

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2023**

No. 100

Introduced by Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman, Farías, Gutiérrez, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, Barron, Mealy, Feliz and Salamanca.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto

Be it enacted by the Council as follows:

Section 1. Section 21-145 of the administrative code of the city of New York, as added by local law number 71 for the year 2021, is amended to read as follows:

§ 21-145 Use of rental assistance vouchers. a. Definitions. For [the] purposes of this section, the following terms have the following meanings:

Applicant. The term “applicant” means an individual or family applying for a rental assistance voucher.

Drop-in center. The term “drop-in center” means a facility operated by the department of homeless services or a provider under contract or similar agreement with such department that provides single adults with hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals, or housing placement services, but not overnight housing.

Experiencing homelessness. The term “experiencing homelessness” means: (i) residing in a city-administered shelter; (ii) working with a department of homeless services or department of youth and community development outreach team while receiving services in a safe haven, stabilization bed, drop-in center, or runaway and homeless youth services; or (iii) receiving case management services from a provider under contract with the department of homeless services.

FHEPS. The term “FHEPS” means the family homelessness and eviction prevention supplement program described in section 131-bb of the social services law.

Homeless young adult. The term “homeless young adult” has the same meaning as provided in section 532-a of the executive law.

Homeless youth. The term “homeless youth” has the same meaning as provided in section 532-a of the executive law and includes homeless young adults.

Household. The term “household” means an individual or family in receipt of [CityFHEPS or any successor program] a rental assistance voucher.

Household at risk of eviction. The term “household at risk of eviction” means an individual or family that has received: (i) a written demand for rent payment or a predicate holdover notice pursuant to sections 711 or 713 of the real property actions and proceedings law; or (ii) a notice of non-renewal of residential tenancy pursuant to section 226-c of the real property law.

Household rent contribution. The term “household rent contribution” means the percent of income that a household in receipt of a rental assistance voucher contributes toward the rent of an apartment or a single room occupancy.

Income eligible. The term “income eligible” means an applicant: (i) whose total gross income does not exceed 50 percent of the area median income, as defined by the federal department of housing and urban development; (ii) who, if eligible, has applied for public assistance and, if

approved for such assistance, is in receipt of such assistance; (iii) who is in compliance with public assistance requirements, if applicable; (iv) who has applied for and accepted any federal or state housing benefits for which such applicant is eligible, including section 8 or the rental assistance program described in chapter 9 of title 68 of the rules of the city of New York, regarding the human resources administration home tenant-based rental assistance program, or a successor provision; (v) who is ineligible for FHEPS; and (vi) who has not previously received a rental assistance voucher, except an applicant who meets the requirements of subdivision (d) of section 10-08 of title 68 of the rules of the city of New York, regarding restoration of rental assistance vouchers for certain households, or a successor provision.

Maximum rental allowances. The term “maximum rental allowances” means the maximum rent toward which rental assistance vouchers may be applied.

Public assistance. The term “public assistance” means benefits, including, but not limited to, monthly grants and shelter allowances issued under the family assistance program pursuant to section 349 of the social services law or the safety net assistance program pursuant to section 159 of the social services law.

Rental assistance voucher. The term “rental assistance voucher” means [any city-initiated rental housing subsidy for homeless families and individuals.] *rent payments made pursuant to chapter 10 of title 68 of the rules of the city of New York or any other city-initiated rental housing subsidy for households at risk of eviction or families and individuals residing in shelter.*

Runaway youth. The term “runaway youth” has the same meaning as provided in section 532-a of the executive law.

Runaway and homeless youth services. The term “runaway and homeless youth services” has the same meaning as provided in section 21-401.

Safe haven. The term “safe haven” means a facility operated by the department of homeless services or a provider under contract or similar agreement with such department that provides low-threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such facilities through a department of homeless services outreach program, without the obligation of entering into other supportive and rehabilitative services in order to reduce barrier to temporary housing.

Section 8. The term “section 8” means the housing choice voucher program administered pursuant to section 982.1 of title 24 of the code of federal regulations.

Shelter. The term “shelter” means temporary emergency housing provided to homeless adults, adult families, families with children, and runaway and homeless youth by the city or a provider under contract or similar agreement with the city.

Shelter allowance. The term “shelter allowance” means financial assistance provided by the department for the purposes of paying rent on an ongoing basis in accordance with section 131-a of the social services law.

Stabilization beds. The term “stabilization bed” means city-administered facilities that provide a short-term housing option for an individual experiencing homelessness while such individual works with a department of homeless services outreach team to locate a more permanent housing option.

Utility allowance. The term “utility allowance” means a monthly allowance for utility services, excluding cable, internet, and telephone services, paid by a subsidized housing tenant.

b. Eligibility. 1. Subject to [the] appropriation, a household [or individual] will continue to receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental assistance program established pursuant to chapter 10 of title 68 of the rules of the city of New

York, or a successor program, if they continue to meet the requirements set forth in [title 68 chapter] section 10-08 of title 68 the rules of the city of New York, regarding renewals and restorations of CityFHEPS, or a successor provision.

2. The department shall not require an applicant to have resided or reside in a shelter of any type.

c. Maximum rental allowances. Subject to appropriation, [such] maximum rental allowances shall be set in accordance with section 982.503 of title 24 of the code of federal regulations, regarding voucher payment standard amounts, or a successor provision.

§ 2. Section 21-145.1 of the administrative code of the city of New York is REPEALED.

§ 3. Section 21-145.2 of the administrative code of the city of New York is REPEALED.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of social services shall take such measures as necessary for the implementation of this local law, including the promulgation of rules, before such date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on May 25, 2023, disapproved by the Mayor on June 23, 2023 and repassed by the Council on July 13, 2023 and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 100 of 2023, Council Int. No. 878-A of 2023) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

STEPHEN LOUIS, Acting Corporation Counsel.