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August 26, 2021

HRA Rules
c/o Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

Subject: Rental Assistance Amendments

Dear HRA Rules:

I am writing on behalf of Urban Pathways to submit a public comment regarding the proposed amendments to Title 68 of the Rules of the City of New York, for the CityFHEPS rental assistance program.

Urban Pathways is a homeless services provider, serving the community with a drop-in center, safe havens, and street outreach, among other services. Many of the New Yorkers we serve in these programs hold CityFHEPS vouchers, and both these clients and our staff members that assist them in their housing search are looking forward to changes that will increase access to the private housing market and make this program easier to utilize.

As such, we are grateful to the agency for your shared sense of urgency to increase rent levels for CityFHEPS rental vouchers, choosing to implement the rule change months earlier than required by Int. 146-C. We are heartened to see that the rule raises maximum rent levels for apartments to NYCHA Section 8 standards rather than the broader federal Section 8 regulatory range included in the legislation, provides clarification that SCRIE and DRIE households can also access CityFHEPS if otherwise eligible, and simplifies the street homeless definition, as all these changes will help more households to access or maintain their permanent housing.

Urban Pathways also makes the following recommendations to further improve the CityFHEPS program to ensure those at risk of or currently experiencing homelessness can access the program in a timely manner, and that it provides long-term housing stability that slowly tapers off assistance as tenants' incomes rise over time.

Eligibility Recommendations:

- **§ 10-03 (a) (1) and § 10-04 (a) (1) Initial eligibility income criteria should mirror Section 8 instead of 200% FPL.** Too many one and two person households make too much to currently qualify for a CityFHEPS voucher but too little to pay rent on their own, leaving them to languish in poverty and housing instability. Someone working 35 hours a week at the minimum wage of \$15/hour has a gross income of \$27,300, which is \$1,540 over the income eligibility for a 1-person household. To be eligible for rental assistance, someone earning minimum wage would need to make sure they don't work more than 33 hours a week, (when most hourly jobs operate on a 35 or 37.5 hour schedule). This punishes people for accepting full-time employment with no alternatives to afford rent.

- **§ 10-08 (a) (1) Renewal eligibility income criteria should mirror Section 8 instead of 250% FPL.** The current 250% FPL limit is too low to allow households to earn more and rise out of poverty, forcing them to walk a tightrope to maintain their housing. Workers must literally turn down raises, promotions, overtime, and better-paying positions in order to maintain their city housing voucher. Instead, Section 8's income renewal criteria should also be adopted for CityFHEPS in order to allow income to grow. Under Section 8, the household only becomes ineligible for rental assistance once 30% of their income is equal to their rent, allowing the household to earn more and ensuring they are not rent-burdened after the voucher ends. This recommendation will prevent households from cycling back into homelessness. It will also lead to long-term stability and encourage professional advancement that contributes to ending generational poverty.
- **§ 10-04 (a) (8) (A) and § 10-04 (b) and § 10-04 (c) Remove the 90-day qualifying shelter stay requirement for shelter residents.** Households should be eligible for a CityFHEPS rental assistance voucher as soon as they are approved for residency in a qualifying shelter (e.g. DHS or HRA DV). For DHS facilities this should be when a household's conditional status ends and they become eligible for shelter services. The fallacy that housing is a draw to shelter must end and the City's housing policies should not reflect it. To mandate a family or individual in shelter to wait 90 days to demonstrate they "really" need a housing voucher is inhumane and must end. Everyone experiencing homelessness needs and is ready for housing.
- **§ 10-01 (nn) Clarify the "Street homeless" definition to include anyone receiving case management services at a DHS Drop-In Center or residing in a safe haven.** Not every client on caseload at a DHS Drop-In Center or residing in a safe haven previously received case management services from a DHS Outreach Provider. For instance, Urban Pathways offers outreach services that receive funding through the Port Authority and several Business Improvement Districts (BIDs). Additionally, safe havens serve the most vulnerable street homeless individuals but hardest to convince to enter shelter, and direct access to a CityFHEPS voucher will help those who do not need more supportive settings to secure permanent housing and free up limited safe haven capacity more quickly that is in high demand by individuals currently residing on the street.
- **§ 10-03 (a) (6) (B) Require a verified rent-demand letter instead of eviction proceeding to qualify for CityFHEPS in-community.** A household should not be put at greater risk of eviction in order to qualify for assistance to stabilize their housing. A verified rent-demand should suffice to prove that a household's housing situation is unstable, and is timelier and more humane than forcing them to wait for their housing to further destabilize to the point that their landlord takes them to housing court. This will ultimately save time and money for all parties to reach the same result more quickly.

Process Recommendations:

- **Streamline the opening of Single Issuance Cases to deliver CityFHEPS for eligible households without active Public Assistance cases.**
 - **Improve communication around Single Issuance cases.** HRA staff at Centers and ACCESSHRA as well as applicants must all be informed that the household is applying for

a single issuance, not ongoing Cash Assistance. Applicants are frequently told they do not qualify for public benefits when they do qualify for CityFHEPS. This miscommunication when attempting to open a single issuance case results in multiple applications and wasted precious resources, creating delays and lowering tenants and landlords' interest in the program.

- **Provide tenants with a CityFHEPS shopping letter and presumptive eligibility, while coordinating PA single issuance paperwork separately, budgeting the household and opening the single issuance when the apartment is located.** Single issuance cases are a fragile delivery mechanism to award CityFHEPS as these cases are prone to automatically closing without notice, causing the CityFHEPS application to be denied. This creates a constant cycle of clients who qualify for CityFHEPS and are following all appropriate steps to receive a voucher getting bounced between reapplying for a single issuance case and CityFHEPS, as the single issuance closes before their CityFHEPS application is processed, causing it to be denied. This is extremely frustrating for our clients and wastes staff resources chasing down these cases. Moving single issuances to the backend and uncoupling a household's CityFHEPS eligibility from this administrative process would avoid CityFHEPS denials due to snags in the process, where both tenants and landlords are faultless.

- **Establish and publicize referral processes for “qualifying CityFHEPS programs” to ensure meaningful access to CityFHEPS vouchers to avert entry into a DHS or HRA DV shelter.** While included in the original rule language, we are disheartened that processes have not yet been established to refer clients from these “feeder” systems, such as Corrections, RHY shelter, ACS, and APS, and the agency must now act to create a pathway that diverts individuals from homelessness into permanent housing.

- **Tenants, landlords, and property managers need more robust notifications for renewal and budget issues/changes in rent levels, similar to Section 8. Additionally, tenants and landlords need a way to troubleshoot directly with HRA disruptions in Public Assistance benefits which cause CityFHEPS to “fall off” budget.** We are hopeful that the new CurRent system which is in development will assist with notifications, however landlords and property managers could benefit from a centralized HRA resource to proactively troubleshoot why their tenants' CityFHEPS fell off.

If you have any questions or would like more information, please contact me via email at nmcvinua@urbanpathways.org or by phone at 212-736-7385, Ext. 233.

Sincerely,



Nicole McV. inua, LMSW
Director of Policy
Urban Pathways