Committee on General Welfare

Aminta Kilawan, *Senior Legislative Counsel*

David Romero*, Legislative Counsel*

Julia Haramis, *Principal* *Finance Analyst*

Rose Martinez, *Assistant Deputy Director*

Anne Driscoll, *Data Scientist*

Julia Fredenburg, *Data Visualization Specialist*

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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEEE REPORT OF THE HUMAN SERVICES DIVISION**

**Andrea Vazquez, Legislative Director**

**Smita Deshmukh, Deputy Director, Human Services**

**COMMITTEE ON GENERAL WELFARE**

**Hon. Diana Ayala, Chair**

**May 24, 2023**

**PROPOSED INTRODUCTION 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, and Barron

**TITLE:** 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

**PROPOSED INTRODUCTION NO. 893-A:** Council Members By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, Velázquez, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Farías, Won, Schulman, Gutiérrez, Joesph, Nurse, Gennaro, Krishnan, Rivera, and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness

**PROPOSED INTRODUCTION NO. 894-A:** Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Farías, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

**PROPOSED INTRODUCTION NO. 229-A:** Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Farías, Sanchez, Joesph, Narcisse, Powers, Marte, Rivera, and Barron

**TITLE:** To amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance voucher

1. **Introduction**

On May 24, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will consider Proposed Introduction Number (Int. No.) 878-A, sponsored by Deputy Speaker Ayala; Proposed Int. No. 893-A, sponsored by Council Member Sanchez; Proposed Int. No. 894-A, sponsored by Council Member Sanchez; and Proposed Int. No. 229-A, sponsored by Council Member Caban. The Committee previously held a hearing on Proposed Int. Nos. 878-A, 893-A, and 894-A on January 18, 2023.[[1]](#footnote-1) At that hearing, the Committee heard testimony from the New York City Department of Social Services (DSS), community-based organizations, service providers, individuals who have formerly experienced or are currently experiencing homelessness, and members of the public. The Committee previously held a hearing on Proposed Int. No. 229-A on September 13, 2022. At that hearing, the Committee heard testimony from DSS, community-based organizations, service providers, individuals who have formerly experienced or are currently experiencing homelessness, and members of the public.[[2]](#footnote-2)

1. **Bill Analysis**

The bills the Committee is considering today are intended to expand the scope of which persons, at minimum, must be eligible to receive a rental assistance voucher. That scope would include people who are (i) income eligible and (ii) either a household at risk of eviction or experiencing homelessness.

Pursuant to the proposed legislation, “income eligible” would mean an applicant whose total gross income does not exceed 50 percent of the area median income (AMI); who, if eligible, has applied for public assistance and, if approved, in receipt of such assistance; who is in compliance with public assistance requirements if eligible; who has applied for and accepted any federal or state housing benefits for which they are eligible; who is ineligible for State FHEPS; and who has not previously received a rental assistance voucher, unless they meet the requirements in Section 10-08 of title 68 of the Rules of the City of New York. The term “household at risk of eviction” would mean an individual or family who has received a written demand for rent, a predicate holdover notice, or a notice of non-renewal of residential tenancy. The term “experiencing homelessness” would mean residing in a City-administered shelter; working with a Department of Homeless Services (DHS) or Department of Youth and Community Development (DYCD) outreach team while receiving services in a safe haven, stabilization bed, drop-in center or runaway and homeless youth services program; or receiving case management services from a provider under contract with DHS.

***Proposed Int. No. 878-A***

This bill would prohibit DSS from requiring that an applicant for a rental assistance voucher to have resided or reside in a shelter of any type.

Since introduction, this bill was amended to include key definitions that will be used as part of the entire legislative package. As explained above, this bill defines what it means to be income eligible, a household at risk of eviction, and to be experiencing homelessness. Further this bill would repeal sections 21-145.1 and 21-145.2 of the Administrative Code of the City of New York, because DSS will no longer be able to require a minimum amount of time in shelter to be eligible.

***Proposed Int. No. 893-A***

This bill would expand eligibility for a rental assistance voucher in the community by establishing that DSS will deem eligible for a rental assistance voucher any applicant who is a household at risk of eviction or experiencing homelessness, as defined in Proposed Into. No. 878-A. Since introduction, the bill received technical edits.

***Proposed Int. No. 894-A***

This bill would prohibit DSS from basing eligibility for a rental assistance voucher on an applicant’s employment status or source of income. Further, this bill would codifying existing income requirements and expand income eligibility to include households whose gross income does not exceed 50% AMI, as defined in Proposed Into. No. 878-A and explained above. Since introduction, the bill received technical edits.

***Proposed Int. No. 229-A***

This bill would prohibit DSS from deducting a utility allowance from the maximum rental allowance of a voucher, for units where utilities are not included in the final rent.

Since introduction, the bill was amended to provide that, in situations where a household in receipt of a rental assistance voucher rents a unit that is less than the maximum rental allowance, the household rent contribution will be reduced by the difference between the maximum rental allowance and the actual rent, up to the amount of a utility allowance. If such a reduction is greater than the household’s rent contribution, DSS shall issue a check to the household in the amount of such excess within the month in which it accrued. If renting a unit for less than the maximum rental allowance were to result in a tenant’s public assistance shelter allowance being reduced, DSS shall issue a check to the household in the amount of such reduction within the month in which the reduction accrued. Further, DSS, in consultation with the Department of Housing Preservation and Development, shall conduct culturally appropriate outreach on the changes to relevant agencies, stakeholders, landlords, and individuals and families experiencing homelessness in the designated citywide languages, as defined in section 23-1101 of the administrative code of the City of New York.

Proposed 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 and Farías

..Title

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

..Body

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.

ACK/DR

LS #4023/8955/9192/10504/10538/10579/10706/10948

5/17/23 6:59pm

Proposed Int. No. 893-A

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, Velázquez, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte and Richardson Jordan

..Title

A Local Law

to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness

..Body

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating 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, as proposed in introduction number 878-A, is amended by adding a new paragraph 3 to read as follows:

3. The department shall deem eligible for a rental assistance voucher any applicant who is a household at risk of eviction or experiencing homelessness.

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating 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, as proposed in introduction number 878-A, takes effect.

ACK/DR

LS# 8952

5/17/23, 7:05 p.m.

Proposed Int. No. 894-A

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan and Farías

..Title

A Local Law

to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

..Body

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating 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, as proposed in introduction number 878-A, is amended to read as follows:

2. The department shall not base eligibility for a rental assistance voucher on the applicant’s employment status or source of income, and shall not require an applicant to have resided or reside in a shelter of any type.

§ 2. Paragraph 3 of subdivision b of section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023 amending the administrative code of the city of New York, relating to expanding eligibility for rental assistance as proposed in introduction number 893-A, is amended to read as follows:

3. The department shall deem eligible for a rental assistance voucher any applicant who is ­income eligible and is a household at risk of eviction or experiencing homelessness.

§ 3. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating 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, as proposed in introduction number 878-A, takes effect.

ACK/DR

LS# 8951 and 10751

5/17/2023, 7:09 p.m.

Proposed Int. No. 229-A

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan and Gutiérrez

A LOCAL LAW

..Title

To amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers

..Body

Be it enacted by the Council as follows:

            Section 1. Section 21-145 of the administrative code of the city of New York, as amended by a local law for the year 2023, relating to income and work requirements for rental assistance, as proposed in introduction number 894-A, is amended by adding new subdivisions d, e, and f to read as follows:

d. Amount of monthly rental assistance. The department shall provide monthly rental assistance to an owner or a landlord on behalf of a household in receipt of a rental assistance voucher in the amount equal to the actual monthly rent of the leased apartment or single room occupancy, up to the maximum rental allowance, minus the household rent contribution. The department shall not deduct a utility allowance from such amount.

e. Utility allowance deduction. 1. The department shall provide that when a household rents an apartment or single room occupancy for less than the maximum rental allowance, the household rent contribution shall be reduced by the difference between the maximum rental allowance and the actual rent, up to the amount of the utility allowance.

2. If the amount by which the household rent contribution is reduced pursuant to paragraph 1 of this subdivision is greater than the household’s rent contribution, the department shall issue a check to the household in the amount of such excess within the month in which such excess is accrued.

3. If the household receives a shelter allowance that is reduced by the amount allowed by paragraph 1 of this subdivision, the department shall issue a check to the household in the amount of such reduction within the month in which such reduction is accrued.

f. Within 15 days of the effective date of the local law that added subdivision d, e, and f of this section, and continuing thereafter, the commissioner, in consultation with the commissioner of housing preservation and development, shall conduct culturally appropriate outreach on this section to relevant agencies, stakeholders, landlords, and families and individuals experiencing homelessness in the designated citywide languages, as defined in section 23-1101.

§ 2. This local law takes effect on the same date as a local law for the year 2023 amending the administrative code of the city of New York, relating 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, as proposed in introduction number 878-A, takes effect.

NLB/DR

LS #7628

5/17/2023 9:50 pm

1. See Committee Report for January 18, 2023 Committee on General Welfare hearing “Oversight: The CityFHEPS Rental Assistance Program” available at: https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5986100&GUID=DD7BB325-4AB7-47BC-B25D-4BD4CE6D4D08&Options=&Search= [↑](#footnote-ref-1)
2. See Hearing Transcript for September 13, 2022 Committee on General Welfare hearing available at: https://legistar.council.nyc.gov/View.ashx?M=F&ID=11294920&GUID=EC4B9C58-DCAC-4BD0-96C4-3C084065C17B [↑](#footnote-ref-2)