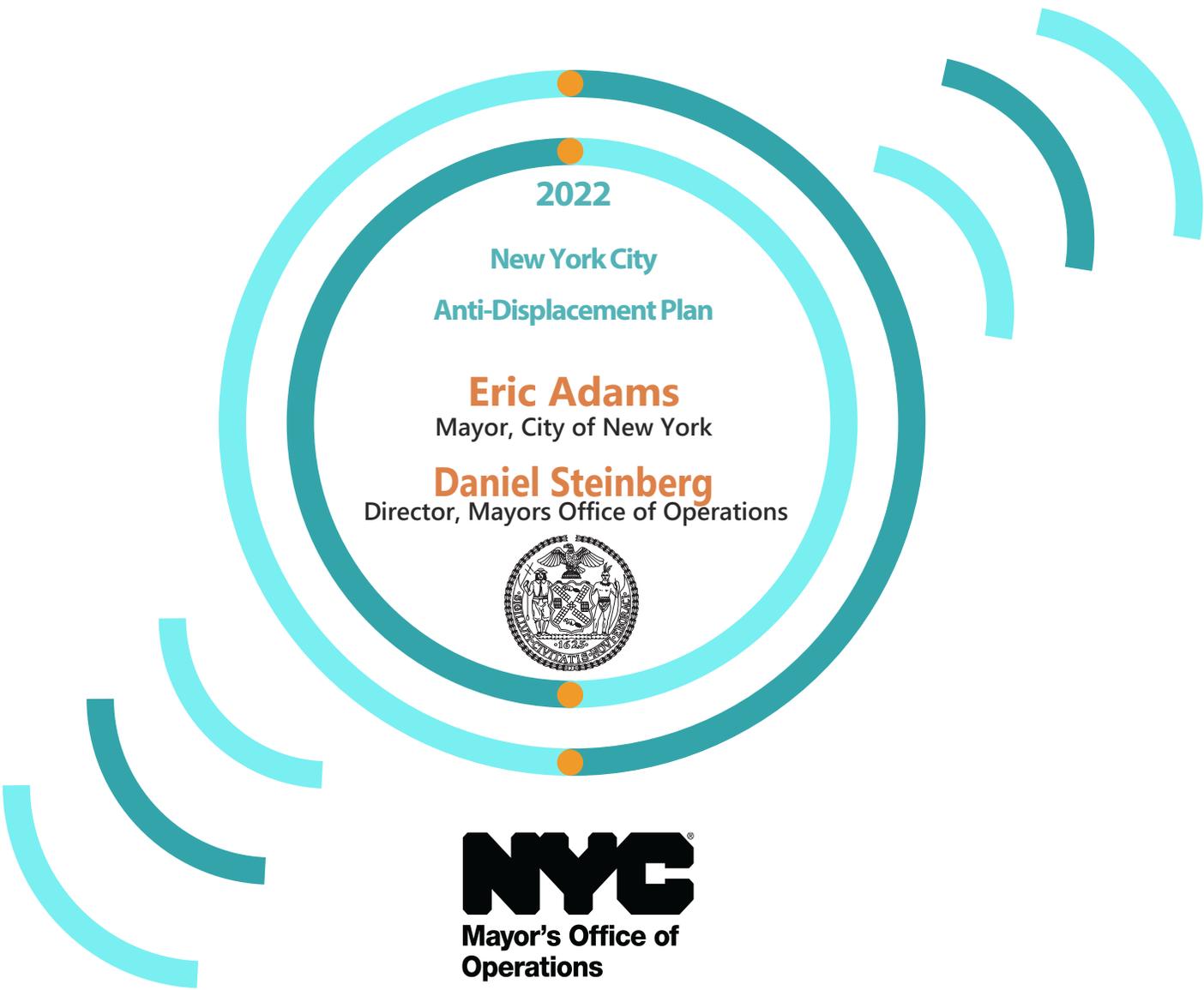




CONSOLIDATED PLAN



2022

New York City
Anti-Displacement Plan

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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.

HPD is also taking 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 recently implemented more aggressive outreach strategies, including a pilot Landlord Ambassador Program that offers technical assistance through community non-profit organizations to help owners navigate City loan programs, tax incentives, and other forms of assistance. The agency also expanded surveying of distressed buildings to help engage owners to consider City programs that will improve building conditions and ensure long-term affordability for residents.

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 through HDC's Mitchell-Lama Reinvestment Program, HPD Section 8 vouchers dedicated to rent-burdened residents of Mitchell-Lamas and HDFCs, and outreach about rent freeze and voucher options to senior residents in Mitchell-Lama developments that implement rent increases.

2. Develop Neighborhood-Based Anti-Displacement Strategies

HPD plans to expand the recently completed pilot of its Partners in Preservation program to more neighborhoods, including the recently rezoned SoHo-NoHo neighborhoods in Manhattan. The program is a collaboration between HPD, tenant organizing groups, legal services providers, and other City agencies to address landlord harassment and prevent displacement in neighborhoods at risk of rapidly losing affordable housing. So far, the program has seen the successful establishment of 72 tenant associations with 760 active members.

The agency seeks to expand its Homeowner Help Desk citywide. The Help Desk is a partnership with the Center for NYC Neighborhoods, local community-based organizations, and the Office of the New York State Attorney General, which currently serves select neighborhoods. It connects struggling homeowners with resources and services and conducts outreach to raise awareness of risks such as deed theft and scams. Services are tailored to communities of color in priority areas, who have been disproportionately impacted by predatory lending practices, scams, and racially discriminatory public policies. To date, the Help Desk has engaged more than 34,000 residents and assisted 1,466 homeowners.

HPD is also working closely with the New York State Department of State, community organizations, and elected officials to establish cease and desist zones in Brooklyn to curb aggressive solicitation by realtors and speculation in neighborhoods at risk of losing affordable homeownership opportunities.

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 1,000 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 expand the 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). HPD employs a team of housing inspectors who respond to housing maintenance complaints reported through 311 (the City's 24/7 call center), calls from residents to the agency, Housing Court, and referrals from community-based organizations and elected officials. Housing inspectors issue violations, HPD can make emergency repairs for critical services like heat and water, 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 will also make 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 1,523 surveys of potential zombie homes and settled 35 cases, collecting over \$870,000 in civil penalties, with more than 100 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 harassment may be occurring, initiate litigation seeking correction of tenant-harassing conditions, address issues in buildings where lack of maintenance is being used as harassment, and connect tenants with legal service resources.
- 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 material to educate tenants about safe housing conditions and how to file complaints; share resources for tenants facing poor conditions, eviction, or harassment; and address specific types of tenant harassment that have arisen in the City, such as harassment based on source of income. One example is the recently launched NYC Housing Resource Portal. The online portal comprises over 90 housing resources from across the city, is mobile-friendly, multi-lingual, and is designed around an intuitive search engine that helps New Yorkers quickly find the housing resources they need.
- 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 to prevent eviction and address harassment. 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 anticipation of a surge in eviction proceedings following the end of the state eviction moratorium in 2022, the City is providing additional resources to the Tenant Helpline.
- 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 rights to remain in their homes, at times targeted to households with pending Housing Court cases or in neighborhoods with high volumes of 311 or 911 calls regarding lockouts. Resources guides have also been compiled 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 also 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 amending the Certification of No Harassment (CONH) Pilot Program, first launched in 2017, adjusting building selection criteria to better target buildings where tenants are at risk of harassment. Buildings covered by the CONH program cannot be demolished or significantly altered unless the owner can prove they did not harass tenants in the previous five years. These changes extend the applicability of some criteria (severe physical distress and multiple ownership changes) from 11 pilot

Community Districts to any eligible building citywide. They also adjust the criteria due to a full vacate order to remove administrative hurdles for owners that would delay restoring tenants to their homes.

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 universal access to legal services for tenants facing eviction proceedings in Housing Court. Free legal representation is now available citywide and has benefitted over 540,000 New Yorkers navigating eviction proceedings since the program began in 2017. The City will continue to expand the reach of Right to Counsel as Housing Courts reopen and 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 an 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 will 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 household and encourage multiple income tiers to provide a broader range of mixed-income housing. 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 over 65,000 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 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 at-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. HPD and CCHR also maintain a dedicated fair housing website with resources for both tenants and owners.

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.

- 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. HPD defines “not suitable for rehabilitation” as dwellings that are considered substandard or that would otherwise be more financially efficient if reprogrammed, including, but not limited to, considerations of the ability to achieve a higher density than the existing buildings and/or greater affordability levels. The determination is based on a number of factors, which may include, but are not be limited to, the calculation that the cost of repair is close to or exceeds the cost to reconstruct.

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 Section 8 Existing Housing Certificates and Vouchers, if available. For existing tenants who do not qualify for Section 8, 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. 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 on 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.