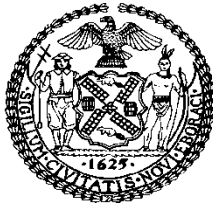


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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE LEGISLATIVE DIVISION

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Smita Deshmukh, Deputy Director, Human Services

COMMITTEE ON GENERAL WELFARE

Hon. Diana Ayala, Chair

July 13, 2023

INTRODUCTION NO. 878-A:

By Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman, Farías, Gutiérrez, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, Barron, Mealy, Feliz and Salamanca

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental

assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto

INTRODUCTION NO. 893-A:

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Farías, Won, Schulman, Gutiérrez, Joseph, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Salamanca and the Public Advocate (Mr. Williams)

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness

INTRODUCTION NO. 894-A:

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Farías, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Won, Salamanca and the Public Advocate (Mr. Williams)

TITLE:

A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

INTRODUCTION NO. 229-A:

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Farías, Sanchez, Joseph, Narcisse, Powers, Marte, Rivera, Barron,

Brooks-Powers, Mealy, Feliz, Brannan, Dinowitz, Salamanca and the Public Advocate (Mr. Williams)

TITLE:

To amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance voucher

I. Introduction

On July 13, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will meet to consider whether to recommend the override of the Mayor's veto of Introduction Number (Int. No.) 878-A, sponsored by Deputy Speaker Ayala; Int. No. 893-A, Sponsored by Council Member Sanchez; Int. No. 894-A, sponsored by Council Member Sanchez; and Int. No. 229-A, sponsored by Council Member Caban; and whether to recommend that veto messages M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023 be filed.

On April 28, 2022, Int. No. 229 was introduced and referred to the Committee on General Welfare.¹ On January 19, 2023, Int. No. 878, Int. No. 893, and Int. No. 894 were introduced and referred to the Committee on General Welfare.² On September 13, 2022, the Committee on General Welfare considered testimony on Int. No. 229.³ On January 18, 2023, the Committee on General Welfare considered testimony on Int. No. 878, Int. No. 893, and Int. No. 894.⁴ All four

¹ NYC Council Stated Meeting April 28, 2022. Available at: <https://legistar.council.nyc.gov/View.ashx?M=F&ID=10852825&GUID=547D1EEE-399A-41A5-86BF-0FA6715FDF73>

² NYC Council Stated Meeting January 19, 2023. Available at: <https://legistar.council.nyc.gov/View.ashx?M=F&ID=11586513&GUID=C99EB9B8-451B-4E79-954A-ABAF9592E856>

³ NYC Council Committee on General Welfare Meeting. September 13, 2022. Available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=993458&GUID=8CA299BE-A231-482E-924A-2639111F6790&Options=&Search=>

⁴ NYC Council Committee on General Welfare. January 18, 2023. Available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1070802&GUID=681D4B88-BBC6-48FD-9A8C-7E320E58C9BF&Options=&Search=>

bills were subsequently amended, and on May 24, 2023, the Committee on General Welfare considered Int. Nos. 878-A, 893-A, 894-A, and 229-A and passed the legislation by a vote of 8 in the affirmative and zero in the negative, with zero abstentions and sent them for approval by the full Council . At the Stated Meeting of May 25, 2023, the Council approved all four bills by a vote of 41 in favor, seven against, with zero abstentions.

On June 23, 2023, the Mayor issued a message of disapproval for Int. Nos. 878-A, 893-A, 894-A, and 229-A. Pursuant to Section 37(b) of the Charter, the clerk presented the Mayor’s veto messages, M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023 messages at the next Stated Meeting on June, 30, 2023, and they were referred to the Committee on General Welfare. Notably, the Mayor did not file his specific objections to Int. No. 229-A in writing as required by Section 37(b) of the Charter. The Mayor’s veto messages are appended hereto as Appendix A.

The question before the Committee on General Welfare today is whether to recommend that Int. Nos. 878-A, 893-A, 894-A, and 229-A be re-passed notwithstanding the objections of the Mayor, and whether to recommend that the Mayor’s veto messages, M-0163-2023, M-0164-2023, M-0165-2023, and M-0166-2023, be filed.

II. Background

New York City is experiencing a homelessness crisis; in fact, as of this June, for the first time, the number of people experiencing homelessness in the city has exceeded 100,000.⁵ Governments have tools at their disposal to help prevent and alleviate homelessness, such as

⁵ Michael Wilson, Matthew Haag, and Mihir Zaveri, New York’s Shelters Were Packed. Now They Are Bursting at the Seams. June 30, 2023. Available at: <https://www.nytimes.com/2023/06/30/nyregion/nyc-homeless-shelters-migrants.html>

providing legal counsel to tenants in eviction proceedings⁶ and providing rental arrears assistance.⁷ In New York City, among these tools is the ability to provide individuals and families with rental assistance vouchers.

Rental Assistance Vouchers

Decades of research on federal rental assistance programs such as the Housing Choice Voucher program, also known as Section 8, has shown that rental assistance vouchers are a highly effective tool for reducing homelessness, housing instability, and improving overall outcomes for families and children.⁸ Federal rental assistance programs help an estimated 10 million people with low-incomes afford housing.⁹ One six-city study, comparing families randomly selected to receive rental assistance with similar families in a control group that did not receive rental assistance, found that rental assistance reduced the share of families living in shelters or on the street by 75%, reduced the share of families without a home of their own, meaning those who are doubled up with friends or family and including those living in shelter, from 45% to 9%, reduced the share of families living in overcrowded conditions by more than half, and reduced the number of times that families moved in a five year period by 40%.¹⁰ A second study comparing homeless families with children who received rental assistance to similar families assigned to other anti-homelessness interventions, such as transitional housing, found that rental assistance reduces homelessness,

⁶ Local Law 136 of 2017. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID|Text|&Search=>

⁷ NYC Department of Homeless Services. Rent Issues. Available at: <https://www.nyc.gov/site/dhs/prevention/rent-issues.page>

⁸ Will Fischer, Douglas Rice, Alicia Mazzara. Research Shows Rental Assistance Reduces Hardship and Provides Platform to Expand Opportunity for Low-Income Families. December 5, 2019. Available at: <https://www.cbpp.org/research/housing/research-shows-rental-assistance-reduces-hardship-and-provides-platform-to-expand>

⁹ *Id.*

¹⁰ Daniel Gubits *et al.*, Family Options Study: Short-Term Impacts of Housing and Services Interventions for Homeless Families, prepared for Department of Housing and Urban Development, July 2015, http://www.huduser.org/portal/sites/default/files/pdf/FamilyOptionsStudy_final.pdf.

overcrowding, and instability more effectively than any other intervention strategy.¹¹ Further, when combined with other support services, rental assistance has been found to be highly effective in reducing homelessness among individuals with severe mental illness and veterans with psychiatric or substance use disorders.¹²

Rental assistance improves the health and well-being of adults by enabling them to experience better mental and physical health.¹³ Rental assistance significantly reduces psychological distress among adults in homeless families, likely by easing the stress and anxiety that comes from being at risk of eviction or homeless, experiencing housing instability, and trying to balance excessive rental costs with other basic needs.¹⁴ Further, rental assistance may allow families to move to neighborhoods with lower concentrations of poverty, which can lead to significant health improvements. One study by Moving to Opportunity (MTO), which studied the impacts of rental assistance over the long term, found that adults who received rental assistance, compared to those in similar situations without rental assistance, reported lower prevalence of extreme obesity, diabetes, and fewer self-reported physical limitations.¹⁵ The study further showed that adults receiving rental assistance have lower levels of psychological distress, as well as lower prevalence of depression and anxiety.¹⁶

Rental assistance also significantly improves outcomes for children. More than 100,000 school children, roughly 1 in 10 of all New York City public school children, were homeless at

¹¹ *Id.*

¹² *Supra* note 23.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Jeffrey R. Kling et al., *Experimental Analysis of Neighborhood Effects*, *Econometrica*, January 2007; Lisa Sanbonmatsu et al., *Moving to Opportunity for Fair Housing Demonstration Program: Final Impacts Evaluation* prepared for Department of Housing and Urban Development, November 2011, https://www.huduser.gov/portal/publications/pdf/MTOFHD_fullreport_v2.pdf.

¹⁶ *Id.*

some point during the past school year.¹⁷ Among children, homelessness is associated with increased likelihood of cognitive and mental health issues, physical health problems, physical assaults, accidental injuries, and poor school performance.¹⁸ Studies have found that children in crowded homes score lower on reading tests and complete less schooling than their peers.¹⁹ Further, frequent family moves are linked to attention and behavioral problems among preschool children.²⁰ Rental assistance vouchers promote stability that reduces the frequency with which children must change schools, providing a benefit not only to the child, but to their classmates as well, as high-turnover schools tend to be less able to gauge the rate of learning and have slower paced curriculums.²¹ Further, as highlighted in the aforementioned MTO study, children whose families used rental assistance vouchers to move to low-poverty neighborhoods had significantly higher adult earning and college attendance rates.²²

In New York City, the City Fighting Homelessness and Eviction Prevention Supplement (CityFHEPS)²³ is a rental assistance supplement to help individuals and families find and keep housing.²⁴ CityFHEPS is administered by the Department of Social Services (DSS), which includes the Department of Homeless Services (DHS) and the Human Resources Administration (HRA).²⁵ CityFHEPS assists eligible households in the community who are at risk of homelessness avert a shelter entry²⁶ and also assists households who are experiencing street homelessness or

¹⁷ *Supra* note 12

¹⁸ *Supra* note 23

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Supra* note 30.

²³ For additional information on the CityFHEPS program, see

²⁴ NYC Human Resources Administration, Rental Assistance, CityFHEPS, available at:

<https://www.nyc.gov/site/hra/help/cityfheps.page>

²⁵ *Id.*

²⁶ R.C.N.Y. Title 68 § 10-04.

residing in a DHS or HRA shelter to obtain permanent housing.²⁷ CityFHEPS can be used to rent “an entire apartment, a single room in an apartment, or an SRO unit” provided it is located in one of the five boroughs.²⁸ The payment standards are based on the Federal Section 8 standard adopted by the New York City Housing Authority (NYCHA).²⁹ The City also administers the Family Homelessness and Eviction Prevention Supplement (State FHEPS), through which the State reimburses the City for making rental assistance vouchers available for families with minor children who are on cash assistance.³⁰

Worsening Homelessness Crisis

Pursuant to a series of consent decrees, the City has a legal obligation to provide shelter to all homeless individuals.³¹ As of June 22, 2023, there were a record 80,889 individuals living in shelter in New York City.³² In the past year, the homelessness crisis has been amplified due to an influx of migrants into the city. Since June 2022, more than 74,000 migrants have arrived in New York City, and more than 47,000 remain in the City’s care, leaving the City’s already-full shelter system overwhelmed.³³

²⁷ R.C.N.Y. Title 68 § 10-03.

²⁸ NYC Department of Social Services, CityFHEPS Frequently Asked Questions (for Residents of Department of Homeless Services or Human Resources Administration Shelters or Those Experiencing Street Homelessness), May 5, 2022. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfhps-documents/dss-7r-e.pdf>

²⁹ NYC Department of Social Services, DSS CITYFHEPS Payment Standards. Available at <https://www1.nyc.gov/assets/hra/downloads/pdf/cityfhps-documents/DSS-8r-E.pdf>

³⁰ N.Y. Soc. Serv. Law. § 131-bb

³¹ In 1979, Coalition for the Homeless brought a class action lawsuit against the City in New York State Supreme Court, arguing that a constitutional right to shelter existed in New York. In August 1981, the case was settled as a consent decree, where the City agreed to provide shelter and board to all homeless men. *Callahan v. Carey*, No. 42582/79 (N.Y. Sup. Ct. Dec. 10, 1979). In 1982, litigation was filed to extend the right to shelter to women. *Eldridge v. Koch*, N.Y.S.2d 960, 961 (Sup. Ct. 1983). In 1983, litigation to extend the right to shelter was filed on behalf of homeless families with children seeking shelter. *McCain v. Koch*, 117 A.D.2d 198, 212 (N.Y. App. Div. 1986).

³² Department of Homeless Services, *Daily Report*. Available at: <https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

³³ Ethan Stark-Miller, Two New Migrant Relief Centers Coming to Upper West Side College Dorm Buildings. June 12, 2023. Available at: <https://www.amny.com/housing/two-new-migrant-relief-centers-coming-to-upper-west-side-college-dorm-buildings/>

In his attempts to manage the crisis, the Mayor has focused on responses that have been viewed as short-sighted and misguided³⁴, such as using public school gymnasiums, paying for hotel rooms outside the city, or seeking to undermine the right to shelter.³⁵ The Mayor issued an executive order suspending certain minimum shelter requirements, suspending the rule that those seeking shelter must receive a bed within a certain time frame, and suspending the requirement that families be housed in units with access to a bathroom, refrigerator, and kitchen.³⁶ Further, the Adams Administration has filed an application for the modification of the Callahan consent decree, to allow the obligations under the consent decree to be stayed if the City lacks resources and capacity to maintain sufficient shelter sites.³⁷ The Legal Aid Society, which represents the plaintiffs in the case, has argued that eliminating the right to shelter would not solve the homelessness crisis but, rather, would result in people “living on the streets, getting sicker and dying.”³⁸

According to testimony delivered by Homeless Services United at the aforementioned January 2023 Committee on General Welfare hearing, “New York City is facing a confluence of challenges which is testing the strength of the City’s homeless services and eviction prevention safety net.”³⁹ Importantly, the issue of shelter capacity is not new. Long before the influx of people

³⁴ Greg David, Mayor Adams Declared NYC ‘Destroyed’ by Migrants, but Economics Tell a Different Story. June 6, 2023. Available at: <https://www.thecity.nyc/immigration/2023/6/6/23750030/immigrants-asylum-seekers-good-for-economy>; See also Ginia Bellafante, Mayor Adams Improvises His Way Through an Impossible Crisis. May 20, 2023. Available at: <https://www.nytimes.com/2023/05/20/nyregion/nyc-eric-adams-migrants.html>

³⁵ Michael Gartland, NYC Mayor Adams Unveils Plans to House Migrants in Houses of Worship; Private Homes are Next Step. June 5, 2023. Available at: <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-mayor-adams-migrants-asylum-faith-based-churches-mosques-synagogues-shelter-20230605-vd7fwcsfjnbjhinpkqnao5o3ke-story.html>

³⁶ NYC Emergency Executive Order 402. May 10, 2023. Available at: <https://www.nyc.gov/office-of-the-mayor/news/402-003/emergency-executive-order-402>

³⁷ Courtney Gross. Adams Defends Court Action on ‘Right-to-Shelter’ Law. May 24, 2023. Available at: <https://www.nyl.com/nyc/all-boroughs/politics/2023/05/24/adams-defends-court-action-on--right-to-shelter-law>

³⁸ *Id.*

³⁹ Homeless Services United Testimony. January 18, 2023 Committee on General Welfare Hearing. Available at <https://legistar.council.nyc.gov/View.ashx?M=F&ID=12054069&GUID=08F19B7A-9CF7-49F2-BF38-2B852CB4CF51>

from the southern border and elsewhere, the City struggled to maintain sufficient capacity in the shelter system for homeless families with children.⁴⁰ Excluding the migrants, there are almost 50,000 New Yorkers sleeping in shelter every night.⁴¹ Overall, New York City is facing a crisis where the number of people sleeping in shelter each night is the highest it has ever been, the average length of time that people must spend in shelter is now longer than it has ever been, and the number of households provided with City rental assistance vouchers is at its lowest level in five years.⁴²

More New Yorkers now find themselves straining or unable to pay their rent, which may be a large contributor to the surging homelessness crisis. In 2021, more than half (53% or just under 1 million households) of New York City Renters were considered rent burdened, meaning they paid more than 30% of their incomes toward rent.⁴³ Additionally, 32% of New Yorkers are severely rent burdened, meaning they spend at least 50% of their income on rent.⁴⁴ Among those who were severely rent burdened, 17% reported missing one or more rent payments in the past year, and two out of every five such households were still behind on rent when surveyed.⁴⁵

Costs of Shelter and Rental Assistance

As described by Citizens' Committee for Children at a Committee on General Welfare hearing held on January 18, 2023, since the eviction moratorium ended in January 2022, more than

⁴⁰ Coalition for the Homeless. State of the Homeless 2023: Compounding Crises, Failed Responses. June 2023. Available at: <https://www.coalitionforthehomeless.org/wp-content/uploads/2023/06/StateoftheHomeless2023.pdf>

⁴¹ Melissa Russo. NYC Housing more Asylum Seekers than Homeless NYers in Migrant Crisis First. June 26, 2023. Available at: <https://www.nbcnewyork.com/investigations/migrant-crisis/nyc-housing-more-asylum-seekers-than-homeless-nyers-in-migrant-crisis-first/4455469/>

⁴² *Id.*

⁴³ Taysha Milagros Clark. Housing Affordability: The Dire Housing Crisis for Extremely Low-income New Yorkers. June 2022. Available at: https://www.coalitionforthehomeless.org/wp-content/uploads/2022/05/Housing-Affordability-Brief_June-2022.pdf

⁴⁴ *Id.*

⁴⁵ *Id.*

4,400 households had been evicted by City marshals.⁴⁶ According to a recently published report by Women in Need (WIN), on a per person basis per year, continuing to allow housing-unstable individuals, namely those at risk of eviction, to become homeless and enter into shelter would cost \$18,883.⁴⁷ By comparison, the cost of providing a CityFHEPS voucher is \$10,950 on a per person basis per year.⁴⁸ In that same report, WIN analyzed eviction data to estimate the cost-savings resulting from reductions in shelter and corollary service utilization and estimated a financial savings of over \$730,000,000 for New York City.⁴⁹ WIN also estimates that with the implementation of this package of legislation, more than 38,000 families and 92,000 individuals would avert homelessness.⁵⁰

The Community Service Society estimates that, with the implementation of this legislation, the City would save \$5.6 billion in diverted shelter and rehousing costs, with a net cost of \$3 billion cumulatively over the course of five years.⁵¹ According to Community Service Society, the costs associated with expanding eligibility for CityFHEPS upon implementation of these bills would be “offset by savings from reduced shelter costs, resulting from shortened shelter stays and preventing evictions.”⁵² The Community Service Society also states that there will be “long-term savings from

⁴⁶ David Brand. “NYC eviction rate continues to rise since ban was lifted, as homelessness surges.” January 18, 2023. Gothamist. Available at <https://gothamist.com/news/nyc-eviction-rate-continues-to-rise-since-ban-was-lifted-as-homelessness-surges>.

⁴⁷ Cassidy Teminsky; Christopher Mann, MA; Hannah Tager; Henry Love, PhD; Martin Gambao, PhD, “CityFHEPS Bills Could Save NYC Millions and House Thousands of Families.” July 2023. On file with Committee on General Welfare staff.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Debipriya Chatterjee, Samuel Stein, Oksana Mironova, Jennifer Hinojosa. “To Fight Homelessness, House the People: A deeper dive into the costs, benefits and savings of CityFHEPS reform and expansion.” Community Service Society. June 20, 2023. Available at <https://www.cssny.org/news/entry/to-fight-homelessness-house-the-people-part-2-city-fheps-costs-benefits-savings-nyc>.

⁵² *Id.*

keeping people housed in less expensive apartments than market units they may move into after spending months or years in shelter.”⁵³

Paying for housing rather than paying for shelter results in both social and economic benefits. Studies have shown that these benefits include rising incomes for those who access permanent housing, lowering healthcare costs, and raising educational prospects and future wages of children.⁵⁴ Research has additionally demonstrated that large-scale voucher expansion would create a two-fold increase in residential income for voucher-recipients and contribute to \$7,680 of new spending in the local economic per each voucher-holder annually.⁵⁵

Enhancing the CityFHEPS Voucher System

Mindful of the increase in the number of individuals experiencing homelessness in the city, and of the successes and positive impacts of federal rental assistance, the bills under consideration today seek to provide similar benefits to the people of New York City. The bills are intended to enhance the CityFHEPS rental assistance voucher system by expanding eligibility and removing arbitrary bureaucratic obstacles. These four bills form a large scale investment in New Yorkers that will serve to alleviate the shelter capacity crisis by (i) helping New Yorkers residing in shelter afford permanent housing, and (ii) assisting New Yorkers who are at risk of eviction to remain stably housed. The bills in this package would define the scope of which persons, at minimum, must be eligible to receive a rental assistance voucher. That scope would include people who are (i) income eligible and (ii) either a household at risk of eviction or experiencing homelessness.

Notably, the Council has previously legislated on the CityFHEPS program. Recognizing

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ HR&A for New York Housing Conference. Universal Rental Assistance Economic & Discal Impact Study Final Report. August 20, 2021. Available at https://issuu.com/nyhc2020/docs/20210820_nyhc_hra_universal_rental_assistance_repo

that the program is an invaluable tool to curb homelessness and that the amounts of the CityFHEPS rental assistance voucher were woefully inadequate, the Council passed Local Law 71 of 2021,⁵⁶ which raised the value of the vouchers to the same rate as levels equal to those established by Section 8.⁵⁷ In 2021, the Council passed Local Law 157 of 2021 and Local Law 170 of 2021, allowing time in foster youth or runaway and homeless youth services to count toward the 90 day shelter residency requirement for eligibility.⁵⁸ In 2023, the Council passed Local Law 64 of 2023, requiring rental assistance payments to be available via an electronic funds transfer.⁵⁹

III. Bill Analysis

The proposed legislation sets forth a set of defined terms, as follows. Pursuant to the proposed legislation, “income eligible” would mean an applicant whose total gross income does not exceed 50 percent of the area median income (AMI); who, if eligible, has applied for public assistance and, if approved, is in receipt of such assistance; who is in compliance with public assistance requirements if eligible; who has applied for and accepted any federal or state housing benefits for which they are eligible; who is ineligible for State FHEPS; and who has not previously received a rental assistance voucher, unless they meet the requirements in Section 10-08 of title 68 of the Rules of the City of New York. The term “household at risk of eviction” would mean an individual or family who has received a written demand for rent, a predicate holdover notice, or a

⁵⁶ Local Law 71 of 2021. Available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331786&GUID=2888B24C-E4CF-420E-96B9-2A5DF9B1995B&Options=ID%7cText%7c&Search=146>.

⁵⁷ Section 982.503 of the Code of Federal Regulations

⁵⁸ Local Law 157 of 2021. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3331970&GUID=FFD262A3-0EF3-4E53-819A-4FD46EECEF43&Options=ID|Text|&Search=157>; Local Law 170 of 2021. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5146237&GUID=1A2F9094-0130-46E0-9C4A-D9A5AC55F8A5&Options=ID|Text|&Search=170>

⁵⁹ Local Law 64 of 2023. Available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5858512&GUID=1968B896-BD0D-4D1F-BF24-A5A4A7514AAA&Options=ID|Text|&Search=rental+assistance+payments>

notice of non-renewal of residential tenancy. The term “experiencing homelessness” would mean residing in a City-administered shelter; working with a Department of Homeless Services (DHS) or Department of Youth and Community Development (DYCD) outreach team while receiving services in a safe haven, stabilization bed, drop-in center or runaway and homeless youth services program; or receiving case management services from a provider under contract with DHS.

Int. No. 878-A

Currently, voucher applicants must demonstrate that they have lived in shelter for a minimum of 90 days before being deemed eligible to apply for a CityFHEPS rental assistance voucher. This bill would prohibit DSS from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type. This bill includes key definitions that would be used as part of the entire legislative package. As explained above, this bill would define what it means to be income eligible, a household at risk of eviction, and to be experiencing homelessness. Further this bill would repeal sections 21-145.1 and 21-145.2 of the Administrative Code of the City of New York, because DSS would no longer be able to require a minimum amount of time in shelter to be eligible.

Int. No. 893-A

Currently, there are narrow qualifications regarding eligibility for rental assistance vouchers in the community, including eligibility only for specific populations including those who are in receipt of Adult Protective Services (APS) or community guardianship, those who are in rent-controlled apartments and those who previously resided in a DHS shelter. This bill would expand eligibility for a rental assistance voucher in the community by establishing that DSS will deem eligible for a rental assistance voucher any applicant who is a household at risk of eviction or experiencing homelessness, as such terms are defined in Int. No. 878-A.

Int. No. 894-A

The CityFHEPS rental assistance program is intended to support households who fall through existing federal and state social safety nets. This bill would prohibit DSS from basing eligibility for a rental assistance voucher on an applicant's employment status or source of income. Further, this bill would codify existing income requirements and expand income eligibility to include households whose gross income does not exceed 50% of the area median income as defined in Int. No. 878-A and explained above. The bill still ensures income requirements to meet eligibility for CityFHEPS, but would provide that those making up to 50% of the area median income, many whose income has been deemed too much to qualify for rental assistance, would be eligible for CityFHEPS.

Int. No. 229-A

This bill would prohibit DSS from deducting a utility allowance from the maximum rental allowance of a voucher, for units where utilities are not included in the final rent. The bill provides that, in situations where a household in receipt of a rental assistance voucher rents a unit that is less than the maximum rental allowance, the household rent contribution will be reduced by the difference between the maximum rental allowance and the actual rent, up to the amount of a utility allowance. If such a reduction is greater than the household's rent contribution, DSS would be required to issue a check to the household in the amount of such excess within the month in which it accrued. If renting a unit for less than the maximum rental allowance were to result in a tenant's public assistance shelter allowance being reduced, DSS would be required to issue a check to the household in the amount of such reduction within the month in which the reduction accrued. Further, DSS, in consultation with the Department of Housing Preservation and Development, would be required to conduct culturally appropriate outreach on the changes to relevant agencies,

stakeholders, landlords, and individuals and families experiencing homelessness in the designated citywide languages, as defined in section 23-1101 of the administrative code of the City of New York.

The proposed bills would take effect 180 days after they become law

Int. No. 878-A

By Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman, Farías, Gutiérrez, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, Barron, Mealy, Feliz and Salamanca

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto

Be it enacted by the Council as follows:

1 Section 1. Section 21-145 of the administrative code of the city of New York, as added by
2 local law number 71 for the year 2021, is amended to read as follows:

3 § 21-145 Use of rental assistance vouchers. a. Definitions. For [the] purposes of this
4 section, the following terms have the following meanings:

5 Applicant. The term “applicant” means an individual or family applying for a rental
6 assistance voucher.

7 Drop-in center. The term “drop-in center” means a facility operated by the department of
8 homeless services or a provider under contract or similar agreement with such department that
9 provides single adults with hot meals, showers, laundry facilities, clothing, medical care,
10 recreational space, employment referrals, or housing placement services, but not overnight
11 housing.

12 Experiencing homelessness. The term “experiencing homelessness” means: (i) residing in
13 a city-administered shelter; (ii) working with a department of homeless services or department of
14 youth and community development outreach team while receiving services in a safe haven,

1 stabilization bed, drop-in center, or runaway and homeless youth services; or (iii) receiving case
2 management services from a provider under contract with the department of homeless services.

3 FHEPS. The term “FHEPS” means the family homelessness and eviction prevention
4 supplement program described in section 131-bb of the social services law.

5 Homeless young adult. The term “homeless young adult” has the same meaning as
6 provided in section 532-a of the executive law.

7 Homeless youth. The term “homeless youth” has the same meaning as provided in section
8 532-a of the executive law and includes homeless young adults.

9 Household. The term “household” means an individual or family in receipt of [CityFHEPS
10 or any successor program] a rental assistance voucher.

11 Household at risk of eviction. The term “household at risk of eviction” means an individual
12 or family that has received: (i) a written demand for rent payment or a predicate holdover notice
13 pursuant to sections 711 or 713 of the real property actions and proceedings law; or (ii) a notice of
14 non-renewal of residential tenancy pursuant to section 226-c of the real property law.

15 Household rent contribution. The term “household rent contribution” means the percent of
16 income that a household in receipt of a rental assistance voucher contributes toward the rent of an
17 apartment or a single room occupancy.

18 Income eligible. The term “income eligible” means an applicant: (i) whose total gross
19 income does not exceed 50 percent of the area median income, as defined by the federal department
20 of housing and urban development; (ii) who, if eligible, has applied for public assistance and, if
21 approved for such assistance, is in receipt of such assistance; (iii) who is in compliance with public
22 assistance requirements, if applicable; (iv) who has applied for and accepted any federal or state
23 housing benefits for which such applicant is eligible, including section 8 or the rental assistance

1 program described in chapter 9 of title 68 of the rules of the city of New York, regarding the human
2 resources administration home tenant-based rental assistance program, or a successor provision;
3 (v) who is ineligible for FHEPS; and (vi) who has not previously received a rental assistance
4 voucher, except an applicant who meets the requirements of subdivision (d) of section 10-08 of
5 title 68 of the rules of the city of New York, regarding restoration of rental assistance vouchers for
6 certain households, or a successor provision.

7 Maximum rental allowances. The term “maximum rental allowances” means the maximum
8 rent toward which rental assistance vouchers may be applied.

9 Public assistance. The term “public assistance” means benefits, including, but not limited
10 to, monthly grants and shelter allowances issued under the family assistance program pursuant to
11 section 349 of the social services law or the safety net assistance program pursuant to section 159
12 of the social services law.

13 Rental assistance voucher. The term “rental assistance voucher” means [any city-initiated
14 rental housing subsidy for homeless families and individuals.] rent payments made pursuant to
15 chapter 10 of title 68 of the rules of the city of New York or any other city-initiated rental housing
16 subsidy for households at risk of eviction or families and individuals residing in shelter.

17 Runaway youth. The term “runaway youth” has the same meaning as provided in section
18 532-a of the executive law.

19 Runaway and homeless youth services. The term “runaway and homeless youth services”
20 has the same meaning as provided in section 21-401.

21 Safe haven. The term “safe haven” means a facility operated by the department of homeless
22 services or a provider under contract or similar agreement with such department that provides low-
23 threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such

1 facilities through a department of homeless services outreach program, without the obligation of
2 entering into other supportive and rehabilitative services in order to reduce barrier to temporary
3 housing.

4 Section 8. The term “section 8” means the housing choice voucher program administered
5 pursuant to section 982.1 of title 24 of the code of federal regulations.

6 Shelter. The term “shelter” means temporary emergency housing provided to homeless
7 adults, adult families, families with children, and runaway and homeless youth by the city or a
8 provider under contract or similar agreement with the city.

9 Shelter allowance. The term “shelter allowance” means financial assistance provided by
10 the department for the purposes of paying rent on an ongoing basis in accordance with section 131-
11 a of the social services law.

12 Stabilization beds. The term “stabilization bed” means city-administered facilities that
13 provide a short-term housing option for an individual experiencing homelessness while such
14 individual works with a department of homeless services outreach team to locate a more permanent
15 housing option.

16 Utility allowance. The term “utility allowance” means a monthly allowance for utility
17 services, excluding cable, internet, and telephone services, paid by a subsidized housing tenant.

18 b. Eligibility. 1. Subject to [the] appropriation, a household [or individual] will continue to
19 receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental
20 assistance program established pursuant to chapter 10 of title 68 of the rules of the city of New
21 York, or a successor program, if they continue to meet the requirements set forth in [title 68
22 chapter] section 10-08 of title 68 the rules of the city of New York, regarding renewals and
23 restorations of CityFHEPS, or a successor provision.

1 2. The department shall not require an applicant to have resided or reside in a shelter of
2 any type.

3 c. Maximum rental allowances. Subject to appropriation, [such] maximum rental
4 allowances shall be set in accordance with section 982.503 of title 24 of the code of federal
5 regulations, regarding voucher payment standard amounts, or a successor provision.

6 § 2. Section 21-145.1 of the administrative code of the city of New York is REPEALED.

7 § 3. Section 21-145.2 of the administrative code of the city of New York is REPEALED.

8 § 4. This local law takes effect 180 days after it becomes law, except that the commissioner
9 of social services shall take such measures as necessary for the implementation of this local law,
10 including the promulgation of rules, before such date.

ACK/DR
LS #4023/8955/9192/10504/10538/10579/10706/10948
5/17/23 6:59pm

Int. No. 893-A

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Farías, Won, Schulman, Gutiérrez, Joseph, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Salamanca and the Public Advocate (Mr. Williams)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness

Be it enacted by the Council as follows:

1 Section 1. Subdivision b of section 21-145 of the administrative code of the city of New
2 York, as amended by a local law for the year 2023 amending the administrative code of the city of
3 New York, relating to prohibiting the department of social services from requiring an applicant for
4 a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in
5 introduction number 878-A, is amended by adding a new paragraph 3 to read as follows:

6 3. The department shall deem eligible for a rental assistance voucher any applicant who is
7 a household at risk of eviction or experiencing homelessness.

8 § 2. This local law takes effect on the same date as a local law for the year 2023 amending
9 the administrative code of the city of New York, relating to prohibiting the department of social
10 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
11 shelter of any type, as proposed in introduction number 878-A, takes effect.

ACK/DR
LS# 8952
5/17/23, 7:05 p.m.

Int. No. 894-A

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Farías, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Won, Salamanca and the Public Advocate (Mr. Williams)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

Be it enacted by the Council as follows:

1 Section 1. Paragraph 2 of subdivision b of section 21-145 of the administrative code of the
2 city of New York, as amended by a local law for the year 2023 amending the administrative code
3 of the city of New York, relating to prohibiting the department of social services from requiring
4 an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as
5 proposed in introduction number 878-A, is amended to read as follows:

6 2. The department shall not base eligibility for a rental assistance voucher on the applicant's
7 employment status or source of income, and shall not require an applicant to have resided or reside
8 in a shelter of any type.

9 § 2. Paragraph 3 of subdivision b of section 21-145 of the administrative code of the city
10 of New York, as amended by a local law for the year 2023 amending the administrative code of
11 the city of New York, relating to expanding eligibility for rental assistance as proposed in
12 introduction number 893-A, is amended to read as follows:

13 3. The department shall deem eligible for a rental assistance voucher any applicant who is
14 income eligible and is a household at risk of eviction or experiencing homelessness.

15 § 3. This local law takes effect on the same date as a local law for the year 2023 amending
16 the administrative code of the city of New York, relating to prohibiting the department of social

- 1 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
- 2 shelter of any type, as proposed in introduction number 878-A, takes effect.

ACK/DR
LS# 8951 and 10751
5/17/2023, 7:09 p.m.

Int. No. 229-A

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Farías, Sanchez, Joseph, Narcisse, Powers, Marte, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Brannan, Dinowitz, Salamanca and the Public Advocate (Mr. Williams)

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers

Be it enacted by the Council as follows:

1 Section 1. Section 21-145 of the administrative code of the city of New York, as amended
2 by a local law for the year 2023, relating to income and work requirements for rental assistance,
3 as proposed in introduction number 894-A, is amended by adding new subdivisions d, e, and f to
4 read as follows:

5 d. Amount of monthly rental assistance. The department shall provide monthly rental
6 assistance to an owner or a landlord on behalf of a household in receipt of a rental assistance
7 voucher in the amount equal to the actual monthly rent of the leased apartment or single room
8 occupancy, up to the maximum rental allowance, minus the household rent contribution. The
9 department shall not deduct a utility allowance from such amount.

10 e. Utility allowance deduction. 1. The department shall provide that when a household rents
11 an apartment or single room occupancy for less than the maximum rental allowance, the household
12 rent contribution shall be reduced by the difference between the maximum rental allowance and
13 the actual rent, up to the amount of the utility allowance.

14 2. If the amount by which the household rent contribution is reduced pursuant to paragraph
15 1 of this subdivision is greater than the household's rent contribution, the department shall issue a

1 check to the household in the amount of such excess within the month in which such excess is
2 accrued.

3 3. If the household receives a shelter allowance that is reduced by the amount allowed by
4 paragraph 1 of this subdivision, the department shall issue a check to the household in the amount
5 of such reduction within the month in which such reduction is accrued.

6 f. Within 15 days of the effective date of the local law that added subdivision d, e, and f of
7 this section, and continuing thereafter, the commissioner, in consultation with the commissioner
8 of housing preservation and development, shall conduct culturally appropriate outreach on this
9 section to relevant agencies, stakeholders, landlords, and families and individuals experiencing
10 homelessness in the designated citywide languages, as defined in section 23-1101.

11 § 2. This local law takes effect on the same date as a local law for the year 2023 amending
12 the administrative code of the city of New York, relating to prohibiting the department of social
13 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
14 shelter of any type, as proposed in introduction number 878-A, takes effect.

NLB/DR
LS #7628
5/17/2023 9:50 pm

Appendix A





OFFICE OF THE MAYOR
THE CITY OF NEW YORK

TIFFANY RASPBERRY
DIRECTOR OF INTERGOVERNMENTAL
AND EXTERNAL AFFAIRS

June 23, 2023

Michael McSweeney
City Clerk of the Council
141 Worth Street
New York, NY 10013

Dear Mr. McSweeney:

Transmitted herewith are the bills disapproved by the Mayor. The bills are as follows:

Int. No. 229-A

A Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers.

Int. No. 878-A

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto.

Int. No. 893-A

A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness.

Int. No. 894-A

A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance.

Sincerely,

A handwritten signature in black ink that reads "Tiffany Raspberry".

Tiffany Raspberry

cc: Honorable Adrienne E. Adams



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

June 23, 2023

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 893-A, which would amend the Administrative Code of the City of New York “in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness.”

The Department of Social Services (DSS) administers the City’s Family Homelessness and Eviction Prevention Supplement (“CityFHEPS”) voucher assistance program, which provides vouchers to individuals and families residing in shelter, as well as to certain people who are at risk of homelessness. Introductory Number 893-A would make any household who is at risk of eviction or experiencing homelessness eligible for a CityFHEPS voucher. A household is “at risk of eviction” if they have received either “a written demand for rent payment or a predicate holdover notice” or “a notice of non-renewal of residential tenancy.” Together, Introductory Numbers 893-A, 878-A and 894-A significantly expand eligibility to receive a CityFHEPS voucher by:

- expanding eligibility for CityFHEPS vouchers to any household that is income eligible and is experiencing homelessness or is at risk of eviction; and
- expanding income eligibility for CityFHEPS vouchers from 200% of the federal poverty level to 50% of Area Median Income (AMI);
- eliminating the 10-hour work requirement for certain households; and
- prohibiting DSS from requiring that a CityFHEPS voucher applicant reside in shelter.

Expanding access to CityFHEPS vouchers to those in need has been, and continues to be, a top priority of this Administration. The CityFHEPS program currently provides rental assistance to individuals, families with children, adult families and pregnant persons residing in New York City Department of Homeless Services (DHS) and Human Resources Administration (HRA) shelters, as well as to street homeless individuals who meet certain eligibility criteria. CityFHEPS also assists certain households at risk of eviction.

With over 63,000 households having used a City-funded rental assistance voucher, the CityFHEPS program and its predecessors represent the largest municipally-funded investment in housing stability in the United States. The approximate cost of the City-funded rental assistance programs is \$550 million in Fiscal Year 2023, with costs projected to increase in the years thereafter due to rent increases and additional households accessing the program.

Taken together, Introductory Numbers 878-A, 893-A, and 894-A substantially expand eligibility for a CityFHEPS voucher to include people unlikely to ever enter the shelter system, and in so doing ultimately disserve the very interests the bills were designed to protect. First, the bills limit the City’s ability to target CityFHEPS vouchers to those most in need. Most households who are facing eviction proceedings in housing court do not enter shelter, yet many of those people would be eligible for a CityFHEPS voucher as a result of these bills. The bills thus expand eligibility to people who would otherwise remain housed or find permanent housing without a City-funded voucher. This expanded eligibility will result in increased competition for a limited number of apartments – a competition that will disfavor those individuals and families in shelter, unnecessarily prolonging their stay in shelter.

Second, providing a voucher to everyone who is eligible for one under Introductory Numbers 878-A, 893-A, and 894-A would impose an enormous cost on the City without providing commensurate savings. Because the vast majority of shelter entrants do not have a recent past formal eviction, the bills will increase the total number of people eligible for a voucher without decreasing shelter costs.

Third, DSS will have to create a waitlist for vouchers to address the gap between the number of people eligible for a voucher and the total number of available vouchers. Administering a waitlist will significantly increase costs, result in the same years-long wait that plagues other voucher programs, and produce fewer placements of homeless households.

Finally, the bills take aim at vouchers without addressing housing supply. Although DSS has steadily increased the total number of CityFHEPS vouchers, this increase has not resulted in a linear increase of households exiting shelter because limited housing supply is the critical constraint on shelter residents finding permanent housing.

In addition to raising these important policy concerns, Introductory Number 893-A is legally flawed as it seeks to legislate in an area in which authority is reserved to the State. Rental assistance programs are governed by the Social Services Law, which gives plenary authority to DSS to develop and administer these programs, subject to oversight by the State Office of Temporary and Disability Assistance. The Social Services Law generally gives no role to the City Council in the administration of these programs. Because Introductory Number 893-A would provide the City Council with such a role, the Social Services Law preempts such legislation.

Accordingly, I hereby disapprove Introductory Number 893-A.

Sincerely,



Eric Adams

Mayor

Int. No. 229-A

By Council Members Cabán, Ayala, Hudson, Brewer, Stevens, Williams, Restler, Abreu, Krishnan, Nurse, Won, Riley, Avilés, De La Rosa, Ossé, Hanif, Richardson Jordan, Gutiérrez, Schulman, Farías, Sanchez, Joseph, Narcisse, Powers, Marte, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Brannan, Dinowitz, Salamanca and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to monthly rental assistance payments for households with rental assistance vouchers

Be it enacted by the Council as follows:

1 Section 1. Section 21-145 of the administrative code of the city of New York, as amended
2 by a local law for the year 2023, relating to income and work requirements for rental assistance,
3 as proposed in introduction number 894-A, is amended by adding new subdivisions d, e, and f to
4 read as follows:

5 d. Amount of monthly rental assistance. The department shall provide monthly rental
6 assistance to an owner or a landlord on behalf of a household in receipt of a rental assistance
7 voucher in the amount equal to the actual monthly rent of the leased apartment or single room
8 occupancy, up to the maximum rental allowance, minus the household rent contribution. The
9 department shall not deduct a utility allowance from such amount.

10 e. Utility allowance deduction. 1. The department shall provide that when a household rents
11 an apartment or single room occupancy for less than the maximum rental allowance, the household
12 rent contribution shall be reduced by the difference between the maximum rental allowance and
13 the actual rent, up to the amount of the utility allowance.

14 2. If the amount by which the household rent contribution is reduced pursuant to paragraph
15 1 of this subdivision is greater than the household's rent contribution, the department shall issue a
16 check to the household in the amount of such excess within the month in which such excess is
17 accrued.

1 3. If the household receives a shelter allowance that is reduced by the amount allowed by
2 paragraph 1 of this subdivision, the department shall issue a check to the household in the amount
3 of such reduction within the month in which such reduction is accrued.

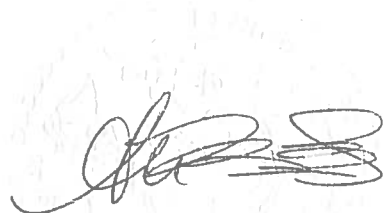
4 f. Within 15 days of the effective date of the local law that added subdivision d, e, and f of
5 this section, and continuing thereafter, the commissioner, in consultation with the commissioner
6 of housing preservation and development, shall conduct culturally appropriate outreach on this
7 section to relevant agencies, stakeholders, landlords, and families and individuals experiencing
8 homelessness in the designated citywide languages, as defined in section 23-1101.

9 § 2. This local law takes effect on the same date as a local law for the year 2023 amending
10 the administrative code of the city of New York, relating to prohibiting the department of social
11 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
12 shelter of any type, as proposed in introduction number 878-A, takes effect.

**I hereby certify that the above bill was passed by the Council of the City of
Thursday, May 25, 2023
New York onreceiving the following votes:**

NLB/DR
LS #7628
5/17/2023 9:50 pm

Affirmative.....41.....
Negative.....7.....
Abstentions.....0.....



Michael M. McSweeney, City Clerk, Clerk of the Council.

**ALISA FUENTES
ACTING CITY CLERK**

DISAPPROVED
ON THE 17th DAY OF June 2023
[Signature] MAYOR

Int. No. 878-A

By Council Members Ayala, Sanchez, Bottcher, Won, the Public Advocate (Mr. Williams), Hanif, Cabán, Louis, Stevens, Hudson, Restler, Ung, Abreu, Brooks-Powers, Brannan, Velázquez, De La Rosa, Brewer, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Schulman, Farías, Gutiérrez, Joseph, Nurse, Powers, Gennaro, Krishnan, Rivera, Barron, Mealy, Feliz and Salamanca

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services from requiring an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, and to repeal sections 21-145.1 and 21-145.2 of such code in relation thereto

Be it enacted by the Council as follows:

1 Section 1. Section 21-145 of the administrative code of the city of New York, as added by
2 local law number 71 for the year 2021, is amended to read as follows:

3 § 21-145 Use of rental assistance vouchers. a. Definitions. For [the] purposes of this
4 section, the following terms have the following meanings:

5 Applicant. The term “applicant” means an individual or family applying for a rental
6 assistance voucher.

7 Drop-in center. The term “drop-in center” means a facility operated by the department of
8 homeless services or a provider under contract or similar agreement with such department that
9 provides single adults with hot meals, showers, laundry facilities, clothing, medical care,
10 recreational space, employment referrals, or housing placement services, but not overnight
11 housing.

12 Experiencing homelessness. The term “experiencing homelessness” means: (i) residing in
13 a city-administered shelter; (ii) working with a department of homeless services or department of
14 youth and community development outreach team while receiving services in a safe haven,
15 stabilization bed, drop-in center, or runaway and homeless youth services; or (iii) receiving case
16 management services from a provider under contract with the department of homeless services.

1 FHEPS. The term “FHEPS” means the family homelessness and eviction prevention
2 supplement program described in section 131-bb of the social services law.

3 Homeless young adult. The term “homeless young adult” has the same meaning as
4 provided in section 532-a of the executive law.

5 Homeless youth. The term “homeless youth” has the same meaning as provided in section
6 532-a of the executive law and includes homeless young adults.

7 Household. The term “household” means an individual or family in receipt of [CityFHEPS
8 or any successor program] a rental assistance voucher.

9 Household at risk of eviction. The term “household at risk of eviction” means an individual
10 or family that has received: (i) a written demand for rent payment or a predicate holdover notice
11 pursuant to sections 711 or 713 of the real property actions and proceedings law; or (ii) a notice of
12 non-renewal of residential tenancy pursuant to section 226-c of the real property law.

13 Household rent contribution. The term “household rent contribution” means the percent of
14 income that a household in receipt of a rental assistance voucher contributes toward the rent of an
15 apartment or a single room occupancy.

16 Income eligible. The term “income eligible” means an applicant: (i) whose total gross
17 income does not exceed 50 percent of the area median income, as defined by the federal department
18 of housing and urban development; (ii) who, if eligible, has applied for public assistance and, if
19 approved for such assistance, is in receipt of such assistance; (iii) who is in compliance with public
20 assistance requirements, if applicable; (iv) who has applied for and accepted any federal or state
21 housing benefits for which such applicant is eligible, including section 8 or the rental assistance
22 program described in chapter 9 of title 68 of the rules of the city of New York, regarding the human
23 resources administration home tenant-based rental assistance program, or a successor provision;

1 (v) who is ineligible for FHEPS; and (vi) who has not previously received a rental assistance
2 voucher, except an applicant who meets the requirements of subdivision (d) of section 10-08 of
3 title 68 of the rules of the city of New York, regarding restoration of rental assistance vouchers for
4 certain households, or a successor provision.

5 Maximum rental allowances. The term “maximum rental allowances” means the maximum
6 rent toward which rental assistance vouchers may be applied.

7 Public assistance. The term “public assistance” means benefits, including, but not limited
8 to, monthly grants and shelter allowances issued under the family assistance program pursuant to
9 section 349 of the social services law or the safety net assistance program pursuant to section 159
10 of the social services law.

11 Rental assistance voucher. The term “rental assistance voucher” means [any city-initiated
12 rental housing subsidy for homeless families and individuals.] rent payments made pursuant to
13 chapter 10 of title 68 of the rules of the city of New York or any other city-initiated rental housing
14 subsidy for households at risk of eviction or families and individuals residing in shelter.

15 Runaway youth. The term “runaway youth” has the same meaning as provided in section
16 532-a of the executive law.

17 Runaway and homeless youth services. The term “runaway and homeless youth services”
18 has the same meaning as provided in section 21-401.

19 Safe haven. The term “safe haven” means a facility operated by the department of homeless
20 services or a provider under contract or similar agreement with such department that provides low-
21 threshold, harm-reduction housing to chronic street homeless individuals, who are referred to such
22 facilities through a department of homeless services outreach program, without the obligation of

1 entering into other supportive and rehabilitative services in order to reduce barrier to temporary
2 housing.

3 Section 8. The term “section 8” means the housing choice voucher program administered
4 pursuant to section 982.1 of title 24 of the code of federal regulations.

5 Shelter. The term “shelter” means temporary emergency housing provided to homeless
6 adults, adult families, families with children, and runaway and homeless youth by the city or a
7 provider under contract or similar agreement with the city.

8 Shelter allowance. The term “shelter allowance” means financial assistance provided by
9 the department for the purposes of paying rent on an ongoing basis in accordance with section 131-
10 a of the social services law.

11 Stabilization beds. The term “stabilization bed” means city-administered facilities that
12 provide a short-term housing option for an individual experiencing homelessness while such
13 individual works with a department of homeless services outreach team to locate a more permanent
14 housing option.

15 Utility allowance. The term “utility allowance” means a monthly allowance for utility
16 services, excluding cable, internet, and telephone services, paid by a subsidized housing tenant.

17 b. Eligibility. 1. Subject to [the] appropriation, a household [or individual] will continue to
18 receive additional annual renewals of their vouchers after their fifth year in the CityFHEPS rental
19 assistance program established pursuant to chapter 10 of title 68 of the rules of the city of New
20 York, or a successor program, if they continue to meet the requirements set forth in [title 68
21 chapter] section 10-08 of title 68 the rules of the city of New York, regarding renewals and
22 restorations of CityFHEPS, or a successor provision.

1 2. The department shall not require an applicant to have resided or reside in a shelter of
2 any type.

3 c. Maximum rental allowances. Subject to appropriation, [such] maximum rental
4 allowances shall be set in accordance with section 982.503 of title 24 of the code of federal
5 regulations, regarding voucher payment standard amounts, or a successor provision.

6 § 2. Section 21-145.1 of the administrative code of the city of New York is REPEALED.

7 § 3. Section 21-145.2 of the administrative code of the city of New York is REPEALED.

8 § 4. This local law takes effect 180 days after it becomes law, except that the commissioner
9 of social services shall take such measures as necessary for the implementation of this local law,
10 including the promulgation of rules, before such date.

ACK/DR
LS #4023/8955/9192/10504/10538/10579/10706/10948
5/17/23 6:59pm

**I hereby certify that the above bill was passed by the Council of the City of
New York on Thursday, May 25, 2023 receiving the following votes:**

Affirmative..... 41
Negative..... 7
Abstentions..... 0



Michael M. McSweeney, City Clerk, Clerk of the Council.

ALISA FUENTES
ACTING CITY CLERK

DISAPPROVED
ON THE 23 DAY OF JUNE 2023
[Signature] MAYOR

By Council Members Sanchez, Ayala, Cabán, Hanif, Louis, Stevens, Hudson, Restler, Abreu, Brannan, De La Rosa, Brewer, Ung, Ossé, Narcisse, Avilés, Williams, Marte, Richardson Jordan, Farías, Won, Schulman, Gutiérrez, Joseph, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Salamanca and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to expanding eligibility for rental assistance to any applicant at risk of eviction or experiencing homelessness

Be it enacted by the Council as follows:

1 Section 1. Subdivision b of section 21-145 of the administrative code of the city of New
2 York, as amended by a local law for the year 2023 amending the administrative code of the city of
3 New York, relating to prohibiting the department of social services from requiring an applicant for
4 a rental assistance voucher to have resided or reside in a shelter of any type, as proposed in
5 introduction number 878-A, is amended by adding a new paragraph 3 to read as follows:

6 3. The department shall deem eligible for a rental assistance voucher any applicant who is
7 a household at risk of eviction or experiencing homelessness.

8 § 2. This local law takes effect on the same date as a local law for the year 2023 amending
9 the administrative code of the city of New York, relating to prohibiting the department of social
10 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
11 shelter of any type, as proposed in introduction number 878-A, takes effect.

**I hereby certify that the above bill was passed by the Council of the City of
Thursday, May 25, 2023
New York onreceiving the following votes:**

ACK/DR
LS# 8952
5/17/23, 7:05 p.m.

Affirmative	41
Negative	7
Abstentions	0



Michael M. McSweeney, City Clerk, Clerk of the Council.

DISAPPROVED

ON THE 23 DAY OF June 2023
[Signature] MAYOR

ALISA FUENTES
ACTING CITY CLERK

Int. No. 894-A

By Council Members Sanchez, Avilés, Ayala, Cabán, Hanif, Stevens, Hudson, Restler, Ung, Abreu, Brannan, De La Rosa, Ossé, Narcisse, Williams, Marte, Richardson Jordan, Fariás, Louis, Schulman, Gutiérrez, Joseph, Brewer, Nurse, Gennaro, Krishnan, Rivera, Barron, Brooks-Powers, Mealy, Feliz, Won, Salamanca and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to income and work requirements for rental assistance

Be it enacted by the Council as follows:

1 Section 1. Paragraph 2 of subdivision b of section 21-145 of the administrative code of the
2 city of New York, as amended by a local law for the year 2023 amending the administrative code
3 of the city of New York, relating to prohibiting the department of social services from requiring
4 an applicant for a rental assistance voucher to have resided or reside in a shelter of any type, as
5 proposed in introduction number 878-A, is amended to read as follows:

6 2. The department shall not base eligibility for a rental assistance voucher on the applicant's
7 employment status or source of income, and shall not require an applicant to have resided or reside
8 in a shelter of any type.

9 § 2. Paragraph 3 of subdivision b of section 21-145 of the administrative code of the city
10 of New York, as amended by a local law for the year 2023 amending the administrative code of
11 the city of New York, relating to expanding eligibility for rental assistance as proposed in
12 introduction number 893-A, is amended to read as follows:

13 3. The department shall deem eligible for a rental assistance voucher any applicant who is
14 income eligible and is a household at risk of eviction or experiencing homelessness.

15 § 3. This local law takes effect on the same date as a local law for the year 2023 amending
16 the administrative code of the city of New York, relating to prohibiting the department of social

- 1 services from requiring an applicant for a rental assistance voucher to have resided or reside in a
- 2 shelter of any type, as proposed in introduction number 878-A, takes effect.

I hereby certify that the above bill was passed by the Council of the City of
New York on **Thursday, May 25, 2023** receiving the following votes:

ACK/DR
LS# 8951 and 10751
5/17/2023, 7:09 p.m.

Affirmative..... 41
Negative..... 7
Abstentions..... 0



Michael M. McSweeney, City Clerk, Clerk of the Council.

ALISA FUENTES
ACTING CITY CLERK

DISAPPROVED

ON THE 23 DAY OF June 2023
Eric Adams MAYOR