



HOMELESS SERVICES UNITED

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Testimony of Catherine Trapani, Executive Director, Homeless Services United, Inc.

Before the Human Resources Administration on the CityFHEPS and Pathway Home Proposed Rules

August 21st, 2018

Background

My name is Catherine Trapani, and I am the Executive Director of Homeless Services United (HSU). HSU is a coalition of approximately 50 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach and prevention services. Each day, HSU member programs work with thousands of homeless families and individuals, preventing shelter entry whenever possible and working to end homelessness through counseling, social services, health care, legal services, and public benefits assistance, among many other supports. Leveraging the experience of our members who provide services across the continuum, our recommendations focus on ensuring strong coordination between City social service agencies, adding flexibility to help those in need, and offering efficient logistical suggestions.

HSU would like to thank the Human Resources Administration for its commitment to offering a range of specialized housing subsidies that allow New Yorkers to maintain and obtain permanent stable housing, and we applaud your efforts to streamline all City subsidies into one program, CityFHEPS. The proposed streamlined program will make the process simpler for eviction prevention and shelter providers, HRA, tenants, and landlords. HSU looks forward to continuing collaboration with HRA and DHS to ensure the transition is as smooth as possible. To that end, we offer the following recommendations:

No "wrong door" when seeking homeless housing services

Central to our recommendations is the idea that no New Yorker should be denied eligibility for the program based solely on the system they use to access homeless services. Any client receiving services from a City-funded program charged with preventing homelessness or serving homeless New Yorkers should be eligible for CityFHEPS regardless of what other specialized services they may require. For example, individuals residing in Safe Havens should be explicitly included for eligibility as homeless, as they are not technically street homeless but also do not reside in traditional DHS shelter.

Also, while the rule allows clients of DHS and some HRA funded shelter programs to qualify for assistance, it only stipulates that DYCD may refer some clients to the program pursuant to an agreement with the Commissioner. Amending the rule to specify that all individuals and families residing in Runaway Homeless Youth (RHY) DYCD shelters who are otherwise eligible for the



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program will be referred would ensure equitable access to housing assistance across City homeless services programs. Similarly, DYCD street outreach teams should also be able to make a “street homeless” determination for the purpose of CityFHEPS or Pathway Home eligibility. Mechanisms are also needed so that other privately funded shelter and outreach programs can report information on individuals they serve to City programs at their clients’ request so that they can accurately document the homeless history of persons seeking housing assistance to verify their eligibility.

The goal with these recommendations is to ensure that clients can receive services from programs designed to meet their specific needs without having to resort to DHS shelter to access housing. For this reason, we were pleased to see that HRA shelter residents were included in the rule as eligible, but we request that their certification period be lowered from 90 to 45 days, as 90 days is also the time limit for residing in HRA shelters. If survivors need to wait to the literal last day of shelter to apply for a housing subsidy they are forced to remain in shelter longer, either by having to apply for an extension of their HRA shelter stay or transferring to a DHS shelter to be able to use CityFHEPS or Pathway Home. We should make such transitions as rare as possible by affording access to housing assistance earlier for these households.

Still it may be inevitable that people will move between systems (for example reaching the maximum time in HRA DV or DYCD Crisis Shelters and Transitional Independent Living (TIL) programs and transferring to DHS Homeless shelter). Therefore, CityFHEPs and Pathway Home eligible households should carry their eligibility for housing assistance with them when they transfer shelters. If they must transfer prior to being found eligible, the time spent in each system should cumulatively count towards shelter or street homeless length of stay requirements for eligibility. The “clock” should not reset if they transition among homeless shelter systems so that a households’ experience of homelessness are as brief as possible.

Ensuring the most vulnerable people do not have to enter DHS shelters

While CityFHEPS endeavors to meet the diverse needs of those previously served by seven distinct subsidies, HSU recommends there be additional consideration for vulnerable groups recently evicted or at risk of eviction who would have a particularly hard time if forced to enter shelter, such as the elderly, people with disabilities, people with acute mental health concerns, hospital discharges, and transgender, gender non-conforming and non-binary persons as well as those who have resided in their homes for more than 15 years. We also feel that CityFHEPS should serve people being evicted from rent-stabilized apartments to avoid the loss of an affordable unit, not just rent controlled as currently proposed. New York City must make a strong effort to preserve as much affordable housing as possible if we are to turn the tide on homelessness.



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Ensuring eligible households are able to utilize CityFHEPS

HRA's acknowledgement that larger households often have difficulty securing apartments using the regular rent guidelines is admirable. We support the proposed policy to grant higher maximum rent exceptions up to 30% for households 5 or more. In addition, HSU believes such exceptions should also be made to help families comply with court orders and other mandates which can also hinder their ability to finding housing within the rent limits, such as when ACS or family court dictates households must secure an extra bedroom, or in cases when a household's medical concerns also warrant an exception like when they need space for medical equipment or care.

Our members also shared that single parent single child households have an especially challenging time trying to find an apartment they can afford. HRA may want to consider allowing two small families to "double-up" when appropriate, to combine their vouchers to qualify as a larger household size under CityFHEPS, while also allowing that combined household the additional rent of up to 30%, to allow them to find a suitable apartment to share.

Ensuring stable permanent housing

Homeless Services United is particularly grateful to HRA for allowing CityFHEPS households to renew while earning up to 250% FPL; the ability to increase their income without fear of putting their housing at risk is important. The City's foresight to allow households to continue to receive CityFHEPS beyond five years is also another great step toward the long-term housing stability of vouchered households.

We are also grateful for HRA's including a restoration process to allow CityFHEPS recipients who did not renew to be able to regain their voucher within one year of termination, given they meet eligibility requirements. We recommend that HRA also adopt language allowing for other extenuating circumstances or longer than a year at the agency's discretion, to allow for other instances where restoration would be appropriate.

HRA should also adopt a formal process for Safety Transfers for survivors of domestic violence, following the principles of the Violence Against Women Act (VAWA) to be administered by HRA's Office of Emergency Intervention Services. In this way, people experiencing safety issues would be granted the opportunity to transfer apartments and receive support from HRA non-residential DV programs and/or the Family Justice Center without returning to homelessness.

Allowing sufficient time for transition

Given the complexity of this new rule and in recognition of the tremendous amount of work and moving pieces that factor into streamlining rental assistance, HSU is concerned that the 120-day expiration for current voucher holders from effective date of this the new rule is too short, given that there will be a transition period for providers and the City to train and operationalize the



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new subsidy. HSU is still working with members to address inefficiencies with the new FHEPS subsidy which rolled out in December. We strongly recommend that the CityFHEPS time limit be lengthened to one year from the effective date of this rule.

Thank you for your time. Please see our written comments for our full list of recommendations, and if you have any questions please feel free to contact our offices. Thank you for your effort streamlining these vital housing resources and we look forward to working with you and our members to ensure that CityFHEPS and Pathway Home can help many New Yorkers to attain permanent housing.

HSU Public Comments for CityFHEPS Proposed Rule

Before the Human Resources Administration on August 21st, 2018

1) No “wrong door”: expanding access

- a) Section 10-01 (f) CityFHEPS qualifying programs-
 - i) Specify for item (1) for ACS referrals to also include **“other extenuating circumstances”** (e.g., to avoid ACS suicides in shelter)
 - ii) Specify for item (3) “referrals from DYCD” to add the language **“for all individuals residing in Transitional Independent Living (TIL) or Crisis Shelters”**
 - iii) Add an authorization process for non-City funded Shelters to become “qualifying programs” (e.g., CHIPS). Given proper guidance, these programs could make appropriate referrals for individuals that they currently serve.
- b) Section 10-01 (qq) “Street Homeless” definition- Amend sub-sections (1) (2) and (3) to replace **“DHS contracted outreach provider”** with **“DHS or DYCD contracted outreach provider, or per review of documentation of services from other outreach programs”**, to ensure an individual’s street homeless designation is captured for CityFHEPS eligibility regardless of which outreach programs they utilize.
- c) Section 10-04 (a) (8)- Insert **“or residing in a Safe Haven”** to read **“The household must be street homeless or residing in a Safe Haven or belong to Group A or B below:”** Since individuals in safe havens are not technically considered homeless, but Safe Havens do not fall under the DHS Shelter portfolio (instead falling under Street Homeless), we want to add this clarification to ensure they remain eligible for CityFHEPS if they reside in this particular program.
- d) Section 10-03 (a) (6) (C)- **Add a clearly defined referral process for other City Agencies-** Thank you for including this, allowing flexibility referrals for other City agencies to avert DHS shelter entry. A more clearly defined referral guidelines and process rather than Commissioner’s discretion would help to upstream referrals within non-DHS systems, flagging at-risk individuals and helping avert shelter.
- e) Section 10-04 (b) (1) **“Qualifying shelter stay”** for a DHS shelter resident should be amended to:
 - (1) Include time also spent in a DYCD Crisis Shelter or Transitional Independent Living (TIL).
 - (2) Count the **cumulative** time spent in DHS, DYCD, and HRA shelters towards the minimum day requirement. The “clock” should not reset for a client because they transition from one type of shelter to another.
 - (3) **For survivors of domestic violence residing in HRA shelters, the “90 days” prior to certification requirement should be lowered to “45 days”, as HRA shelters have an initial 90-day time limit which necessitates them waiting until the last day to apply for housing and then either file an extension for HRA shelter or transfer to a DHS shelter.**

2) Ensuring the most vulnerable people do not have to enter DHS shelters: program flexibility

- a) Section 10-03 (a) (7)- Amend lease eligibility guidelines for families with children under 18 years old not in shelter or street homeless, to be in parity with FHEPS guidelines laid out in **NYC HRA Policy Directive #17-26-ELI, Determining Eligibility for FHEPS section** which states a family that is NOT the tenant of record may be eligible for the subsidy, *given they are named co-tenant on*

the lease of tenant of record, in a court stipulation, or in a written agreement with tenant of record or landlord, granting residency rights for at least 12 months from time of the application.

- b) Sections 10-03 (c) and 10-06 (c)
 - i) Mirror Language from Section 10-03 (a) (7) to amend exceptions for CityFHEPS rental assistance amount increases to include rent-stabilized or rent-controlled apartments, which have mid-year increases authorized under the rent-stabilization or rent control laws.
- c) Section 10-04 (a) (8) (A) (i)-work requirements- add ***“or for other extenuating circumstances per the Commissioner’s discretion.”*** to the end of the paragraph. Added flexibility would allow CityFHEPS to help individuals that face extreme challenges to meeting work requirements.
- d) Section 10-03 (a) (6) (B)
 - i) **Consider adding additional vulnerable groups recently evicted where entering shelter is especially not suitable:**
 - (1) **Head of household over 60 years old.**
 - (2) **People on SSI/SSD**
 - (3) **Long Term Tenancies- households living 15 or more years in their current residence**
 - (4) **People with acute mental health concerns**
 - (5) **Hospital Discharges who otherwise would go to shelter**
 - (6) **Trans, Gender Non-Conforming, and Non-Binary identity**
 - ii) Section 10-03 (a) (6) (B) (ii) **Add “rent-stabilized or” rent controlled apartments.** Maintaining New York City’s dwindling affordable housing stock is crucial to turning the tide on homelessness.
 - iii) Section 10-03 (a) (6) (B) (iii) **Change: previously resided in a “DHS Shelter” to “New York City-funded Shelter”.** People in other City shelter systems like DYCD and HRA should also count as homeless. They all resided in NYC homeless shelters, and should not have that vulnerability indicator disregarded because it was through a different City Department.

3) Ensuring eligible households are able to utilize CityFHEPS

- a) Section 10-05 (b)- **In addition to 5+ households, additional groups that could benefit from higher rent exceptions include:**
 - i) Compliance with Government Orders/mandate (e.g., ACS mandates, family court, ADA Compliance, etc.)
 - ii) Households with particular medical concerns (e.g., live-in caretaker, accommodation of hospital equipment, autistic child, etc.)
 - iii) Individual instances where two smaller families wish to pool their CityFHEPS subsidies to be eligible for a larger combined household size, since it’s challenging to find apartments for lower amounts. (e.g., two households of 2 could move together into a larger apartment with a max rent of up to \$2,024 (\$1,557 (4-person household) + \$467 (30%))

4) Ensuring stable permanent housing

- a) Section 10-08 (a) (1)- household gross income cannot exceed 250% FPL for renewals after year one- Thank you for this added flexibility which will allow households to increase their earning potential without putting their housing stability at risk.
- b) Section 10-08 (c)- CityFHEPS recipients can continue to receive rental assistance beyond their 5th year. This will come as a major relief for thousands of households currently using time-limited City subsidies, ensuring they remain stably housed long-term.

- c) Section 10-08 (d)- CityFHEPS recipients that do not renew can recertify within one year of termination if they meet renewal requirements at time of renewal.
 - i) Thank you for including this. It will help to save time for providers and the City to have a quick process by which to recertify those that had their subsidy fail to renew, and more importantly, lower the chance of further destabilizing a household.
 - ii) Revise statement to read “Subject to availability of funding, if a household is not renewed for CityFHEPS, **or other extenuating circumstances**, it may be restored within one year of termination **or longer at the agency’s discretion** if the household meets CityFHEPS renewal requirements at the time it applies for restoration.” This revision will grant HRA more flexibility to quickly restore subsidies to avoid Housing Court or returning to shelter.
 - d) 10-04 (a) (6)- We recommend that HRA remove this section – survivors have the right to self-determine their family composition. While DV providers can continue to counsel and education survivors on the risk and legal ramifications of allowing an abuser to rejoin their household, Survivors should be given the autonomy to self-certify who they choose live with. We ought not discourage people from reporting abuse for fear that the City will force family breakup if a victim isn’t ready to separate from their abusive partner
 - e) The City should add a formal protocol to allow survivors of Domestic Violence to transfer to a new CityFHEPS apartment that conforms with VAWA’s transfer policy protocols.
 - f) Section 10-10 (a)- Request Process for Moves- for Survivors of Domestic Violence, we recommend that a timely formalized process for Safety Transfers be adopted, following the principles of the Violence Against Women Act (VAWA) to be administered by HRA’s Office of Emergency Intervention Services. In this way, people experiencing safety issues would be granted the opportunity to transfer apartments and receive support from HRA non-residential DV programs and/or the Family Justice Center.
 - g) Section 10-14- Add a 2nd year Renewal Requirement for Landlords. For CityFHEPS holders living in unregulated apartments that can renew for a second year, landlords must agree to renewing their lease for a second year upon renewal of the CityFHEPS subsidy. This requirement will offer some protection to tenants by promoting housing stability and preventing landlord abuses of the signing bonus system.
 - h) Section 10-15 Additional Provisions- Recognizing HRA’s commitment to engaging landlords and preventing Source Of Income discrimination, we recommend including a provision establishing a dedicated CityFHEPS Landlord Hotline to address questions and concerns for prospective or current landlords of CityFHEPS recipients.
- 5) Allowing sufficient time for transition**
- a) Section 10-03 (a) (6) (D)- **Change expiration of CityFHEPS qualification from “120 days” to “one year” after the effective date of this rule.** HSU is extremely grateful to HRA for undertaking this enormous endeavor to streamline City rental subsidies. Given the complexity, it would be prudent to give City agencies and providers enough time to ensure that these new changes in an orderly fashion to prevent endangering a person’s housing status during the transition.
 - b) Section 10-04 (a) (8) (B) (iii)- change **“120 days”** expiration limit to **“one year”** after effective date of this rule change (see above rationale)