

**Notice of Public Hearing and Opportunity to Comment on Proposed Amendments to Chapter 10 of Title 68 and Proposed Addition of Chapter 60 of Title 28 of the Rules of the City of New York**

**What are we proposing?** The New York City Human Resources Administration (“HRA”) and the Department of Housing Preservation and Development (“HPD”) propose to add a new Subchapter C to Chapter 10 of Title 68 of the Rules of the City of New York and a new Chapter 60 to Title 28 of the Rules of the City of New York, in order to establish a new CityFHEPS program that would provide reimbursement for rehabilitation of low-rent, vacant, rent stabilized dwelling units. The program would increase the availability of affordable housing for formerly homeless individuals and families. HRA also proposes to amend the CityFHEPS Subchapter A provisions in accordance with HRA’s emergency rule, dated June 16, 2023, relating to eligibility criteria for the CityFHEPS program.

The public hearing will take place remotely via Zoom on Friday, September 15, 2023 at 10:00 am. Those wishing to attend the hearing may join by:

**Zoom (video and audio):**

<https://www.zoomgov.com/j/1603165040>

Or go to [www.zoom.us](http://www.zoom.us), click on “join a meeting” and enter Meeting ID: 1603165040

**Phone (audio only): 1-646-828-7666**

When prompted, enter meeting ID: 1603165040

One tap mobile: +16468287666,,1603165040#

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

- **Website.** You can submit comments to HRA through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [NYCRules@hra.nyc.gov](mailto:NYCRules@hra.nyc.gov). Please include “CityFHEPS Amendments” in the subject line.
- **Mail.** You can mail comments to:

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

Please make clear that you are commenting on the CityFHEPS Amendments.

- **Fax.** You can fax comments to 917-639-0413. Please include “CityFHEPS Amendments” in the subject line.
- **By speaking at the hearing.** You may sign up to speak at the hearing by calling 929-221-7220 or emailing [NYCRules@hra.nyc.gov](mailto:NYCRules@hra.nyc.gov) on or before the start of the hearing on

September 15, 2023. Speakers will be called in the order that they signed up and will be able to speak for up to three minutes.

**Is there a deadline to submit comments?** The deadline to submit comments is midnight on September 15, 2023. Comments, including those sent by mail, must be received by HRA on or before September 15, 2023.

**What if I need assistance to participate in the hearing?** You must tell us if you need language interpretation services or a reasonable accommodation to participate in the hearing. You can tell us by email at [NYCRules@HRA.nyc.gov](mailto:NYCRules@HRA.nyc.gov). You may also tell us by telephone at 929-221-7220. Advance notice is requested to allow sufficient time to make arrangements. Please tell us by Monday, September 11, 2023 at 9:00 am.

**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/>. Shortly 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 on HRA's website.

**What authorizes HRA and HPD to make this rule?** Sections 603, 1043, and 1802 of the City Charter. This proposed rule was not included in HRA's and HPD's regulatory agendas for this fiscal year.

**Where can I find the HRA and HPD rules?** The HRA and HPD rules are in Titles 68 and 28, respectively, of the Rules of the City of New York.

**What rules govern the rulemaking process?** HRA and 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(b) of the City Charter.

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

These proposed rules make several changes to the CityFHEPS program. First, these proposed rules establish a pilot program – to be codified in Subchapter C of Chapter 10 of Title 68 – that aims to facilitate CityFHEPS voucher-holders finding safe and sanitary apartments. New York City faces a severe housing shortage. The dearth of available apartments is particularly acute in the most affordable housing, with less than one percent of apartments with asking monthly rents below \$1,500 available. As outlined in the City's plan to prevent homelessness, "Housing Our Neighbors: A Blueprint for Housing and Homelessness," the City has committed to getting New Yorkers into safe, high-quality affordable homes. The "Unlocking Doors" initiative, as set forth in this proposed rule, will help accomplish this goal by providing grants for the rehabilitation of rent stabilized homes in need of repair on the condition that the rehabilitated units are leased to New Yorkers experiencing homelessness who have CityFHEPS vouchers. This reimbursement grant will help reduce the number of chronically vacant, low-rent apartments and thereby increase the availability of desperately needed safe and affordable housing. It will facilitate CityFHEPS voucher-holders moving out of shelter and into permanent housing.

This pilot program will focus on the small number of rent stabilized apartments that are chronically vacant and need significant repairs in order to become safe and habitable. A unit that may be aided by this reimbursement grant program must: (1) be rent stabilized; (2) be

vacant in both 2022 and 2023; and (3) have a legal rent below the applicable specified threshold. In order to receive a reimbursement grant, an applicant will need to first submit construction cost estimates to HPD for pre-approval. HPD will certify that the unit meets certain eligibility criteria and that the cost estimates are consistent with its schedule of maximum cost allowances for work items that are eligible for reimbursement. After receiving a preliminary eligibility determination from HPD, the owner will have six months to complete construction, after which the subject dwelling unit must pass a safety and habitability assessment. In addition, the unit must be in compliance with the lead-based paint inspection requirements of section 27-2056.4(a-1) of the Administrative Code. Upon a successful inspection, HRA will work with the owner to lease the subject dwelling unit to an eligible household and will pay the final repair amount approved by HPD, up to a maximum of \$25,000 for such dwelling unit.

This new reimbursement grant program will be jointly administered by the Human Resources Administration and the Department of Housing Preservation and Development.

Second, these proposed rules revise the eligibility requirements for a CityFHEPS voucher. On June 16<sup>th</sup>, 2023, Mayor Eric Adams signed an emergency rule amending Chapter 10 of Title 68 of the Rules of the City of New York, by removing the CityFHEPS program's eligibility requirement of a qualifying shelter stay for households seeking shopping letters and standardizing the work requirement for households seeking shopping letters at 10 hours per week. These amendments to the CityFHEPS program are aimed at connecting more households in need with rental assistance vouchers, while freeing urgently needed capacity within the City's shelter system. The City now proposes to make those changes permanent through this rule amendment. Specifically, the CityFHEPS rules are amended as follows:

- Eliminate the 90-day length of stay requirement for single adults and families.
- Reduce the number of hours that families are required to work to become eligible for CityFHEPS from 14 to 10 hours per week, and implement a 10 hour per week work requirement for single adults. This change will create uniformity across populations in shelter.
- For households moving out of shelter into permanent housing, require that the household must not have resided in the residence to which they are moving at any point during the prior year.

The rules adopted by HRA on an emergency basis, relating to eligibility criteria for the CityFHEPS program, will remain in effect for an additional sixty days to afford an opportunity for notice and comment on this proposed rule followed by adoption of a final rule.

Sections 603, 1802, and 1043 of the City Charter authorize HRA and HPD to promulgate these rules, and Sections 34, 56, 61, 62, 77, and 131-a of the New York Social Services Law authorize HRA to promulgate these rules.

New material is underlined.  
Deleted material is [bracketed].

**Section 1. Subdivision f of section 10-01 of Chapter 10 of Title 68 of the Rules of the City of New York is amended to read as follows:**

(f) "**CityFHEPS**" or "**the CityFHEPS Program**", when used in Subchapter A of this chapter, means the program described in Subchapter A, unless otherwise specified. When used in

Subchapter B of this chapter, "CityFHEPS" or "the CityFHEPS Program" means the program described in Subchapter B, unless otherwise specified. When used in Subchapter C of this chapter, "CityFHEPS" or "the CityFHEPS Program" means the program described in Subchapter C, unless otherwise specified.

**§ 2. Section 10-01 of Chapter 10 of Title 68 of the Rules of the City of New York is amended by adding five new definitions to be inserted in alphabetical order and to read as follows:**

**"CityFHEPS Subchapter C administering agencies"** means DSS and HPD.

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

**"Subchapter C unit"** means a unit designated by the CityFHEPS Subchapter C administering agencies as a unit towards which CityFHEPS rental assistance payments and a Subchapter C unit repair grant may be applied pursuant to Subchapter C of this chapter.

**"Subchapter C unit repair grant"** means a reimbursement grant issued to an owner pursuant to this subchapter and Chapter 60 of Title 28 of the Rules of the City of New York.

**§ 3. Section 10-02 of Chapter 10 of Title 68 of the Rules of the City of New York is amended to read as follows:**

**§ 10-02 Administration of the CityFHEPS Programs.**

HRA will administer the CityFHEPS Programs and will make eligibility determinations in accordance with this chapter. The CityFHEPS Programs will consist of [two] three programs: the tenant-based rental assistance program described in Subchapter A, [and] the project-based rental assistance program described in Subchapter B, and the unit repair program described in Subchapter C. The tenant-based program provides rental assistance for eligible households to use in any unit of their choosing that meets program requirements. The project-based program provides rental assistance to eligible households that is tied to specific units designated by HRA as Subchapter B units. The unit repair program is a pilot program that will exist only so long as sufficient funds exist for its administration and will allow a limited number of landlords who meet the requirements set forth in Subchapter C of this Chapter and Chapter 60 of Title 28 of the Rules of the City of New York to receive reimbursement for necessary repairs to vacant, rent stabilized units, provided that such units are rented to households with a tenant-based CityFHEPS rental assistance voucher.

**§ 4. Section 10-04 of Title 68 of the Rules of the City of New York is amended to read as follows:**

**§ 10-04 Initial Eligibility and Approval for Shelter Residents and Persons Who Are Street Homeless.**

(a) A household [who] that is in an HRA or DHS shelter or is street homeless must meet the following requirements to be eligible to receive a shopping letter for CityFHEPS rental assistance under this subchapter:

(1) The household must have total gross income that does not exceed 200 percent of the FPL, except that a household that consists of a sole member 18 years of age or older may have a total gross income that exceeds 200 percent of the FPL if the sole member is employed at least 35 hours per week and earning the minimum wage pursuant to NY Labor Law 652 or Part 146 of Title 12 of the New York Codes, Rules and Regulations.

(2) If the household is not currently in receipt of PA, HRA may require the household to apply for any assistance available under Part 352 of Title 18 of the New York Codes, Rules and Regulations.

(3) Reserved.

(4) If a household is potentially eligible for any federal or State housing benefits, including Section 8 or the HRA HOME TBRA program described in 68 RCNY Ch. 9, at HRA's request, the household may be required to apply for such benefits and accept them if offered.

(5) The household must not be eligible for FHEPS.

(6) If any member of the household has been determined to be eligible for HRA shelter under Section 452.9 of Title 18 of the New York Codes, Rules and Regulations, the household must not include the perpetrator of the domestic violence that resulted in such determination.

(7) If the household is currently in a DHS family shelter, the household must be eligible for shelter as determined by DHS pursuant to Parts 351 and 352 of Title 18 of the New York Codes, Rules and Regulations.

(8) The household must be street homeless, reside in a DHS shelter that has been identified for imminent closure, or belong to Group A or B below:

(A) *Group A*: A household will belong to Group A if it satisfies any of the criteria set forth below and either: (1) currently resides in a DHS shelter [and either has a qualifying shelter stay pursuant to 68 RCNY § 10-04(b) or is eligible for HRA shelter]; or (2) currently resides in an HRA shelter:

(i) The household [:(AA) includes a member who is under 18 years of age and (BB)] is collectively working at least [14] 10 hours per week in unsubsidized employment or in a qualifying subsidized employment program and can demonstrate income from such employment for the last 30 days. However, the Commissioner may waive the requirement that the household collectively work at least [14]10 hours per week for good cause where the household has a demonstrated, consistent work history and has experienced a recent loss in number of hours worked due to circumstances that are likely to be temporary;

(ii) [The household consists exclusively of members 18 years of age or older and can demonstrate income from unsubsidized employment or a qualifying subsidized employment program for the last 30 days;

(iii)]The household includes a member who receives federal disability benefits or receives a recurring monthly PA grant and has been determined by HRA to be potentially eligible for federal disability benefits based on their own documented disability;

[(iv)] (iii) The household includes a member who is 60 years of age or older; or

[(v)] (iv) The household includes a member 18 years of age or older who is exempt from PA work activities, pursuant to Section 385.2(b)(5) of Title 18 of the New York Codes, Rules and Regulations.

(B) *Group B*: A household will belong to Group B if it currently resides in an HRA or DHS shelter and satisfies any of the criteria set forth below:

(i) The household includes a veteran; or

(ii) The household includes an individual who has been referred by a City agency through a CityFHEPS qualifying program and the Commissioner has determined that due to the

particular circumstances of the household, CityFHEPS rental assistance is needed to abbreviate the household's stay in an HRA or DHS shelter.

(b) *Qualifying Shelter Stay and Limitations:*

(1) *Qualifying Shelter Stay:* A household in a DHS family shelter will have a qualifying shelter stay for purposes of 68 RCNY § 10-04(a)(8)(A) if the household has resided in a DHS shelter for at least 90 days prior to certification, excluding gaps of up to ten calendar days. An individual in a DHS single adult shelter will have a qualifying shelter stay for purposes of 68 RCNY § 10-04(a)(8)(A) if the individual has resided in a DHS shelter for at least 90 of the last 365 days. Once a household has a qualifying shelter stay, it will not lose its eligibility for a shopping letter pursuant to 68 RCNY § 10-04(c) by moving from one type of shelter to another. Similarly, a household who has been street homeless will not lose its eligibility for a shopping letter by entering an HRA or DHS shelter.

(2) *Qualifying Shelter Stay Limitations:* The Commissioner may set a date by which qualifying shelter stays must commence, for purposes of 68 RCNY § 10-04(a)(8)(A), upon an evaluation of housing market conditions, shelter utilization rates, and the availability of funding, when the Commissioner determines that a limiting date is necessary to maintain the program's viability. The Commissioner may remove such a limiting date upon further review of housing market conditions, shelter utilization rates, and the availability of funding.

(c) When a household has met the eligibility requirements set forth in 68 RCNY § 10-04(a), the Commissioner shall issue such household a shopping letter. The letter will include an expiration date and will be conditioned on the household continuing to meet the requirements of 68 RCNY § 10-04(a) until the time of approval.

[(d)] (c) Once a household has received a CityFHEPS shopping letter, the household must meet the following additional conditions to be approved for CityFHEPS rental assistance:

(1) The household must have a lease for at least one year for a residence in New York City that has passed a safety and habitability assessment. The household must not have resided in such residence at any point during the prior year, except that the Commissioner, in the exercise of discretion, may allow a household to do so in extraordinary circumstances, including but not limited to where the family was evicted, constructively evicted, or otherwise forced to leave due to the condition of the unit, and the landlord has made all repairs to bring the apartment into compliance with applicable codes; where the eviction was from supportive housing and returning the tenant to the supportive housing unit is in the best interests of the household; or where the means of ingress and egress are accessible for a person with a disability and/or the apartment unit has structural accessibility features that comport with the needs of a person with mobility disabilities.

(2) If the household includes a person younger than 18 years of age, the lease or other rental agreement must be for an apartment.

(3) The rent for the unit must be reasonable in comparison to other comparable units in the area where the unit is located and must not exceed the maximum monthly rent, or in the case of a unit towards which an additional payment pursuant to 68 RCNY § 10-15(h) will be applied, must not exceed the regulatory rent.

(4) The household must be protected from rent increases for at least one year, except that if the unit is subject to government regulations with respect to allowable rents, rent increases authorized under such regulations will be permitted midyear.

(5) If the household is not currently in receipt of PA, the household must apply for any assistance available under Part 352 of Title 18 of the New York Codes, Rules and Regulations.

(6) All members of the household who are eligible for PA must be in receipt of PA and all members in receipt of PA must be in compliance with PA requirements.

[(e)] (d) At the time of approval, HRA will calculate the household's monthly rental assistance amount pursuant to 68 RCNY § 10-06 or 68 RCNY § 10-07, as applicable. Except as provided in 68 RCNY § 10-09, the monthly rental assistance amount will not change until renewal,

regardless of changes in household composition, income, the maximum monthly rents or the actual rent for the CityFHEPS unit.

**§ 5. Chapter 10 of Title 68 of the Rules of the City of New York is amended by adding a new Subchapter C to read as follows:**

Subchapter C: CityFHEPS – Rent Stabilized Unit Repair Program

§ 10-24 Subchapter C Units.

(a) To be eligible to receive a Subchapter C unit repair grant, a dwelling unit must meet the following criteria:

(1) The unit must be located in New York City and be rent stabilized pursuant to the rent stabilization law of 1969, the rent stabilization code, the emergency tenant protection act of 1974, or any successor statute or regulation addressing substantially the same subject matter;

(2) The unit must be vacant at the time of application for a preliminary certificate of eligibility pursuant to Chapter 60 of Title 28 of the Rules of the City of New York, and must have been timely registered as vacant in its 2022 and 2023 annual rent registrations with the New York State Division of Housing and Community Renewal; and

(3) The legal rent for the unit must be timely registered during the April 1 to July 31 filing period for both the 2022 and 2023 annual rent registrations filed with the New York State Division of Housing and Community Renewal, and must be at or below the following thresholds:

(A) \$1200 for a dwelling unit with up to one bedroom;

(B) \$1300 for a dwelling unit with two bedrooms; and

(C) \$1400 for a dwelling unit with three or more bedrooms.

(b) No more than three units in a multiple dwelling may be designated as Subchapter C units.

(c) DSS will issue a Subchapter C Unit Repair Grant to the owner of a unit once such owner has (i) received a final certificate of eligibility from HPD in accordance with the requirements of Chapter 60 of Title 28 of the Rules of the City of New York and (ii) has complied with subdivision b of section 10-25 of this chapter.

(d) Applications for participation in CityFHEPS Program will be considered on a first-come, first-served basis.

(e) The Subchapter C Unit Repair Grant will not exceed \$25,000 per unit.

(f) The CityFHEPS Program pilot is subject to the availability of funding.

§ 10-25 Owner Obligations.

(a) A preliminary certificate of eligibility and a final certificate of eligibility will be issued in accordance with the requirements of Chapter 60 of Title 28 of the Rules of the City of New York. An owner has six months from the date of issuance of their preliminary certificate of eligibility to complete repairs outlined in the application. Reimbursement for repairs will be limited to the amounts listed in the certified reasonable cost schedule, as such term is defined in Chapter 60 of Title 28 of the Rules of the City of New York.

(b) After receipt of a final certificate of eligibility from HPD, an owner must enter into a one- or two-year lease, at the option of the tenant, with a household in possession of a shopping letter.

§ 10-26 Calculation of the CityFHEPS Subchapter C Rental Assistance Payment Amount and Subchapter C Unit Repair Grant.

(a) The monthly CityFHEPS rental assistance payment amount on behalf of a household will be calculated pursuant to subdivisions (a) and (b) of section 10-06 of this chapter using the lower of (i) the maximum monthly rents set forth in subdivision (a) of section 10-05 of this chapter or (ii) the applicable rent set forth in the annual rent registration with the New York State Division of Housing and Community Renewal.

(b) Except as provided in section 10-20 of this chapter, a household's CityFHEPS rental assistance payments will not change until renewal, regardless of changes in household composition, income, the maximum monthly rent, or the actual rent for the Subchapter C unit.

(c) Once the owner has complied with section 10-25 of this chapter, such owner of such unit will be issued payments as follows:

(1) HRA will provide the owner with a Subchapter C Unit Repair Grant in the amount listed in HPD's final certificate of eligibility, provided that such amount shall not exceed \$25,000 for such dwelling unit.

(2) HRA will pay the first month's rent in full plus the CityFHEPS rental assistance payments for the next three months. Notwithstanding the foregoing, HRA will accommodate any request by the landlord to receive only the first month's rent upfront.

(d) After making the payments described in subdivision (d) of section 10-06 of this chapter and paragraph (1) of subdivision (c) of this section, HRA will pay the CityFHEPS rental assistance payments directly to the owner each month as long as the household remains eligible and funding for such payments remains available, except that HRA may in its discretion pay additional months of CityFHEPS rental assistance payments in advance where needed to address the goals set forth in the plan entitled Turning the Tide on Homelessness in New York City.

§ 10-27 Additional Subchapter C Provisions.

To lease a Subchapter C Unit, a household must meet the requirements set forth in section 10-04 of this chapter, except that the household must have a lease for a term of one or two years, at the option of the tenant, for a residence in New York City that has passed a safety and



habitability assessment by the CityFHEPS Subchapter C administering agencies pursuant to paragraph 4 of subdivision c of section 60-02 of Title 28 of the Rules of the City of New York.

**§ 6. Title 28 of the Rules of the City of New York is amended by adding a new Chapter 60 to read as follows:**

Chapter 60  
CityFHEPS Rent Stabilized Unit Repair Program

§ 60-01 Scope, Construction, Definitions.

(a) Scope of rules. This chapter, in conjunction with Subchapter C of Chapter 10 of Title 68 of the Rules of the City of New York, sets forth and governs a reimbursement grant program for certain construction on certain dwelling units in the City of New York.

(b) Construction. This chapter is to be construed in conjunction with Subchapter C of Chapter 10 of Title 68 of the Rules of the City of New York.

(c) Definitions. As used in this chapter, the following terms have the following meanings. Capitalized terms not specifically defined in this chapter have the meanings set forth in Chapter 10 of Title 68 of the Rules of the City of New York.

BLDS. "BLDS" means HPD's Division of Building and Land Development Services or any successor unit.

Certificate of Occupancy. "Certificate of Occupancy" means a certificate of occupancy that is issued by the Department of Buildings of the City of New York with respect to a Class A multiple dwelling unit.

Certified Reasonable Cost Schedule. "Certified reasonable cost schedule" means a table providing maximum dollar limits for specified alterations, established and updated, as necessary, by HPD.

Department of Buildings. "Department of Buildings" means the Department of Buildings of the City of New York.

DSS. "DSS" means the Department of Social Services of the City of New York.

Eligible Construction. "Eligible construction" means alterations to a dwelling unit that are identified on the Certified Reasonable Cost Schedule and that were commenced on or after April 19, 2023.

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

RCNY. "RCNY" means the Rules of the City of New York.

§ 60-02 Application Procedure and Documentation.

a. All applications must be submitted to HPD in a form and manner approved by the City FHEPS Subchapter C Administering Agencies. Only applications complete in all detail will be considered.

b. Preliminary Certificate of Eligibility.

1. A dwelling unit that meets the requirements set forth in subdivisions a and b of section 10-24 of Subchapter C of Chapter 10 of Title 68 of the RCNY may be eligible for a preliminary certificate of eligibility to be designated a Subchapter C Unit. An application for such preliminary certificate of eligibility must be submitted prior to the completion of construction.

2. Such application for a preliminary certificate of eligibility must include a sworn statement by the applicant (i) describing the Eligible Construction for which a Subchapter C Unit Repair Grant will be claimed, (ii) estimating the cost of such Eligible Construction, (iii) affirming that the subject dwelling unit meets the criteria pursuant to subdivisions a and b of section 10-24 of Title 68 of the RCNY.

3. HPD will notify such applicant of any deficiencies in such application in a single checklist. Such applicant must correct all such deficiencies within fourteen calendar days of the date of issuance of such notice. Failure to do so will result in a determination of ineligibility.

4. Upon approval of an application for a preliminary certificate of eligibility, HPD will issue a preliminary certificate of eligibility to the applicant and concurrently provide a copy directly to DSS.

5. Upon making a determination of ineligibility concerning an application, HPD will issue a letter notifying the applicant of such determination. An applicant who has been issued a determination of ineligibility may file a new application for a preliminary certificate of eligibility for the same dwelling unit. Such new application will be considered in the order in which it was received.

c. Application for a Final Certificate of Eligibility.

1. An application for a final certificate of eligibility to be designated a Subchapter C Unit must be submitted after completion of construction.

2. All applications for a final certificate of eligibility must include the following documentation:

(A) Documentation of the applicant's claimed costs and actual expenditures, properly organized and collated in time sequence; and

(B) Proof of completion of construction within six months of the date of issuance of the preliminary certificate of eligibility:

(i) A Certificate of Occupancy for the subject dwelling unit; or

(ii) A sign-off by the Department of Buildings as evidenced by such official documentation as may be required by the Department

of Buildings, and is acceptable to HPD, if issued in connection with Eligible Construction; or

(iii) If none of the above is required by law, an affidavit from a registered architect or a licensed professional engineer, along with such other information as may be required by HPD, including, but not limited to, an affidavit from the owner, a copy of the work contracts, invoices, cancelled checks or such other proof of payment as HPD shall require, and a contractor's affidavit, which confirm completion of construction within six months of the date of issuance of the preliminary certificate of eligibility to the satisfaction of HPD.

(C) Proof that the unit is in compliance with the lead-based paint investigation requirement of subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York and the turnover requirements of section 27-2056.8 of such code.

3. HPD will notify the applicant of any deficiencies in the application for a final certificate of eligibility in a single checklist. The applicant must correct all such deficiencies within 20 calendar days of the date of such notification. Failure to do so will result in a determination of ineligibility.

4. BLDS Inspection. Upon satisfactory completion of HPD's review of an application for a final certificate of eligibility, BLDS will conduct a safety and habitability assessment of the unit and of the building in which it is located. HPD will notify the applicant of any deficiencies found in such inspection in a single checklist, and the applicant must correct all such deficiencies and request a re-inspection by BLDS no more than 14 calendar days of the date of issuance of such notification. Failure to do so will result in a determination of ineligibility for such application.

5. After a dwelling unit has passed the BLDS Inspection, HPD will issue a final certificate of eligibility to the applicant and concurrently provide a copy directly to DSS. Such certificate will list the certified reasonable cost of the Eligible Construction; provided that such amount may not exceed \$25,000 for such dwelling unit.

§ 60-03 Certified Reasonable Cost Schedule. HPD will publish a Certified Reasonable Cost Schedule on its website, setting forth the maximum reimbursement limits on Eligible Construction based on analysis of the RSMMeans database or similar database of construction costs.

**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 CityFHEPS Rules (Permanent Rule)

**REFERENCE NUMBER:** 2023 RG 064

**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: August 13, 2023

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

**CERTIFICATION / ANALYSIS  
PURSUANT TO CHARTER SECTION 1043(d)**

**RULE TITLE: Amendment of CityFHEPS Rules (Permanent Rule)**

**REFERENCE NUMBER: HRA-35**

**RULEMAKING AGENCY: Human Resources Administration**

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

August 13, 2023  
Date