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GREATER NEW YORK

PUBLIC COMMENTS ON HPD'S DRAFT RULES FOR THE CITY HOUSING ASSISTANCE PROGRAM (CHAP) HEARING HELD ON NOV, 2ND, 2026

Introduction and Thanks

My name is Eric Lee, Director of Public Policy for Volunteers of America – Greater New York (VOA-GNY), one of the largest housing and homeless services providers in New York City. Thank you for the opportunity to submit public comments on the Department of Housing Preservation and Development's (HPD) Rules for administration of the City Housing Assistance Program (CHAP).

About Us

VOA-GNY is an anti-poverty organization that aims to end homelessness in Greater New York through housing, health, and wealth-building services. We are one of the region's largest human services providers, impacting more than 12,000 adults and children annually through 70+ programs in New York City, Northern New Jersey, and Westchester. Our programs include DHS and HRA Domestic Violence shelters and transitional housing, and we are also an active nonprofit developer of supportive and affordable housing. VOA-GNY has a robust portfolio of permanent supportive housing, affordable, and senior housing properties totaling over 2,100 beds, with over 2,700 more homes actively in the pipeline, the vast majority of which will be for low and extremely low-income individuals and families.

VOA-GNY appreciates the dedicated staff at HPD who work to expand affordable housing access to more New Yorkers, and we acknowledge the numerous administrative challenges that the Department faces in standing up multiple new rental assistance programs simultaneously. Despite these challenges, **we strongly urge HPD to reconsider how it plans to administer the CHAP program, specifically with regards to §65-12 "Household Obligations" and §65-13 "Denial and Termination of Rental Assistance."** These sections would establish an extrajudicial code of conduct for tenants, putting CHAP voucher holders at heightened risk of

losing their subsidy, and therefore homelessness. These provisions would enable **the Department to terminate someone's voucher for using alcohol or drugs, being arrested for a crime, being considered a nuisance to neighbors, or even using inappropriate language with landlords or department staff.** These requirements are **incongruent with the administration's strong commitment to protecting and empowering tenants**, and could create conditions where tenants face threats and intimidation from unscrupulous landlords and neighbors. Like CityFHEPS, CHAP is entirely City-funded and is therefore not required to include these provisions by Federal law.

CHAP was established to help house people who don't qualify for other rental assistance programs, many of whom are currently homeless, including survivors of domestic violence and runaway and homeless youth. **The Department should not establish additional mechanisms to take away someone's rental assistance voucher**, putting them back in jeopardy of losing their housing and returning to shelter. If CHAP tenants violate the terms of their lease, they are entitled to the same legal court process as any other tenant in NYC.

VOA-GNY is also concerned with other provisions including mandatory HPD inspections post-lease up, arduous processes, and overly proscriptive eligibility requirements.

VOA-GNY has the following recommendations to strengthen CHAP to maintain continued housing stability of voucher holders and align provisions with existing tenant rights and CityFHEPS rules

Eliminate mandatory HPD Inspections (after initial inspection to verify housing standards):

Remove entirely: §65-12 (a) (4) *"provide access to the department to inspect the assisted unit at reasonable times and after reasonable notice;"*

Remove from §65-15 (c) *"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."*

Households should not be subject to an HPD inspection at the risk of losing their vouchers. It is highly concerning that an anonymous complaint would be sufficient grounds to compel an invasion of their privacy, beyond the rights of non-voucher holding tenants. Surprise inspections could be a means for a disgruntled landlord or neighbor to intimidate or harass a voucher holder. Both sections should be struck, in alignment with the CityFHEPS rental assistance program, which only verifies housing habitability standards during initial application approval.

Remove entirely: §65-12 (a) (5) *"correct all HQS failures caused by the household;"*

The CHAP rule should not seek to hold the tenant liable for housing conditions in the unit, per

HPD's determination. Liability for property damage should be determined through the existing housing court system, and this rule should not seek to preempt tenants' right to due process.

Eliminate overly proscriptive eligibility restrictions that hinder the purpose of the program:

Revise §65-11: change "at least once each year" to "annually"

Remove from §65-11; §65-12 (a) (2); §65-12 (a) (3); and §65-13 (c) (4): the word "assets"

Revise §65-12 (a) (3); §65-13 (a) (2); and §65-13 (b) (2): to limit the focus of documents and information required to "necessary to verify eligibility and in the information necessary to determine the CHAPS rent supplement amount, maximum monthly amount, and any required contributions from household members."

CHAP eligibility should be determined annually, in line with CityFHEPS rules, to maintain housing stability throughout the year. The rule should also strike examining a household's "assets" as a reason for eligibility and possible termination, in alignment with CityFHEPS eligibility. Forcing a household to spend down their limited assets before rendering aid further pushes them into poverty and makes it more difficult to attain long term stability. Refining the scope of document and information disclosure can minimize unnecessary paperwork and information for both applicants and HPD staff.

Remove entirely: §65-12 (b) (1): "commit any serious or repeated violation of the lease;

Remove entirely: §65-13 (c) (11): "the household was evicted from the assisted unit for serious or repeated violations of the lease;"

Remove entirely §65-13 (c) (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;"

Housing court is set up to address situations where lease violations rise to the level of tenancy evictions. HPD should not additionally use lease violations to terminate a household's CHAP voucher, as it will halt their ability to find alternative housing and plunge them back into homelessness.

Additionally, HPD should not prohibit households who have outstanding debts to HPD or NYCHA or other rental assistance programs from qualifying for CHAP. Applicants may owe significant arrears from prior housing stays which ultimately led to them becoming homeless, and prohibiting these debts to qualify for rental assistance is akin to doctors requiring an ailing patient to heal themselves before rendering aid.

Remove entirely: §65-12 (b) (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;”*

Remove entirely: §65-13 (c) (14): *“any member of the household has engaged in drug-related criminal activity, violent criminal behavior, 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;”*

Remove entirely: §65-12 (b) (8): *“engage in fraud;”*

Remove entirely: §65-12 (b) (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”*

Remove entirely: §65-13 (c) 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”*

We do not endorse or support criminal behavior, illicit substance use, or physical or verbal threats of violence; however, someone’s housing support should not be jeopardized for these infractions. Voucher holders and formerly homeless individuals already face significant stigma and scrutiny. Tenants should not face additional threats to their housing based on vague or subjective allegations and should instead be held to the same standard as their unvouchered neighbors.

Continued eligibility for CHAP should be primarily determined by household income. While maximum income for initial eligibility is established at 50% Area Median Income (AMI), **we recommend that the CHAP rule establish the maximum income for annual renewals at 80% AMI, in line with CityFHEPS standards**, to allow households to improve their financial situation while maintaining rental assistance.

Remove from §65-12 (a) (9): *“All household members residing in a unit must be approved by the department;”*

Remove entirely: §65-13 (c) (10): *“the household has knowingly permitted an individual who is not an approved member of the household to reside in the unit;”*

CHAP should not proscribe who can and cannot live together, at risk of losing their voucher. Formerly homeless individuals should have the same rights as other New Yorkers when making decisions about family planning, relationships, and other life decisions. Rules that limit the self-determination of CHAP recipients are infantilizing. Household composition should strictly be a budgeting exercise, as with CityFHEPS, to determine the household’s rental contribution. -

Widen referral sources to better identify eligible households:

Revise **§65-01:** Expand the definition of “non-profit organization” *to include non-profits holding a contract with the city to provide homeless services for people experiencing street homelessness, such as DHS and RHY Drop-in Centers, Safe Havens, and Street Outreach.*

§65-03 (a) (ii) *should widen referrals to include community-based organizations not directly contracted with the city to allow for a “no-wrong door” approach for referrals of people currently experiencing homelessness or at risk of housing instability.*

While New York City has a complex safety net of city-contracted eviction and homeless service programs, HPD should utilize a “no-wrong door” approach to enable non-city-contracted homeless services programs and eviction prevention programs to refer eligible households to the Department. Eligible households should be helped based on their need, not whether they are receiving services from a specific type of program.

Streamline administrative processes to shorten the application process:

Remove from §65-01 the Definition for “Reasonable rent”

Remove entirely §65-08 (a) (iii): *“a reasonable rent”*

We urge HPD to remove Rent Reasonableness from the CHAP rule as this strategy has proven to be a great hindrance to efforts to rehouse and stabilize CityFHEPS households. Our shelter staff have seen approvals of CityFHEPS packages stretch from weeks to months upon implementation of rent reasonableness tests. Given HPD’s relative staff capacity compared to HRA, we are concerned that this additional test could create similar bottlenecks for CHAP applications. At the same time, it remains unclear to us the prevalence or scale of units being found unreasonable and how much the City saves compared to the additional time spent in shelter awaiting voucher approval. Omitting rent reasonableness from the CHAP rules will provide the Department the flexibility to determine whether to continue this test upon closer review.

Specify in §65-05 that voucher certificates should not expire for 9 months from initial date of issuance and establish a 90-day grace period where the application remains open for a shelter of origin for households aging out/transitioning out of the placement.

Establishing a 9-month period for voucher certificates can help reduce renewal paperwork for HPD staff and avoid stalling CHAP applications due to a certificate expiring mid-approval.

In alignment with our recommendation of a no-wrong-door referral approach, VOA-GNY recommends HPD allow applicants to add other homeless/eviction prevention providers to collaborate on their pending CHAP application, similar to ACCESSHRA functionality.

To minimize resubmissions given households could transition between DYCD or HRA DV and DHS programs, the CHAP voucher would ideally follow the household across different outreach teams/shelter placements. If not possible, we recommend HPD create a 90-day grace period for applications of households transitioning between homeless systems or shelters, to allow staff at the shelter of origin additional time to follow up on their CHAP application.

Maintain a rolling waitlist to track the ongoing need:

Revise §65-03 (c) to require the department maintain an open waitlist and provide annual reporting to the administration and City Council on the numbers of households on the waitlist.

HPD should maintain an active waitlist of eligible households once the annual capped appropriation is fully committed, to accurately reflect the current need for the program, as well as maintain the household's place in line based upon their application.

Provide due notice of voucher non-compliance before termination, and means to appeal Department denials and terminations:

§65-17 (a) requires further specification regarding administrative hearings

Notice of determination to deny or terminate assistance should denote a specified amount of time that the applicant/voucher holder is afforded to request an administrative hearing and acceptable ways in which to request it. CityFHEPS rules denote 60-days to request an administrative hearing from date of the challenged determination or action, via written request, either by mail, electronic means or fax, or other means determined by the agency. The CHAP rule should also enumerate that CHAP rental assistance payments shall continue in the amount in effect at the time of the determination until the hearing decision is issued, in line with CityFHEPS rules.

The following sections should be moved from §65-17 (c) to §65-17 (b), to be

permissible to contest during an administrative hearing:

§65-17 (c) (4) “the expiration of a voucher certificate or a determination not to approve an extension of the voucher certificate term;”

§65-17 (c) (5) “a determination not to grant approval of a tenancy;”

§65-17 (c) (6) “a determination that a unit is not in compliance with HQS;”

§65-17 (c) (7) “a determination that a unit is not in accordance with HQS because of the household size or composition;”

Households should be afforded the option to appeal the above items during an administrative hearing. Voucher holders could be linked to an apartment only to see their shopping letter/certificate expire during the application process, and they should be able to request it be renewed. Households should also be able to challenge possible reasons for denial of tenancy, as well as whether the unit meets Housing Quality Standards (HQS). HQS can vary for households on a case-by-case basis, as household size and composition are not the only mitigating factors which should be considered. Voucher holders should be able to appeal should they feel the Department did not sufficiently factor in the nuances of their situation.

In Conclusion

Volunteers of America – Greater New York appreciates the efforts of HPD and its dedicated staff to widen access to affordable and permanent housing to more New Yorkers. We urge the Department to incorporate our recommendations to better support households served through this critical rental assistance program, and we stand ready to partner with the HPD, the Administration and City Council to successfully implement the new City Housing Assistance Program to create additional pathways out of homelessness and shelter for thousands of households.

Thank you for the opportunity to publicly comment.

If you have any questions, please email me at elee@voa-gny.org