

Housing Access Voucher Program (HAVP) Briefing Booklet

What is the Housing Access Voucher Program (HAVP)?

The HAVP program is a New York State-funded rental assistance 4-year pilot program that helps eligible families and individuals who are homeless or facing imminent loss of housing obtain stable housing by providing financial support for rent. The New York City Department of Housing Preservation and Development, or HPD, is managing the program within New York City.

HPD is working with City referral partner agencies to connect homeless households with the HAVP program. Referral partners may include HPD's emergency shelter system, the New York City Department of Social Services (DSS), and other city agencies that work with homeless households.

This rental assistance is administered through contracts with owners of private units under which HPD issues monthly rental assistance payments for units occupied by eligible households. Assisted households are responsible for paying to the property owner approximately 30% of their adjusted monthly income towards their rent. HPD will make a subsidy payment to the property owner for the remainder of the rent.

Eligibility Review

What are the eligibility requirements to receive HAVP subsidy?

- Eligibility criteria for HAVP include:
 - Individuals/Families currently homeless or facing imminent loss of housing
 - Be referred to HPD by City agency partners and
 - Be income eligible (at or under 50% average median income)
- To read more about eligibility for HAVP, please read our [Rental Subsidy Program \(RSP\) Administration Plan, HAVP Appendix](#).

How does HPD determine your income?

HPD calculates your household's income by reviewing all sources of income and any allowable deductions, following the guidelines in HPD's RSP Administrative Plan including the HAVP Appendix.

HPD first calculates your gross income, which includes:

- Income from all sources, for all family members. This includes (but is not limited to):
 - Wages (before taxes)

- o Social Security (SS) or Social Security Insurance (SSI)
- o Public Assistance
- o Pensions
- o Unemployment benefits
- o Self-employment
- o Child support
- Income from assets. This includes (but is not limited to):
 - o Bank accounts
 - o Investment accounts
 - o Equity in real estate property
 - o Retirement savings accounts
 - o Company retirement or pension accounts
 - o Lump sum payments
 - o Personal property held as investment

You are required to report all income and assets for everyone in your household. Some types of income do not count toward your gross income and are considered “excluded” from your income. Examples of excluded income include earnings from minors and payments received for care of foster children. HPD will determine if any of your household’s income is considered excluded.

It is important to provide complete and accurate information. Providing false statements, leaving out information, or hiding information in order to obtain assistance or to reduce the amount of rent you pay is considered **fraud**.

Your assistance may be denied or terminated if you or a family member willfully and intentionally commits fraud, bribery, or any other illegal act in connection with HAVP. In serious cases, this may also result in criminal prosecution.

After HPD calculates your gross income, HPD makes deductions for the following:

- Seniors and persons with disabilities: disabled or elderly (age 62+) head of household, or spouse.
- Disability Assistance Expense: unreimbursed expenses for a disabled family member(s)’s care that makes it possible for any adult in the household to be employed (e.g., an aide).
- Minor children: any minor that is 17 or younger.

Finally, HPD subtracts the allowable deductions from your total gross income to determine your adjusted income. This adjusted income is used to calculate your total tenant payment (rent share plus any tenant-paid utilities).

$$\begin{aligned} & \textbf{Your total gross income (before taxes)} \\ - & \textbf{Your allowable deductions} \\ = & \textbf{Your adjusted income} \end{aligned}$$

What if I don't agree with HPD's decisions about my eligibility?

- You may **appeal** a decision made by HPD affecting your eligibility, including if your assistance is denied. The instructions for filing an appeal will be sent with your denial notice.

Voucher Issuance & Housing Search

What is a voucher?

A voucher is proof that you are eligible to participate in HAVP. You can use your voucher to find housing. You will have 120 days from the date your voucher is issued to find a unit. The voucher will include your approved unit size, the date it was issued, the expiration date, a summary of family obligations, and the type of rental assistance you are approved to receive.

When do I receive a voucher and what do I do with it?

If you are determined eligible and your application is complete, you will be placed on a waitlist for the next available voucher. When your turn is reached, you will receive a voucher which you must sign and return to HPD. HPD will then sign and return it to you with an Owner Package for your new property owner to complete. You will have 120 days to locate a unit and submit the completed Owner Package to HPD.

I found a unit. Now, what do I do to lease up?

Once you've found a unit you would like to rent using HAVP assistance, the next step is to have the property owner fill out the Owner Package and submit it to HPD with a copy of the proposed lease. Once HPD receives all the documents, we will determine whether the rent is reasonable, whether the unit is eligible, and schedule a Housing Quality Standards (HQS) inspection. Once the Owner Package is approved

and the unit passes inspection, you and your property owner will be notified via mail and email of your approved move-in date. The property owner will sign a Housing Assistance Payments (HAP) Contract, and you will officially sign your new lease.

Owner Package Processing

How does HPD decide if the Owner Package is accepted or not?

HPD reviews the submitted Owner Package to make sure the rent is reasonable and affordable by comparing it to similar units in the same neighborhood. Owner Packages will be rejected if the proposed rent is too high, or if the Owner Package is incomplete.

Leasing

When do I sign my lease for my new unit?

You will sign a lease with your property owner after you have received your approved move-in date from HPD. At the same time your property owner will sign the Housing Assistance Payments (HAP) contract. The property owner must then return the signed HAP contract and a copy of the signed lease to HPD within 30 days.

Once HPD receives the HAP contract, we will complete a final review of your case. After that, HPD will mail you a New Admission Rent Breakdown Letter, showing the contract rent, HPD's share of the rent, and your tenant share of the rent.

Unit Size and Specifications

How does HPD determine the eligible voucher size?

The voucher size is the number of bedrooms a household is eligible for. HPD determines a household's voucher size based on its subsidy standard, which assigns the number of bedrooms a household is eligible for based on the number of people living in the unit.

Based on HPD's [subsidy standard](#), updated on January 1, 2024, HPD will allot one bedroom per unpartnered person. Partnered adults will be issued a single room. Single-member households will receive a one-bedroom voucher but may also choose to live in a studio or Single Room Occupancy (SRO) unit.

The following table outlines HPD’s subsidy standard by unit size:

HPD Subsidy Standard by Unit Size		
# of Household Members	When <u>no</u> household members are partnered	When <u>any two</u> household members are partnered
1	1	1
2	2	1
3	3	2
4	4	3
5	5	4
6	6	5
7	7	6

Within these standards, the following guidelines will apply:

- Any single live-in aide approved by HPD to live in the unit will be counted as a household member for the purpose of determining the appropriate voucher size and will be issued a separate bedroom.
- Children specified in joint custody agreements will be considered family members if the agreement specifies that they live with the parent at least 183 days (six months) a year.
- Foster children will be included in determining voucher size only if they will be in the unit for at least 30 days (one month) a year.
- A child who is temporarily away from home (for less than 180 consecutive days) due to placement in foster care or another non-permanent situation may be considered a member of the family and included in determining voucher size.
- In the case of documented pregnancy by a member of the household, HPD will consider the unborn child as a household member for the purpose of determining the appropriate size voucher.
- Space may be provided for a family member who is away at school but who lives with the family during school recesses.

- If you are pregnant at the time of your application, please make sure to indicate your pregnancy as this will allow you to have an additional bedroom.
- Foster children and live-in aides must be added to the household composition. Please submit "Request to Add a Household Member", available on HPD's website here: <https://www.nyc.gov/site/hpd/services-and-information/supportive-housing.page>. You must submit proper documentation, including "Verification of foster adult/child" to receive approval by HPD to add foster children to your household.

What is an Overhoused Family?

An overhoused family is defined by HPD as a household living in a unit that has more bedrooms in it than allowed under HPD's subsidy standards for the household size. For example, a one-person household is considered overhoused in a two-bedroom unit, and a partnered two-person household is considered overhoused in a two-bedroom unit. Please review the chart below for more clarification on what is considered overhoused.

HPD cannot approve a unit if your household would be overhoused in that unit.

HPD Subsidy Standard vs. Overhoused by Unit Size						
Number of Rooms in Household	Single Room Occupancy (SRO)	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Overhoused	N/A	N/A	N/A	2 partnered persons or 1 unpartnered person	2 unpartnered persons or fewer; or 2 partnered persons with 1 child	3 unpartnered persons or fewer; or 2 partnered persons with 2 children or fewer

What is an Overcrowded Family?

An overcrowded family is a family that has more household members per bedroom than the maximum number of people that HAVP allows.

HAVP allows a maximum of two people per bedroom or living space, including bedrooms and the living room. HPD cannot approve a unit if your household would be overcrowded in that unit.

For example, five people living in a one-bedroom unit would be considered overcrowded. The following table outlines the number of people that will make a household overcrowded by unit size.

HPD Subsidy Standard vs. Overcrowded by Unit Size						
Number of People in Household	Single Room Occupancy (SRO)	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Overcrowded	2+ people	3+ people	5+ people	7+ people	9+ people	11+ people

How much of my rent will HPD pay for?

The amount of rent HPD will pay to the property owner on your behalf each month is determined by HPD’s [payment standards](#). HPD’s subsidy is calculated using the maximum rent amount for the lower of the number of bedrooms listed on the voucher or the number of bedrooms in the unit. The payment standards are set by HPD at amounts that are between 90-120% of the Fair Market Rent (FMR) or Small Area Fair Market Rent (SAFMR), as determined annually by the federal housing agency the US Department of Housing and Urban Development (HUD). The most recent payment standards can be found on the HPD website, listed [here](#).

The HPD rent subsidy payment will be equal to the applicable payment standard, minus the applicable utility allowance for any tenant paid utilities, minus the tenant share of rent. If the rent for the unit is higher than the applicable payment standard, the additional amount is the family’s responsibility, subject to the following restriction.

- If the gross rent for the unit is greater than the applicable payment standard, the household’s share of rent may not exceed 40% of the family’s monthly adjusted income for initial occupancy in a unit. If the family’s share of the rent exceeds 40%, the family will need to find another unit in order to receive assistance.

How does HPD determine my share of the rent?

Your tenant share is the largest of the below numbers minus an allowance for any utility costs if you pay for any utilities such as electricity, heat, or hot water:

- 30% of your monthly adjusted income
- 10% of your monthly gross income
- Welfare rent (if applicable)

What if I don't agree with HPD's decisions about the amount of assistance I will receive?

- You may **dispute** a decision made by HPD affecting the amount of your assistance by engaging in a rent disagreement process. The coordinator assigned to your case will review the case to determine if it was calculated correctly. If an error was made, HPD will process a correction and you will receive an updated Rent Breakdown Letter with your corrected rent share. If it is determined that the rent was calculated correctly, HPD will send a worksheet showing how the rent calculation was done, and if there is further disagreement, you can request a conference to discuss it.

Continuing Assistance

What do I need to do after I start receiving HAVP assistance?

- You must **report** any changes in your household composition (such as someone leaving the unit or someone being added to the family) to HPD within 30 days of the change.
- You must **recertify** your household's composition and income to HPD at least once every year by submitting a recertification package along with any additional documents HPD requests. You must **respond** to HPD's annual recertification mailing within 30 days.
- You may also **report** any changes in your household income to HPD at any time so that HPD can adjust your tenant share of the rent.
- Your unit must pass a Housing Quality Standards (HQS) inspection every two years for HPD to keep paying rental assistance. This ensures that your unit is safe and healthy for participants. You must **allow HPD access to inspect** your unit when scheduled.

What are my family obligations?

In order to remain subsidized, you are required to:

- Supply all information requested by HPD by the requested deadline.
 - All information must be true and complete, including when responding to Requests for Additional Information (called A.I. Notices).
 - Sign required consent forms.
- Allow HPD to inspect your unit.
- Allow management access to make required repairs in your unit.
- Correct any Housing Quality Standards (HQS) failures that are determined to be the tenant's responsibility by an HPD inspector.
- Notify HPD if your family will be absent from the unit for 90 days or more.
- Reside in the unit. The subsidized unit must be your only residence. This means that you may not sublet or rent out the subsidized unit or rooms in the unit.
- Notify HPD if you have been given court papers by management or an eviction notice.
- Comply with all of the terms and conditions of the lease between you and the property owner, including paying your tenant share of rent on time, as required by your lease.
- Report any changes in your household composition to HPD immediately.
- Do not allow any person to move into your household without prior approval from HPD unless that person is your spouse, domestic partner or child (including through adoption or court-awarded custody). Spouses, partners, and children of current household members must be reported to HPD within 30 days of their move-in.
- You may not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. This applies to all other members of the household.
- For any member of the household who engages in drug-related criminal activity or violent criminal activity, HPD will take into consideration if the household member who engaged in such activity is currently enrolled in a drug treatment or harm-reduction program.
- Your obligations to the property owner are described in detail in your lease and any corresponding riders.

Your family obligations under the HAVP are detailed in this briefing booklet and in HPD's Rental Subsidy Program Administrative Plan including the HAVP Appendix:

<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/rsp-admin-plan.pdf>.

What happens if you don't meet the family obligations?

- If you do not meet your family obligations, HPD may terminate your participation in the program. If your participation is terminated, HPD will notify you in writing and provide instructions on how to appeal the decision. After termination, you will be responsible for paying the full rent for your unit.
- If you have committed fraud or committed a crime, you may be referred to state and local law enforcement agencies for prosecution.

Can HPD terminate my rental assistance?

Review the RSP Administrative Plan including the HAVP Appendix for the full details:

<https://www.nyc.gov/assets/hpd/downloads/pdfs/services/rsp-admin-plan.pdf>

HPD **must** terminate your assistance if one of the following things happen (refer to Chapter 15 of the RSP Administrative Plan):

- If the family is under a Housing Assistance Payments Contract and 180 days have elapsed since HPD's last housing assistance payment was made because the participant's portion of rent equals the contract rent (these situations are commonly referred to as "zero subsidy" or "no rent hardship" cases;
- If the Head of Household is a full-time student enrolled at an institution of higher education and:
 - is under the age of 24,
 - is not a veteran,
 - is not married,
 - does not have dependent children,
 - is not residing with their parents in an HAVP assisted household,
 - is not a person with disabilities receiving HAVP assistance as of November 30, 2005
 - is not otherwise individually eligible, and
 - has parents who, individually or jointly, are ineligible on the basis of income to receive assistance under HAVP.
- Any family member fails to sign and submit the required consent forms for obtaining information.
- Your family vacates, abandons, or is evicted from the assisted unit.

- o If you, as the eligible head of household, die or vacate the unit, HAVP subsidy for any remaining household members will end with 120 days' notice from HPD.
- Your family is absent from the assisted unit for more than 180 consecutive days for any reason under any circumstances.
- If a Housing Assistance Payments Contract terminates, resulting in a formerly assisted unit no longer being assisted. This termination cannot be appealed.
- HAVP funding runs out or if the 4-year HAVP pilot program expires.

HPD **may** terminate assistance if your household does one of the following, including, but not limited to (for the full list, refer to the [RSP Administrative Plan](#)):

- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with the HAVP program.
- Any family member commits drug-related criminal activity or violent criminal activity. However, HPD will take into consideration if the household member who engaged in such activity is currently enrolled in a drug treatment or harm-reduction program.
- There is reasonable cause to believe that a family member's criminal activity threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or the property owner or property management staff.
- Anyone in your family has engaged in or threatened abusive or violent behavior toward HPD personnel.
- Anyone in your family has misrepresented income, number of household members, or other reported information.
- Your family has violated one or more of the family obligations.
- Your family has failed to provide requested information or failed to attend a mandatory conference.
- Your family has failed to reimburse HPD for amounts paid to a property owner under an HAVP contract due to the family's failure to report information.
- Your family is absent from the assisted unit for more than 90 consecutive days without prior written approval to move by HPD or without meeting one of the permitted reasons for absences from the unit for more than 90 days as described in Section 5.7 (Family Absence from the Unit).
- Your family, as determined by HPD, has knowingly permitted another individual who is not an approved member of your family to reside (on a permanent basis, defined as more than 90 days) in the unit.

- The Head of Household refuses to enter into or breaches a Repayment Agreement with HPD.
- Your family fails to complete a required move.

Fraud and Program Integrity

- Fraud and program abuse are single acts or a pattern of actions that are intended to deceive or mislead. Making a false statement, omitting information, or concealing information in order to obtain assistance or to reduce the amount of rent you pay are all considered fraud and program abuse.
- Your assistance may be denied or terminated if you or a family member has willfully and intentionally committed fraud, bribery, or any other corrupt or criminal act in connection with any housing program. You may also face arrest and criminal prosecution.
- If you know of anyone who provided false information on a housing assistance application or recertification, or if anyone tells you to provide false information, report that person to:
 - HPD's Program Integrity and Compliance Unit at **917-286-4300** and follow the prompts in the menu.
 - The New York City Department of Investigation at: **212-825-5900**.
 - Call **311**.

What are the property owner's obligations?

- Screen, select, and enter into leases with HAVP eligible tenants.
- Comply with local nondiscrimination, fair housing, and equal opportunity requirements.
- Comply with the HAVP Housing Assistance Payments (HAP) Contract and lease.
- Carry out normal property owner functions, including enforcing the lease, collecting tenant share of the rent, and charging tenants for damage.
- Maintain the unit.
- Must NOT charge any extra amounts to the family except for what is listed in the Rent Breakdown Letter and reasonable charges to tenants for damages.
- Property owners may request a rent increase annually. You are not responsible for any increases in the rent until the rent increase is approved by HPD. Both you and your property owner will then receive a Rent Breakdown Letter listing the new contract rent, family share, and HPD share.

What if I have a problem and need repairs of my unit?

- Contact building management directly to notify them first of the problem. If you are unable to resolve the problem, contact 311 to request a Housing Quality Standards (HQS) inspection of your unit.

What happens to my HAVP rental assistance if I move out of my unit?

- Your HAVP assistance is not tied to your unit. Therefore, this subsidy can be used to move out of the unit to another eligible unit in New York State, after the household has been living in the first unit for at least a year. These moves must be approved by HPD in advance, and the household will get a Move Voucher with a term of 120 days to look for a new unit.
- If you are seeking to transfer to a unit outside of New York City specifically, you will receive an HPD voucher and will need to contact the Local Administrator in the new jurisdiction for further instructions.
- If you are moving to another unit, the unit must pass a HQS inspection and the move must be approved before you move.
- More information about available affordable housing in New York City can be found at NYC Housing Connect: www.nyc.gov/housingconnect.
- You must notify HPD immediately if you will be temporarily relocated from your unit for any reason (including rehabilitation of the unit).

Anti-Housing Discrimination

HPD will not deny any family or individual the equal opportunity to apply for or receive assistance under the program on the basis of age, alienage or citizenship status, race, color, sex, religion, creed, national or ethnic origin, lawful occupation or source of income, family or marital status, handicap or disability, sexual orientation, gender identity, prior arrest or conviction record, status as a veteran, or status as a victim of domestic violence.

If you have been a victim of housing discrimination, you may make a complaint to the NYC Human Rights Commission by calling 311. More information about filing a complaint is available at: <http://www1.nyc.gov/site/cchr/enforcement/complaint-process.page>.

Important things to Remember:

- Keep this package as a reference so that you know your rights and responsibilities as a program participant. *NOTE: the briefing booklet is only a reference and HPD*

policies may change. The explanations in this booklet do not override HPD's policies to the extent they differ or change.

- Be sure to read all letters, notices, or forms that you receive from HPD. Pay special attention if there is an appointment date or a deadline to return materials to HPD. If you do not completely understand something, contact us for assistance.
- Supply all information requested by HPD and respond to all HPD requests for information on a timely basis. All of the information you provide to HPD must be true and complete.
- Keep copies of all documents that you submit to HPD.