

## Appendix 6 – Anti-Displacement Plan

In accordance with 24 CFR 42.325(a), the City will continue to take all reasonable steps to minimize the displacement of families and individuals from their homes and neighborhoods as a result of a federally assisted project activity assisted with funds provided under (1) the Community Development Block Grant (CDBG) Entitlement Program (24 CFR 570), or (2) the HOME Investment Partnerships Program (24 CFR 92).

### Part 1: Displacement Mitigation

Consistent with 24 CFR Part 42, the City will take the following steps to minimize the displacement of persons from their homes and neighborhoods:

#### I. Preserve Existing Affordable Housing

The City is working on multiple fronts to keep New Yorkers in their homes and ensure the City's housing stock is in good financial and physical condition. The City, through the Department of Housing Preservation and Development (HPD), preserves existing affordable housing in four important ways: (1) financing physical improvements to buildings, which increases the quality, conditions, and energy efficiency of residential buildings in exchange for restrictions on the rents owners can charge; (2) developing and implementing neighborhood-based anti-displacement strategies that will preserve affordability and ensure that residents have the choice to stay in their homes and neighborhoods; (3) enforcing the Housing Maintenance Code (HMC) to ensure compliance and, if necessary, that repairs are made; and (4) expanding efforts to support low-income residents who face harassment by landlords or eviction to prevent them from being displaced.

##### 1. *Financing and Safeguarding Affordability*

HPD administers loans and tax incentives to help building owners improve the quality, physical condition, and energy efficiency of their properties. In exchange for this financial assistance, property owners are required to maintain rents at levels that are affordable to tenants, as well as limit rent increases according to a regulatory agreement with the City of New York. This agreement reduces the possibility of residential displacement due to market economic pressures and the rents of the units stay affordable to households with certain incomes. HPD continues to work with building owners to extend regulatory agreements and affordability requirements to help ensure those buildings remain affordable and in good physical and financial condition. Since 2014, the City has helped preserve 155,000 affordable housing units.

HPD is working to take a more proactive approach to engage owners of buildings who are not currently assisted or monitored by a government agency but who could benefit from financing and tax incentives in exchange for maintaining affordable rents. HPD is in progress to expand the services of the Landlord Ambassador Program and transition the program from a pilot program to a citywide Owners Resource Center Program that will include technical assistance to HDFC cooperatives.

HPD and the New York City Housing Development Corporation (HDC) will also continue to ensure long-term affordability across the City's Mitchell-Lama housing portfolio. These efforts include low-cost, long-term financing, HPD Section 8 vouchers dedicated to rent-burdened residents of Mitchell-Lamas, and outreach about rent freeze and voucher options to senior residents in Mitchell-Lama developments that implement rent increases.

HPD, in coordination with New York City Human Resources Administration (HRA) and New York City Department

of Homeless Services (DHS), has begun administering the “Unlocking Doors” pilot initiative. The program grants reimbursement up to \$25,000 for the rehabilitation of rent stabilized homes that have been vacant for at least one year on the condition that the rehabilitated units are leased to New Yorkers experiencing homelessness and are rent stabilized.

Once the City Council passes implementing legislation that was recently authorized by the State legislature, HPD is preparing to begin administering a new J-51 reform program. The program is expected to provide a tax abatement to rental buildings in which no less than 50% of the dwelling units are qualifying rental units with maximum rents within the marketing band established by HPD (anywhere from 20% of 80% of Area Median Income to 30% of 80% of Area Median Income, adjusted for family size) and certain homeownership buildings, encouraging a variety of alterations and improvements aimed at improving the quality, condition, and energy efficiency of existing housing stock. Protections for tenants of qualifying rental units in the program will include a private right of action for owner violations of the program requirements, as well as a waiver to the collection of any rent adjustment granted by the New York State Division of Housing and Community Renewal pursuant to rent regulation that is attributable to eligible construction.

## *2. Develop Neighborhood-Based Anti-Displacement Strategies*

HPD is expanding the recently completed pilot of its Partners in Preservation program to additional neighborhoods throughout the city. The program, which focuses on informing and organizing tenants in rent-regulated buildings, is a collaboration between HPD, tenant organizing groups, legal services providers, and other City agencies to address landlord harassment and prevent deregulation and displacement in neighborhoods at risk of rapidly losing affordable housing. The pilot program, which lasted 18 months, facilitated 356 tenant leadership trainings, 284 consultations and referrals, and the successful establishment of 72 tenant associations. The program expansion is expected to launch in late summer 2024 in partnership with 17 community-based organizations in Manhattan, Brooklyn, Queens, and the Bronx. HPD anticipates that over the three-year program, tenant organizers will knock on 52,000 doors, develop 240 new tenant associations, facilitate 1,700 tenant workshops, clinics, and resource fairs, and conduct 3,700 one-on-one meetings with tenants to foster new tenant leaders citywide.

The agency has secured funding to expand its Homeowner Help Desk citywide, expecting to launch in late summer 2024. The Help Desk is a partnership with HPD, the Center for NYC Neighborhoods, and local community-based organizations. The Homeowner Help Desk provides support to 1-4 family homeowners through outreach and education and legal, housing, and foreclosure counseling. The citywide Help Desk will serve all homeowners who are facing displacement pressures, with a special focus on marginalized and historically underserved homeowners, who have been disproportionately impacted by predatory lending practices, scams, and racially discriminatory public policies. During the 2021-2022 pilot program, the Homeowner Help Desk engaged more than 47,000 homeowners and assisted more than 2,300 homeowners with their housing challenges. Approximately 80% of the people served during the pilot were homeowners of color and more than half were senior citizens. During the initial three-year contract period, HPD expects that the Homeowner Help Desk will reach nearly 160,000 New Yorkers through outreach and 270 events, provide assistance to 25,000 homeowners, stabilize approximately 5,000 of these homeowners, offer resiliency consultations for over 100 households as well as translate the Homeowner Handbook into four additional languages and distribute 22,500 copies.

Finally, the City is working to embed shared-equity models and inclusive ownership opportunities into more of its work in order to promote community control of land, create wealth building opportunities, and preserve long-term affordability. Moving forward, HPD will evaluate opportunities to implement these models on certain suitable projects in order to advance the goals of inclusive growth in the COVID-19 recovery. Alongside this initiative, the City will continue to support and invest in community land trusts (CLTs). To date, HPD has financed or plans to finance over 1,200 units of housing on CLTs. HPD will continue to identify additional public sites for transfer to CLTs and will launch new programs and tools to help CLTs acquire private sites. The agency will also continue to support technical assistance and operational support available to CLTs that are establishing themselves across the city.

### *3. Promote Safe and Healthy Housing*

The City will continue to allocate Community Development Block Grant (CDBG) funds to HPD to enforce the City's Housing Maintenance Code (HMC) and New York State Multiple Dwelling Law. HPD employs housing inspectors who respond to housing maintenance complaints reported through 311 (the City's 24/7 call center), Housing Court, and referrals from other government agencies, community-based organizations, and elected officials. Housing inspectors issue violations, HPD can make emergency repairs for immediately hazardous conditions like inadequate heat, during the City's heat season (October 1-May 31), inadequate hot water, lead-based paint hazards, etc., and HPD can bring litigation in Housing Court if owners do not comply by making necessary repairs. Enforcement aims to keep New Yorkers in safe and healthy housing and ensure that owners respond to maintenance complaints in a timely manner. This work mitigates the possibility of displacement due to substandard living conditions. In some cases, the City may proactively identify and inspect distressed multifamily buildings and engage those buildings' owners around City loan and tax incentive programs to make necessary repairs in exchange for ensuring long-term affordable rents.

HPD has also made permanent its work leading the City's enforcement of the New York State Abandoned Property Relief Act, which requires lenders and mortgage servicers to inspect, maintain, and report vacant and abandoned small homes. Through this initiative, HPD tracks properties in jeopardy, ensures lender compliance, and creates pathways to return them to productive use as affordable housing. To date, HPD has conducted 1,822 surveys of potential "zombie homes" and settled 75 cases, collecting \$1,682,278 in civil penalties, with 47 cases still pending. HPD is also working closely with external partners to develop and implement an acquisition program targeting homes in communities hardest hit by the COVID-19 pandemic.

### *4. Protect Tenants from Harassment and Reduce Evictions*

The City is fighting tenant harassment through a variety of strategies to ensure renters are aware of their rights and are not displaced due to harassment by their landlords:

- HPD's Anti-Harassment Unit (AHU), launched in 2019, continues to identify buildings and portfolios where there are indicators of harassment. AHU initiates litigation seeking orders to correct violations and civil penalties, addressing issues in buildings where lack of maintenance, service disruption, etc. are being used to harass tenants and connecting tenants with legal service resources when necessary.
- A network of City agencies, coordinated by HPD, is working with community-based partners to host tenant resource fairs and attend community events across the city to ensure tenants are aware of their

rights and have access to important housing resources that can help prevent displacement.

- The City will continue to publish informational materials with the following aims: educating tenants about their rights, safe housing conditions, and how to file complaints; sharing resources for tenants facing poor conditions, eviction, or harassment; and addressing specific types of tenant harassment that have arisen in the City, such as harassment based on source of income.
- The City created ***ABCs of Housing***, its guide to housing rules and regulations for owners and tenants. Owners and tenants have legal responsibilities to each other. The ***ABCs of Housing*** is designed to help owners and tenants gain an understanding of the rules and regulations affecting housing, and to provide information about how to receive assistance. It includes information about owners' and tenants' rights and responsibilities, staying in your apartment safely, resources for new affordable housing or rental assistance, and useful contact information for other housing related issues.
- The Mayor's Public Engagement Unit (PEU) conducts proactive outreach in communities and buildings subject to displacement and harassment to inform tenants of their rights and connect them with City resources. PEU has been operating the Tenant Helpline since 2020 to serve as a one-stop shop connecting tenants with tailored resources to prevent displacement. In response to a surge in eviction proceedings following the end of the state eviction moratorium in 2022 and an increase in need from tenants facing displacement citywide, PEU has dedicated full-time specialists to answer live calls from tenants on the Helpline, handling over 175,000 calls since 2020. 82.3% of the over 25,000 calls received in 2023 ended in the tenants receiving information to answer their question or referral to other agencies.
- The City is working to proactively share information to prevent illegal evictions. Some of this work includes creating informational materials for tenants to explain what constitutes an illegal eviction and their right to remain in their homes. City staff have also compiled resources guides for owners who may need assistance to keep up their properties if tenants fall behind on rent. In addition to this public-facing work, the City is presenting to agency staff who may interact with clients who have experienced illegal evictions to better inform them of applicable rights and resources. The City is also preparing and publishing guidance for tenants and owners related to the Good Cause Eviction law passed in 2024, including both on the HPD website and coordinating the City's guidance with NYC 311.
- Established in 2018 and re-authorized in 2021, the Certification of No Harassment (CONH) Pilot Program targets buildings where there are indicators of harassment. Buildings covered by the CONH program cannot be demolished or significantly altered unless the owner obtains a CONH from HPD. The purpose of requiring the CONH is to ensure that owners have not used harassing tactics to push tenants out of their homes to the ends of converting their buildings. Owners seeking building permits must prove they did not harass tenants in the previous five years. The 2021 re-authorization extends the applicability of some criteria (severe physical distress, full vacate orders and findings of harassment) and added new criteria (buildings discharged from the Alternative Enforcement Program and 7A program) from 11 pilot Community Districts to any eligible building citywide.

The City is also working to reduce evictions throughout the five boroughs to combat displacement:

- The City has expanded its Right to Counsel program, the first of its kind in the country, providing access to legal services for tenants facing eviction proceedings in Housing Court and NYCHA termination of

tenancy proceedings. Free legal services for tenants facing eviction as well as other housing issues such as harassment and repairs are now available citywide and have benefitted over 700,000 New Yorkers since 2014, providing advice to full representation in 291,000 eviction and other housing related matters. In 2023, the City expanded eligibility for full representation to all tenants 60 years of age and older and provided legal assistance to an estimated 98,000 New Yorkers in approximately 43,700 households—the highest on record since the start of the Universal Access to Counsel program. The City will continue to expand the reach of Right to Counsel as Housing Court works through the backlog of cases following the end of the New York State eviction moratorium.

- In order to receive City financing for most affordable housing projects, developers and managing agents are now required to complete an eviction reporting questionnaire and eviction prevention training. Respondents must provide eviction rates across their portfolios in recent years, and respondents with unusually high rates must provide additional information, including an explanation of why their rates are high and any eviction prevention policies they employ. HPD and HDC review all responses and determine any appropriate remedies before closing. The City will also use questionnaire data to better understand what drives evictions from affordable housing and create proactive eviction prevention policies.

## II. Develop New Affordable Housing

As the City invests in new housing, infrastructure, and services in neighborhoods across the City, it is important that residents have access to resources that enable them to stay in the neighborhood and enjoy these benefits if they choose. When the City finances new affordable housing, residents of the community district in which the project is located typically receive a preference for a portion of any units marketed through a lottery, per HPD's community preference policy.

In order to combat patterns of displacement that can be exacerbated by a lack of new housing and subsequent pressure on existing rental inventory, the City uses an array of strategies to promote and support affordable housing development, including: (1) using affordable housing financing programs for development on public and private land that can address a diverse set of housing needs; (2) implementing Mandatory Inclusionary Housing (MIH), which requires that 20 to 30 percent of all new residential developments in neighborhoods rezoned for housing growth include affordable homes; and (3) supporting mission-driven organizations that are interested in developing affordable housing on their underutilized sites.

### 1. *Affordable Housing Financing Programs*

The City aims to affirmatively further fair housing and support economically diverse neighborhoods by financing the development of housing that is affordable to families with a wide range of incomes and needs. The City uses a balanced approach for its affordable housing development, including building mixed-income housing in low-income neighborhoods and requiring the market to provide affordable housing in higher cost areas through zoning requirements or tax incentives. Some of HPD's program term sheets have recently been updated to both deepen the subsidy for extremely and very low-income households and encourage multiple income tiers to provide a broader range of mixed-income housing. In some cases, owners are required to offer retention and stabilization services to formerly homeless tenants who are referred to homeless set-aside units. By providing affordable housing at a range of incomes, the City fulfills its goals of preventing residential displacement (through the provision of new affordable housing), promoting mobility to low-affordability areas (through its requirements and incentives for developers to provide low-income housing in higher cost areas), and investing in areas in need of concerted revitalization because of a lack of investment historically.

Since 2014, the City has financed the construction of 94,000 new affordable homes across the city, both on publicly owned land and on vacant or underutilized privately-owned land, in order to maximize residential development opportunities throughout the City. The City has also launched Housing+, an initiative designed to add new housing on underutilized land on privately owned affordable housing developments while addressing the rehabilitation and financing needs of these existing developments.

## *2. Mandatory Inclusionary Housing*

The City's Mandatory Inclusionary Housing (MIH) program requires developers to provide 20 to 30 percent of the housing to be permanently affordable in new buildings whenever land is rezoned for increased or new residential development. By creating housing for people earning a range of incomes in every new building, MIH ensures economic diversity as neighborhoods change while also providing affordable housing opportunities for low- and moderate-income tenants within new developments that may otherwise be priced out and displaced from their changing neighborhoods. The City also offers financing to incentivize the development of affordable housing that exceeds the minimum percentage required in MIH. Projects subject to MIH requesting certain City subsidies are required to provide an additional 15 percent permanently affordable housing.

## *3. Support for Mission Driven Organization to Develop Underutilized Sites*

HPD is increasing efforts to encourage mission-driven organizations to develop their underutilized land as an additional tool to increase affordable housing development. The agency published a pre-qualified list of owner representatives, developers, and real estate consultants, who have technical expertise and experience to help mission-driven organizations explore development options for their underutilized land. In addition, the City, in partnership with a non-profit partner, launched the New York Land Opportunity Program, which will provide dedicated technical assistance to mission-driven owners with development sites. The City also offers grants specifically for these organizations to procure professional services to assist in the redevelopment and remediation of their vacant land.

## III. Increase Access to Affordable Housing

Access to affordable housing is crucial to fighting the displacement of low-income tenants. The City has implemented three main strategies to help ensure access: (1) increasing education around the affordable housing application process; (2) expanding awareness of open housing lotteries, (3) continuing to refine marketing strategies to reach New Yorkers most in need; and (4) educating tenants, owners, developers and managing agents about their fair housing rights and responsibilities.

### *1. Education on the Housing Application Process*

HPD has invested in an array of educational initiatives to help ensure that low-income tenants understand the affordable housing application process and offer more support in applying for affordable housing in neighborhoods across the city. These include developing a step-by-step brochure and video guide on preparing for and applying to the affordable housing lottery, redesigning the affordable housing application website for a better applicant experience and lease-up process, and training local community groups to provide free technical assistance on applications through the Housing Ambassador Program.

### *2. Expanding Awareness of Housing Opportunities Offered Through Lottery*

HPD has made efforts to improve how apartments marketed through its affordable housing lottery are advertised to help ensure community members know when new affordable units are becoming available in their neighborhood. Through the latest version of the housing lottery portal, Housing Connect, applicants can search and filter for housing opportunities they are interested in. Additionally, applicants can now opt into re-rental and resale opportunities that match their household profiles. The City will continue to increase the pool of housing opportunities that are made available through this centralized lottery system.

### *3. Refine Marketing Guidelines*

HPD has made changes to marketing guidelines that govern tenant selection for affordable housing in order to remove barriers for the most in need applicants. Tenant selection criteria no longer allow for applicants to be rejected based on credit score alone, or an existing conviction from previous justice involvement. The City also offers free financial counseling to help applicants prepare for housing searches and to accurately complete application forms. HPD is committed to continuously reviewing our guidelines to identify areas for improvement, most notably removing requirements on applicants that may prevent them from accessing housing opportunities, where possible.

### *4. Education on Fair Housing*

The City has emphasized proactive strategies to protect tenants from housing discrimination, focusing in particular on targeted education and outreach efforts. Through HPD and the New York City Commission on Human Rights (CCHR), the City conducts regular fair housing trainings and workshops for tenants, owners, developers and managing agents about their fair housing rights and responsibilities. Additionally, HPD developed a fair housing training outlining the history of discrimination that led to the 1968 Fair Housing Act, contemporary issues of segregation and discrimination in NYC, and the actions the City is taking to combat these issues. Primarily aimed at land use stakeholders like community board and City Council members to ensure that they understand the fair housing implications of their decisions, the training has reached:

- Over 400 New Yorkers
- Over 70% of NYC community boards

HPD continues to partner with the City's Civic Engagement Commission, Borough Presidents Offices, and community-based organizations to bring this training to a wider audience.

## IV. Promote Neighborhood Stabilization through Economic Opportunity

The City leverages its investment in affordable housing development to promote neighborhood stabilization through the economic opportunity these projects create. The City has implemented policies and programs that require developers who receive City financing for affordable housing development to use the City's workforce development and placement services for construction jobs and to include local, diverse small businesses in the design and construction of affordable housing that reflect the diversity of the neighborhoods being developed.

These policies and programs include:

- HireNYC – A targeted hiring program that enables the City to use its investments to connect more New Yorkers to well-paying jobs and helps local businesses find skilled workers. HireNYC requires any housing development receiving \$2 million or more in City subsidy to post certain open positions with the

Workforce 1 Career Centers, the City's publicly-funded career development centers located throughout the city, and to consider qualified candidates for entry- and mid-level positions associated with those developments.

- **Creating Careers for Those in Affordable Housing** – Through the Housing Career Pathways program, led by Enterprise, HPD, and NYCHA, a non-governmental entity, Brooklyn Workforce Initiative, will train and connect low-income New Yorkers living in affordable housing to a range of permanent jobs in affordable housing development, management, and preservation. If successful, HPD will identify ways to scale up this program to serve more residents of affordable housing.
- **M/WBE Build Up Program** – This program aims to increase contracting opportunities for M/WBEs in the City's development activities. Through the program, projects receiving more than \$2 million in HPD or Housing Development Corporation (HDC) funding are required to spend at least 25% of those supported costs on M/WBE. Since launching in 2017, the program has grown to 355 projects and is expected to generate over \$1.67 billion in M/WBE spending. To date, actual spending on M/WBEs is approximately \$1.73 billion.
- **Community Hiring** – Authorized by State legislation in November 2023, the Office of Community Hiring's mission is to use the City's purchasing power to drive economic mobility by connecting City vendors with a pipeline of talent and creating pathways to careers for our community. A procurement-based initiative that allows the City to set hiring goals for City vendors to provide employment and apprenticeship opportunities to low-income individuals and those living in economically disadvantaged communities.
- The City also requires developers seeking to develop City-owned land to devise and submit community outreach plans for local hiring which are considered when awarding a site to a developer. Developers are required to report on progress.

## **PART 2:**

As described in 24 CFR 42 Subpart C, the City will replace occupied and vacant occupiable lower-income housing that is converted to a use other than lower-income housing or is demolished as a result of activities paid for in whole or in part with funds provided by HUD under the CDBG Entitlement Program or the HOME program.

To the extent that the specific location of the replacement housing and other data required by paragraphs (c)(4) through (c)(7) of 24 CFR Part 42.375, are not known, the City shall identify the general location of the housing on a map and complete disclosure and submission requirements when the specific data are available.

### Relocation Assistance

In accordance with 24 CFR 42.325(a), the City will continue to take all reasonable steps to minimize the displacement of families and individuals from their homes and neighborhoods as a result of a project activity assisted with funds provided under (1) CDBG Entitlement Program (24 CFR 570), or (2) the HOME Investment Partnerships Program (24 CFR 92).



In cases where these funds are used for preservation programs, the funds help preserve low-income housing and do not result in displacement. In some cases, existing tenants must be temporarily relocated during rehabilitation of the building. Owners must sign temporary relocation agreements, which cover the existing tenants' temporary relocation costs and guarantee their return upon completion of the preservation project. The successful renovation of existing occupied buildings may require that rents be restructured for existing tenants. Such restructured rents generally do not exceed the applicable fair market rent for existing housing. Low-income tenants who are unable to afford restructured rents resulting from this rehabilitation will be assisted by the City in applying for and obtaining Housing Choice Vouchers (HCV), if available. For existing tenants who do not qualify for HCV, they will be offered a preferential rent set to 30 percent of their income and capped by the applicable AMI for their unit.

In cases where these funds are used to enforce the HMC and HPD finds a building to be unsafe for habitation, then HPD issues a vacate order for the safety of residents. However, HPD's Emergency Housing Services (EHS) provides relocation assistance, including access to emergency temporary shelter, case management and counseling, housing search assistance, housing placement coordination, public benefits and general advocacy, and referrals to social and supportive services outside of HPD. Relocation assistance is provided in accordance with Section 18-01 of Chapter 18 of Title 28 of the Rules of the City of New York – Services to Individual Temporarily Displaced by Vacate Orders. The rule specifies eligibility for relocation services including temporary shelter and provides that HPD will assist relocatees in applying for housing and will refer the relocatee to one standard apartment. Relocatees must cooperate in the housing search. While staying in temporary shelter, relocatees must seek out lawful dwellings themselves, and provide regular progress reports to a case manager. Relocatees also receive assistance in applying for and obtaining Housing Choice Vouchers (HCV), if available. They must also abide by shelter rules. Violation of the relocation rules can result in notice of a hearing for termination of relocation services. The rules provide the procedures for hearings and terminations.

The City has also undertaken an initiative to ensure that relocation activities are conducted in accordance with local, state and federal fair housing laws. Relocation managers have been trained in basic fair housing laws and are aware of New York City's Commission on Human Rights fair housing program, which provides counseling services for tenants who allege discrimination. Tenants who have been displaced by government action are informed of their Fair Housing rights in the Tenants Assistance Policy literature that is part of the informational package given to potential relocatees. This policy delineates the basic fair housing laws and the remedies available for any tenants who believe they have encountered housing discrimination.