

# Proposed Consolidated Plan

2019  
Appendices



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Mayor, City of New York

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**NYC**PLANNING  
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK



*Effective as of June 10, 2019*

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# The City of New York

## PROPOSED 2019 CONSOLIDATED PLAN One-Year Action Plan

June 10, 2019

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## **Appendix 1 – Description of Monitoring Activities (SP-80)**

Pursuant to 24 CFR Part 91.230, the City of New York monitors on an ongoing basis its Entitlement program subcontractors, subrecipients, and project sponsors to ensure compliance with applicable federal requirements. The fiscal and programmatic procedures of federally-funded programs already are audited or monitored by several entities: the City agencies which administer the federally-funded programs; an independent auditor, pursuant to the federally-mandated "Single Audit"; and the City Comptroller's Office through its Charter mandate to investigate all matters relating to the City's finances. Therefore, it is not the intent of this plan to duplicate but to augment the City's monitoring procedures currently in place for its Consolidated Plan-related programs.

Each of the respective formula entitlement grants have separate and distinct regulations and statutory requirements. Therefore, the monitoring processes used by New York City's respective grant administering departments vary based on the type of entitlement grant. However, in general, the respective departments monitor their subcontractors, subrecipients, and/or project sponsors for timeliness of expenditure; the meeting of predetermined accomplishments/milestones; and compliance with the applicable federal requirements.

A brief description of the grant-specific monitoring procedures follows:

### **Community Development Block Grant**

The Community Development Task Force (CD Unit) of New York City's Office of Management and Budget (OMB) is responsible for the administration of New York City's annual CD award. The CD Unit is comprised of the Fiscal Unit and the Program Unit. Their responsibilities are highlighted throughout this narrative. The following sections detail the processes and procedures employed by the City of New York to ensure that all federal regulations applicable to CD funds are followed.

#### **Eligibility Determinations**

In order to qualify for CD funding, a prospective program must meet two criteria. Firstly, the activity must fall into one of 22 eligibility categories listed in the CD regulations, sections 24 CFR §507.201-205. Secondly, the program must meet one of three national objectives: benefit to low- and moderate-income persons, aid in the prevention or elimination of slums or blight, or meet an urgent need. The CD Unit's Program Unit is tasked with ensuring that all programs are eligible (and remain eligible) and in compliance in accordance with the criteria set forth above.

#### **Awarding and Monitoring of Contracts and Grants by City Agencies**

Agencies that award contracts primarily do so through a competitive Request for Proposals (RFP) process that must comply with the City of New York's Procurement Policy Board (PPB) rules and regulations. A copy of the PPB rules and regulations can be found by visiting the City's website at <http://www.nyc.gov/html/mocs/ppb/html/rules/rules.shtml>. These rules are in place to safeguard the integrity of the procurement system and protect against corruption, waste, fraud, and abuse. Agencies awarding contracts review contractors' track records, skills, and staffing levels to determine the contractor's capacity to carry out the stated objectives of the contract. Agencies perform background checks on contractors and vendors using several sources of data such as LexisNexis and PASSport (formerly Vendex), which provide information on past contractor performance. Some programs are required to award contracts to the lowest bidder while others are allowed to award the contract to the

entity they feel is most qualified, not necessarily the lowest bidder. Nonprofit organizations that are administering a program on behalf of the City are known as subrecipients.

Some agencies that award grants do so through a competitive application process. Others do so on a first-come, first-served basis provided the applicant meets eligibility criteria.

All CD-funded contracts and grants must include a document entitled “CDBG Rider,” which states all applicable federal laws.

#### Minority- and Women-Owned Business Enterprises and Section 3 Compliance

HUD mandates that all localities make a reasonable effort to procure goods and services through Minority- and Women-Owned Business Enterprises (MWBE). The City also has requirements regarding the participation of MWBEs in the contracting process. In cases where an agency helps facilitate a provider or an individual in selecting a contractor, most ensure that MWBEs are in the pool of prospective bidders. Each CD-funded program is required to itemize contracts of \$25,000 or more and document the race/ethnicity of the owner(s) of the business being awarded the contract. The agencies report this information on HUD Form 2516 to the CD Program Unit on a quarterly basis. The Program Unit staff reviews the forms and then forwards them to the Community Planning and Development Office at the HUD Regional Office.

HUD Form 2516 also allows for identifying that contractors qualify as Section 3 concerns. A Section 3 contractor is one who provides economic opportunities to low- and moderate-income residents of the metropolitan area. Section 3 applies to contracts related to housing and public construction projects that have a CD-funded allocation of \$100,000 or greater. The CD Program Unit collects Section 3 data (how many low- and moderate-income persons were hired and their job classifications) on a calendar year basis and forwards the information to HUD as part of the City’s Consolidated Plan Annual Performance Report (APR).

#### Costs and Expenditures

Allowable costs are governed by the rules and regulations found in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at 2 CFR Part 200. Methods for determining the most reasonable costs vary from program to program. Salaries for CD-funded City employees are often set by the civil service system. All staff paid with CD funds must first undergo an eligibility review from the CD Unit to determine whether their job responsibilities are CD-eligible.

City agencies generally require contractors to submit bills on a monthly or a milestone basis, depending on the nature of the contract. Payments are generally made no later than 30 days after the receipt of the invoice (see exception for rehabilitation activities described in the next section). The CD Fiscal Unit monitors expenditures on a daily basis through the City’s Financial Management System (FMS). All programs must comply with the policies found within the Federal Uniform Administrative Requirements regarding audits, cost principals, and grant administration requirements.

#### Agency Monitoring

Agencies are responsible for monitoring their CD-funded programs. Monitoring includes both fiscal and programmatic oversight. Many agencies have created specific tracking systems for overseeing their beneficiaries. For those agencies that are involved in rehabilitation activities, monitoring includes on-site

evaluation to determine the initial scope of work and periodic inspections on the progress. At the end of construction, agencies will complete a final inspection. Final payment is withheld until any outstanding work is completed to the agency's satisfaction. Federally-funded rehabilitation of residential properties must be in compliance with HUD's Housing Quality Standards.

#### OMB CD Fiscal Unit Monitoring

The CD Fiscal Unit is responsible for budgeting CD funds, drawing CD funds from the Federal Treasury, and monitoring expenditures. The staff monitors each CD-funded agency very closely utilizing a number of different tools at their disposal. First and foremost, each analyst maintains a good working relationship with their agency contacts and OMB Task Force contacts through meetings, phone calls, and e-mails. Budgets are fluid and it is important that each analyst can call or e-mail a contact with questions, concerns, etc. Changes to CD-funded agencies' budgets cannot happen without OMB approval so the analysts are constantly viewing and reviewing the budgets and needs of the agencies for which they are responsible.

The main software tool that is used to monitor CD-funded agencies is the City's Financial Management System (FMS). Through the utilization of FMS Control Categories, Budget Codes, and Object Codes, each CD-funded program is distinct and unique in FMS. Control Categories and Budget Codes are four digit numbers assigned by each individual agency. Object codes are three digit numbers that are standard citywide. This aids in monitoring an agency's budget. By looking at the object code that funds are budgeted in, the Fiscal Unit can determine what the funds are being used for (ex. object code 109 is for fuel expenses, 600 is for contracts etc.). Due to this budgeting structure, an analyst can research a program in FMS and easily see the fiscal status, such as how much is budgeted, pre-encumbered, obligated to contracts, and liquidated. CRYSTAL is a software program that can extract summary information from FMS for each CD-funded program. CRYSTAL reports are run almost daily to keep track of the progress of each CD-funded program.

The CD Fiscal Unit also produces a number of reports that aid in monitoring the CD-funded agencies. The Unit produces among other things, a monthly report by city fiscal year (CFY), an inception-to-date status report (generally five times a year), budget cycle reports, surplus/needs exercises, CFY "close-out" reports, and the Annual Performance Report (APR). The very nature of preparing these reports requires a constant review of agencies' budgets.

#### Program Income

The CD Fiscal Unit is also responsible for monitoring CD Program Income, which is the primary supplemental revenue to the CD Entitlement. Program income can be generated from the receipt of fees and fines, repayment for work done by the City, and through the sale of City-owned land that lies within a Federal Urban Renewal area. The CD Fiscal Unit does general oversight and monitoring of all CD Program Income. This is accomplished through the utilization of FMS and verbal/e-mail communication with contacts. The CD Program Income Revenue Source codes are unique in FMS and therefore can be easily monitored. CRYSTAL reports can also be produced isolating the fiscal data for these revenue source codes.

#### Environmental Reviews

Environmental Review procedures for all federal programs were established by the National Environmental Policy Act of 1969 (NEPA). The HUD environmental regulations that followed can be found at 24 CFR Part 58: Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. The CD Program Unit is responsible for ensuring that environmental reviews are

completed for each CD-funded project and that there is written documentation of environmental compliance on file at OMB.

#### Certifications

At the beginning of each city fiscal year (July 1), the Program Unit sends out certification packets to Assistant Commissioners or Directors of CD-funded programs. Each certification packet includes the specific regulatory citations applicable to that program's CD-funded activities, a list of the general ineligible activities, and (if applicable) a copy of the most recent Section 8 Income Limits, which are used to determine low- and moderate-income beneficiaries. The certification process was created to ensure that administrators of CD-funded programs are knowledgeable about the CD regulations. Certifications must be signed by either the Assistant Commissioner or Director that oversees the CD-funded program. The CD Unit periodically conducts trainings on the CD regulations for agencies when there has been significant personnel turnover or there are compliance issues.

#### Monitoring of Program Performance

In July of each year, CD Program Unit staff request calendar year accomplishment projections from CD-funded programs. The proposed accomplishments are based on a HUD Performance Measurement Indicator that is identified for each program (excluding Planning and Administration programs). The City selects the indicator that most closely reflects the primary activities funded by the program. Along with providing their upcoming calendar year projections, programs are asked to revise the current year's projections. Initial projections are published in the City's Consolidated Plan; revised values are posted in the City's Amended Consolidated Plan. At the end of the calendar year actual accomplishments are reported in the APR. The receipt of the revised projections and actual accomplishments gives the CD Program Unit the opportunity to evaluate the progress of programs and consult with a program if it is not on track to meet its projections. The Program Unit also reviews the program expenditure reports produced by the Fiscal Unit to identify those programs that are not spending as they should. The Program Unit staff then determines the cause of the delays which could be related to the bidding or registration of a contract, the historic review process, contractor non-performance, the hiring of City staff that will assist in administering a program, etc. The Program Unit staff will intervene and assist whenever possible.

#### Equipment Purchases

Rules guiding the purchase of equipment can be found in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 24 CFR §200.313, 24 CFR §570.207 of the CD regulations. Generally, equipment purchases are not allowed unless the activity falls within the following categories: Special Economic Development Activities, Special Activities by Community-Based Development Organizations, or Public Services. However, HUD has permitted equipment purchases that are essential to carry out a CD-eligible activity. The Federal Uniform Administrative Requirements defines "equipment" as a tangible property having a useful life of more than one year and an acquisition cost of at least \$5,000. Items below this amount are considered "supplies". However, the OMB CD Unit employs a policy in which all purchases exceeding \$250 per unit must be tracked on a Property Register Form. The form must also include all electronic devices regardless of cost.

The Property Register is a cumulative list. Equipment that appeared on a previous year's list must also appear on the current year's list unless the item was identified as disposed during the period covering the last Property Register. Agency staff must conduct a physical inventory of all CD-funded equipment and reconcile the results with the Property Register.

The CD Program Unit is responsible for collecting all Property Registers and for ensuring that all charges are eligible. Program Unit staff performs one or two on-site audits of a CD-funded program's property each year to ensure that the items are located where the Property Register indicates they are and to guarantee that all property purchased with CD funds is labeled as such.

#### Other Monitoring Actions

CD programs may also be monitored or audited by the Department of Housing and Urban Development, the New York City Comptroller, and by independent auditors under the Federal Uniform Administrative Requirements.

### **HOME Investment Partnerships (HOME) Program**

#### Affirmative Marketing—HOME-funded Rental and Homeownership Housing

The New York City Department of Housing Preservation and Development (HPD) reserves the right to conduct periodic inspections and spot-checks of the Developer's tenancing process. HPD conducts site visits to assure records are properly collected and reserved.

Where there is suspicion of fraud HPD conducts an investigation.

#### Monitoring Procedures for Affordable Housing Units – HPD

Affordable housing developments assisted with HOME Program funds are monitored in two phases: during construction and afterwards, when the property is occupied by low income residents. Before any funds can be released, loan agreements and related documents must be signed by the Borrower and approved by the City.

Besides repayment terms, the promissory note, and loan agreement, the City contract may include additional terms agreed to by the borrower, including requirements related to habitability standards, owner residency, tenant eligibility, and/or rent affordability guidelines.

Low-income tenancy and affordable rents are effectuated through a covenant, which is signed by the owner, recorded against the property title, so it 'runs with the land'. Covenants have provisions that require annual tenant re-certification and periodic physical inspections as required by the grant. These additional provisions are no less important than the repayment terms, and a material breach thereof may result in acceleration of the loan and/or foreclosure action against the collateral property.

The development cycle begins with the HPD commitment of HOME funds, and ultimately culminates into a finished housing development. HPD utilizes certain milestones as indicators to determine if the project is on track.

The construction phase is monitored by the HPD HOME-funded program staff. They perform a review and evaluation at each milestone of the process; their approval is required before funds can be released.

After construction completion and lease-up, HPD's Tax Credit and HOME Compliance Unit takes over the monitoring responsibility as it checks for the required occupancy ratios, and also determines if clients meet income requirements. Compliance monitoring is accomplished through the regular monitoring of a borrower-provided management plan. Owners must provide HPD with reports on the current tenants and the rent schedule. These are reviewed for compliance by HPD staff.

When HUD issues revised income or maximum rent levels, all property owners are notified of the changes by the Occupancy Monitoring section.

#### Monitoring Community Housing Development Organizations (CHDOs)

- To ensure that organizations continue to meet all of the CHDO requirements, CHDOs are evaluated and re-certified by HPD on a project by project basis, each time it receives additional set-aside or operating funds.
- The minimum CHDO set-aside of 15% is calculated annually by HPD, and allocated to CHDO-sponsored housing development projects.

#### Other HOME Program Monitoring Activities

- HPD reviews the status of the HOME grant to ensure that the required commitment and expenditure deadlines are complied with per HUD and federal annual appropriations protocols.
- HPD monitors and reports back on the HOME match requirements to ensure that the 12.5% match requirement is met. An annual report is sent to HUD along with the Consolidated Annual Performance and Evaluation Report (CAPER).
- HPD also ensures compliance with the minimum and maximum per-unit HOME subsidy amounts as prescribed by HUD.
- HPD ensures that HOME-assisted rental units are inspected at the required frequency of inspections, as stated in the HOME regulations, and ensures compliance with Housing Quality Standards.

#### Section 3 of the Housing and Urban Act of 1968

The City of New York, to the greatest extent feasible, is committed to directing job training and employment opportunities to low- and very low-income New Yorkers, and its programs have increased opportunities for these groups. The Department of Housing Preservation and Development (HPD) has undertaken various affirmative efforts to realize the benefits of Section 3 for local residents and local businesses:

- HPD includes information on Section 3 requirements in the equal opportunity packages provided to HPD developers, contractors and their subcontractors.
- HPD reviews these requirements at weekly Pre-Award Conferences with developers, contractors and subcontractors.
- HPD includes the Section 3 clause in its HUD-funded contracts, alerting each entity of the program and its obligations. The clause also requires its placement in every subcontract subject to Section 3 regulations.
- HPD provides Section 3 guidance on its website. The Section 3 webpage contains an explanation of the regulations, reporting forms, a Section 3 Business Concern application, a directory of Business Concerns, and a listing of employment/training referral sources. The webpage provides firms working with the agency easy access the information they need to comply.

HPD collects data to be used to report annual accomplishments regarding employment and other economic opportunities provided to low- and moderate-income persons under Section 3 of the Housing and Urban Development Act of 1968.

Recipients or contractors subject to Section 3 requirements must maintain appropriate documentation to establish that HUD financial assistance for housing and community development programs were directed toward low- and moderate-income persons.

#### Compliance Monitoring of Occupancy During the HOME Program Affordability Period

During the affordability period, all HOME projects are subject to Compliance Monitoring. The purpose of monitoring is to ensure adherence to the income and rent affordability requirements of the HOME program. Specifically, all newly vacated HOME units must be rented to tenants with qualifying incomes, the owner/managing agent must comply with the annual income certification requirements for all tenants in HOME assisted units and the owner/managing agent must comply with the HOME program's various rent restrictions. In addition, HOME units are subject to periodic inspection to ensure compliance with federal Housing Quality Standards (HQS).

Each year, the owner must submit to HPD's Compliance Unit the following information:

- A certified rent roll showing: (a) names and rents for tenants in all HOME units, (b) tenant incomes and household sizes for tenants in HOME assisted units, and (c) dates of income certification for tenants in HOME assisted units,
- An initial income certification for each new tenant who has moved in during the prior calendar year and,
- A certification by the owner that the project is in compliance with all requirements of the HOME Written Agreement (form to be provided by HPD).

These documents will be reviewed by HPD for compliance. Concurrently, the results of the HQS inspections will be reviewed to determine if there are any uncorrected violations. A written report will be prepared which describes any findings and issues, along with details of any required follow-up. Projects with any pending findings or issues will remain in the active workload until all outstanding problems are resolved.

In addition to HOME Monitoring described above, which applies to all projects annually, HOME projects will also be subject to a more intensive review on a less frequent basis. Such reviews may either be conducted at the owner's office or at HPD's office. In general the review will involve an in-depth review of income certification documents, as well as other procedures used by the owner to ensure compliance with the HOME Written Agreement.

#### Certificate of Consistency with this Consolidated Plan

Developers' proposed projects must be consistent with New York City's Strategic Plan goals. Examples of such projects generally meet this goal when they include one or more of the following activities:

- Newly constructed housing targeting low- and moderate-income households.
- Rehabilitation of the existing housing stock in a manner that is sensitive to the need for accessibility by persons with disabilities.
- Supportive housing.

## **Emergency Solutions Grant (ESG)**

The NYC Department of Homeless Services (DHS) receives Emergency Solutions Grant Program (ESG) grant money to engage homeless individuals living on the street, increase the number and quality of emergency shelters for homeless individuals and families, to operate these facilities and provide essential services to residents, to help prevent homelessness, and to rapidly re-house homeless individuals and families.

The Budget and Finance Units of DHS is responsible for the fiscal administration of the ESG grant. These units allocate the ESG funding and ensure that payments and claims are made in accordance with the approved uses of the grant for eligible activities, in consultation with DHS Program staff.

DHS revised the ESG written standards according to the requirements set forth in 24 CFR 576.400(e) (1) and (e) (3). The written standards provide a guide for NYC ESG-funded programs to administered and implemented ESG-funded activities in accordance with applicable Federal requirements.

DHS will utilize its experience from the successful implementation of HPRP to evaluate the new ESG activities. DHS shared this framework with the Continuum of Care Steering Committee and will review periodically with the NYC CCoC Data Management Committee. DHS will utilize its HMIS to monitor performance through the following indicators:

- Number of individuals/households served by prevention and rapid re-housing activities
- Exit destinations (temporary and permanent) of individuals/households served
- % of clients served who avoid shelter entry
- Length of time served by ESG program

## **Housing Opportunities for Persons With AIDS (HOPWA)**

To ensure compliance with federal, state, and local regulations and guidelines, the New York City Department of Health and Mental Hygiene (DOHMH) conducts routine monitoring activities of its HOPWA-funded sub-grantees and projects sponsors. Monitoring activities are conducted on-site and remotely on an annual basis.

Based on findings identified during monitoring activities, DOHMH may require sub-grantees and project sponsors to develop corrective action plans that outline activities that will be taken to resolve issue(s) identified and timeline for resolution. DOHMH monitors these plans closely to ensure timely resolution.

## Appendix 2 – Emergency Solutions Grant Written Standards

### Purpose and Overview

The goal of these standards is to clarify key elements of the U.S. Department of Housing and Urban Development’s (HUD) regulations for projects funded under HUD’s Emergency Solutions Grant (ESG) Program and how DHS’ ESG-funded programs meet those regulatory standards. See [ESG Interim Rule](#) for detailed program regulations.

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## **I. Introduction**

The City of New York receives McKinney Vento - Emergency Solutions Grant (ESG) funds from the U.S. Department of Housing and Urban Development (HUD) and applies those funds to help individuals and families in New York City experiencing homelessness, as well as those at risk of becoming homeless, in the areas of street outreach, emergency shelter, homelessness prevention, rapid re-housing, and a Homeless Management Information System (HMIS).

Under the umbrella of the City's Department of Social Services (DSS), the Department of Homeless Services (DHS) and Human Resources Administration (HRA) oversee and manage the provision of ESG-funded programs in New York City for single adults and adult families who are homeless, people experiencing street homelessness, and individuals and families at risk of becoming homeless. All ESG-funded programs must meet the standards below, as required by Federal regulation.

## **II. New York City Coalition on the Continuum of Care**

The New York City Coalition on the Continuum of Care (CCoC) is a broad-based coalition of homeless housing and shelter providers, people with lived experience, community members, advocates, and government representatives, working together to shape citywide planning and decision-making. The CCoC, which includes DSS representatives from both DHS and HRA, is charged with the following:

- Identifying the gaps and needs of households experiencing homelessness in New York City and participate in the process of prioritizing local and state funding to meet these needs;
- Coordinating citywide applications for homeless housing and service funding including, but not limited to, the City's annual application for HUD McKinney-Vento funding;
- Tracking trends and adjusting priorities to meet the changing needs of households that are homeless; and
- Advocating together for increased federal funding to meet the needs of New Yorkers who are homeless or at risk of becoming homeless.

## **III. Coordinated Entry**

DSS is the Collaborative Applicant for the NYC CCoC as well as the ESG funding recipient. This role enables DSS to coordinate extensively with the CCoC and the Consolidated Plan jurisdiction (see New York City's five-year Consolidated Plan (Con Plan)). Goals of the Con Plan are made around shared goals of the CCoC strategic plan, which includes: investing in proven strategies to reduce the number of individuals who are street homeless; preventing adult families and individuals at risk of homelessness from entering shelter; and ensuring that shelter is a short-term solution to a housing crisis by rapidly re-housing people who are homeless. The Con Plan

aims to end homelessness, with an emphasis on unaccompanied youth, people who are chronically homeless, and veterans who are homeless.

The Con Plan also sets forth strategies for Coordinated Entry - defined as a process to ensure that all people experiencing a housing crisis have fair and equal access and are quickly identified, assessed for, referred to, and connected to - housing and assistance based on their strengths and needs, as required by HUD regulations. A core strategy in this effort is the development of the Coordinated Assessment and Placement System (CAPS).<sup>1</sup> CAPS streamlines and improves the assessment, prioritization, housing match, and placement system for households who are homeless or at risk of becoming homeless within the CCoC geographic region.

CAPS assesses individuals and families who are homeless or at risk of homelessness for potential housing options, provides detailed instructions on how to apply for those housing options, prioritizes referrals (based on a Standardized Vulnerability Assessment), performs a housing match for the household, and places applicants according to verified information on their eligibility, preferences, and available vacancies.

All ESG-funded projects are expected to participate with the eligibility screening processes developed for CAPS.

Currently, if CAPS indicates potential eligibility for supportive housing, the referral source should complete the Coordinated Assessment Survey (the “Survey”) before starting a supportive housing application. Information from completed surveys is used to generate a list of supportive housing and rental subsidies for which the household is potentially eligible and is used to guide the applicant’s housing choice. While there are no set time requirements for Survey completion, it should be completed within the first two (2) weeks of an applicant’s arrival at the relevant access point. (Access points include shelters, street outreach teams<sup>2</sup>, hospitals, jails, prisons, drop-in centers, and anyone who has access to the HRA PACT web-based supportive housing application system.) Assessors typically complete the Survey during regular business hours; however, it is a web-based system so there will be 24/7 access to the Survey at every access point.

#### **IV. Relevant HUD Definitions**

Federal regulation sets applicable definitions for ESG funded programs to guide localities in determining eligible projects and eligible clients.<sup>3</sup>

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<sup>1</sup> The CCoC’s written standards include general eligibility requirements of CAPS and can be found on the CCoC’s website: [www.nychomeless.com](http://www.nychomeless.com)

<sup>2</sup> For street outreach teams and drop-in centers, the Survey should be completed within the first two (2) weeks of an applicant willingly engaging with the service provider and providing relevant information.

<sup>3</sup> See 24 CFR 576.2.

- A. Homeless: An individual or family experiencing homelessness meets the following criteria:
1. Lacks a fixed, regular, and adequate nighttime residence, meaning:
    - A primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation (including car, park, abandoned building, bus/train station, airport, or camping ground);
    - A publicly or privately-operated shelter or transitional housing, including a hotel or motel paid for by government or charitable organizations; or
  2. If being discharged from, or exiting, an institution where the person has been a resident for 90 days or less and the person resided in a shelter or place not meant for human habitation immediately prior to entering that institution.
  3. If the person will imminently lose their primary nighttime residence within 14 days, has not identified a subsequent residence, and lacks resources or supports needed to obtain other permanent housing.
- B. At-Risk of Homelessness: An individual or family who meets the following three (3) criteria:
1. Has an annual income below 30% of median family income for the area; AND
  2. Does not have sufficient resources or support networks immediately available to prevent them from moving to an emergency shelter or another place defined in Category 1 of the “homeless” definition; AND
  3. Meets one of the following conditions:
    - Has moved because of economic reasons 2 or more times during the 60 days immediately preceding the application for assistance; OR
    - Is living in the home of another because of economic hardship; OR
    - Has been notified that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; OR
    - Lives in a hotel or motel and the cost is not paid for by charitable organizations or by Federal, State, or local government programs for low-income individuals; OR
    - Lives in an SRO or efficiency apartment unit in which there reside more than 2 persons or lives in a larger housing unit in which there reside more than one and a half persons per room; OR
    - Is exiting a publicly funded institution or system of care; OR
    - Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient’s approved Con Plan

### C. Chronically Homeless

- HUD chronically homeless: As defined in the McKinney-Vento Act, and amended by the HEARTH Act a homeless individual with a disability. They must have been living in a place not meant for human habitation, in an emergency shelter, or in a safe haven for the last 12 months continuously or on at least four occasions in the last three years *where those occasions cumulatively total at least 12 months*;

The updated definition of “homeless individual with a disability” requires that the condition be of *long and continuing duration; substantially impedes the individual’s ability to live independently; and, is expected to improve with the provision of housing*. To be eligible for permanent supportive housing generally, an individual or family member must be considered a “homeless individual with a disability”, therefore, HUD adopted this term into the definition of chronically homeless to ensure consistency;

Additional requirements of the HUD chronic homeless definition include:

- Occasions are defined by a break of at least **seven nights** not residing in an emergency shelter, safe haven, or residing in a place meant for human habitation (e.g., with a friend or family). Stays of fewer than seven nights residing in a place meant for human habitation, or not in an emergency shelter or safe haven do not constitute a break and count toward total time homeless; and
  - Stays in institutions of fewer than 90 days where they were residing in a place not meant for human habitation, in an emergency shelter, or in a safe haven immediately prior to entering the institution, do not constitute as a break and the time in the institution counts towards the total time homeless. Where a stay in an institution is 90 days or longer, the entire time is counted as a break and none of the time in the institution can count towards a person’s total time homeless.
- DHS safe haven: To be eligible for services, a person must be chronically homeless under the local definition as having spent a minimum of nine (9) of the last 12 months on the street.

## V. **Department of Homeless Services and Human Resources Administration ESG-Funded Programs**

### A. Street Outreach

- *Approach*

The DHS Division of Street Homeless Solutions manages and provides an array of services to people who are street homeless. Multidisciplinary street outreach teams work 24/7, 365

days a year to locate people living in public spaces and link them to services with the goal of bringing them indoors. These outreach teams cover each borough throughout New York City, including end of line subway outreach, and prioritize focus on the most vulnerable of those living outdoors to ensure they are safe and/or are not at risk for injury or death.

- *Eligibility*

Individuals served by outreach teams must meet the definition of “homeless” in order to be eligible for such services. Outreach teams will engage anyone observed to be unsheltered on the street, within the subway system, or other public place, and determines, based on engagement, whether such individual lacks a fixed, regular and adequate nighttime residence.

- *Intake and Assessment*

Outreach teams canvass extensively throughout all five boroughs. They respond to 311 calls and accept information from various community stakeholders about people who are street homeless in their respective catchment areas, as well as information from public and governmental entities. They meet with participants – on the street as needed – to support them as they take initial steps toward obtaining permanent housing.

Outreach teams complete an initial assessment with participants, which includes a risk assessment for self-harm and harm toward others. This assessment helps the team to learn more about the persons unique needs and preferences, which allows the team to determine how best to serve the individual with the goal of bringing them indoors.

Following an assessment, information is recorded within the DHS system of record and, if eligible, an individual is added to the outreach team caseload.

- *Case Management Services*

Using a harm reduction approach, outreach teams focus efforts on engagement and building relationships with people who have historically rejected services; staff meet participants “where they are.” People who have been on the street for any period of time are brought onto caseload regardless of their willingness to engage in services. A harm reduction approach applies to substance use, as well as overall health and wellbeing.

Outreach teams offer opportunities for safe use and treatment at a participant’s pace in an effort to improve their health.

Each outreach participant is assigned a case manager. Outreach staff is expected to be skilled in, and use, motivational interviewing techniques to encourage a participant’s active decision-making and goal setting.

Case managers provide or link participants to services and supports including, but not limited to, the following:

- Mental health treatment
- Substance use treatment
- Medical treatment
- Benefits (e.g., cash assistance, SSI/SSD, Medicaid, Veterans Affairs (VA) benefits)

Outreach teams work to place individuals into transitional housing or permanent housing as quickly as possible. They assist with interview preparation and apartment/room visits.

- *Housing Assistance*

Outreach staff will conduct or arrange for family mediation, counseling, and travel assistance in cases where reunification with family is possible.

Outreach teams also have the ability to place participants into other transitional housing options such as stabilization beds or safe havens.

- *Documentation Standards*

Outreach teams collect client-level information throughout their work with each participant, including aftercare once a participant is safely housed. Participant services are documented by use of initial intake assessment, monthly or quarterly service plan, bi-weekly progress notes, case conference notes, housing progress notes, discharge notes, psychosocial assessments, and psychiatric evaluations. Staff records information in case files, the Client Assistance and Rehousing Enterprise System (CARES), which is the DHS system of record, StreetSmart, and the provider's own case management database, as applicable.

## B. Drop-In Center

A crucial part of the DHS Division of Street Homelessness Solutions portfolio, a drop-in center is a low-barrier setting generally geared towards people who are chronically street homeless or other hard-to-reach populations experiencing street homelessness. Drop-in centers are also open to people generally without stable housing. Drop-in centers do not have beds, but through on-site services and referrals, participants have access to respite beds.

- *Eligibility*

A drop-in center services any person who is street homeless or is using precarious nighttime sleeping arrangements, those who would be living on the streets if not for the drop-in center, and/or people who refuse to enter traditional shelters and may become homeless. Drop-in centers screen people who may be street homeless and refer such individuals outreach teams.

- *Intake and Assessment*

Participants complete an initial intake questionnaire when entering a drop-in center. A more extensive evaluation process with a social worker or case manager will occur within the first few engagements following intake. Staff engages the participant in a conversation about available services and encourages participants to take an active role in decision-making. Participants will be encouraged to provide the screener with short-term goals surrounding their housing and overall health needs with the ultimate goal of placing the participant into housing. The drop-in centers will provide services for individuals who are street homeless and would be living on the streets if not for the drop-in center, or, those facing the threat of becoming homeless by refusing to enter traditional shelters.

- *Case Management Services*

Drop-in centers provide seating, hot meals, showers, laundry facilities, clothing, medical care, recreational space, employment referrals, storage for belongings, and other social services to eligible participants. Staff also can help participants connect to more appropriate systems of care, and find a safe and secure place to sleep.

- *Respite Beds*

Respite bed providers offer overnight lodging for individuals using drop-in centers. The respite bed provider is expected to deliver a fixed number of beds to the drop-in centers every night. Drop-in centers are responsible for determining the assignment of respite beds and for filling capacity. In order to ensure capacity needs are met, the drop-in and respite providers must communicate daily. All participants at a drop-in center have the option of sleeping in a respite bed. Drop-in center staff are expected to encourage participants to accept respite beds.

- *Documentation Standards*

Client-level information will be collected for each participant throughout the duration of their stay at both drop-in and safe haven facilities and includes the following:

- Outreach referral documentation
- Drop-in or safe haven initial intake assessment
- Monthly or quarterly service plan
- Bi-weekly progress notes
- Case conference notes
- Housing progress notes
- Discharge notes

Staff enters all information in CARES, StreetSmart, and the provider's own case management database.

### C. Safe Haven

The Street Homelessness Solutions Division provides a low threshold, easily accessible alternative to people who are homeless but who avoid traditional shelter. Safe havens follow a harm reduction model where abstinence from substances and compliance with mental health treatment, for example, are not necessary to access services, nor are they prerequisites for housing consideration. Safe haven staff promotes a safe environment that encourages participants to take steps towards permanent housing at a comfortable pace. A low barrier environment, a high staff to client ratio, and an acknowledgement of participant strengths and self-determination are some of the ways safe havens begin to introduce a safer and healthier standard of living for those who are among the hardest to engage on the street.

- *Eligibility*

The single point of access into a safe haven is through a referral by a DHS-contracted street outreach team. Eligibility is established by assessing whether the individual is chronically homeless and historically has not accepted other placement options

- *Case Management Services*

Safe haven staff have a number of case management responsibilities, which include, but are not limited to, the following:

- Developing clear exit strategies for clients with realistic target dates;
- Assisting participants with securing public benefits
- Providing timely services that include the collection of documents, housing search assistance, and referrals to social services, such as medical and mental health treatment;
- Collecting health screenings, immunization documents, employment and entitlement documentation;
- Providing employment referrals and vocational training referrals if needed;
- Helping participants in their search for supportive or permanent housing

- *Documentation Standards*

Client-level information will be collected for each participant throughout the duration of their stay at both drop-in and safe haven facilities and includes the following:

- Outreach referral documentation,
- Drop-in or safe haven initial intake assessment,
- Monthly or quarterly service plan,
- Bi-weekly progress notes,
- Case conference notes
- Housing progress notes
- Discharge notes

Staff enters all information in CARES, StreetSmart, and the provider's own case management database.

D. Intake and Assessment for Single Adults

The DHS Division of Adult Services provides intake, assessment and program shelter services to single men and women experiencing homelessness. Under the ambit of a long-standing consent decree in *Callahan v. Carey*, Index No. 42582/79 (Sup. Ct. N.Y. County 1979), the City must provide shelter to all homeless men who apply for it provided they meet the standards for safety net assistance, or, "by reason of physical, mental or social dysfunction is in need of temporary shelter." This right was extended to single adult women in *Eldredge v. Koch* in 1983.

- *Eligibility*

The NYC right-to-shelter mandate, as described in the Callahan consent decree, establishes a legal right to shelter for individuals who are homeless in New York City. The Callahan litigation was filed in 1979 on behalf of homeless men in New York City, and argued that a right to shelter for the homeless existed under the New York State Constitution.

Under Callahan, there is no means testing for shelter or an eligibility process. Any single adult who is medically appropriate can apply for shelter in New York City.

- *Intake and Diversion*

All applicants for shelter must conduct an intake application, which collects various demographic and housing-related information designed to establish the need for emergency shelter, the appropriateness for shelter, and the potential for diversion. Through the Client Application and Rehousing Enterprise System (CARES), the DHS electronic system of record, the following information is collected:

- Basic demographic information to create a unique identifying CARES identification number for the participant
- The reported reasons for homelessness and any prior living arrangements, including prior shelter stays;
- Fingerprinting through the Automated Finger Imaging System to ensure there has not been a duplication of services, and to record participant information for public assistance usage;
- Health information, including information pertaining to medical appropriateness for shelter; this includes, but is not limited to, being able to complete activities of daily living independently.

The initial application for temporary housing assistance also includes a pre-screening that DHS uses to identify any immediate diversion services. All applicants are screened to ensure they consider all their housing options and resources, and explore options of assistance to

prevent homelessness when possible. Diversion services are available to applicants upon intake, which include, but are not limited to, the following:

- on-site rent arrears assistance
- family reunification
- residential and non-residential substance use treatment
- room rentals
- landlord mediation

Participant identification is useful but not required. All participants applying for shelter are offered shelter services the day of their application. Participants with no immediately viable housing options are then assigned to a single adult assessment shelter, where diversion efforts are continued and an appropriate program shelter is identified.

- *Assessment*

Before being assigned to a program shelter, all single adult shelter clients must complete an assessment at an assigned assessment shelter. This 21-day assessment allows staff to appropriately assess participant strengths, needs, and barriers to housing. Staff is also expected to help participants with identifying and gathering important documents, completing a brief biopsychosocial, TB testing, and psychiatric evaluations as needed.

#### E. Program Shelters for Single Adults

Following intake and assessment, single adult clients are assigned to a program shelter for the duration of their shelter stay. This program shelter becomes their official shelter unless or until they are transferred or they have been out of the shelter system for over one year. If a participant is out of shelter for more than one year, they must return to a single adult intake site for a new assessment and shelter placement determination.

- *Shelter Programs*

There are different types of program shelters, which are variably appropriate based on client needs, as determined through intake and assessment:

- **General Population:** Participants do not show a need to receive a specific type of service outside of housing search and placement and they also possess a high probability to find long-term housing.
- **Employment:** Participants have demonstrated that their biggest obstacle in obtaining housing is finding or maintaining employment and income.
- **Mental Health:** Participants have been assessed to have a history of Mental Health challenges and/or diagnoses and need to be provided services tailored to their mental illness.
- **Substance Use:** Participants have been assessed to have a history of substance misuse and need to be in a shelter that will provide services to address this issue.
- **Special Populations:** Within the shelter types there are a subset of shelters that offer the same services, however their population is based on other additional

factors such as age, LGBTQI determination, and veteran status or based on community agreements and previous housing history (applies only to residents of specific community districts/boards). Additionally, through the reasonable accommodation process, participants that are identified as having mobility restrictions, are unable to navigate certain building types, and in some instances, are unable to return or be placed in certain communities due to legal, gang related, or domestic violence situations are granted placement within appropriate program shelters that will meet their needs.

- *Case Management Services*

Program shelters provide daytime and evening social services to all shelter clients designated to develop independent living plans (ILPs) to guide participants through the process of moving to permanent housing. Shelters also refer to community-based organizations, as needed, for housing referrals, legal services, clothing banks, job placement, medical and outpatient services, etc. Case managers, housing specialists and job developers are on site to assist participants in navigating the system and the access to city services, with a focus on available housing subsidies for those eligible.

- *Documentation Standards*

Single adult participants seeking to access NYC Department of Homeless Services shelter are not required to provide any documentation. Participant identification documents are helpful during the intake process, but not required. Staff copies and scans all documents provided by the participant into the CARES Document Management System and included in the participant's case record at the shelter. Documentation maintained in CARES consists of, but is not limited to, the following:

- Photo Identification (ID, passport, Benefits Card, Social Security Card, etc.)
- Medical documentation
- All signed DHS forms provided to participant
- Release of information forms
- Biweekly progress notes
- Case conference notes
- Housing progress notes
- Independent Living Plans (ILPs)
- Appointment notices

Staff enters all information in CARES and the provider's own case management database, if applicable.

Individuals in shelter actively participate in the process and take strides toward independent living. When the caseworker and participant develop an Independent Living Plan (ILP), the document outlining relevant goals to exit shelter and return to self-sufficiency is printed and signed by the participant. The signed ILPs are maintained in a paper record by the shelter. Program shelters must also include Public assistance

application appointment notices, interviews, pay stubs/schedules, housing applications, psychiatric evaluations, documentation provided by the participant, and all relevant DHS forms part of the participant case record. Participant records are maintained in the shelters per the NYC records management policies. In addition to participant records physically located at the shelters, staff is expected to update CARES with relevant information about the participant's case, including the ILP and other meetings with the participant. Whenever possible, staff should also scan and upload documents in CARES.

#### F. Intake and Eligibility for Adult Families

DHS provides emergency shelter to adult families through a standalone set of shelter resources. DHS considers an adult family to be any family without minor children. In collaboration with their case manager, households develop an Independent Living Plan (ILP), a document that outlines relevant goals to exit shelter and return to self-sufficiency. Adult families in shelter must actively participate in this ILP development process including applying for Public Assistance (PA) and completing all requirements necessary for establishing and maintaining eligibility for PA benefits. If able to work, DHS encourages participants to actively seek employment and accept a suitable job offer when it is offered. Participants are expected to work closely with their case manager or housing specialist to locate and view available apartments.

- *Definition of a Family*

Adult families applying for shelter services must **verify** their household constitutes a family as described below and can demonstrate that they have resided with one another for 180 days within the year immediately prior to the date of their application.

Examples of households constituting a family:

- A legally married couple who present a valid (original) marriage certificate; or
- A domestic partners couple who present a valid, original domestic partnership certificate; or
- Adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another;
- Two or more adults who can provide birth certificates to prove a parent and child or sibling family relationship or share a "caretaking" (emotionally or physically supportive) relationship, including:
  - aunt or uncle to niece or nephew
  - grandparent to grandchild
  - parent to child or stepchild
  - siblings

- *Eligibility*

All Adult Families seeking shelter must apply at the DHS Adult Family Intake Center (AFIC). At AFIC, families complete a Temporary Housing Application, upon which families must describe their need for emergency shelter and provide a one-year housing history, and also provide demographic and health related information. Other assessments at this time include but are not limited to eligibility, psychiatric evaluations, health screenings, and domestic violence.

Following shelter application, adult families are conditionally assigned to shelter placement for up to 10 days while DHS investigated their eligibility for shelter. Eligibility for shelter is based on State regulation and guidance, including 18 N.Y.C.R.R. 352.35 and 16 ADM-11 (OTDA), and includes a determination that the family has fully cooperated in their shelter application and has no viable non-shelter housing resources. All households have a right to a legal conference at AFIC if they are found ineligible and disagree with the DHS decision. Families may request a fair hearing from New York State within 60 days of being found ineligible for shelter.

- *Diversion*

In addition to intake and assessment, all applicant Adult families are referred for a diversion interview. During this interview, the AFIC caseworker explored potential non-shelter housing options and resources, and explains emergency housing options available and shelter diversion services including family mediation, anti-eviction legal services, out-of-city relocation assistance, or a one-shot deal through HRA. Case managers will obtain information on their prior living situation, if available, to inform the selection of appropriate services.

- *Documentation Standards*

Staff documents the assessment in CARES, as well as a thorough intake case note. This includes a housing assessment.

#### G. Emergency Shelter for Adult Families

Either directly placed from AFIC, or following a determination of eligibility and a placement at an assessment shelter, DHS places eligible adult families into an official shelter placement.

- *Case Management Services*

DHS encourages all participants who enter shelter, if possible, to obtain and maintain employment while seeking housing. All participants develop an Independent Living Plan (ILP) collaboratively with their case managers, which outlines their path towards permanency. Staff works with participants on an individual basis to tailor services to their specific needs. Staff provides assistance in the following areas:

- i. Applying for Public Assistance

- ii. Applying for jobs
- iii. Housing assistance through local, state or federal subsidies or supportive services including, but not limited to, family reunification, and vouchers

Adult families found eligible for shelter have certain responsibilities that they must meet, including obtaining and maintaining employment for all those who are able to work. With the assistance of their caseworkers, households will develop an Independent Living Plan (ILP), a document that outlines relevant goals to exit shelter and return to self-sufficiency. Now, more than ever, employment-focused programs and work supports remain a cornerstone of DHS' efforts to help participants move back to permanency. Individuals and adult families in shelter must actively participate in this process and take strides toward independent living.

As part of a continuum of services, DHS utilized the Client Application and Rehousing Enterprise System (CARES), a web based application that records and maintains the ILP and centrally records participant's progress and pertinent information to assist with housing. All eligible participants are assigned to a unit and are provided case management, and allowances for meals through Public Assistance. With the cooperation of the family and case worker, reasonable accommodations can be made for families as needed; language translation services are also available for participants that require the assistance. Adult families in shelter are expected to and encouraged to, with the assistance of social services to take all steps toward obtaining permanent housing.

- *Documentation Standards*

Documentation for adult families in emergency shelter includes, but is not limited to, the following:

- Photo Identification (ID, passport, Benefits Card, Social Security Card, etc.)
- Medical documentation
- All signed DHS forms provided to participants
- Release of information forms
- Biweekly progress notes
- Case conference notes
- Housing progress notes

#### H. Homelessness Prevention

DHS firmly believes that individuals and families are best served in their communities through prevention efforts and that temporary emergency shelter is a last resort when experiencing an immediate housing crisis. New York City provides prevention services through a program called Homebase, a neighborhood-based homelessness prevention network. There are 24 Homebase offices located in communities throughout the city to serve New Yorkers at risk of homelessness. Homebase staff work with each participant to review their individual situation and apply for services. Homebase staff helps participants

develop a stable housing plan before their housing situation becomes an emergency. Homebase provides eviction prevention, assistance obtaining benefits, financial counseling, landlord and family mediation, employment services/referrals, and linkages to community resources.

Homebase prevention services through Services for the Underserved, Veterans Administration services including direct Veteran Affairs liaison and provider based coordination with Supportive Services for Veteran Families programs, and CBOs that conduct outreach for veterans who are at risk or homeless. Homeless veterans in need of short-term housing continue from DHS intake/assessment shelters to the Veterans Services Unit (VSU), where they receive referrals to transitional housing at one of two veteran-specific facilities: the Borden Avenue Veterans Residence, a 243-bed short-term housing facility for male veterans and Porter Ave.

Activities or programs designed to prevent the incidence of homelessness include, but are not limited to: (1) short-term subsidies to defray rent and utility arrears for families that have received eviction or utility termination notices; (2) security deposits or first month's rent to permit a homeless family to move into its own apartment; (3) mediation programs for landlord-tenant disputes; (4) legal services programs that enable representation of indigent tenants in eviction proceedings; (5) payments to prevent foreclosure on a home; and (6) other innovative programs and activities designed to prevent the incidence of homelessness.

- *Eligibility*

To be eligible for ESG-funded prevention assistance, prevention programs must assess and document that the household is at risk of homelessness, and that such household would become homeless but for the ESG assistance. A household at risk of losing their present housing may be eligible if it can be documented that their loss of housing is imminent and they do not have sufficient resources or support networks, e.g., family, friends, faith-based or social networks, immediately available to prevent them from becoming homeless.

Homebase determines a household's eligibility for ESG-funded services through use of a risk assessment instrument provided by the Human Resources Administration. This instrument determines whether an applicant is at imminent risk of homelessness. Providers must assess, document and verify (when possible) the household's risk of homelessness.

To be eligible for ESG-funded Homebase prevention services, the applicant must meet all of the following criteria:

- **Household Composition** - The household must be either a single adult or adult family.
- **Risk of Homelessness** - The household must receive an assessment using a risk assessment instrument provided by HRA and determined to be at imminent risk of homelessness, scoring above the threshold set by HRA.

- **Resources & Network** - The household does not have sufficient resources or support networks, e.g., family, friends, faith-based or social network, immediately available to prevent them from becoming homeless.
- **Recertification** - *Recertification* is a re-evaluation of the program participant's eligibility and type of assistance needed is required at least once every three (3) months for households receiving assistance greater than 90 days. ESG-funded programs should determine the re-certification date based on the original ESG eligibility assessment date. The intent of the recertification rule is to ensure programs are fully evaluating households that are receiving ongoing financial assistance and/or other ESG assistance to ensure the household remains eligible and needs continued assistance to prevent homelessness. ESG-funded programs may be monitored to ensure appropriate documentation is obtained and included in ESG participants' files.

- **Documentation**

*ESG Income Criteria and Definitions*

To be eligible to receive ESG-funded assistance, an applicant household must have a current gross annual income of all adult household members that is at or below 30% of the Area Median Income (AMI), which is determined by the state and by the local jurisdiction in which a household resides and is dependent on the number of household members. The table providing income limits by local jurisdiction, including 30% AMI, is adjusted periodically and can be accessed through the following link:

<https://www.huduser.gov/portal/datasets/il.html>.

*Income* is money that goes to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member. Annual income includes the current gross annual income of all adult household members.

*Gross Income* is the amount of income earned before any deductions (such as taxes and health insurance premiums) are made. Earned income, business income, interest & dividend income, pension/retirement income, unemployment & disability income, TANF/public assistance, alimony, child support and foster care income, and armed forces income are the types of income that must be counted when calculating gross income.

*Current income* is the income the household is currently receiving at the time of application for assistance. Income recently terminated should not be included. Documents and information collected to verify income should be recent and dated within 30 days prior to the time of application. However, for public assistance benefits (e.g., SSI, cash assistance), a benefits statement received any time within the 12 months prior to the time of application and reflecting current benefits received by an applicant household is allowed. A copy of a recent bank statement indicating direct deposit of benefit(s) is also acceptable.

Adult full-time students who are not the head of household are excluded from gross income calculations.

- *ESG Income Documentation Standards*

Various types of documentation, ranging from third party verification to applicant self-declaration are acceptable. Documentation standards, in order of preference, are as follows:

1. **Third Party Verification:** The documents for the program staff to complete for the Third Party Verification process are Written Third-Party Verification of Income Form (WTP-2) and the Oral Third-Party Verification of Income Form (OTP-2).
2. **Source (Notices/Statements):** Official communication on letterhead or statement template; document must be signed and dated (when appropriate). Examples include; paystub, most recent financial statement, statement of income from employer/income source.
3. **Written (Written Letters/Referrals):** Official communication issued on agency stationary or program template; document must be signed and dated by appropriate representative of third party. Examples include; letter from employer/income source, income source.
4. **Oral (Recorded Oral Statements):** Oral statement recorded by intake staff of 3rd party providing verification;
5. **Self-Declaration:** Written statement by the individual/head of household applying for assistance. The statement must be completed on the Self-declaration of Income form (SD1-2) and certified (i.e. signed and dated by applicant) as true and complete. Program staff must describe efforts to obtain third party information (phone logs, email correspondence, copies of certified letters etc.) and details of outcome, including obstacles. Once completed, the form must be signed and dated by intake staff as true and accurate.

I. Homelessness Management Information System (HMIS)

An HMIS is a computerized data collection application designed to capture participant-level information over time on the characteristics and service needs of people experiencing homelessness, while also protecting participant confidentiality. It is designed to aggregate participant-level data to generate an unduplicated count of participants served within a community's system of homeless services. An HMIS may also cover a statewide or regional area, and include several continuums of care. The HMIS can provide data on participant characteristics and service utilization. HMIS is an eligible budget activity. All ESG-funded projects are expected to participate in the NYC CCoC HMIS data warehouse. DHS and the CCoC use HMIS for federal reporting purposes to ensure NYC is compliant with requirements and standards put forth by the Department of Housing and Urban Development (HUD). Specifically, HMIS is used for regular reporting including the following:

- Annual Homeless Assessment Report
- Consolidated Annual Performance and Evaluation Report

- Housing Inventory Chart-Housing Inventory Count,
- System Performance Measures and the Notice of Funding Availability.
- DHS and federally funded CCoC programs also use HMIS to ensure data quality, completeness, accuracy, and consistency with the goal of improving program performance. Data collected and uploaded into HMIS, by DHS' CARES system for Emergency Shelter, and by Providers for Transitional Housing and Permanent Housing, is used to run statistical reports for up-to-date information on a host of metrics used to assess program performance and track a variety of demographics. HMIS is also used to monitor system and individual level performance for the CCoC and function in coordination with ESG funded programs. HMIS will support regular monitoring to ensure NYC's progress in meeting the goals outlined in Home Together, HUD's federal strategy to prevent and end homelessness.

#### J. ESG Reporting

##### Consolidated Annual Performance and Evaluation Report (CAPER)

The Consolidated Plan is designed to help states and local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs: Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, **Emergency Solutions Grants (ESG) Program**, and Housing Opportunities for Persons with AIDS (HOPWA) program.

The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Grantees report on accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER). Recipients with HUD funding received through the Emergency Solutions Grants (ESG) Program are required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to HUD annually. Data collection for the ESG portion of the CAPER is aligned with the most recent version of the Homeless Management Information System (HMIS) Data Standards.

## Appendix 3 – Definitions

Accessibility: CDBG funds can be used for the removal of material and architectural barriers which restrict the mobility and accessibility of elderly or persons with disabilities.

Affordable Housing: Affordable housing is generally defined as housing where the occupant is paying no more than 30 percent of his or her household's annual income for gross housing costs.

AIDS and Related Diseases: The disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent of acquired immunodeficiency syndrome.

Alcohol/Other Drug Addiction: A serious and persistent alcohol or other drug addiction that significantly limits a person's ability to live independently.

Assisted Household or Person: For the purpose of specifying one-year goals for assisting households or persons, a household or person is assisted if, during the coming Federal fiscal year, they will benefit through one or more programs included in the jurisdiction's investment plan. A renter is benefitted if the person takes occupancy of affordable housing that is newly acquired, newly rehabilitated, or newly constructed, and/or receives rental assistance. An existing homeowner is benefitted during the year if the home's rehabilitation is completed. A first-time homebuyer is benefitted if a home is purchased during the year. A homeless person is benefitted during the year if the person becomes an occupant of transitional or permanent housing. A non-homeless person with special needs is considered as being benefitted, however, only if the provision of supportive services is linked to the acquisition, rehabilitation, or new construction of a housing unit and/or the provision of rental assistance during the year. Households or persons who will benefit from more than one program activity must be counted only once. To be included in the goals, the housing unit must, at a minimum, satisfy the HUD Section 8 Housing Quality Standards (see 24 CFR section 882.109). See also, instructions for completing Table 3B of the CHAS and Table 1 of the Annual Performance Report.

At risk of homelessness (For the Emergency Solutions Grant, and Continuum of Care program): An individual, family or youth may be considered as at risk of homelessness if they meet one of the following criteria:

An individual or family who: has an annual income below 30 percent of median family income for the area, as determined by HUD; does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the "Homeless" definition; and, meets one of the following conditions: (A) has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance; (B) is living in the home of another because of economic hardship; (C) has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance; (D) lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low income individuals; (E) lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau; (F) is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or (G) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;

A child or youth at risk of homelessness is one who does not qualify as “homeless” as per the definition, but qualifies as “homeless” under section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e– 2(6)), section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15));

A child or youth at risk of homelessness is one who does not qualify as “homeless” as per the definition, but qualifies as “homeless” under section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

Chewable surface: An interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an “accessible surface” as defined in 42 U.S.C. 4851(b)(2). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

Chronically Homeless (For the Emergency Solutions Grant, and Continuum of Care program): An individual, family or youth may be considered as chronically homeless if they meet one of the following criteria:

Chronically homeless individual with a disability is an individual who: is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and, has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 12 months or on at least four separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living in places unsuitable for human habitation as described above; and, stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility; and, can be diagnosed with (one or more of the following conditions:) substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability.

A chronically homeless individual may also be an individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and who has met all of the criteria indicated above, before entering that facility.

Chronically homeless family is defined as a family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in the first or second paragraph of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

Committed: Generally means there has been a legally binding commitment of funds to a specific project to undertake specific activities. *See definition in 24 CFR 92.2 Home Investment Partnerships Program (HOME), regarding the commitment of HOME funds to a community housing development organization (CHDO), or other entity, for the development of affordable housing.*

Consistent with the CHAS: A determination made by the jurisdiction that a program application meets the following criterion: The Annual Plan for that fiscal year's funding indicates the jurisdiction planned to apply for

the program or was willing to support an application by another entity for the program; the location of activities is consistent with the geographic areas specified in the plan, and the activities benefit a category of residents for which the jurisdictions five-year strategy shows a priority.

Continuum of Care (Coalition): The group composed of representatives of relevant organizations, which generally includes nonprofit homeless providers, victim service providers, faith-based organizations, government agencies, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

Cost Burden greater than 30 percent: The extent to which gross housing costs, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau. (Cost burden consists only of gross rent/income ratio for renters.)

Cost Burden greater than 50 percent (defined as Severe Cost Burden): The extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Disabling Condition: For the purposes of Consolidated Plan-defined chronic homelessness, a disabling condition is a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.

Economic Development: The acquisition, disposition, construction or rehabilitation of commercial or industrial land and/or buildings, infrastructure development, assistance to private businesses including grants, loans, loan guarantees, interests supplements and technical assistance.

Economic Independence and Self-Sufficiency Programs: Programs undertaken by Public Housing Agencies (PHAs) to promote economic independence and self-sufficiency for participating families. Such programs may include Project Self-Sufficiency and Operation Bootstrap programs that originated under earlier Section 8 rental certificate and rental voucher initiatives, as well as the Family Self-Sufficiency program. In addition, PHAs may operate locally-developed programs or conduct a variety of special projects designed to promote economic independence and self-sufficiency.

Elderly Household: For HUD rental programs, a one or two-person household in which the head of the household or spouse is at least 62 years of age.

Elderly Person: A person who is at least 62 years of age.

Emergency shelter: Any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless, and which does not require occupants to sign leases or occupancy agreements.

Existing Homeowner: An owner-occupant of residential property who holds legal title to the property and who uses the property as his/her principal residence.

**Fair Market Rent (FMR):** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities.

FMRs are gross rent estimates. They include the shelter rent plus the cost of all tenant-paid utilities, except telephones, cable or satellite television service, and internet service. HUD sets FMRs to assure that a sufficient supply of rental housing is available to program participants. Fair Market Rents (FMRs) are primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), and to serve as a rent ceiling in the HOME rental assistance program. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs for 530 metropolitan areas and 2,045 nonmetropolitan county FMR areas.

The New York, NY HUD Metro FMR Area consists of the following counties: Bronx County, NY; Kings County, NY; New York County, NY; Putnam County, NY; Queens County, NY; Richmond County, NY; and Rockland County, NY. All information here applies to the entirety of the New York, NY HUD Metro FMR Area. Although Westchester County, NY has a separate FMR by statute, the data for Westchester County, NY are used in computing the FMR of the New York, NY HUD Metro FMR Areas as is also required by statute.

The [FY2019 FMR](#) for the New York, NY HMFA is as follows:

Efficiency	One- Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
\$1,559	\$1,599	\$1,831	\$2,324	\$2,475

The FMRs for unit sizes larger than four bedrooms are calculated by adding 15 percent to the four-bedroom FMR, for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six bedroom unit is 1.30 times the four bedroom FMR. FMRs for single-room occupancy units are 0.75 times the zero-bedroom (efficiency) FMR.

**Family:** There are several definitions, each dependent upon the program for its applicability. See definition in 24 CFR 5.100 (General HUD Program Requirements) for the purposes of ensuring equal access to housing). The definition required to be used for HUD Assisted and Insured Housing Programs differs from the Census definition. The Bureau of Census defines a family as a householder (head of household) and one or more other persons living in the same household who are related by birth, marriage or adoption. The term "household" is used in combination with the term "related" in the CHAS instructions, such as for Table 2, when compatibility with the Census definition of family (for reports and data available from the Census based upon that definition) is dictated. (See also "Homeless Family.")

**Family Self-Sufficiency (FSS) Program:** A program enacted by Section 554 of the National Affordable Housing Act which directs Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs) to use Section 8 assistance under the rental certificate and rental voucher programs, together with public and private resources to provide supportive services to enable participating families to achieve economic independence and self-sufficiency.

**Federal Preference for Admission:** The preference given to otherwise eligible applicants under HUD's rental assistance programs who, at the time they seek housing assistance, are involuntarily displaced, living in

substandard housing, or paying more than 50 percent of family income for rent. (See, for example, 24 CFR 882.219.)

First-Time Homebuyer: An individual or family who has not owned a home during the three-year period preceding the HUD-assisted purchase of a home that must be use as the principal residence of the homebuyer, except that any individual who is a displaced homemaker (as defined in 24 CFR 92) or a single parent (as defined in 24 CFR 92) may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while a homemaker or married, owned a home with his or her spouse or resided in a home owned by a spouse.

FmHA: The Farmers Home Administration, or programs it administers.

For Rent: Year round housing units which are vacant and offered/available for rent only. (U.S. Census definition)

For Sale: Year round housing units which are vacant and offered/available for sale only. (U.S. Census definition)

Frail Elderly: An elderly person who is unable to perform at least one activity of daily living (i.e., eating, dressing, bathing, grooming, and household management activities). (See 24 CFR 889.105.)

Friction surface: An interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

Group Quarters: Facilities providing living quarters that are not classified as housing units. (U.S. Census definition). Examples include: prisons, nursing homes, dormitories, military barracks, and shelters.

HOME: The HOME Investment Partnerships Program, which is authorized by Title II of the National Affordable Housing Act.

Homeless: (For the Emergency Solutions Grant, and Continuum of Care program) An individual, family or youth may be considered as homeless if they meet one of the following criteria:

An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low income individuals); or an individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

An individual or family who will imminently lose their primary nighttime residence, provided that the primary nighttime residence will be lost within 14 days of the date of application for homeless assistance; no subsequent residence has been identified; and the individual or family lacks the resources or support networks needed to obtain other permanent housing.

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public

Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a); have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance; have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment.

Any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; has no other residence; and lacks the resources or support networks to obtain other permanent housing.

Homeless Assistance: Funds used for support services, rental assistance, or shelters to aid those who qualify as homeless.

Homeless Management Information System (HMIS): The information system designated by the Continuum of Care to comply with HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness.

Homeless Prevention: Funds used for support services, such as, social workers, advocacy, landlord relations, court system assistance, reuniting the family, and rental assistance to prevent homelessness.

Homeless Youth: The United States Code (42 U.S.C. 5732a) defines a Homeless Youth as follows: An individual who is not more than 21 years of age, and not less than 16 years of age, for whom it is not possible to live in a safe environment with a relative; and who has no other safe alternative living arrangement.

HOPE 1: The HOPE for Public and Indian Housing Homeownership Program, which is authorized by the Title IV, Subtitle A of the National Affordable Housing Act.

HOPE 2: The HOPE for Homeownership of Multifamily Units Program, which is authorized by Title IV, Subtitle B of the National Affordable Housing Act.

HOPE 3: The HOPE for Homeownership of Single Family Homes Program, which is authorized by Title IV, Subtitle C of The National Affordable Housing Act.

Household: One or more persons occupying a housing unit (U.S. Census definition) See also "Family".

Households with a member with a disability: (for Section 811 Supportive Housing for Persons with Disabilities eligibility) A household composed of one or more persons at least one of whom is an adult (a person of at least

18 years of age) who has a disability. A disabled household may also be defined as two or more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a certification from an appropriate health-care professional, to be important to their care or well-being. The term also includes the surviving member or members of any household described in the first sentence of this paragraph who were living in an assisted unit with the deceased member of the household at the time of his or her death.

Housing Problems: Households with housing problems include those that: (1) occupy units meeting the definition of Physical Defect; (2) meet the definition of overcrowded; (3) (for renter households) meet the definition of cost burden (gross rent/income ratio) greater than 30%. The data include non-duplicative counts of households that meet one or more of these criteria. Housing Problems for owners consists only of overcrowding or physical defects, not cost burden data.

Housing Unit: An occupied or vacant house, apartment, or a single room (SRO housing) that is intended as separate living quarters. (U.S. Census definition)

Impact surface: An interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Income Type - For HUD Section 8 Rental Voucher Programs the household's income is less than or equal to the maximum income level as defined below. Federal Fiscal Year 2019 Section 8 [Income Limits](#) are in effect at this time and determine income definitions. HUD Section 8 Income Limits are calculated for every Fair Market Rent (FMR) area with adjustments for family size and for areas with unusually high or low family income or housing-cost-to-income relationships, or where needed because of prevailing levels of construction costs or fair market rents. According to HUD, the Federal FY 2019 Median Family Income (MFI) for the New York, NY PMSA was \$75,500. (Please note: this income definition is for HUD's required table of housing assistance needs of low- and moderate-income households by household income category and housing problems by tenure, household type and race/ethnicity.) Extremely Low, Very Low, Low and Moderate Income are defined as follows:

*EXTREMELY LOW*

A household with an income that does not exceed the greater of 60 percent of the Section 8 Very Low-Income limit or the federal poverty level as established by the Department of Health and Human Services (HHS). (Less than or equal to \$32,000 for a family of four, with adjustments for household size.)

*VERY LOW (0 TO 50% MFI)*

A household with an income less than or equal to 50 percent of the area's median family income. (Less than or equal to \$53,350 for a family of four, with adjustments for household size.) For programs which use Very Low- and Low-Income limits (only). Extremely Low-Income households described above are considered part of the Very Low-Income category.

*LOW (51 TO 80% MFI)*

A household with an income greater than 50 percent and less than or equal to 80 percent of the area's median family income. (Greater than \$53,350 and less than or equal to \$85,350 for a family of four.)

*MODERATE (81 TO 95% MFI)*

A household with an income greater than 80 percent and less than or equal to 95 percent of the city's median family income. (Greater than \$85,350 and less than or equal to \$101,350 for a family of four.)

For the Community Development Block Grant (CDBG) program household income types are defined as Low and Moderate Income. CDBG Low Income households are defined as 0 to 50% MFI, thus the definition includes both the Section 8 Program Extremely Low- and Very Low-Income types described above. CDBG's definition of Moderate Income is equivalent to the Section 8 Low Income type described above, which is 51 to 80% MFI.

Infrastructure Improvements: The upgrading of public infrastructures including: solid waste disposal facilities; water facilities; streets; sidewalks; tree planting; sewer facilities; and asbestos removal.

In Rem: A legal action (usually foreclosure) taken against real property for nonpayment of real estate taxes or water and sewer charges.

Institutions/Institutional: Group quarters for persons under care or custody. (U.S. Census definition)

Large Related: A household of 5 or more persons which includes at least one person related to the householder by blood, marriage or adoption.

Lead-based paint: Paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead-based paint hazard: Any condition that causes exposure to lead from lead-dust hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Lead-dust hazard: Surface dust that contains a lead-dust loading (area concentration of lead) at or exceeding the levels promulgated by the EPA pursuant to section 403 of the Toxic Substances Control Act or, if such levels are not in effect, the standards in 24 CFR 35.1320.

LIHTC: (Federal) Low Income Housing Tax Credit.

Limited Clientele: An activity which benefits a limited clientele, at least 51 percent whom are, or are presumed to be, low and moderate-income persons.

Low- and Moderate-Income Area: At least 51 percent of the residents are low- and moderate-income persons.

Low-Income: See Income Type.

Minority Concentration: A census tract in which the percentage of non-White and Hispanic population (total number of persons of all races less White, non-Hispanic persons divided by the tract's total population) is greater than or equal to 85 percent. According to the U.S. Census Bureau, persons of this population may be comprised of: American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Other Pacific Islander, Persons more than one race, Persons of Some Other (single) race not previously listed, and Hispanic Persons of all races.

Moderate-Income: See Income Type.

Non-Elderly Household: A household which does not meet the definition of "Elderly Household," as defined above.

Non-Homeless Persons with Special Needs: Includes frail elderly persons, persons with AIDS, disabled families, and families participating in organized programs to achieve economic self-sufficiency.

Non-Institutional: Group quarters for persons not under care or custody. (U.S. Census definition used)

Non-residential Historic Preservation: The rehabilitation, preservation or restoration of historic non-residential properties, whether privately or publicly owned.

Occupied Housing Unit: A housing unit that is the usual place of residence of the occupant(s).

Other Household: A household of one or more persons that does not meet the definition of a Small Related household, Large Related household or Elderly Household.

Other Income: Households whose incomes exceed 80 percent of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families.

Other Low-Income: Households whose incomes are between 51 percent and 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD's findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes. (This term corresponds to Moderate-Income in the CDBG Program.)

Other Vacant: Vacant year round housing units that are not For Rent or For Sale. This category would include Awaiting Occupancy or Held.

Overcrowded: A Housing unit containing more than one person per room. (U.S. Census definition)

Owner: A household that owns the housing unit it occupies. (U.S. Census definition)

Person with a disability: The Section 811 Supportive Housing for Persons with Disabilities Program defines a person with a disability as follows: A person shall be considered to have a disability if he or she has a developmental disability as defined in section 102(7) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001.6006) if the person has a chronic disability which: 1) is attributable to a mental or physical impairment or combination of mental and physical impairments; 2) is manifested before the person attains twenty-two years of age; 3) is likely to continue indefinitely; 4) results in substantial functional limitation in three or more areas of major life activities including self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency; and 5) reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and are individually planned and coordinated. A person may also be defined as having a disability if the person has a chronic mental illness, i.e. a severe and persistent mental or emotional impairment that seriously limits the person's ability to live independently, and which impairment could be improved by more suitable housing conditions. The term may also apply to a person infected with the human acquired immunodeficiency virus (HIV) and a person who suffers from alcoholism or drug addiction, provided the person meets the definition as provided in Section 811 (42 U.S.C. 8013(k)(2)). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction who does not meet Section 811 (42 U.S.C. 8013(k)(2)) qualifying criteria is not considered eligible for the Section 811 Supportive Housing program.

The New York City Human Rights Law defines a person with a disability as follows: A person shall be considered to have a disability if the person has any physical, medical, mental or psychological impairment, or a history or record of such impairment. In the case of alcoholism, drug addiction or other substance abuse, the term shall only apply to a person who 1) is recovering or has recovered and 2) is currently free of such abuse.

Physical Defects: A housing unit that is dilapidated, lacking complete kitchen and/or bath for exclusive use, has 4 or more maintenance deficiencies, or in a building with 3 or more types of building condition defects, based on data published by the U.S. Census Bureau.

Planning and Administration Activities: Activities which make more effective use of physical, economic and human resources, policy, planning and management capacity building are as follows: general management, oversight, and coordination; public administration; fair housing activities (if part of the locality's CDBG program 20% expenditure cap); submissions or applications for federal programs; and administrative expenses for other HUD housing programs. Each formula entitlement grant program has an expenditure cap (a maximum allowable percentage of grant funds) for planning and administration activities. Please refer to the specific grant program's regulations as described in the Code Federal of Regulations (CFR) for the maximum allowable percentage.

Primary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will be allocated significant resources and/or pursued intensively for addressing a particular housing need. (See also, "Secondary Housing Activity".)

Project-Based (Rental) Assistance: Rental Assistance provided for a project, not for a specific tenant. Tenants receiving project-based rental assistance give up the right to that assistance upon moving from the project.

Public Facilities: CDBG funds are used for the acquisition, construction, rehabilitation or installation of public facilities such as: senior centers, homeless facilities, handicapped centers, homeless facilities, youth centers, neighborhood facilities, parks, recreational facilities, parking facilities, child care centers, health facilities, abused and neglected children facilities, and facilities for AIDS Patients.

Public Housing CIAP: Public Housing Comprehensive Improvement Assistance Program.

Public Housing MROP: Public Housing Major Reconstruction of Obsolete Projects.

Public Services: CDBG funds can be used for the provision of services including: senior services, handicapped services, homeless services, youth services, transportation services, substance abuse services, battered and abused spouses, employment training, crime awareness, fair housing activities, tenant and landlord counseling, child care services, health services, services for abused and neglected children, and AIDS Patients.

Racially Mixed Area: A census tract in which the percentage of its non-White and Hispanic population (total number of persons of all races less White, non-Hispanic persons divided by the tract's total population) is greater than or equal to 65 percent and less than 84.9 percent. According to the U.S. Census Bureau, persons of this population may be comprised of: American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Other Pacific Islander, Persons more than one race, Persons of Some Other (single) race not previously listed, and Hispanic Persons of all races.

Rapid re-housing assistance: The provision of housing relocation and stabilization services and short- and/or medium-term rental assistance as necessary to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

Rental Assistance: Rental assistance payments provided as either project-based rental assistance or tenant-based rental assistance.

Rent Burden greater than 30 percent (Cost Burden): The extent to which gross rents, including utility costs, exceed 30 percent of gross income, based on data published by the U.S. Census Bureau.

Rent Burden greater than 50 percent (Severe Cost burden): The extent to which gross rents, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Renter: A household that rents the housing unit it occupies, including both units rented for cash and units occupied without cash payment or rent. (U.S. Census definition)

Renter Elderly Household: A one or two person household in which the head of household or spouse is at least 62 years of age, and rent their housing unit.

Renter Small Related Household: A two to four person household including at least 1 person related to the householder by birth, marriage or adoption and rent their housing unit.

Renter Large Related Household: A five or more person household including at least 1 person related to the householder by birth, marriage or adoption and rent their housing unit.

Renter Occupied Unit: Any occupied housing unit that is not owner occupied, including units rented for cash and those occupied without payment of cash rent.

Residential Historic Preservation: Rehabilitation, preservation or restoration of historic non-residential properties, whether privately or public owned.

Secondary Housing Activity: A means of providing or producing affordable housing -- such as rental assistance, production, rehabilitation or acquisition -- that will receive fewer resources and less emphasis than primary housing activities for addressing a particular housing need. (See also, "Primary Housing Activity".)

Section 215: Section 215 of Title II of the National Affordable Housing Act. Section 215 defines "affordable" housing projects under the HOME program.

Service Needs: The particular services identified for special needs populations, which typically may include transportation, personal care, housekeeping, counseling, meals, case management, personal emergency response, and other services to prevent premature institutionalization and assist individuals to continue living independently.

Severe Cost Burden: Severe Cost Burden (gross rent/income ratio) is defined as the extent to which gross housing costs, including utility costs, exceed 50 percent of gross income, based on data published by the U.S. Census Bureau.

Severe Mental Illness: A serious and persistent mental or emotional impairment that significantly limits a person's ability to live independently.

Sheltered: Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangement paid because the person is homeless. This term does not include persons living doubled up in overcrowded or substandard conventional housing. Any facility offering permanent housing is not a shelter, nor are its residents homeless.

Single-family Housing: A one- to four-family residence, condominium unit, cooperative unit, combination of manufactured housing and lot, or manufactured housing lot (American Dream Downpayment Initiative Program).

Slums and Blight: An activity will be considered to address prevention or elimination of slums and blight in an area if:

a) The area, delineated by the recipient meets a definition of slum, blighted, deteriorated or deteriorating area under State or local law; b) Throughout the area there is a substantial number of deteriorated or deteriorating buildings or the public improvements are in a general state of deterioration; c) Documentation is maintained by the recipient on the boundaries and conditions of the area at the time of its designation; and d) The assisted activity addresses one or more of the conditions which contributed to the deterioration of the area; or e) Activities which addresses the elimination of specific conditions of blight or physical decay on a spot basis not located in a slum or blighted area. Activities to address slums and blight on a spot basis are limited to extent necessary to eliminate specific conditions detrimental to public health and safety.

Small Related: A household of 2 to 4 persons which includes at least one person related to the householder by birth, marriage, or adoption.

Special Needs Supportive Services: Supportive services provided to one or more of the following special needs populations: 1. Domestic Violence- Services for victims of domestic violence; 2. Female-headed household with children- Services for female-headed households with children under 18; 3. Mentally Impaired- Services for persons mentally impaired; 4. Physically Disabled- Services for persons physically disabled; 5. Substance Abuse- Services for substance abusers; 6. Tuberculosis- Services for persons who have tuberculosis; 7. AIDS/HIV Related Diseases Services include: a) Rental Assistance - A program to provide rental payments to eligible residential tenants; b) Supportive Services (including home care) to facilitate independent living; and c) Securing Housing.

Substandard Condition and not Suitable for Rehab: By local definition, dwelling units that are in such poor condition as to be neither structurally nor financially feasible for rehabilitation.

Substandard Condition but Suitable for Rehab: By local definition, dwelling units that do not meet standard conditions but are both financially and structurally feasible for rehabilitation. This does not include units that require only cosmetic work, correction or minor livability problems or maintenance work.

Substantial Amendment: A major change in an approved housing strategy. It involves a change to the five-year strategy, which may be occasioned by a decision to undertake activities or programs inconsistent with that strategy.

Substantial Rehabilitation: Reconstruction of completely or primarily vacant residential structure where there is replacement of at least two or more building systems, as well as substantial interior renovation. The estimated cost of rehabilitation is more than 75 percent of the total estimated cost of replacement after rehabilitation.

Supportive Housing Services: Services provided on-site in housing units and group quarters where a supportive environment includes a planned service component.

Supportive Service Need in FSS Plan: The plan that PHAs administering a Family Self-Sufficiency program are required to develop to identify the services they will provide to participating families and the source of funding for those services. The supportive services may include child care; transportation; remedial education; education for completion of secondary or post secondary schooling; job training, preparation and counseling; substance abuse treatment and counseling; training in homemaking and parenting skills; money management, and household management; counseling in homeownership; job development and placement; follow-up assistance after job placement; and other appropriate services.

Supportive Services: Services provided to residents of supportive housing for the purpose of facilitating the independence of residents. Some examples are case management, medical or psychological counseling and supervision, child care, transportation, and job training.

Tenant-Based (Rental) Assistance: A form of rental assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. The assistance is provided for the tenant, not for the project.

Total Vacant Housing Units: Unoccupied year-round housing units. (U.S. Census definition)

Unsheltered: Families and individuals whose primary nighttime residence is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (e.g., streets, parks, alleys).

Vacant Awaiting Occupancy or Held: Vacant year-round housing units that have been rented or sold and are currently awaiting occupancy, and vacant year-round housing units that are held by owners or renters for occasional use. (U.S. Census definition)

Vacant Housing Unit: Unoccupied year-round housing units that are available or intended for occupancy at any time during the year.

Very Low-Income: See Income Type.

Victim service provider: A private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

Worst Case Needs: Unassisted, very low-income renter households who pay more than half of their income for rent, live in seriously substandard housing (which includes homeless people) or have been involuntarily displaced.

Year Round Housing Units: Occupied and vacant housing units intended for year-round use. (U.S. Census definition) Housing units for seasonal or migratory use are excluded.

## **Appendix 4 – Summary of Citizens’ Comments**

### **1. Testimony from the Public Hearing to Formulate the Proposed 2019 Consolidated Plan One-Year Action Plan, December 6, 2018**

Susan M. Ifill, Chief Executive Officer, Neighborhood Housing Services of New York

Neighborhood Housing Services of New York City (NHSNYC), is a non-profit partner to the City that serves as a servicer of funding for a couple of programs that are funded by HOME and CDBG as managed by HPD and OMB. NHSNYC’s comments encouraged HUD to continue funding CDBG and HOME in addition to encouraging the City to continue to make those programs a priority.

The City of New York’s response:

The City of New York shares NHSNYC’s opinion that CDBG and HOME provide services that are critical to the New Yorkers that they serve and encourages HUD to continue to fund these programs.

### **2. Testimony from the Public Hearing on the Proposed 2019 Consolidated Plan, June 4, 2019**

The hearing began with opening remarks and the floor was then opened to testimony to those in attendance. However, no member of the public gave testimony. The hearing was concluded after the Consolidated Plan Committee member Agencies’ Representatives waited a sufficient period of time to permit persons who may have been en route to the hearing the opportunity arrive and provide their testimony.

No testimony regarding the Proposed 2019 Consolidated Plan Action Plan was provided at the public hearing.

### **3. Comments Received During the Public Comment Period on the Proposed 2019 Consolidated Plan One-Year Action Plan, May 7, 2019 through June 7, 2019**

No comments regarding the Proposed Action Plan were received during the public comment period.

## CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

**Affirmatively Further Fair Housing** --The jurisdiction will affirmatively further fair housing.

**Uniform Relocation Act and Anti-displacement and Relocation Plan** -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

**Anti-Lobbying** --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

**Authority of Jurisdiction** --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

**Consistency with plan** --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

**Section 3** -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.



Signature of Authorized Official

6/10/19

Date

Deputy Mayor, Housing & Economic Development  
Title

\*This form incorporates the letter from Vicki Been to Vicent Hom dated 06/10/19.

## Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

**Citizen Participation** -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

**Community Development Plan** -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

**Following a Plan** -- It is following a current consolidated plan that has been approved by HUD.

**Use of Funds** -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2017, 2018, 2019 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

**Excessive Force** -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

**Compliance with Anti-discrimination laws** -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

**Lead-Based Paint** -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

**Compliance with Laws** -- It will comply with applicable laws.



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**Specific HOME Certifications**

The HOME participating jurisdiction certifies that:

**Tenant Based Rental Assistance** -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

**Eligible Activities and Costs** -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

**Subsidy layering** -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;



Signature of Authorized Official

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## **Emergency Solutions Grants Certifications**

The Emergency Solutions Grants Program recipient certifies that:

**Major rehabilitation/conversion/renovation** – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

**Essential Services and Operating Costs** – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

**Renovation** – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

**Supportive Services** – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for these individuals.

**Matching Funds** – The recipient will obtain matching amounts required under 24 CFR 576.201.

**Confidentiality** – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

**Homeless Persons Involvement** – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

**Consolidated Plan** – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

**Discharge Policy** – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.



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6/10/19

Date

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## Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

**Activities** -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

**Building** -- Any building or structure assisted under that program shall be operated for the purpose specified in the consolidated plan:

1. For a period of not less than 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For a period of not less than 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.



Signature of Authorized Official

6/10/19

Date

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## **APPENDIX TO CERTIFICATIONS**

### **INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:**

#### **Lobbying Certification**

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

## 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)<sup>i</sup>.

### 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 make sure the City's housing stock is in good financial and physical condition. The City preserves existing affordable housing in four important ways: (1) Financing physical improvements to buildings, which increases the quality of, conditions and energy efficiency of residential buildings in exchange for restrictions on the rents owners can charge; (2) the City released an updated Housing Plan that launches several new initiatives and programs aimed at developing neighborhood-based anti-displacement strategies that will preserve affordability and ensure that residents have the choice to stay in their homes and neighborhoods; (3) the City enforces the Housing Maintenance Code (HMC) to ensure compliance with the HMC, and if necessary, that repairs are made to keep residents safely in their homes by either requiring repairs, financing repairs itself in exchange for affordability, or doing the repairs itself in exchange for a lien on the property; and (4) the City expanded its efforts to support low-income residents who are facing harassment by landlords from being displaced by increasing funding for free legal services for low-income tenants facing harassment and/or eviction and by helping to create a multi-jurisdictional, interagency Tenant Harassment Prevention Taskforce (THPT).

##### 1. *Finance and Safeguarding Affordability*

The City administers loans and tax incentives to help building owners improve the quality, physical condition, and energy efficiency at their properties. In exchange for financial assistance in the form of loans and property tax incentives, property owners are required to maintain rents at levels that are affordable to the tenants, as well as limit rent increases according to a regulatory agreement with the City of New York. This agreement eliminates the possibility of residential displacement due to market economic pressures and the rents of the units stay affordable to households with certain incomes. The City continues to work with building owners to extend regulatory agreements and affordability requirements for buildings currently being assisted or monitored by government agencies to help ensure those buildings remain affordable and in good physical and financial condition. Since 2014 alone, these loans and tax incentives have resulted in the preservation of 52,280 affordable apartments across the city, ensuring more than 125,000 New Yorkers long term housing affordability and reduced risk of displacement due to economic conditions.

The City is also taking a more proactive approach to engage owners of buildings who are not currently assisted or monitored by a government agency but that could benefit from financing and tax incentives in exchange for

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i The City of New York has also submitted an anti-displacement plan for CDBG-DR that can be found in the Build It Back Policy Manual at: <http://www.nyc.gov/html/recovery/html/homeowners/homeowners.shtml>.

maintaining affordable rents. The City recently implemented more aggressive outreach strategies that include: a neighborhood Homeowner Help Desk program that offers information about City loan programs and tax incentives; a pilot Landlord Ambassador Program that offers technical assistance through community non-profits to help owners navigate City loan programs, tax incentives, and other City programs that can help better the financial and physical conditions of their buildings; and expanded surveying of distressed buildings to help engage distressed building owners to consider City programs that will improve building conditions and ensure long term affordability for residents.

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

In November of 2017, the City released an updated housing plan with a set of initiatives and programs that will help build a firewall against displacement. The City will launch a new financing program called Neighborhood Pillars for community-based non-profit organizations to acquire and rehabilitate more buildings so that New Yorkers can stay in their communities for the long haul. In neighborhoods most at risk of rapidly losing affordable housing, through a new initiative called Partners in Preservation, the City will work with local organizations to develop tailored, comprehensive anti-displacement strategies. The goal of the initiative is to deploy all of the tools at the City's disposal to aggressively combat harassment and disrepair, protect tenants, and preserve affordability. And to ensure long term affordability across the City's Mitchell-Lama housing portfolio, the City is launching a Mitchell-Lama Reinvestment Program to offer the low-cost, long-term financing needed to anchor the affordability of many of the remaining Mitchell-Lama housing. Mitchell-Lama housing is affordable housing that was developed under a New York State program started in 1955.

## *3. Promote Safe and Healthy Housing*

The City allocates a portion of CDBG funds to the Department of Housing Preservation and Development (HPD) to enforce the City's Housing Maintenance Code (HMC). HPD employs a team of housing inspectors that respond to housing maintenance complaints reported through 311 – the City's 24/7 call center providing help with more than 3,600 non-emergency government services, calls from residents, and referrals from community members and housing court. Depending on the severity of the housing maintenance issue, the housing inspectors can issue violations to help ensure timely repairs; 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. HPD's code enforcement team performed 698,948 inspections in fiscal year 2017; enforcing the HMC ensures that affordable housing residents live in safe and healthy housing and that owners respond to maintenance complaints in a timely manner. This work combined, mitigates the possibility of displacement due to substandard living conditions.

The City also institutes the Proactive Preservation Initiative (PPI) program which identifies distressed multifamily buildings through community referrals, neighborhood sweeps, and city-wide data sources. Depending on the distress level of the building the City may provide roof-to-cellar inspections, issue violations, re-inspect to help ensure repairs are made, and engage owners around City loan and tax incentive programs to make necessary repairs in exchange for ensuring long-term affordable rents.

## *4. Protect Tenants from Harassment*

Small subsets of landlords are resorting to illegal behavior to vacate apartments and increase rents due to the tremendous demand for affordable rental housing. The City is fighting tenant harassment on multiple fronts to

ensure renters are not displaced as a result of tenant harassment. To support tenants facing eviction or harassment, the City expanded legal services funding for low-income New Yorkers. In February of 2017, the Mayor announced that the City will fund universal access to legal services for tenants facing Housing Court evictions. Through a five-year implementation plan, free legal representation will be available to all tenants with household incomes at or below 200% of the federal poverty level. Providing legal representation to low-income renters directly combats possible displacement due to illegal landlord behavior.

Also in 2017, the City expanded programming to combat tenant harassment. In November, the City passed a law that would significantly increase the coverage of the Certification of No Harassment (CONH) program. 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. The City is also creating a Speculation Watch List—a public list of majority rent-regulated buildings that recently sold where new investors may be financially motivated to displace tenants.

The City is working with a number of community-based partners to increase education about tenant rights. A network of City agencies is working with community-based partners to ensure tenants are aware of their rights and have access to important housing resources that can help prevent displacement. City agencies host tenant resource fairs across the city and attend community events to share information about tenant rights, legal services, rental assistance programs, the affordable housing application process, and other programs. The City also has tenant support specialists who canvass neighborhoods to help inform residents of their housing rights, as well as to notify them of services the City can offer if they are being harassed.

The City contracts with community based organizations to provide critical funding that assists with education, advocacy, and tenant organizing to empower tenants with resources to fight harassment and prevent displacement. The City also created the HomeBase program which contracts with a network of community based organization to specifically help those tenants who are on the verge of eviction and becoming displaced and/or homeless. HomeBase offers a free hotline for residents and an array of services which include landlord/tenant mediation and emergency rental assistance.

The City publishes informational materials to help educate tenants around the City, such as, the Department of Housing Preservation and Development's (HPD) Housing Information Guide, *The ABC's of Housing*. The guide is available for tenants and owners via 311 and HPD's website. The document provides information on:

- The types of conditions which violates the Housing Maintenance Code;
- The process for filing a complaint and for HPD and the tenant to enforce correction of the conditions;
- Government and legal resources for tenants facing poor conditions, eviction or harassment; and
- Information on how tenants can participate in affordable housing lotteries.

The City also publishes informational material to address specific types of tenant harassment that have arisen in the City, such as, harassment based on among other things, source of income.

The City also helped to create the Tenant Harassment Prevention Task Force (THPT), a multi-jurisdictional, interdisciplinary team that investigates and brings enforcement actions, including criminal charges, against landlords who are found to be harassing tenants. The THPT investigates landlords that tenants claim are using a variety of tactics, including disruptive and dangerous renovations and construction projects, to force tenants to vacate affordable units protected under rent regulation laws. The City and State partners in the THPT are

committed to investigating and prosecuting landlords who are harassing tenants and not complying with fair housing laws.

## II. Develop New Affordable Housing

A major goal of New York City's housing policy is to produce new affordable housing because of the rental housing shortage. Providing both new market and affordable housing increases the housing supply, which is necessary to accommodate the city's growing population. Ensuring access to quality, safe, and stable housing is also key to improving the health and well-being of individuals and families. 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, community district residents in which the project is located receive a preference for a portion of any units marketed through a lottery, per HPD's community preference policy.

Without new housing, too much pressure is placed on existing rental inventory – as a result, residents seeking new housing opportunities can outbid lower income residents for apartments, shifting the share of existing rental units towards those that can pay the most, and creating displacement. To combat this, 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, including those of families, seniors, and people requiring supportive services, such as those who have disabilities or are formerly homeless; (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. City financing programs have options that provide housing for extremely low-to-middle income households, as well as for seniors and households with special needs. For example, the City's Our Space program creates housing for homeless families where rents can be set as low as the City's public assistance shelter allowance. 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 which can help to ensure a broad range of low and moderate income residents have access to affordable housing and are not displaced from neighborhoods. 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 higher opportunity areas (through its requirements and incentives for the market 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 approximately 25,342 new affordable homes across the city. The City is developing affordable housing on publicly owned land using its own financing programs. The City

also provides financing to for-profit and non-profit developers with vacant or underutilized privately owned land to develop affordable housing projects on such privately owned land in order to maximize residential development opportunities throughout the City. In addition 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. The initiative will focus on existing affordable housing developments such as HUD-assisted properties, Mitchell-Lamas, and developments financed through past City disposition programs.

## *2. Mandatory Inclusionary Housing*

The City's Mandatory Inclusionary Housing (MIH) program requires developers to provide 20-30 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 grow, 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 growing neighborhood. 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. The community district residents in which such properties are located receive preference for a portion of the housing marketed through the lottery pursuant to HPD's community preference policy.

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

The City is increasing efforts to encourage mission driven organizations to develop their underutilized land as an additional tool to increase affordable housing development. The City 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 community-based 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) improving advertisements for 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*

The City 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. The City launched a Housing Ambassador Program to train local community

groups to provide free technical assistance to residents who wish to apply for affordable housing. The City developed a step-by-step brochure and video guide on preparing for and applying to the affordable housing lottery. The City is also engaging in a large-scale project to redesign the affordable housing application website to include a tailored applicant experience, strategies to help residents complete more accurate applications, and the creation of a more streamlined, efficient application process.

## *2. Advertise Open Housing Lotteries*

The City has made efforts to improve how units marketed through a lottery are advertised to help ensure community members know when new affordable units are becoming available in their neighborhood. Individuals, community groups, and elected officials can sign-up for alerts notifying them when housing lotteries open. The City uses social media to advertise city wide and requires developers to advertise in newspapers and at the construction site for most projects. Housing lottery information is currently available in seven languages.

## *3. Refine Marketing Guidelines*

The City 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 allows for applicants to be rejected based on credit score alone, but rather developers must review a more complete credit history and follow strict rules if using the information to disqualify applicants. The City also offers free financial counseling to help applicants prepare for housing searches and to accurately complete application forms. Tenant selection criteria also prohibit applicants from being disqualified solely because they have been involved with Housing Court. Only in certain serious circumstances can Housing Court history be used for disqualification.

## *4. Education on Fair Housing*

The City has placed emphasis on 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. For example, the City launched a quarterly training session to educate owners and managing agents about their fair housing responsibilities before they begin the marketing process. The City also sponsored a “No Room for Housing Discrimination in NYC” outreach campaign to educate tenants about their rights. Finally, HPD and CCHR 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.

Through these policies and programs the City is bringing more economic opportunities to neighborhoods with affordable housing development projects, helping to stabilize the neighborhood’s economy, and improve residents’ access to jobs.

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. Workforce 1 recruits and connects City residents to the construction jobs that city financing facilitates thereby allowing neighborhood residents to directly participate in the economic opportunity affordable housing developments generate.
- Expand Opportunities for Minority and Women-Owned Business Enterprises (M/WBEs) – The City has expanded efforts that promote more business diversity involved in the new construction and preservation of affordable housing to reflect the City’s business diversity and the neighborhoods being developed. The City’s programs and policies require the inclusion of M/WBEs, namely, the Department of Housing Preservation and Development’s M/WBE Build Up Program requires developers of projects where HPD/HDC contributes \$2 million or more in subsidy to spend a goal amount of at least a quarter of all HPD/HDC-supported costs on certified M/WBE construction, design, or professional service firms; and the City’s procurement policies promote the use of M/WBE when the City contracts for work such as making emergency repairs to promote safe and healthy 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:**

### Replacement of Lower Income Housing

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 federally assisted 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% 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 New York – Services to Individual Temporarily Displaced by Vacate Orders.<sup>ii</sup> 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. A tenant who has been displaced by government action is informed of his/her 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 tenant who believes he or she has encountered housing discrimination.

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ii [§ 18-01 Services to Individuals Temporarily Displaced by Vacate Orders](#)