

Public Hearing -- City Fighting Homelessness & Eviction
Prevention Supplement (CityFHEPS)

DATE: January 10, 2023
Virtual Proceeding

APPEARANCES: PETA-GAYE DANIEL, ESQ.
ALLISON GILL LAMBERT, ESQ.
ROBERT DESIR, ESQ.
ERIC LEE
JENNA COUDIN, ESQ.
SAM ROSENBERG
ALIDA TCHICAMBOUD

DIGITALLY RECORDED PROCEEDING, TRANSCRIBED BY:
POLLYANNA HYRE
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1 MS. PETA-GAYE DANIEL: Good morning, everyone.
2 My name is Peta-Gaye Daniel of the New York City
3 Department of Social Services. Thank you for joining us
4 for this hearing on the New York City Human Resources
5 Administration proposed rule change to increase
6 eligibility and simplify the administrative process for
7 the City Fighting Homelessness and Eviction Prevention
8 Supplement, CityFHEPS, program, which provides a rental
9 subsidy to help prevent homelessness and house homeless
10 New Yorkers.

11 Everyone is muted at this point. Now the
12 interpreters will introduce themselves and provide
13 instructions on how to receive interpretation services.

14 THE INTERPRETER: Good morning. The following
15 announcement is going to be provided in Spanish.

16 MS. DANIEL: And if we have no further
17 interpreters to make an announcement, for those who may
18 need interpretation, I will now turn the mic over to
19 Allison Gill Lambert.

20 MS. ALLISON GILL LAMBERT: Welcome and thank you
21 for attending this hearing today. My name is Allison Gill
22 Lambert, and I am the deputy chief legal affairs officer
23 at the Department of Social Services or DSS. This is a
24 public hearing pursuant to the City Administrative
25 Procedure Act or CAPA. The subject of this hearing is the

1 proposed rule changes for the City Fighting Homelessness
2 and Eviction Prevention Supplement, CityFHEPS, program.

3 As outlined in the city's Plan to Prevent
4 Homelessness, Housing Our Neighbors, a Blueprint for
5 Housing and Homelessness, the City has reoriented its
6 approach to housing and homelessness, including using
7 input from New Yorkers who have been homeless. In line
8 with this new approach, HRA is proposing rules to expand
9 the eligibility criteria for rental subsidies and to
10 reduce red tape and other administrative burdens.

11 Specifically, the proposed rules would make
12 single adults eligible when they are earning minimum wage
13 and working full time, even if their income is slightly
14 higher than 200 percent of the federal poverty level;
15 Reduce the monthly contribution by CityFHEPS tenants who
16 move into single room occupancy units from 30 percent of
17 their income to a maximum of \$50 per month; Reduce the
18 number of hours that families are required to work to
19 become eligible for CityFHEPS from 30 hours per week to 14
20 hours per week; Create an option for CityFHEPS voucher
21 holders who choose to secure an apartment that runs above
22 the CityFHEPS maximum, to use a voucher by paying up to 40
23 percent of their income; Expand SSI eligibility for
24 CityFHEPS families from only an adult in the household to
25 any household member, such as a child; Change the maximum

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1 room rental rate so it can be set at the discretion of the
2 Commissioner, in consultation with the Office of
3 Management and Budget, or OMB.

4 Sections 603 and 1043 of the City Charter and
5 Sections 34, 56, 61, 62, 77 and 31A of the New York Social
6 Services Law authorize HRA to promulgate this rule.

7 This rule is proposed pursuant to the authority
8 of the Commissioner of the Department of Social Services
9 under Section 603 and 1043 of the New York City Charter
10 and Section 34 of the New York Social Services Law.

11 Anyone who wishes to comment on the rule will
12 have three minutes to speak. We will not be answering any
13 questions or responding to your comments today, but please
14 know that we will consider all comments received as we
15 finalize the rule. If you wish to submit written
16 testimony, the deadline is midnight tonight. Comments can
17 be emailed to nycrules@hra.nyc.gov.

18 Over to Peta-Gaye.

19 MS. DANIEL: And we have the following
20 individuals signed up to speak today, so we will start
21 with them.

22 Robert Desir of The Legal Aid Society on behalf
23 of the Coalition for the Homeless.

24 MR. ROBERT DESIR: Hi. Good morning. Actually
25 our comments are in conjunction with the Coalition for the

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1 Homeless, but nevertheless we welcome the opportunity to
2 speak on the proposed amendments. I'm Robert Desir, I'm a
3 staff attorney with The Legal Aid Society.

4 So we encourage these proposed amendments to the
5 extent that they expand eligibility to the program and
6 will actually help more New Yorkers move into affordable
7 housing. However, there are admissions and ambiguities
8 that leave behind some of the most under-resourced New
9 Yorkers, and we sincerely ask HRA to consider our
10 comments, particularly when it comes to individuals and
11 families most in need. Our written comments will be
12 submitted shortly that are more expansive on some of the
13 things that I'm going to talk about, but I'll touch on a
14 couple of items briefly.

15 We support proposed rule proposed Section 10-04,
16 which expands eligibility for single minimum wage workers
17 and recognizes that full-time workers earning the minimum
18 wage need assistance, and encourages full-time
19 participation in the workforce for those who are able. We
20 also support Proposed Rule Section 10-068, which would cap
21 the monthly contribution of CityFHEPS participants living
22 in SROs, which would bring it down to \$50 instead of 30
23 percent of their income. Some of the most under-resourced
24 individuals live in SROs and HRA should also explicitly
25 offer them a monthly credit towards utilities.

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1 CityFHEPS should also offer utility assistance
2 payments to help cover the rising cost of utilities,
3 similar to what's done in the Section 8 program.

4 Regarding proposed rule Section 10-06(b)(1),
5 which would allow CityFHEPS voucher holders to pay up to
6 30 percent of their -- 40 percent of their income towards
7 the rent. We recognize these intentions and what that
8 plans to do, but we think it dangerously sets up families
9 for failure. As worded, this rule appears to require
10 tenants to pay 30 percent share and any amount beyond the
11 payment standard, minus the utility allowance. This not
12 only puts them at a significant disadvantage compared with
13 Section 8, but it leaves open the possibility that HRA
14 could approve rentals where tenants pay 40 percent of
15 their income towards the rent without receiving any
16 discount or credit off their portion of rent for the
17 utilities. This failure could leave a family on a fixed
18 income paying 50 percent or more of their income towards
19 rent and utilities combined.

20 Further, unlike Section 8, this rule does not
21 reduce the tenant share to account for utilities, meaning
22 that tenants could face a double penalty. For tenants who
23 pay utilities, apart from the rent, the CityFHEPS program
24 reduces the maximum rent HRA would approve for an
25 apartment, but then the household does not receive any

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1 discount off their rent portion to help them pay
2 utilities.

3 More problematic is that families with no income
4 outside of public assistance don't receive any credit for
5 utilities and this sets them up for failure.
6 Additionally, the proposed rule omits several vital
7 reforms that HRA should make to improve the CityFHEPS
8 program. CityFHEPS should be expanded to all noncitizens,
9 regardless of immigration status. It should also be
10 expanded to rent burdened households headed by elderly and
11 disabled New Yorkers living in the community. We continue
12 to urge elimination of the 90 day rule that requires
13 someone, a family, to be in shelter 90 days before they
14 become eligible for CityFHEPS. We also urge HRA to adopt
15 the Exception Payment Standard, which would expand access
16 and thwart the concentration of poverty that we see with
17 voucher tenants.

18 We also urge HRA to publish all payment
19 standards in advance of January 1st and never approve
20 payment standards below those set by HPD. We ask HRA to
21 specifically adopt the exception payment standard used by
22 HPD and the EHV program.

23 In closing, I would also recommend that HRA
24 ensure that tenants receive a credit off their portion of
25 the rent to help them pay utilities consistent with the

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1 Section 8 rules. I mentioned the immigration piece.
2 Regarding the elderly people in the community, the
3 assistance to remain in their households, we suggest a
4 minimum of 5,000 vouchers to meet this need. We spoke a
5 lot, and our testimony, written testimony, covers a lot of
6 the administrative issues that we see with the program.
7 So we urge HRA to take measures to expedite and streamline
8 the process for approving and processing voucher packages.

9 That's my testimony. We also have our written
10 testimony. Thank you for the opportunity to testify.

11 MS. DANIEL: Thank you, Mr. Desir.

12 Next, we have Eric Lee of Homeless Services
13 United. You're muted, Mr. Lee.

14 MR. ERIC LEE: Okay. Sorry about that. Good
15 morning. My name is Eric Lee. I'm director of policy and
16 planning for Homeless Services United. Thank you for
17 allowing me to testify today regarding the changes to the
18 CityFHEPS rule.

19 We're heartened by the proposed changes
20 suggested by the administration, including increasing
21 flexibility around initial eligibility limits and
22 reductions in hourly work requirements. But we would
23 encourage the administration to go even further.
24 Implementing bolder changes to the CityFHEPS's Rule to
25 ensure that more households experiencing, or currently at

1 risk of, homelessness can quickly access the voucher. HSU
2 recommends expanding CityFHEPS eligibility for households
3 experiencing homelessness to everyone receiving services
4 within a city administered facility as defined by Local
5 Law 72 of 2022. In doing so, the city can further
6 decentralize access to housing vouchers to resource all
7 city agencies to better address the homelessness crisis.

8 We also recommend revising the CityFHEPS
9 definition in or -- sorry, my apologies. Revising the
10 street homelessness definition in CityFHEPS to individuals
11 receiving case management services from city, state, or
12 federally contracted providers. So that people are not
13 found ineligible for CityFHEPS simply because they
14 received services from non-DHS outreach providers. People
15 experiencing homelessness are homeless regardless of the
16 government agency that's serving them.

17 We would also like to see the initial income
18 limits raised for CityFHEPS from 200 percent of the
19 federal poverty limit to 50 percent of area median income,
20 to mirror Section 8. And minimally, all households should
21 be allowed to exceed the 200 percent federal poverty limit
22 if their combined hours meet or exceed 40 hours per week.

23 The rule also should explicitly state that
24 households in receipt of public assistance benefits are
25 eligible for CityFHEPS irrespective of their immigration

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1 status. While the current rule does not exclude these
2 households based on immigration status, offering this
3 explicit clarification would remove the chance for
4 misinterpretation, which could result in eligible
5 households being wrongfully denied vouchers.

6 We also strongly urge the administration to
7 remove the 90 day requirement for everyone in shelter. It
8 doesn't serve a purpose and delays people from accessing
9 permanent housing. We also recommend removing the work
10 requirement for people within shelter. For households
11 within the community, we recommend removing the DHS
12 shelter history requirement as well as accepting a
13 verified rent demand instead of an active eviction court
14 case proceeding, as this was proven to work given the
15 eviction moratorium. We also recommend removing the rent
16 reasonableness test for CityFHEPS both in the community
17 and from shelter. This test harmed New Yorkers when
18 initially implemented, and the very nature of the test
19 creates ambiguity for voucher holders and landlords,
20 whether apartments that fall within fair market rent would
21 actually be accepted by the program.

22 Then we also would like to see CityFHEPS tenants
23 receive a credit off their portion of the rent for
24 utilities consistent with Section 8, and not have the cost
25 of utilities deducted from the maximum value of the rent

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1 voucher. And then we would also like to see annual
2 increases to CityFHEPS be implemented on January 1st with
3 the release of the corresponding payment standards and
4 procedures in advance of January 1st to be able to ensure
5 that providers are able to effectively manage their
6 caseloads leading up to that change and to ensure that
7 landlords are not preventing the resolution of prevention
8 cases and allowing people to move out of shelter in a
9 timely manner.

10 Thank you for this opportunity to testify today.
11 I've submitted written comments with more detail to my
12 testimony.

13 MS. DANIEL: Thank you, Mr. Lee.

14 Next, we have Jenna Coudin of Legal Services New
15 York City.

16 MS. JENNA COUDIN: Thank you very much. Good
17 morning, everyone. I'm Jenna Coudin, staff attorney with
18 the Government Benefits Unit and Manhattan Legal Services,
19 and I testify on behalf of Legal Services NYC today to
20 make the following recommendations.

21 Number one, conditioning CityFHEPS eligibility
22 on maintaining employment will increase homelessness. Any
23 examination of homelessness is incomplete without
24 considering the traumatic conditions that often come with
25 it, especially the domestic violence safety threat, food

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1 insecurity, or mental health conditions. If the CityFHEPS
2 program conditions the benefit on the ability to obtain
3 and maintain steady employment, even at the lower level of
4 14 hours per week, it will add to the multidimensional
5 consequences of homelessness.

6 Number two, rent levels being what they are in
7 New York City, the 200 percent of federal poverty level
8 limits cannot address the present housing affordability
9 crisis. Comprehensively addressing homelessness would
10 require significantly raising the federal poverty level
11 ceiling from 200 percent to 400 percent.

12 Number three, the CityFHEPS rent limits are far
13 below the average rent of apartment in New York City.
14 This shortcoming relegate CityFHEPS beneficiaries,
15 predominantly people of color, to remaining in homeless
16 shelters or having to settle for unsafe housing.
17 Increasing CityFHEPS rent limits, rather than requiring
18 voucher holders to pay up to 40 percent of income as rent,
19 would provide a greater benefit in reducing homelessness.

20 Number four, the 90 day shelter residency rule
21 should be eliminated. Homeless New Yorkers should become
22 eligible for CityFHEPS the moment they enter the shelter
23 system, rather than delaying the ultimate approval by
24 three months.

25 And number five, restricting CityFHEPS

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1 eligibility to DHS and HRA shelters only causes harm to
2 families residing in other type of temporary housing. In
3 particular, the shelters housing survivors of domestic
4 violence should qualify for CityFHEPS.

5 Ultimately, the essence of the CityFHEPS program
6 should be to provide safe and decent housing to families
7 and individuals experiencing homelessness and its
8 multidimensional consequences. Furthering, expanding, and
9 simplifying CityFHEPS eligibility will help create a
10 stronger fight against the homelessness and preserve the
11 lives of low income New Yorkers, as well as their safety
12 and human dignity.

13 Thank you so much and we will be submitting
14 written comments later today.

15 MS. DANIEL: Thank you, Ms. Coudin.

16 If there is anyone else who wishes to testify,
17 please raise your hand, and if you need help, let us know
18 in the chat box. I see no hands raised and no chats have
19 come through as yet. We will leave this room open in case
20 others choose to join or decide to testify.

21 And excuse my oversight. If you have joined
22 this hearing by calling in, you can raise your hand by
23 pressing *9. Vanessa Wise, I see a *9 in the chat. Would
24 you like to unmute yourself to testify? To unmute, if you
25 are using a phone, please press *6. Okay. I see in the

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1 chat that was an error. No problem. I will go back on
2 mute and as stated, we will leave this room open for at
3 least another hour, as it's been scheduled, in case others
4 would like to testify.

5 And for those of you who have joined us and have
6 testified, thank you for coming today and sharing your
7 thoughts on the proposed rule. You may leave. You may
8 stay, as the room will remain open.

9 In case anyone new has joined, I'm just making
10 this announcement again as we do still have a pretty full
11 room. If there is anyone else who wishes to testify,
12 please raise your hand. If you need help, let us know in
13 the chat box. This room will remain open for at least
14 another, roughly, another hour to at least 11:30.

15 Again, thank you all for joining us today and
16 for those who shared their thoughts on the proposed rule,
17 you may stay or you may leave. I just wanted to repeat in
18 case anyone new has joined the room, that if there's
19 anyone else who wishes to testify, please raise your hand
20 and if you are having any problems with that or need help,
21 just let us know in the chat. Thank you again. The room
22 will remain open until 11:30, so we have about 30 more
23 minutes here.

24 MS. MALKY BROWN: Good morning, Malky Brown
25 here. Hi. And I see we have John as well. Good. Anyone

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1 else we're waiting for on your end?

2 MS. DANIEL: This is Malky Brown that's going to
3 testify. I think that might have been an error, but
4 again, we will be here until 11:30. If there's anyone
5 else who wishes to testify, please raise your hand. And
6 if you need help, let us know in the chat.

7 MR. SAM ROSENBERG: Hello.

8 MS. DANIEL: Sam Rosenberg, you're unmuted.
9 Would you like to testify?

10 MR. ROSENBERG: Yes. I would like to point out
11 if we can work it out. The voucher processing itself
12 should take quicker.

13 MS. DANIEL: Okay. Thank you for your
14 testimony, Mr. Rosenberg.

15 MR. ROSENBERG: Part of the intake takes about
16 three months for the voucher holder to move into an
17 apartment. If we can have this process expedited to make
18 it soon, the voucher is passing, the apartment is passing
19 inspection. A week later, the applicant should be able to
20 move in. This will definitely help the process.

21 MS. DANIEL: Thank you for your testimony, Mr.
22 Rosenberg.

23 Again, if there is anyone else who wishes to
24 testify, please raise your hand. And if you need help,
25 let us know in the chat. This Zoom room will remain open

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1 for about another 20 minutes, and we will close the room
2 at 11:30.

3 Good morning again, everyone. We have about
4 three minutes remaining with the room open. I just want
5 to acknowledge statements in the chat.

6 Alida T., I do see those statements in the chat.
7 I wanted to give you the opportunity, I am still here, if
8 you would like to unmute to make your testimony on the
9 Zoom call in the Zoom room, raise your hand, or at this
10 point, you can just unmute to speak. We are preparing to
11 close the room down at 11:30.

12 MS. ALIDA TCHICAMBOUD: Thank you so much. I'm
13 sorry I had to type, because I was in an area where there
14 was some noise.

15 MS. DANIEL: No problem.

16 MS. TCHICAMBOUD: As an advocate, I was just
17 saying that many times we see, after the fact, that a
18 person was granted a voucher and there is not an after
19 care process that makes sense. Having a voucher and
20 navigating the process is already difficult as it is. But
21 even when the person has secured an apartment, and they're
22 living in it, it doesn't mean that they won't have any
23 questions. And I've seen in the past that many questions
24 occurred, but people do not know where to go.

25 And even though there were phone numbers or

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1 email address, most of the time when you send an email, no
2 one gets back to you. And because that's not an email
3 that's specific to a person, most of them are general.
4 And when it comes to the phone number, the people
5 answering the calls are just operators. They don't have a
6 specific knowledge to the voucher, for example, itself or
7 the process.

8 So when we think about the renewal process or
9 the recertification, it becomes a really stressful moment
10 for those clients who are already going through a lot of
11 trauma in their lives and they get really triggered. So I
12 think it's really going to be important to think about an
13 aftercare as a program that's going to be there,
14 accessible for clients who have those vouchers, so they
15 know clearly where to go to and when they have questions,
16 they will be talking to people who answer them because
17 they will have the knowledge that goes with that voucher
18 specifically. Thank you.

19 MS DANIEL: Thank you for your testimony, Alida
20 T. I'm sorry, I don't want to mispronounce your last
21 name, but thank you, Alida T.

22 And again, if there's anyone else who wishes to
23 testify, please raise your hand. If you need help, let us
24 know in the chat. We have about another minute in this
25 room.

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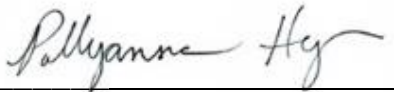
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Thank you all for coming today and for sharing your thoughts on the proposed rule. This concludes the public hearing. Thank you, everyone.

(Proceeding Concluded.)

C E R T I F I C A T E

I, Pollyanna Hyre, certify that the foregoing transcript of proceedings in the Public Hearing -- City Fighting Homelessness & Eviction Prevention Supplement (CityFHEPS), was prepared using the required transcription equipment and is a true and accurate record of the proceedings.



01/11/2023