

**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? The Department of Housing Preservation and Development (“HPD”) is proposing rules to establish requirements to implement a new rental assistance voucher program for families and individuals.

When and where is the hearing? HPD will hold a public hearing on the proposed rules. The public hearing will take place virtually **on November 2, 2026** from 10 AM to 11 AM:

To participate in the public hearing, enter the Webex URL:

<https://nychpd.webex.com/nychpd/j.php?MTID=mffeb825aa6ffc24e600aa3415954f358>

If prompted to provide a password or number, please enter the following:

Meeting number: **2346 758 2957** Password: **qhQwZdYv543**

You may also join via audio device or dial in via phone:

Join by video system:

Dial **23467582957@webex.com**

You can also dial **173.243.2.68** and enter your meeting number

To dial in by phone, please use the following dial-in phone number and participant access code:

United States Toll (New York City) **+1-646-992-2010**

United States Toll **+1-408-418-9388**

Access code: **2346 758 2957**

Password if requested: **qhQwZdYv543**

If you have low bandwidth or inconsistent internet connection, use the dial-in option for the hearing. This will reduce the possibility of dropped audio and stutters.

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 Deputy Commissioner Meryl Block Weissman, Department of Housing Preservation and Development, Room 4-P1, 100 Gold Street, New York, N.Y. 10038.
- **Fax.** You can fax comments to Deputy Commissioner Meryl Block Weissman at 212 863-7749.

- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 212 863-8340 or by emailing wallaca@hpd.nyc.gov before 5:00 PM **on October 29, 2026**. Although you can indicate during the hearing that you would like to provide comments, we prefer that you sign up in advance. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit comments? The deadline for submission of comments is **November 2, 2026**.

What if I need assistance to participate in the hearing? You must tell HPD if you need a reasonable accommodation of a disability at the hearing. You can tell us by mail at the address given above or by email at wallaca@hpd.nyc.gov. You may also tell us by telephone at 212 863-8340. We request advance notice so that we have sufficient time to arrange the accommodation. Please tell us by **October 26, 2026**. This hearing has the following accessibility options available: Simultaneous transcription for people who are deaf or hard of hearing and audio-only access.

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 <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rules will be available to the public at the Office of Legal Affairs, 100 Gold Street, Fifth Floor, New York, N.Y. 10038.

What authorizes HPD to make these rules? Sections 1043 and 1802 of the New York City Charter (“City Charter”) and sections 26-3907 and 27-2090 of the New York City Administrative Code authorize HPD to make these rules. The rule was not included in the agency’s regulatory agenda.

Where can I find HPD’s rules? The agency’s rules are in Title 28 of the Rules of the City of New York.

What laws govern the rulemaking process? HPD must comply with 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 Rules

Local Law 126 of 2026 (the “Local Law”), which is codified in chapter 39 of title 26 of the Administrative Code, requires the Department of Housing Preservation and Development (“HPD”) to establish rules to implement a new City Housing Assistance Program (the “Program”) for families and individuals.

HPD is proposing rules regarding administration of the Program to substantially align with the administration of HPD’s Housing Access Voucher Pilot Program (pursuant to NY Public Housing Law Article 14-a) as set forth in HPD’s Rental Subsidy Program Administrative Plan.

The proposed rules would establish procedures regarding administration of the application process and waiting list for individuals and households participating in the Program. The rules would also establish priorities regarding the distribution of rental assistance vouchers issued pursuant to the Program. Per the Local Law:

- 50% of the available funding in any fiscal year shall be used to provide vouchers to households in rent stabilized housing who are facing eviction (Administrative Code § 26-3903(a)(1)), and
- 50% of the available funding in any fiscal year shall be used to provide vouchers to households living in shelters operated by agencies other than the Department of Social Services/Human Resources Administration (“DSS shelters”) and households living in DSS shelters who are not eligible for City FHEPS (Administrative Code § 26-3903(a)(2)-(3)).

In addition, a substantial portion of the vouchers issued to households residing in a shelter shall be distributed to households in each type of shelter.

Specifically, the proposed rule would also establish:

- Requirements for eligibility of a household under the Program, including that a household shall no longer be eligible to participate in the Program when 30 percent of the household’s monthly adjusted income is equal to or greater than the gross rent for the unit;
- Requirements for the management of a waiting list of referrals to the Program to allocate the proportions of housing assistance payments contracts for the populations covered under the Program in accordance with section 26-3903 of the Administrative Code, that will be implemented subject to the timing of approval for rental assistance payments and disparities in expenditures for households and variables that include but may not be limited to the household size and the location of the unit;
- Procedures for the issuance of vouchers under the Program;
- Procedures regarding the approval of an assisted tenancy under the Program;
- Requirements and procedures regarding housing assistance payments contracts under the Program;
- Requirements and procedures regarding the calculation of the maximum monthly rents, including any utility allowances, for individuals and families participating in the Program;
- Requirements and procedures to calculate the household monthly adjusted income for applicants to the Program, including that the department shall change the amount of monthly rental assistance based on changes to household income or composition;
- Occupancy standards for households participating in the Program;

- Requirements and procedures regarding the renewal of rental assistance provided under the Program;
- Requirements regarding household obligations under the Program and requirements and procedures regarding the denial or termination of rental assistance under the Program;
- Requirements for owners who accept vouchers under the Program;
- Requirements regarding housing quality standards for buildings that have occupants who are receiving assistance under the Program and requirements for HPD when completing inspections of buildings housing participants in the Program;
- Requirements for moving out of a unit, where the occupant or occupants of the unit have received assistance under the Program; and
- Requirements governing administrative review of department determinations.

New material is underlined.

[Deleted material is in brackets.]

Section one. Title 28 of the Rules of the City of New York is amended to add a new chapter 65 to read as follows:

<u>Chapter 65</u>	<u>City Housing Assistance Program</u>
<u>§65-01</u>	<u>Definitions</u>
<u>§65-02</u>	<u>Priorities for the Distribution of Voucher Certificates</u>
<u>§65-03</u>	<u>Administration of the Application Process and Waiting List</u>
<u>§65-04</u>	<u>Eligibility</u>
<u>§65-05</u>	<u>Issuance of Voucher Certificates</u>
<u>§65-06</u>	<u>Approval of Assisted Tenancy</u>
<u>§65-07</u>	<u>Housing Assistance Payments Contracts</u>
<u>§65-08</u>	<u>Monthly Rental Assistance and Rental Contribution</u>
<u>§65-09</u>	<u>Calculation of Household Income</u>
<u>§65-10</u>	<u>Occupancy Standards</u>
<u>§65-11</u>	<u>Renewals of Rental Assistance</u>
<u>§65-12</u>	<u>Household Obligations</u>
<u>§65-13</u>	<u>Denial and Termination of Rental Assistance</u>
<u>§65-14</u>	<u>Owner Requirements; Disapproval of Owner</u>
<u>§65-15</u>	<u>Housing Quality Standards and Inspection Requirements</u>

§65-16 Requirements Governing Move-Out from a Unit

§65-17 Administrative Review of Department Determinations

§65-01 Definitions

Adjusted income. The term “adjusted income” has the same meaning as set forth in section 5.611 of title 24 of the code of federal regulations and any successor regulation.

Administrative Code. The term “Administrative Code” means the New York City Administrative Code.

Area Median Income or AMI. The term “Area Median Income” or “AMI” means the area median income for the primary metropolitan statistical area as determined by the U.S. Department of Housing and Urban Development or its successors, from time to time, as adjusted for family size.

City agency. The term “City agency” means an agency or office whose commissioner or head officer is appointed by the mayor.

Department. The term “department” means the department of housing preservation and development.

Family. The term “family” means a single person or a group of two or more persons with or without children who maintain an interdependent relationship and whose income and resources are available to meet the family’s needs. A family must declare and document as necessary a family relationship or a history as a family unit. A family includes the above regardless of actual or perceived sexual orientation, gender identity, or marital status. The term “family” does not include a live-in aide.

Gross rent. The term “gross rent” means the sum of the rent to the owner plus any utility allowance.

HAP contract. The term “HAP contract” means a housing assistance payments contract.

Household. The term “household” means an individual or family.

Housing quality standards or HQS. The term “housing quality standards” or “HQS” means the minimum quality standards for units and common areas based on standards of subdivision (e) of section 5.703 of title 24 of the code of federal regulations or successor regulation.

Income. The term “income” has the same meaning as the term “annual income” as set forth in section 5.609 of title 24 of the code of federal regulations and any successor regulation.

Income-eligible. The term “income-eligible” has the same meaning as set forth in section 26-3901 of the Administrative Code.

Lease. The term “lease” means a written agreement between an owner and a tenant for the leasing of a unit to the tenant.

Legal services providers. The term “legal services providers” means entities providing legal services to tenants pursuant to chapter 13 of title 26 of the Administrative Code and holding a contract or subcontract with a city agency to provide eviction prevention services.

Non-profit organization. The term “non-profit organization” has the same meaning as the term “not-for-profit corporation” as set forth in section 102 of the New York not-for-profit corporation law and holding a contract or subcontract with a city agency to operate one or more shelters.

Program. The term “program” means the program established pursuant to chapter 39 of title 26 of the Administrative Code and any successor statute.

Reasonable rent. The term “reasonable rent” means a rent payable to the owner that is not more than the rent charged for: (1) comparable units in the private unassisted market; and (2) comparable unassisted units in the building or complex in which the unit is located.

Regulatory agreement. The term “regulatory agreement” has the same meaning as set forth in section 26-3901 of the Administrative Code.

Shelter. The term “shelter” has the same meaning as set forth in section 26-3901 of the Administrative Code.

Single room occupancy. The term “single room occupancy” has the same meaning as set forth in New York Multiple Dwelling Law section 4. A single room occupancy must meet all requirements governing such occupancies under state and local law. A single room occupancy must be registered with the city of New York as such.

Unit. The term “unit” means an apartment, single room occupancy, or room, except that a room must be a bedroom and shall not qualify as a “unit” unless there is a lease between the household and the owner for such room, the household is the sole occupant of such room, and the household has access to the same facilities as those required for a single room occupancy.

Utility allowance. The term “utility allowance” means a monthly allowance for utility services, excluding cable, internet and telephone services, set annually by the department pursuant to section 982.517 of title 24 of the code of federal regulations or successor regulation.

Voucher certificate. The term “voucher certificate” means a document issued by the department to a household selected from the waiting list that has satisfied the program’s household eligibility criteria. The voucher certificate explains the obligations the household will be subject to during their participation in the program.

§65-02 Priorities for the Distribution of Voucher Certificates

The department shall allocate program funding to eligible households subject to the timing of approval for rental assistance payments according to the following priorities:

- (1) 50 percent of the available funding in any fiscal year shall be used to provide rental assistance payments to the households described in paragraph 1 of subdivision (a) of section 26-3903 of the Administrative Code; and
- (2) 50 percent of the available funding in any fiscal year shall be used to provide rental assistance payments to the households described in paragraphs 2 and 3 of subdivision

(a) of section 26-3903 of the Administrative Code. A substantial portion of the voucher certificates issued to households residing in a shelter shall be distributed to households in each type of shelter described in paragraphs 2 and 3 of such subdivision.

§65-03 Administration of the Application Process and Waiting List

(a) The department shall accept referrals for households to obtain voucher certificates from (i) the department of social services and other city agencies operating a shelter directly or by contract, and (ii) non-profit organizations or legal services providers. Such referrals shall include a certification from the referring agency, non-profit organization, or legal services provider that the household meets the eligibility criteria of 26-3903 of the Administrative Code and this chapter. The department shall make best efforts to accept referrals to align with the priorities for the distribution of funds as required in section 65-02 of this chapter.

(b) The department shall manage a waiting list of applicants that have been identified as potentially eligible for assistance by the referring entities in accordance with subdivision (b) of this section pursuant to section 26-3906 of the Administrative Code. Within each priority category, applicants shall be selected from the waiting list by the date and time of the department's receipt of their completed and signed application.

(c) The department may close the waiting list and stop accepting applications to maintain proper administration of the program.

(d) An applicant does not have any right or entitlement to be listed on the waiting list.

§65-04 Eligibility

(a) A household must be income-eligible to receive assistance under the program.

(b) A household must meet the following criteria to be eligible for the program:

(1) An income-eligible household with a member who is a tenant or occupant of a unit subject to rent stabilization who is named as a respondent in a pending eviction proceeding for nonpayment of rent in housing court. A household is not eligible if such unit is subject to a regulatory agreement, as defined in section 26-3901 of the Administrative Code; or

(2) An income-eligible household residing in a shelter operated by or on behalf of an agency other than the department of social services, the department of homeless services, or human resources administration; or

(3) An income-eligible household residing in a shelter operated by or on behalf of the department of social services, the department of homeless services, or human resources administration whose income exceeds 200 percent of the federal poverty level or who does not work enough hours to meet the work requirements set forth in clause (i) of subparagraph (A) of paragraph (8) of subdivision (a) of section 10-04 of title 68 of the rules of the city of New York or successor provision.

(c) A household shall not be eligible for assistance under the program if 30 percent of the household's monthly adjusted income is equal to or greater than the gross rent for the unit.

(d) The department shall verify that a household is income-eligible.

(e) The department shall not consider whether a member of the household is employed as a condition of eligibility.

(f) In determining the eligibility of a household under subdivision (b) of this section, the department may rely on a certification from a city agency, non-profit organization, or legal services provider that such household meets the program's eligibility criteria, other than income-eligibility criteria.

(g) A household which receives rental assistance under this program shall annually certify its income and assets and provide any necessary documentation for the purpose of determining continued eligibility and any adjustments to the amount of rental assistance.

§65-05 Issuance of Voucher Certificates

Subsequent to a determination by the department that a household is income-eligible and meets the eligibility criteria in section 65-04, the department shall issue the household a voucher certificate for the appropriate unit size for the household pursuant to the occupancy standards in section 65-10. Issuance of a voucher certificate by the department shall not constitute an obligation by the department to make assistance payments for the household.

§65-06 Approval of Assisted Tenancy

(a) Prior to the approval of a tenancy or the execution of a HAP contract with the owner, the department shall determine that the unit and owner are eligible and there is a valid lease complying with the requirements of this chapter. The department may require that the unit be inspected for and comply with housing quality standards pursuant to section 65-15 of this chapter before making housing assistance payments for the unit.

(b) The lease must contain the name of the owner and tenant, the address and any apartment number of the unit, the term of the lease and provisions for lease renewal, and the amount of the monthly rent to the owner. The department may also require that a lease include addenda related to the program and specifications concerning which utilities and appliances are to be supplied by the owner and which are to be supplied by the tenant. The lease must be executed by both the owner and tenant. The owner and household must receive department approval for changes in lease provisions governing tenant or owner responsibilities for utilities or appliances, or the term of the lease.

(c) The department may decline to approve a tenancy if the lease does not comply with state and local law.

(d) Households may only receive assistance for units located in the city of New York.

§65-07 Housing Assistance Payments Contracts

(a) The department shall issue a HAP contract to the owner for the owner to execute after the department has approved a tenancy and received all required documents and information.

(b) The department shall not make housing assistance payments to an owner unless the HAP contract is executed by the owner and the department.

(c) The department shall notify the household in writing when assistance begins.

§65-08 Monthly Rental Assistance and Rental Contribution

(a) The department shall provide monthly rental assistance to an owner on behalf of a household meeting the criteria in paragraphs (2) and (3) of subdivision (b) of section 65-04 in an amount equal to the lowest of the following, after subtracting the household's monthly rent contribution as described in subdivision (c) of this section: (i) the actual monthly rent of the leased unit; (ii) the maximum monthly rental allowance; or (iii) a reasonable rent. For households meeting the criteria in paragraph (1) of subdivision (b) of section 65-04, the monthly rental assistance at the time the initial HAP contract becomes effective must be equal to the lower of the following, after subtracting the household's monthly rent contribution as described in subdivision (c) of this section: (i) the actual monthly rent of the leased unit; or (ii) the maximum monthly rental allowance. If a household moves to another unit at any time during their participation in the program, the department shall use the method set out in the first sentence of this subdivision.

(b) The maximum monthly rental allowance shall be set by the department in accordance with section 982.503 of title 24 of the code of federal regulations regarding voucher payment standard amounts, or a successor provision, at the payment standards used for the housing choice voucher program administered by the department pursuant to section 1437f of title 42 of the United States code.

(c) The monthly rent contribution for a household receiving assistance pursuant to this chapter shall be the greater of:

(1) 30 percent of the monthly adjusted income of such household; or

(2) If such household is receiving payments for public assistance as defined in section 21-134 of Title 21 of the Administrative Code, and a part of those payments, adjusted in accordance with the actual housing costs of the household, is specifically designated to meet the housing costs of the household, the portion of those payments that is so designated. These payments include, but are not limited to, any shelter assistance or housing assistance administered by any federal, state or local agency.

(d) When a household rents a unit and all utilities are not included in the rent, the household rent contribution shall be:

(1) If such household is not receiving payments for public assistance as defined in section 21-134 of Title 21 of the Administrative Code, 30 percent of the monthly adjusted income of the household minus the utility allowance. If the utility allowance exceeds 30 percent of such household's monthly adjusted income, the department shall issue a payment to the household in the amount of the difference to pay for utilities; or

(2) If such household is receiving payments for public assistance as defined in section 21-134 of Title 21 of the Administrative Code and a part of those payments, adjusted in accordance with the actual housing costs of the household, is specifically designated by that agency to meet the housing costs of the household, the portion of those payments that is so designated, plus 30 percent of the monthly adjusted non-public assistance income of such household. If the utility allowance exceeds 30 percent of such household's

monthly adjusted income or such household's sole income is from cash assistance, the department will issue a payment to the household in the amount of the difference to pay for utilities.

§65-09 Calculation of Household Income

(a) The department shall calculate household income and adjusted income pursuant to standards and methods established in sections 5.609 and 5.611 of title 24 of the code of federal regulations, or successor regulations.

(b) Households must certify their income, assets and household composition at least annually. The department may require households to certify income, assets and household composition more frequently if the household composition or household income changes.

(c) The department shall change the amount of monthly rental assistance based on changes to the household's income or household composition.

§65-10 Occupancy Standards

(a) Each household will be determined to need one bedroom for, at a maximum, each two members of the household. An additional bedroom may be approved for a live-in aide.

(b) For each household, the department shall determine the appropriate number of bedrooms under the occupancy standards.

(c) The maximum monthly rental assistance for a household shall be based on the smaller of the occupancy standards for the actual unit size or the size listed on the voucher certificate.

§65-11 Renewals of Rental Assistance

The department shall determine at least once each year whether a household remains eligible for continued assistance and the appropriate amount of monthly rental assistance based on factors contained in applicable law and rules that include, but may not be limited to, the household's income, assets and composition. Households must provide all documents and information requested by the department to make such determinations.

§65-12 Household Obligations

(a) Households and household members must:

- (1) comply with all obligations contained in the voucher certificate and this chapter;
- (2) certify household income, assets and composition each year and more frequently when required by the department;
- (3) provide all documents and information requested by the department and the applicable referring city agency, non-profit organization or legal services provider, including, but not limited to, information regarding household income, assets and

composition, and certifications. All documents and information must be accurate, complete, and current;

(4) provide access to the department to inspect the assisted unit at reasonable times and after reasonable notice;

(5) correct all HQS failures caused by the household;

(6) receive written approval from the department and notify the owner before moving out of the unit or terminating the lease;

(7) promptly notify the department of any planned absence from the unit lasting more than 30 days;

(8) promptly provide the department a copy of any eviction notice;

(9) promptly inform the department of any changes in household composition, including the birth, adoption or court-awarded custody of a child, or the removal of any member from the unit. All household members residing in the unit must be approved by the department;

(10) attend all briefings and conferences required by the department;

(11) sign and submit a consent form to the department authorizing the department to obtain and disclose documents and information related to the program;

(12) move to another unit if required by the department; and

(13) cooperate fully with the department in its administration of the program.

(b) Households and household members shall not:

(1) commit any serious or repeated violation of the lease;

(2) assign the lease or transfer the unit;

(3) own or have any interest in the unit;

(4) receive other housing assistance for the unit for which the household receives rental assistance payments pursuant to this program or any other unit, under any duplicative federal, state, or local housing assistance program, as determined by the department;

(5) engage in profit making activities in the unit, unless such activities are legal and incidental to the primary use of the unit for residence by members of the household;

(6) engage in drug-related, alcohol-abuse or criminal activity, including but not limited to, drug-related criminal activity, violent criminal activity, other criminal activity or alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the unit;

(7) reside in any unit that is not the unit for which the household receives rental assistance payments under the program;

(8) engage in fraud;

(9) engage in behavior including, but not limited to, abusive or violent behavior, that may threaten the health or safety of the owner, property management staff, department staff or any contractor or agent of the department; or

(10) misrepresent the household composition, income or assets, or any other information to the department.

(c) The department shall consider requests for reasonable accommodations based on disability status in accordance with applicable law.

(d) The department shall consider requests for accommodations in cases involving domestic violence, dating violence, sexual assault and/or stalking.

(a) The department shall deny assistance for an applicant based on any of the following occurrences:

- (1) the household does not meet the program eligibility requirements set out in this chapter;
- (2) any household member fails to sign and submit a consent form to the department authorizing the department to obtain and disclose documents and information necessary for the program; or
- (3) the household failed to comply with the requirements of the program, voucher certificate, or this chapter.

(b) The department shall terminate assistance for a household participating in the program based on any of the following occurrences:

- (1) the household does not meet the program eligibility criteria set out in this chapter;
- (2) any household member failed to sign and submit a consent form to the department authorizing the department to obtain and disclose documents and information necessary for the program;
- (3) the HAP contract terminated due to the owner's actions or omissions in connection with the HAP contract or lease or due to the owner's ineligibility to receive contractual payments from the city of New York pursuant to applicable law. This basis for termination of assistance cannot be appealed; or
- (4) the household failed to comply with the requirements of the program, voucher certificate or this chapter.

(c) The department may deny assistance or terminate assistance for a household based on a violation of any of the household obligations contained in this chapter or any of the following occurrences:

- (1) any household member is receiving rental assistance under another federal, state or local rental assistance program as determined by the department;
- (2) 180 days have elapsed since the last housing assistance payment was made due to the household share of the rent being equal to or greater than the total rent for the unit;
- (3) any household member has failed to enter into or breached a repayment agreement with the department, or owes any monetary debts to the department or a public housing authority under the program or any other rental assistance program;
- (4) the household has misrepresented the household composition, income, assets or any other required information to the department;
- (5) the household has, or the department receives documentation that the household has, vacated, relinquished, abandoned, or been evicted from the assisted unit without prior written approval by the department where such approval was required;
- (6) the household fails to move when required by the department;
- (7) the household is absent from the assisted unit for more than 90 consecutive days without prior written approval by the department;
- (8) the household is absent from the assisted unit for at least 180 consecutive days under any circumstance;
- (9) the household is absent from the assisted unit for more than 180 cumulative days per year, without prior written approval by the department;
- (10) the household has knowingly permitted an individual who is not an approved member of the household to reside in the unit;

(11) the household was evicted from the assisted unit for serious or repeated violations of the lease;

(12) the household failed to provide necessary documents and information requested by the department or attend a briefing or conference with the department;

(13) the household failed to reimburse the department for amounts the department paid to an owner for the tenant portion of the rent, damage to a unit or any other amounts owed under the lease;

(14) any member of the household has engaged in drug-related criminal activity, violent criminal activity, other criminal activity or alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the unit;

(15) any member of the household, a guest, or apparent agent of the household has engaged in or threatened abusive or violent behavior toward an owner, property management staff, department staff or any contractor or agent of the department staff. This includes verbal as well as physical abuse or violence. Use of expletives that are generally considered insulting, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for termination or denial. Oral or written threats and physical gestures that communicate an intent to abuse or commit violence, or use of animals as weapons may be cause for termination or denial; or

(16) the household failed to comply with the requirements of the program, voucher certificate or this chapter.

(d) Rental assistance payments for the household will cease no less than 30 days after the date the department notifies the household of the termination.

§65-14 Owner Requirements; Disapproval of Owner

(a) Owners of units occupied by households participating in the program shall comply with all obligations contained in the HAP contract, maintain the unit in accordance with section 65-15 of this chapter, make required repairs, provide access to the department to inspect units and common areas, return any overpayment of assistance to the department, notify the department within 30 days after they learn that the household has moved out of the unit, and comply with all requirements of the program and this chapter.

(b) The department may terminate a HAP contract if an owner fails to comply with its obligations under the program, the HAP contract or this chapter.

§65-15 Housing Quality Standards and Inspection Requirements

(a) Owners must maintain units and common spaces in accordance with housing quality standards.

(b) The department shall conduct inspections of units and common areas to determine compliance with housing quality standards.

(c) The department shall conduct an inspection after approving a unit, provided that for households eligible for assistance under paragraph 1 of subdivision (a) of section 26-3903 of the Administrative Code, the department shall conduct an inspection within 12 months after housing assistance payments begin. Thereafter, the department shall conduct inspections at

least once every two years and may conduct inspections more frequently if it receives a complaint or otherwise learns of an HQS failure.

§65-16 Requirements Governing Move-Out from a Unit

(a) A household meeting the criteria in paragraph (1) of subdivision (b) of section 65-04 shall not move from its current unit to a new unit except in cases where such move is necessary (i) for a reasonable accommodation of a disability; (ii) to enable the household to leave a situation of domestic violence, provided that in such circumstances the household will be deemed not to include the perpetrator of such violence and such perpetrator shall not be authorized to occupy the new unit; or (iii) because of other extraordinary health and safety circumstances as determined by the commissioner of housing preservation and development.

(b) The department may prohibit a household from moving to another unit during the initial lease term except in the cases listed in subdivision (a) of this section.

(c) A household may not continue to receive rental assistance if it moves to another unit without the prior written approval of the department.

(d) The department may require that the household move out from the assisted unit and find a new unit when the assisted unit no longer meets the requirements under the HAP contract or this chapter.

§65-17 Administrative Review of Department Determinations

(a) The department must give a household prompt notice of a determination to deny or terminate assistance. Such notice shall include the basis for the denial or termination of assistance, and, if applicable pursuant to subdivisions (b) and (c) of this section, details on an administrative hearing that may be available to the household.

(b) The department shall provide a household participating in the program an opportunity for an administrative hearing to contest the following determinations by the department:

- (1) a determination of the household's annual or adjusted income, and the use of such income to compute the monthly rental assistance;
- (2) a determination of any appropriate utility allowance for tenant-paid utilities;
- (3) a determination of the household unit size under the occupancy standards;
- (4) a determination to terminate assistance for a household because of the household's failure to comply with its obligations included in section 65-12; or
- (5) a determination to terminate assistance because the household has been absent from the assisted unit for longer than the maximum period permitted.

(c) The department shall not be required to provide a household applying for assistance or participating in the program with an opportunity for an administrative hearing for any of the following:

- (1) discretionary administrative determinations by the department;

(2) general policy issues unrelated to a department determination within the categories of determinations enumerated in subdivision (b) of this section, or class grievances;
(3) for applicants, a determination of the household unit size under the occupancy standards;
(4) the expiration of a voucher certificate or a determination not to approve an extension of the voucher certificate term;
(5) a determination not to grant approval of a tenancy;
(6) a determination that a unit is not in compliance with HQS;
(7) a determination that the unit is not in accordance with HQS because of the household size or composition;
(8) the department's establishment of payment standards, occupancy standards or utility allowances; or
(9) a determination by the department to exercise or not to exercise any right or remedy against the owner under a HAP contract.

(d) All hearings conducted by the department under this section shall comply with the following:

(1) The hearing officer who conducts the hearing shall be an employee of the department other than the individual who made the determination for which the household has sought a hearing;
(2) The household shall have the opportunity to retain an individual to act as a representative for the household during the course of a hearing, at its own expense. This representative is not required to be a member of the household;
(3) Before the hearing, the household or representative shall have the opportunity to review any documents regarding the household upon which the department has based its denial or termination of assistance. If the household seeks to make copies of any such documents, the household shall be responsible for the cost of such copies; and
(4) During the hearing, both the household and the department shall have the opportunity to present evidence and witnesses to support their positions regarding the department's denial or termination of assistance.

(e) Following the conclusion of the hearing, the hearing officer shall issue a written decision explaining the reasons for the hearing officer's determination. Such determination shall be based on a preponderance of the evidence presented at the hearing. A copy of the decision shall be delivered to the household and its representative, as appropriate.

(f) The department is not bound by a hearing officer's determination for any of the following: (1) a matter for which the department is not required to provide an opportunity for an administrative hearing; (2) when the determination made by the hearing officer is contrary to law or rules of the department; or (3) the determination exceeds the authority of the person conducting the hearing under department rules. In any of these instances, the department must promptly notify the household of the department's position that the hearing officer's determination is not binding and the basis for the department's position.

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CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Housing Assistance Program

REFERENCE NUMBER: 2026 RG 070

RULEMAKING AGENCY: 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
Senior Counsel

Date: September 29, 2026

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: Housing Assistance Program

REFERENCE NUMBER: HPD-108

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

September 29, 2026

Date