



**HOMELESS SERVICES UNITED**

307 W. 38TH STREET, 3RD FLOOR  
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January 9<sup>th</sup>, 2023

HRA Rules  
c/o Office of Legal Affairs  
150 Greenwich Street, 38th Floor  
New York, NY 10007

Subject: CityFHEPS Program Eligibility Amendments

Dear HRA Rules:

I am writing on behalf of my organization, Homeless Services United to submit public comments for the proposed amendments to Title 68 of the Rules of the City of New York, for the CityFHEPS rental assistance program.

We are grateful to the agency for your shared commitment to expanding eligibility for this vital rental assistance program to help more households access or maintain their permanent housing. We are heartened to see efforts to increase flexibility around initial income eligibility limits and reductions to the hourly work requirements, and respectfully encourage the administration to enact even bolder reforms to enable eviction prevention and homeless services providers to affect a historic reduction in the number of people unstably housed or experiencing homelessness.

Homeless Services United makes the follow recommendations to improve the CityFHEPS program to ensure those at risk of or currently experiencing homelessness can access the voucher in an expeditious manner that prevents further destabilization of the household and abbreviates the time spent homeless.

**Definition Recommendations**

**§10-01** We recommend that the following definition be added, **“City-administered facilities”** means hotels, shelters, stabilization beds, safe havens, veterans shelters, faith-based centers, short-term reentry housing, overnight drop-in centers and other accommodations or associated services, managed by or provided under contract or similar agreement with any city agency, provided to individuals or families who need temporary emergency housing or assistance finding or maintaining stable housing.” As defined in Local Law 79 of 2022.

**§10-01 (oo) Revise the definition of “Street homeless”** to read, “individuals who are receiving case management services from a provider under contract or similar agreement with any city, state or federal agency to provide street outreach services to homeless individuals on the streets, including those that are sheltering in a safe haven, stabilization bed, or drop-in center.”

DHS Street outreach providers are only one of many outreach providers who interact with young people and adults experiencing unsheltered homelessness in New York City. Others include: DYCD funded outreach providers, OMH Safe Options Support (SOS) outreach providers, federally funded outreach providers, Port Authority, MTA and others. Young people and adults experiencing street homelessness should not be deemed ineligible for CityFHEPS because they sought support from non-DHS outreach staff.

**Eligibility Recommendations:**

**§ 10-03 (a) (1) and § 10-04 (a) (1) Initial eligibility income criteria should mirror Section 8 at 50% Area Median Income (AMI) instead of 200% FPL.** Too many one and two person households make too much to currently qualify for a CityFHEPS voucher but too little to pay rent on their own. NYC's \$15 minimum wage makes it's easy to be over-income, as someone working 35 hours a week at \$15/hr. would have a gross income of \$27,300, which is \$1,540 over-income for a 1-person household. **If the administration wishes to maintain the 200% FPL limit,** their proposed change to *possibly* allow a single-person household in shelter to exceed 200% FPL if they work a *minimum* of 35 hours a week at minimum wage should go further, explicitly stating that **all household sizes in-community and in shelter shall be eligible to exceed 200% FPL if their combined work hours exceed 40 hours per week.**

**§ 10-04 (a) (8) Change CityFHEPS eligibility for households currently experiencing homelessness to everyone receiving services at a "City-administered facility" as defined in Local Law 79 of 2022.** By aligning CityFHEPS eligibility to a more accurate register of households as tracked in Local Law 79, rather than limit it to only those within DHS or HRA shelters, the City can further de-silo access to housing vouchers to resource all City agencies to better address homelessness Citywide. This would include all homeless youth that receive services from DYCD-contracted Runaway and Homeless Youth providers would be given equal access to CityFHEPS automatically, based on their current homeless status. Everyone homeless needs and is ready for housing, irrespective of which government system is serving them.

**§ 10-04 (a) (8) (A) and § 10-04 (b) and § 10-04 (c) Remove the 90-day qualifying shelter stay requirement for all shelter residents.** Households should be eligible for a CityFHEPS rent assistance voucher once approved for residency in a shelter. For DHS facilities, this should be when a household's conditional status ends and they become eligible for shelter services. The fallacy that housing is a draw to shelter must end and the City's housing policies should not reflect it. DHS intake procedures verify that someone is indeed homeless, so mandating they remain in shelter an additional 90 days is inhumane and serves no administrative purpose.

**§ 10-03 (a) (6) (B) (iii) Remove DHS shelter history as an eligibility requirement for CityFHEPS in-community.** Housing vouchers should be provided to everyone at the risk of homelessness, not just those that already experienced the trauma of homelessness at least once before. Removing this requirement to access housing vouchers in the community would align with the Mayor's goal of upstream prevention services to stabilize households sooner, rather than waiting for them to destabilize before offering assistance.

**§ 10-03 (a) (3) and § 10-04 (a) (3) Explicitly state that households in receipt of Public Assistance benefits (PA) are eligible for CityFHEPS irrespective of their immigration status.** While the current CityFHEPS rule does not exclude households based on their immigration status, offering explicit clarification would remove the chance for misinterpretation which could result in eligible households being wrongfully denied vouchers. Immigrant households are some of the longest-term stayers in DHS shelters because they are categorically ineligible for most types of assistance. As thousands of new migrant households come to New York City and have to resort to entering shelter, thousands more households will be unable to exit shelter to permanent housing because of their inability to afford the

cost of rent. Ensuring access would help families and individuals without status to achieve the American dream, while creating a cost-savings for shelter services.

**§ 10-04 (a) (8) (A) (i) (BB) Remove the work requirement for households within shelter.** While we appreciate the administration's draft recommendation to lower the collective minimum hours a household works to become eligible for CityFHEPS from 30 hours to 14 hours per week, we urge the administration to go further, removing the work requirement altogether. NYC's unemployment rate is double the national average, and a work first approach ensures households remain in shelter longer, compounding the trauma of homelessness and driving up shelter costs.

**§ 10-03 (a) (6) (B) Require a verified rent-demand letter instead of eviction proceeding to qualify for CityFHEPS in-community, regardless of State FHEPS requirements.** A household should not be put at greater risk of eviction to qualify for assistance to stabilize their housing. As the conditional waiver demonstrated during the pandemic eviction-moratorium, a verified rent-demand is sufficient proof that a household's housing is unstable, and timelier and more humane than forcing them to wait for their housing to further destabilize to the point that their landlord takes them to housing court.

**Rent Recommendations:**

**§ 10-03(a) (7) and § 10-04 (d) (3) Remove the "rent reasonableness" test which erodes the purchasing power of the voucher.** This test harmed New Yorkers when initially implemented, causing households to lose permanent housing opportunities with rents equal to or lower than the Fair Market Rent. Regardless of whether the agency will be able to improve their formula, its very existence creates ambiguity for voucher holders and landlords, whether an apartment that falls within FMR rent levels would actually be acceptable for the program. Reimplementation of this opaque test will result in voucher holders and rehousing staff stumbling in the dark to find a unit the administration deems "reasonable" and will result in more households unable to avoid shelter and slower and fewer move outs from shelter.

**§ 10-05 (a) and § 10-06 (a) Tenants should receive a credit off their portion of the rent for utilities consistent with Section 8 rules, and not have the cost of utilities deducted from the maximum value of the CityFHEPS voucher.** Tenants whose rental portion is calculated at less than the utility allowance should receive a utility assistance payment ("UAP") in the same manner as Section 8 renters. As currently implemented, the cost of utilities erodes the purchasing power of the voucher while also not aligning with Section 8, which was the administration's stated intention of including utilities within the rent calculation.

**§ 10-05 (a) HRA should implement annual increases to CityFHEPS' maximum rent levels on January 1<sup>st</sup> and release the corresponding updated payment standards in advance of January 1<sup>st</sup>, in line with NYCHA.** When CityFHEPS' maximum rent increases are not implemented promptly on January 1<sup>st</sup>, CityFHEPS eligible households who are unstably housed within the community will continue to accrue rental arrears as their landlords await HRA's implementation of the higher rents. Likewise, households in shelter will struggle to find permanent housing until the higher rents go into effect. And without advanced release of payment standards and relevant processing policies, eviction prevention and shelter staff will be unable to efficiently manage their caseloads prior to annual increases. People should not continue to experience housing instability and homelessness due to administrative delays updating annual maximum rent increases and payment standards.



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**Process Recommendations:**

- 1) **The City should commit additional funding to bolster headcounts within DHS and HRA units responsible for processing rental assistance applications and public benefits access and rebudgeting, and one-shot deals.** DHS and HRA should be properly resourced to process CityFHEPS from the initial application submission date through lease-up within a 30-day timeframe. It's inhumane to force households to wait in shelter because DHS and HRA do not have enough hands to process applications.
  - a) **The City should add funding to DHS to hire additional staff to process CityFHEPS applications in a more collaborative manner with shelter staff.** DHS currently utilizes a pool of staff to review CityFHEPS applications, but individual staff are not assigned specific applications, given limited headcount. While we sympathize with the immense workload, this staffing model prevents assigning individual DHS staff to shepherd individual applications through the process in a timely manner. This pool approach also prevents shelter staff from collaborating with DHS reviewers to workshop equitable solutions for individual cases that have complicated situations and considerations. Instead, packets are returned multiple times, sometimes for insignificant clerical corrections.
  - b) **The City should empower HRA to fast track hiring at Public Benefits Access Centers to create manageable workloads and allows them to schedule appointments, provide on-demand PA interviews, and process applications and documentation in a timely manner. HRA's Public Benefits Access Centers do not have sufficient staff to quickly process Public Assistance applications and CityFHEPS recertifications, FHEPS applications and modifications, manually index client documentation, or conduct phone interviews. As a result, applicants are seeing their Public Assistance applications denied or cases closed, One-Shot Deals denied, their on-going CityFHEPS fail to renew, and households at risk of eviction or in shelter unable to qualify for rental assistance vouchers like CityFHEPS or FHEPS.**

Delays with Public Assistance applications and interviews create a bottleneck in the CityFHEPS process for both for PA eligible as well as non-eligible households. Non-PA eligible households must have HRA open a temporary PA case in "Single Issue" (SI) status. While "Single Issue" cases are typically a fragile tool prone to errors and "closing" preemptively, staffing deficiencies at HRA Centers make it even more likely that HRA staff will not have enough time to complete the lease-up and issue checks before the case closes, forcing the voucher holder to return to the HRA Center to reapply for another SI case. New Yorkers are being harmed by the City's inability to provide them essential benefits and housing resources, not for lack of the resources themselves but because of lack of person power to process the applications and paperwork.

If you have any questions, please contact me via email at [ctrapani@hsunited.org](mailto:ctrapani@hsunited.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Catherine Trapani', written in a cursive style.

Catherine Trapani  
Executive Director