

Int. No. 878-A

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:

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

3           § 21-145 Use of rental assistance vouchers. a. Definitions. For [the] purposes of this  
4 section, the following terms have the following meanings:

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

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

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

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

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

5 Homeless youth. The term “homeless youth” has the same meaning as provided in section  
6 532-a of the executive law and includes homeless young adults.

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

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

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

16 Income eligible. The term “income eligible” means an applicant: (i) whose total gross  
17 income does not exceed 50 percent of the area median income, as defined by the federal department  
18 of housing and urban development; (ii) who, if eligible, has applied for public assistance and, if  
19 approved for such assistance, is in receipt of such assistance; (iii) who is in compliance with public  
20 assistance requirements, if applicable; (iv) who has applied for and accepted any federal or state  
21 housing benefits for which such applicant is eligible, including section 8 or the rental assistance  
22 program described in chapter 9 of title 68 of the rules of the city of New York, regarding the human  
23 resources administration home tenant-based rental assistance program, or a successor provision;

1 (v) who is ineligible for FHEPS; and (vi) who has not previously received a rental assistance  
2 voucher, except an applicant who meets the requirements of subdivision (d) of section 10-08 of  
3 title 68 of the rules of the city of New York, regarding restoration of rental assistance vouchers for  
4 certain households, or a successor provision.

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

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

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

15 Runaway youth. The term “runaway youth” has the same meaning as provided in section  
16 532-a of the executive law.

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

19 Safe haven. The term “safe haven” means a facility operated by the department of homeless  
20 services or a provider under contract or similar agreement with such department that provides low-  
21 threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such  
22 facilities through a department of homeless services outreach program, without the obligation of

1 entering into other supportive and rehabilitative services in order to reduce barrier to temporary  
2 housing.

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

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

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

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

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

17 b. Eligibility. 1. Subject to [the] appropriation, a household [or individual] will continue to  
18 receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental  
19 assistance program established pursuant to chapter 10 of title 68 of the rules of the city of New  
20 York, or a successor program, if they continue to meet the requirements set forth in [title 68  
21 chapter] section 10-08 of title 68 the rules of the city of New York, regarding renewals and  
22 restorations of CityFHEPS, or a successor provision.

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

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

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

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

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

ACK/DR  
LS #4023/8955/9192/10504/10538/10579/10706/10948  
5/17/23 6:59pm

**I hereby certify that the above bill was passed by the Council of the City of  
New York on Thursday, May 25, 2023 receiving the following votes:**

**Affirmative**..... 41  
**Negative**..... 7  
**Abstentions**..... 0



**Michael M. McSweeney, City Clerk, Clerk of the Council.**

ALISA FUENTES  
ACTING CITY CLERK

**DISAPPROVED**  
ON THE 23 DAY OF JUNE 2023  
[Signature] MAYOR