Shelter Services in such amount as HPD deems adequate for Relocates residing in temporary shelters.

[(7)] (8) HPD will refer a Relocatee or a Post-Vacate Relocatee to one Standard Apartment. A Relocatee or a Post-Vacate Relocatee may request that such [standard apartment] Standard Apartment be located in a particular borough, if available, provided, however, that a Relocatee or a Post-Vacate Relocatee may not refuse a [standard apartment] Standard Apartment on the basis that it is not located in the preferred borough.

[(8)] (9) HPD may withdraw its referral of a Standard Apartment and the Relocatee or Post-Vacate Relocatee may withdraw his or her acceptance if the Standard Apartment is not Prepared for Occupancy within 30 days after the date that the Relocatee or Post-Vacate Relocatee informed HPD of his or her acceptance.

[(9)] (10) If HPD notifies the Relocatee or Post-Vacate Relocatee that the Former Apartment has been repaired, the Relocatee's or Post-Vacate Relocatee's unjustified failure or refusal to return to the Former Apartment constitutes grounds for termination of Relocation Services.

(c) Relocation Payments. A Relocatee may be eligible for the following relocation payments:

(1) Moving Expenses. HPD will reimburse a Relocatee or a Post-Vacate Relocatee whose possessions are moved from the Former Apartment to a storage facility, a Standard Apartment, or lawful dwelling unit for his or her moving expenses in an amount determined by HPD. HPD will not reimburse a Relocatee or a Post-Vacate Relocatee if he or she is entitled to payment of moving expenses from another governmental agency or other source.

(2) Storage Expenses. HPD will reimburse a Relocatee or a Post-Vacate Relocatee whose possessions are moved from the Former Apartment to a storage facility for his or her storage

expenses in an amount determined by HPD. HPD will not reimburse a Relocatee or a Post-Vacate Relocatee if he or she is entitled to payment of storage expenses from another governmental agency or other source. If a Relocatee's or a Post-Vacate Relocatee's Relocation Services have been terminated or have expired, HPD will not reimburse storage expenses beginning 60 days after HPD has provided a termination or expiration notice to the Relocatee or Post-Vacate Relocatee.

(3) Relocation Allowance Payment for Replacing Personal Property. HPD will provide a Relocatee with a relocation allowance payment for personal property as provided in Table A of this subdivision, or in such other amount as may be determined by HPD, if the Relocatee satisfies all of the following criteria:

- (i) An entity designated by HPD or the Fire Department certifies that the Relocatee has lost all or most of his or her personal property as a result of a fire or other disaster that resulted in the Vacate Order;
- (ii) The Relocatee is not under investigation or the subject of pending charges, and has not been convicted of or pled guilty to any charges, in relation to a fire of suspicious origin or any other unlawful act that caused or contributed to the Vacate Order;
- (iii) The Relocatee is moving into a Standard Apartment or [a] other lawful dwelling unit; and
- (iv) The Relocatee's Relocation Services have not been terminated pursuant to these Rules.

TABLE A--RELOCATION ALLOWANCE PAYMENT FOR PERSONAL PROPERTY

Number of bedrooms	Allowance Payment
1	\$150.00
2	200.00
3	250.00
4	300.00
5	350.00
6 or more	400.00
Single room occupancy unit	100.00

(d) Duties of a Relocatee and a Post-Vacate Relocatee. A Relocatee [will be required to] or a Post-Vacate Relocatee must comply with the following:

(1) The Relocatee [will] or Post-Vacate Relocatee must actively seek out a lawful dwelling unit and report his or her progress to his or her Case Manager weekly or at such intervals as HPD requires. A Relocatee [will] or a Post-Vacate Relocatee must keep HPD informed of his or her current address, telephone number and other contact information.

(2) [Prior] In the case of a Relocatee, prior to moving from a temporary shelter to a lawful dwelling unit found by his or her own efforts, or in the case of a Post-Vacate Relocatee, prior to moving to a lawful dwelling unit found by his or her own efforts, or to signing a lease for such lawful dwelling unit, the Relocatee or Post-Vacate Relocatee will notify his or her Case Manager

in writing. This notice [will] must include the address of the Relocatee's or Post-Vacate Relocatee's Former Apartment, the address of the lawful dwelling unit, and the names of the Relocatee or Post-Vacate Relocatee and his or her Family.

(3) A Relocatee or a Post-Vacate Relocatee who believes that a dwelling unit referred to him or her by HPD is not a Standard Apartment will deliver a notice to his or her Case Manager specifically stating in writing the facts upon which such conclusion is based within one week after the referral of such dwelling unit.

(4) After having accepted a Standard Apartment referred by HPD and having been notified that it is Prepared for Occupancy, the Relocatee [will] or Post-Vacate Relocatee must deliver a notice to his or her Case Manager, within three business days after such notification, stating any facts which in his or her opinion would constitute grounds for a determination that the accommodations have not been Prepared for Occupancy.

(5) The Relocatee [will] or a Post-Vacate Relocatee must complete an application with NYCHA for housing [or a housing subsidy] and provide any information requested by HPD or by NYCHA relating to relocation efforts or the Relocatee's or Post-Vacate Relocatee's eligibility for Relocation Services.

(6) The Relocatee [will] or Post-Vacate Relocatee must advise his or her Case Manager and HPD in writing whenever he or she finds a lawful dwelling unit through his or her own efforts and [keep HPD advised regarding] the date of expected occupancy.

(7) The Relocatee [will] or Post-Vacate Relocatee must respond to and comply with all notices of appointments with his or her Case Manager and HPD and with prospective landlords or agents, including, but not limited to, appointments to view potential Standard Apartments.

(8) If the Former Apartment is subject to rent control or rent stabilization, the Relocatee [will] or a Post-Vacate Relocatee must apply to [DHCR] HCR to establish reduced rent for the Former Apartment [and file the Vacate Order with DHCR]. If [DHCR] HCR establishes the reduced rent for the Former Apartment at \$1.00 per month or another nominal amount, the Relocatee or Post-Relocatee [will] must pay such rent, without interruption, to establish and maintain any such [Relocatee's] right to reoccupy the Former Apartment when repairs have been completed.

(9) If the Relocatee or a Post-Vacate Relocatee enters into an agreement with the owner of the Former Apartment terminating or diminishing his or her legal rights to occupancy of the Former Apartment, such action will result in termination of Relocation Services.

(e) Termination of Relocation Services: Non-occupancy in Temporary Shelter. This subdivision applies to a Relocatee who has accepted an offer of Shelter Services by HPD.

(1) Before a Relocatee voluntarily moves out of a temporary shelter provided by HPD, he or she [will] must deliver a written notice, which includes the moving date, to his or her Case Manager. Except as otherwise provided in this subdivision, upon such notification, HPD will terminate Relocation Services on the moving date.

(2) If a Relocatee is or will be absent from any temporary shelter provided by HPD for [a period of] four or more consecutive days but intends to return, he or she [will] must notify HPD in writing in advance as to the cause of such absence, the date upon which he or she can return, and include any supporting documentation, which is subject to approval by HPD.

(3) Except where a Relocatee has notified HPD in compliance with paragraph (2) of this subdivision and HPD has approved the absence from the temporary shelter, HPD may terminate Relocation Services as provided in these Rules upon HPD's determination that a Relocatee is not residing at his or her temporary shelter.

(f) Termination of Relocation Services: Refusal of Referral

(1) After notice and hearing as provided in subdivisions (h) through (l) of these Rules, Relocation Services will be terminated upon a Relocatee's or a Post-Vacate Relocatee's unjustified refusal of one Standard Apartment that is Prepared for Occupancy and referred to him or her by HPD.

(g) Termination of Relocation Services: Other Grounds. Relocation Services may be terminated after notice and hearing pursuant to subdivisions (h) through (l) of these Rules, even if HPD has made no referral to a Standard Apartment, upon occurrence of any one of the following:

(1) The Relocatee or Post-Vacate Relocatee unjustifiably fails or refuses to move into the Former Apartment after having been notified by HPD or the owner that such dwelling unit or room has been repaired and is no longer Uninhabitable, as required by paragraph 10 of subdivision (b);

(2) The Relocatee or Post-Vacate Relocatee fails or refuses to fill out an application with NYCHA for housing [or a housing subsidy] or any other housing application required by HPD, or fails or refuses to provide information required by HPD or NYCHA relating to relocation efforts or the Relocatee's or Post-Vacate Relocatee's eligibility for Relocation Services, as required by paragraph 4 of subdivision (b);

(3) The Relocatee or a Post-Vacate Relocatee fails or refuses to comply with the obligation to actively seek out a lawful dwelling unit and to report his or her progress to the Case Manager on a weekly basis or at such intervals as HPD requires, or fails to keep HPD informed of his or her current address, telephone number and other contact information, as required under these Rules, as required by paragraph 1 of subdivision (d);

(4) The Relocatee or any member of his or her Family residing in a temporary shelter provided by HPD engages in conduct which threatens the health, safety or property of a Family member, other residents, guests or visitors in the shelter; City personnel, agents or employees; the owner of the shelter, his or her agents or employees; or any other person;

(5) The Relocatee or Post-Vacate Relocatee makes material misstatements or conceals material facts from HPD, NYCHA, or any other entity concerning his or her initial or continued eligibility for Relocation Services;

(6) The Relocatee or Post-Vacate Relocatee fails to respond to or comply with a notice for an appointment with employees of HPD, a Case Manager, or with prospective landlords or agents, including, but not limited to, an appointment to view a potential Standard Apartment;

(7) The Relocatee or Post-Vacate Relocatee is ineligible for Relocation Services:

(i) because he or she did not in fact dwell in the Former Apartment;

(ii) because the Relocatee or Post-Vacate Relocatee has failed, where required, to file the application to [DHCR] HCR required by paragraph 8 of subdivision (d) of these Rules or has failed to remain current on his or her obligation to pay a reduced rent of \$1.00 per month or another nominal amount for the Former Apartment as established by [DHCR] HCR;

(iii) because the Relocatee or Post-Vacate Relocatee has signed or otherwise entered into an agreement with the owner of the Former Apartment terminating or diminishing his or her legal rights to occupancy of the Former Apartment, as provided by in paragraph 9 of subdivision (d);

(iv) because the Former Apartment is no longer Uninhabitable and the Relocatee or Post-Vacate Relocatee has unjustifiably failed or refused to return to the Former Apartment; or

(v) because he or she is otherwise ineligible for Relocation Services; or

(8) The Relocatee behaves in a manner which substantially interferes with the orderly operation of the temporary shelter provided by HPD, including, but not limited to, repeated violations of any rules or regulations of such shelter.

(h) Hearing [procedures] Procedures for Termination of Relocation Services.

(1) Prior to the termination of Relocation Services, HPD will give the Relocatee or Post-Vacate Relocatee notice of the intended termination and an opportunity to be heard, according to the procedures stated in these Rules.

(2) HPD will deliver a notice of intention to terminate Relocation Services to a Relocatee or Post-Vacate Relocatee in the manner provided in subdivision [(m)] (n) of these Rules no fewer than seven days prior to the scheduled date of the hearing, provided, however that if the notice of intention to terminate to a Relocatee is based upon an allegation that the Relocatee behaved in a manner described in paragraph 8 of subdivision (g), or engaged in conduct described in paragraph 4 of subdivision (g), then the notice will be delivered no fewer than three days prior to the scheduled date of hearing. The notice will be in [Spanish and] English and such other language as the Department deems necessary. The notice will state:

(i) the date upon which HPD intends to terminate Relocation Services;

(ii) the factual and legal basis upon which HPD intends to terminate such Relocation Services;

(iii) the time, date and place of the hearing;

(iv) that for good cause, the Relocatee or Post-Vacate Relocatee may request a change in the hearing date indicated in HPD's notice of intended termination;

(v) that appearance at the hearing will stay any intended termination of Relocation Services until at least seven days after a hearing officer's decision; and

(vi) that, if the Relocatee or Post-Vacate Relocatee requests a hearing, he or she has the right to be represented by an attorney or other representative, to have a translator present, to testify, to produce witnesses to testify, to offer documentary evidence, to cross-examine opposing witnesses, and to examine the Site Occupancy Record, upon request, at a reasonable time prior to the hearing.

(3) If the Relocatee or Post-Vacate Relocatee is unable to attend the hearing at the time, date and place indicated in the notice of intended termination, he or she [will] must deliver notice of such unavailability to HPD in writing at least three days before the proposed hearing date.

(i) Hearing Procedures; Conduct of Hearing.

(1) The termination hearing will be conducted by an impartial hearing officer designated by HPD. The hearing officer will have the power to administer oaths and have no prior personal knowledge of the facts concerning the proposed termination of Relocation Services.

(2) The hearing will be informal. All relevant and material evidence will be admissible and the legal rules of evidence will not apply. The Site Occupancy Record will be part of the evidence at any hearing whether or not the Case Manager is or can be present. The hearing will be confined to the factual and legal issues raised in the notice of intended termination of Relocation Services.

(3) The Relocatee or Post-Vacate Relocatee will have a right to be represented by counsel or other representative, to testify, to produce witnesses to testify, to offer documentary evidence, to cross-examine opposing witnesses and to examine the Site Occupancy Record.

(4) For good cause, the hearing may be adjourned by the hearing officer on his or her own motion or at the request of the Relocatee or Post-Vacate Relocatee or HPD.

(5) HPD will provide translation services for Relocates or Post-Vacate Relocates who request such services prior to the date of the termination hearing.

(j) Hearing Procedures: Decision.

(1) The hearing officer will render a decision which includes:

(i) written findings of fact;

(ii) the legal basis for any decision to terminate or to deny termination of Relocation Services; and

(iii) if the termination is granted, the date of termination of Relocation Services.

(2) A copy of the decision will be provided to the Relocatee or Post-Vacate Relocatee. If the termination is granted, a copy of the decision will be provided no fewer than seven days prior to the date of termination set by the hearing officer. In the case of termination for threatening conduct by the Relocatee or a member his or her Family as described in paragraph 4 of subdivision (g) of these Rules, such decision will be provided at least 24 hours before the termination date. Notwithstanding any other provision of these Rules, the hearing officer will not set a date for termination of Relocation Services that is later than 14 days after the date of his or her decision.

(3) Delivery of the copy of a decision rendered pursuant to this section will be made in the manner for giving notice provided in subdivision [(m)] (n) of these Rules.

(4) A decision rendered pursuant to this subdivision will be final absent a timely appeal as described in subdivision (l) of these Rules.

(k) Hearing Procedures: Default.

(1) Failure to appear at the termination hearing on the date described in HPD's notice of intended termination of Relocation Services, or on any adjourned date, will result in termination of Relocation Services, unless the Relocatee or Post-Vacate Relocatee makes a written application to the hearing officer. Such written application [will] must be filed no later than four days before the scheduled date of termination of Relocation Services. In the application, the Relocatee or Post-Vacate Relocatee will provide facts establishing that either:

(i) the Relocatee or Post-Vacate Relocatee was not properly served with a notice of intended termination of Relocation Services and opportunity for a hearing; or

(ii) the default was excusable and that Relocatee or Post-Vacate Relocatee has a meritorious defense to the intended termination.

(2) The termination date may be delayed if such written application is made by the Relocatee or Post-Vacate Relocatee prior to the scheduled date of termination of Relocation Services.

(3) The written application submitted to the hearing officer by the Relocatee or Post-Vacate Relocatee pursuant to this section may be granted if the Relocatee or Post-Vacate Relocatee provides facts establishing either of the grounds described in paragraph (1) of this subdivision. In such circumstance, in accordance with the provisions of subdivision (h) of these Rules, HPD will deliver to the Relocatee or Post-Vacate Relocatee a new notice of intention to terminate Relocation Services and opportunity for a hearing. However, the hearing date will be scheduled on the third business day after delivery of such notice.

(l) Appeal of Hearing Decision Terminating Relocation Services.

(1) An appeal from a decision of a hearing officer may be made in writing to the person designated by the Commissioner of HPD, if it is received within five days after the date of delivery of the hearing officer's decision. The record before the Commissioner's designee will consist of the record of the proceedings, the Site Occupancy Record, the hearing officer's decision and any written arguments which the appellant may wish to submit.

(2) Termination of Relocation Services will be stayed pending a determination of the appeal. A copy of the decision on appeal will be delivered in the manner for giving notice provided in subdivision [(m)] (n) of these Rules. Termination will not be ordered during the seven-day period immediately following the delivery of the decision on appeal. However, in the case of termination for threatening conduct of the Relocatee or his or her Family as described in paragraph 4 of subdivision (g) of these Rules, termination may occur within 24 hours after delivery of notice of an adverse decision on appeal.

(m) Determination of Claimant's Eligibility for Relocation Services.

(1) HPD will provide a written determination approving or denying a Claimant's eligibility for applicable Relocation Services.

(2) A Claimant must advise HPD in writing of his or her acceptance of applicable Relocation Services within thirty days after the date of the notice of eligibility for such Services. If such Claimant fails to provide such notice, such offer will be permanently withdrawn. A claimant may not administratively appeal a withdrawal of an offer of Relocation Services based upon failure to notify HPD of acceptance within thirty days.

(2) An appeal by a Claimant from a decision by HPD to deny Relocation Services based upon ineligibility for a reason other than failure to notify HPD of acceptance within thirty days, may be made in writing to the person designated by the Commissioner of HPD, if it is received within ten days of the date of the denial letter. The record before the Commissioner's designee will consist of the basis for the department's determination and any written arguments which the appellant may wish to submit.

(3) The appeal officer will provide a timely written determination approving or denying the Claimant's appeal. No Relocation Services will be provided pending such determination.

(n) Notice.

(i) Any written notice by HPD required to be provided under these Rules will be:

(1) personally served on a Relocatee or Post-Vacate Relocatee;

(2) mailed to the Relocatee at his or her place of residence in a temporary shelter or other residence as provided by such Relocatee, or to a Post-Vacate Relocatee at his or her place of residence as provided by such Post-Vacate Relocatee, or, in the case of a written determination of eligibility for Relocation Services to a Claimant at the address provided by such Claimant;

(3) left with a person of suitable age and discretion at Relocatee's place of residence in a temporary shelter or other residence as provided by such Relocatee, or at a Post-Vacate Relocatee's place of residence as provided by such Post-Vacate Relocatee; or

(4) placed under the door of Relocatee's place of residence in a temporary shelter and a copy left with the desk clerk or other responsible representative of the proprietor or lessee of the temporary shelter.

(ii) Unless these Rules specifically require otherwise, where a Relocatee or a Post-Vacate Relocatee is required to provide any notice under these rules, he or she [will] must provide a copy to his or her Case Manager and HPD in writing.

**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 Requirements for Receipt of Relocation Services

REFERENCE NUMBER: 2017 RG 025

RULEMAKING AGENCY: Department of Housing Preservation and Development

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: June 9, 2017

**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 Requirements for Receipt of Relocation Services

REFERENCE NUMBER: HPD-37

RULEMAKING AGENCY: Department of Housing Preservation and Development

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/ Francisco X. Navarro
Mayor's Office of Operations

June 9, 2017
Date