

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

What are we proposing? The New York City Human Resources Administration (“HRA”) proposes to amend the CityFHEPS Subchapter A provisions in accordance with HRA’s emergency rule, dated October 3, 2023, relating to expanding access for voucher holders across New York State.

The public hearing will take place remotely via Zoom on Friday, January 5, 2024, at 10:00 am. Those wishing to attend the hearing may join by:

Zoom (video and audio):

<https://www.zoomgov.com/j/1612563927>

Or go to www.zoom.us, click on “join a meeting” and enter Meeting ID: 161 256 3927

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

When prompted, enter meeting ID: 161 256 3927

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. 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, 38th 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 on or before the start of the hearing on January 5, 2024. 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 January 5, 2024. Comments, including those sent by mail, must be received by HRA on or before January 5, 2024.

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. 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 Tuesday, December 26, 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 to make this rule? Sections 603 and 1043 of the City Charter. This proposed rule was not included in HRA's regulatory agendas for this fiscal year.

Where can I find the HRA rules? The HRA rules are in Titles 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(b) of the City Charter.

New York City Human Resources Administration Statement of Basis and Purpose

The Human Resources Administration is implementing further innovations to the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS) rental assistance program that will immediately and significantly expand access to housing opportunities for New Yorkers with CityFHEPS housing vouchers. New York City continues to face a serious housing shortage and record-high shelter populations, with 113,000 people total in the City's care. CityFHEPS voucher holders will now be able to utilize their voucher to obtain permanent, affordable housing not only within New York City, but also in any county or locality across New York State.

Over the last decade, rents in NYC have risen precipitously, and the stock of low-rent housing has dropped to dismally low levels. According to the 2021 Housing and Vacancy Survey, the Citywide rental vacancy rate was 4.54%. Units available for low rents are extremely scarce, with vacancy rates even lower than the 4.54% Citywide rate. For example, units with rents of less than \$900 had a net rental vacancy rate of 0.86 percent, and among those with rents of \$900 to \$1,499 it was 0.93 percent. In contrast, among units with rents of \$1,500 to \$2,299 the net rental vacancy rate was 4.09 percent and among units with rents of \$2,300 or more it was 12.64%. Expanding the pool of affordable units that New York City voucher holders can shop for will allow more households currently in shelter to be stably housed. This change to the CityFHEPS rules provides additional housing mobility for voucher holders, giving them greater control over where they choose to move, live and work.

Additionally, the City is in the midst of an unprecedented humanitarian crisis in which thousands of individuals in need of shelter are crossing the border of the United States and coming to New York City. This crisis has driven shelter capacity to a record low. In response to this emergency, the City has embarked on a herculean effort to provide temporary shelter to those in need who are found in its jurisdiction. Successfully connecting more households in need with rental assistance vouchers and permanent housing options will have the added benefit of freeing urgently needed capacity within the NYC shelter system.

The rules adopted by HRA on an emergency basis on October 3, 2023, relating to the use of CityFHEPS vouchers in New York State, 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 and 1043 of the City Charter and Sections 34, 56, 61, 62, 77, and 131-a of the New York Social Services Law authorize HRA to promulgate this rule.

New material is underlined.

Deleted material is [bracketed].

Section 1. Paragraph 7 of subdivision a of section 10-03 of Chapter 10 of Title 68 of the Rules of the City of New York is amended to read as follows:

(7) The household must have a lease, other agreement, or regulatory right to rent, for at least one year, a residence in New York City or within New York State that has passed a safety and habitability assessment. 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, and the household must be protected from rent increases for at least a year, except that if the unit is subject to government regulations with respect to allowable rents, rent increases authorized under the applicable government regulations will be permitted midyear. If a household includes a person younger than eighteen years of age, the lease or other rental agreement must be for an apartment.

§ 2. Paragraph 1 of subdivision c of section 10-04 of Chapter 10 of Title 68 of the Rules of the City of New York is amended to read as follows:

(1) The household must have a lease for at least one year for a residence in New York City or within New York State 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] move into such residence 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.

§ 3. Subdivision a of section 10-05 of Chapter 10 of Title 68 of the Rules of the City of New York is amended to read as follows:

(a) Except as otherwise provided in 68 RCNY § 10-15(h), the maximum monthly rent for an SRO or apartment towards which CityFHEPS rental assistance under this subchapter may be applied will be set by HRA in accordance with Section 982.503 of Title 24 of the Code of Federal Regulations, at the payment standard adopted by the New York City Housing Authority. For residences outside of New York City, the maximum monthly rent will be set by HRA at the applicable local housing authority standard. When calculating CityFHEPS rental assistance payment amounts, HRA will subtract from such maximum monthly rent a utility allowance set by HRA at the standard adopted by the New York City Housing Authority pursuant to Section 982.517 of Title 24 of the Code of Federal Regulations or, for residences outside of New York City, the utility allowance adopted by the applicable local housing authority. HRA will publish on its website the current CityFHEPS maximum monthly rents and utility allowance schedule.

§ 4. Section 10-07 of Chapter 10 of Title 68 of the Rules of the City of New York is amended by adding a new subdivision e, to read as follows:

(e) Notwithstanding anything to the contrary in this section, a CityFHEPS unit may not be a room where such unit is located outside of New York City.

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 Housing Location Requirements of CityFHEPS Program Rules

REFERENCE NUMBER: 2023 RG 081

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: November 29, 2023

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 Housing Location Requirements of CityFHEPS Program Rules

REFERENCE NUMBER: HRA-38

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

November 29, 2023
Date