Housing Works, Inc. welcomes this opportunity to comment on the proposed Department of Housing Preservation and Development ("HPD") rules to implement the new City Housing Assistance Program (the "Program") for families and individuals. My name is Valerie Reyes-Jimenez, and I am the New York City Community Organizer for Housing Works, a healing community that provides a range of integrated housing and health services.

Housing Works, as the operator of a Mayor's Office of Criminal Justice (MOCJ) Emergency and Transitional Housing (ETH) Program, is very pleased that residents who complete the program will finally have access to a rental voucher to enable them to fully transition back into the community. The program provides up to twelve months of a safe stable place to live for people leaving incarceration without housing, while providing vocational, educational, and therapeutic services as well as assistance to secure permanent housing. However, while many of our program participants complete job training and secure employment, they cannot afford housing on the open rental market. Participants who have completed educational and job training programs, and are stable and employed, should not be pushed back into homelessness in the mass shelters or on the streets, and in the worst-case scenario end up back in jail. It is critical to put in place CHAP rules that give every voucher holder the best chance for success.

Clarify allocation of vouchers

First, Housing Works and other providers in MOCJ's ETH network have raised concerns with MOCJ about whether the anticipated number of vouchers will adequately meet program graduates' housing needs. Based on an initial meeting with MOCJ, we understand that the program expects to receive 300 vouchers over two years (FY27 and FY28). However, it remains unclear whether 300 vouchers will be made available or whether the program will instead receive a fixed funding allocation, as well as how the resources will be distributed across the two fiscal years. We would, of course, prefer an allocation of a specific number of vouchers, since some households will be singles while others will be families. We also urge the importance of increasing available resources to meet real need.

To this point, Housing Works is concerned by the provisions of the rule, *§65-03 Administration of the Application Process and Waiting List: (c) & (d),* which allows HPD to close the waiting list for CHAP vouchers and states that no applicant has the right to be placed on the waiting list. We strongly believe that the public has the right to know the extent of unmet need among CHAP eligible households to inform future investments in housing subsidies and would not want the CHAP program to become a closed and limited resource like Section 8 Housing Choice Vouchers.

Housing Works appreciates the opportunity to raise other specific recommended changes that we strongly believe would bring the proposed rules into better alignment with the goal of the CHAP program to foster stability and promote well-being among previously homeless New Yorkers.

Delete *§§65-12 (b)(6)(8)(9) and 65-13 (c)(14)(15)*, which set out a proposed "code of conduct" that could put tenants' vouchers at risk.

The proposed rules would allow HPD to revoke vouchers, terminating housing for tenants based on allegations of drug-related or other criminal activity, insults or threats to property owners, or having caused damage to their unit. It would also allow HPD to inspect a voucher holder's unit following an anonymous complaint.

No voucher holder should be threatened with loss of their subsidy and eviction for things like alcohol, substance use , or other behaviors through a process that does not afford the same legal protections enjoyed by any other tenant.

Indeed, these proposed rules go beyond the requirements in place for CityFHEPS and would create opportunities for CHAP voucher holders to face harassment, surveillance, discrimination, and loss of their housing assistance. While we do not condone criminal or destructive behavior, voucher holders should be held to the same standard and afforded the same process as their unvouchered neighbors, not face additional threats to their housing stability that could be based on vague or subjective allegations.

We understand that similar language is required for Federal housing programs that HPD oversees, but there is no such requirement for this program which is entirely funded by City Tax Levy. We strongly urge HPD to strike these provisions.

Eliminate the "rent reasonableness" criteria and continue to study this requirement

We urge HPD to strike the concept of "rent reasonableness" from the CHAP rule to allow for further exploration of this test in the context of the CityFHEPS program. This would involve striking from the proposed rule the definition of "reasonable rent" found in *§65-01*, and the *§65-08 (a) (iii) "*a reasonable rent*."* reference.

Omitting the reasonable rent test from the CHAP rules will allow HPD the flexibility to reconsider the effectiveness of rent reasonableness, as this cost containment strategy has delayed CityFHEPS packet processing since implementation in April. By omitting it from the rule, HPD will have leeway to decide whether to continue this test upon further review.

Provide explicit tenant rent protections in HAP contracts

Housing Works suggests that language be added to §65-07, governing Housing Assistance Payments (HAP) Contracts, to require language in the contracts that clearly states tenants/subsidy holders are never responsible for the portion of the rent covered by the HPD CHAP subsidy. Given the potential loss of housing faced by some CityFHEPS voucher holders when HRA failed pay its portion of the rent, we suggest that the CHAP HAP contracts follow the Section 8 HAP contract to the maximum extent possible, so tenants are not ever held responsible for government's share of the rent. This clarity will also help

assuage concerns among private landlords who have experienced inconsistent payment while participating in the CityFHEPS program.

Model occupancy standards on the Section 8 program

Housing Works strongly suggests that the language of *§65-10 Occupancy Standards: (a) & (b)* be amended to reflect the Section 8 standard that a single parent and child are eligible for a 2-bedroom apartment.

Clarify renewal rights and process

Finally, Housing Works suggests that *§65-11* of the proposed rule, titled *Renewals of Rental Assistance*, include clearer and more explicit provisions regarding voucher holders' rights to renew. We assume that, as in the Section 8 program, Under *§65-04(c)* of the proposed CHAP rule, a voucher holder would remain eligible for renewal under the program until 30 percent of the household's monthly adjusted income becomes equal to or greater than the gross rent for the unit. However, we suggest that this be more clearly stated to provide households with stability and peace of mind. Of course, we understand the need to state that ongoing support is subject to appropriations, but as long as funding is available these formerly homeless households are entitled to a measure of security going forward.

Again – thank you for this opportunity to comment. We look forward to working with MOCJ and HPD to empower previously incarcerated persons experiencing homelessness who complete a program of transitional housing to employ CHAP vouchers to fully reenter the life of their communities.

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